



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Executive Director: Douglas Hendry*

*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*25 February 2021*

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held via **SKYPE** on **THURSDAY, 4 MARCH 2021** at **1:00 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee at 10am, whichever is the later, which you are requested to attend.

Douglas Hendry  
Executive Director

**BUSINESS**

1. **APOLOGIES FOR ABSENCE**
  2. **DECLARATIONS OF INTEREST**
  3. **MINUTES**
    - (a) Argyll and Bute Harbour Board - 10 September 2020 (Pages 3 - 4)
    - (b) Special Meeting - Argyll and Bute Harbour Board - 3 December 2020 (Pages 5 - 6)
  4. **OBAN BAY - SINGLE HARBOUR AUTHORITY** (Pages 7 - 12)  
Report by Executive Director with responsibility for Roads and Infrastructure Services
  5. **MARINE ASSET MANAGEMENT PLAN** (Pages 13 - 18)  
Report by Executive Director with responsibility for Roads and Infrastructure Services
  6. **PORT MARINE SAFETY CODE** (Pages 19 - 44)  
Report by Executive Director with responsibility for Roads and Infrastructure Services
- REPORTS FOR NOTING**
7. **DRAFT HARBOUR BOARD WORKPLAN** (Pages 45 - 46)

**Argyll and Bute Harbour Board**

Councillor Rory Colville (Chair)  
Councillor John Armour  
Councillor Alastair Redman  
Councillor Richard Trail

Councillor Robin Currie  
Councillor Jim Lynch  
Councillor Alan Reid  
Councillor Andrew Vennard (Vice-Chair)

Contact: Stuart McLean, Committee Manager - 01436 658717

Adele Price-Williams, Senior Committee Assistant - 01546 604480

**MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held by SKYPE  
on THURSDAY, 10 SEPTEMBER 2020**

**Present:** Councillor Robin Currie (Chair)

Councillor John Armour  
Councillor Jim Lynch  
Councillor Alastair Redman

Councillor Richard Trail  
Councillor Andrew Vennard

**Also Present:** Councillor Jim Findlay Councillor Gordon Blair

**Attending:** Kirsty Flanagan, Executive Director – Development and Infrastructure  
Jim Smith, Head of Roads and Infrastructure Services  
Stewart Clark, Marine Operations Manager  
Stuart McLean, Committee Manager  
Ruairidh Campbell – Harbour & Engineering Liaison Manager, CMAL

**1. APOLOGIES FOR ABSENCE**

Apologies for Absence were intimated on behalf of Councillor Ellen Morton and Councillor Alan Reid.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. MINUTES**

The Minutes of the Argyll and Bute Harbour Board held on Thursday 5 March 2020 were approved as a correct record.

**4. MARINE INFRASTRUCTURE - DUNOON AND KILCREGGAN**

The Committee gave consideration to a report and a presentation which provided an update on plans for the Dunoon, Gourock and Kilcreggan ferry infrastructure.

**Decision**

The Argyll and Bute Harbour Board considered the report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2020, submitted)

**5. PORT MARINE SAFETY CODE**

Consideration was given by the Board to a report which provided an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code.

**Decision**

The Argyll and Bute Harbour Board considered the report including the status of performance targets in the Marine Safety Plan.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated July 2020, submitted)

**6. MARINE ASSET MANAGEMENT PLAN**

Consideration was given by the Board to a report which provided an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.

The Board noted that in relation to Rothesay pontoons the preferred bidder had withdrawn from the tendering process and the project would need to go to re-tender, though this was not expected to have an effect on the grant funding in place.

**Decision**

The Argyll and Bute Harbour Board agreed to endorse the report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2020, submitted)

**7. OBAN BAY - SINGLE HARBOUR AUTHORITY**

Consideration was given by the Board to a report which provided an update on work being done by both the Oban Bay Management Group (OBMG) and the Oban Community Harbour Development Association (OCHDA) towards the development of a Trust Port.

**Decision**

The Argyll and Bute Harbour Board endorsed the report and noted that a separate report was presented to the Oban, Lorn and the Isles Area Committee.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2020, submitted)

**8. DRAFT HARBOUR BOARD WORKPLAN**

The Argyll and Bute Harbour Board Workplan as of September 2020 was before the Board for information.

**Decision**

The Argyll and Bute Harbour Board noted the content of the Draft Argyll and Bute Harbour Board Workplan.

(Reference: Draft Argyll and Bute Harbour Board Workplan dated September 2020, submitted)

**MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held by SKYPE  
on THURSDAY, 3 DECEMBER 2020**

**Present:** Councillor Rory Colville (Chair)

Councillor Robin Currie	Councillor Alan Reid
Councillor John Armour	Councillor Richard Trail
Councillor Jim Lynch	Councillor Andrew Vennard
Councillor Alastair Redman	

**Also Present:** Councillor Mary-Jean Devon Councillor Elaine Robertson

**Attending:** Kirsty Flanagan, Executive Director – Development and Infrastructure  
Jim Smith, Head of Roads and Infrastructure Services  
Stewart Clark, Marine Operations Manager  
Stuart McLean, Committee Manager

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence intimated.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

\* **3. PIERS & HARBOURS - ASSET MANAGEMENT PLAN / FEES AND CHARGES - 2021/22**

The Board gave consideration to a report which allowed them to review the current version of the 10 year asset management plan and consider increases in fees and charges for the financial year 2021/22 in order to meet borrowing requirements for the plan.

**Decision**

The Argyll and Bute Harbour Board;

1. recommended to Council that when setting fees and charges for 2021/22 it approves an increase to piers and harbours fees and charges, over and above any inflationary increase, of 5% to generate sufficient income to develop the Council's marine infrastructure;
2. noted that the increase will be in-step with the motion passed at the Harbour Board meeting in January 2018 that agreed to set charges that meet both the asset sustainability costs and future improvement costs associated with the piers and harbours which the Council has a responsibility for; and
3. agreed that the asset management plan will continue to be updated on a 10 year rolling basis.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure dated 10 November 2020, submitted)

**4. PIERS AND HARBOURS - CRAIGNURE PIER**

The Board gave consideration to a report which provided an update on the work carried out to date on Outline Business Cases to determine the future of Craignure Pier.

**Decision**

The Argyll and Bute Harbour Board granted approval of the outcomes of both the interim and long term Outline Business Cases to be circulated as part of the public consultation.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated 17 November 2020, submitted)

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****4 MARCH 2021**

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**OBAN BAY – SINGLE HARBOUR AUTHORITY**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 At previous Harbour Board meetings, Members have been advised that OCHDA is proposing a transfer of the Council's existing powers and responsibilities in Oban Bay, including a transfer of shore-side assets around the North Pier, to form a new Trust Port.
- 1.2 Although there has, to date, been no formal submission from OCHDA re transfer of Council assets or responsibilities, an informal 'Expression of Interest' was submitted to the Council in December 2020 in relation to Council infrastructure at the North Pier in Oban, including the harbourmasters' building and pontoons.
- 1.3 At the Oban Bay Management Group (OBMG) meeting held in January of this year, OCHDA submitted a draft outline programme indicating potential timescales for their main activities; those in attendance agreed to provide formal comments on the timescales indicated by OCHDA.
- 1.4 Subsequent to the informal expression of interest and draft programme received from OCHDA, a letter has been issued to OCHDA by Council officers which explains Council processes and timescales. An extract from the letter is attached to the appendix of this report which details the type of information required to be submitted.
- 1.5 Members are asked to consider the update concerning the proposed transfer of the Councils existing powers and responsibilities in Oban Bay to a new Trust Port.

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**ARGYLL AND BUTE COUNCIL**

**HARBOUR BOARD**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**4 MARCH 2021**

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**OBAN BAY – SINGLE HARBOUR AUTHORITY**

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**2.0 INTRODUCTION**

2.1 This report provides Members with an update on work being progressed by the Oban Community Harbour Development Association (OCHDA) towards the development of a Trust Port.

**3.0 RECOMMENDATIONS**

3.1 Members are asked to consider the update concerning the proposed transfer of the Councils existing powers and responsibilities in Oban Bay to a new Trust Port.

**4.0 DETAIL**

4.1 At previous Harbour Board meetings, Members have been advised that OCHDA is proposing a transfer of the Council's existing powers and responsibilities in Oban Bay, including a transfer of shore-side assets around the North Pier, to form a new Trust Port.

4.2 A public consultation was carried out by OCHDA in late 2020 regarding the seaward limits of a new harbour area to be managed in the future. A preliminary report from OCHDA concluded that 'overall the consultation showed a high level of satisfaction with the proposed limits.'

4.3 Although there has, to date, been no formal submission from OCHDA re transfer of Council assets or responsibilities, an informal 'Expression of Interest' was submitted to the Council in December 2020 in relation to Council infrastructure at the North Pier in Oban, including the harbourmaster's building and pontoons.

4.4 At the Oban Bay Management Group (OBMG) meeting held in January of this year, OCHDA submitted a draft outline programme indicating potential timescales for their main activities; those in attendance agreed to provide formal comments on the timescales indicated by OCHDA. The draft programme submitted by OCHDA was well received by OBMG and Council Officers alike, having been requested some time ago. The programme indicates that the new harbour area will be incorporated into legislation by the end of March this year and Council approval in principal for the asset transfer will be in place by the



same time. Whilst officers accept that the programme is purely at draft stage, it is clear that timescales do not take account of Council processes and much work is still required by OCHDA in terms of detailed information required.

- 4.5 Subsequent to the informal expression of interest and draft programme received from OCHDA, a letter has been issued to OCHDA by Council officers which explains Council processes and timescales. An extract from the letter is attached to the appendix of this report; this details the type of information required to be submitted.

## **5.0 CONCLUSION**

- 5.1 Liaison between Council Officers, OBMG and OCHDA continues regarding a single harbour authority in Oban. Much work remains to be done by OCHDA.

## **6.0 IMPLICATIONS**

- 6.1 Policy - None
- 6.2 Financial – The financial impacts cannot be assessed until the preferred option has been identified and protected provisions agreed upon.
- 6.3 Legal – Any agreement with OCHDA must ensure that the Council's areas of responsibility are protected.
- 6.4 HR – Possibly TUPE implications for Council staff working at Oban North Pier
- 6.5 Fairer Scotland Duty
- 6.5.1 Equalities / Protected Characteristics      None directly arising from this report.
- 6.5.2 Socio-economic Duty      None directly arising from this report.
- 6.5.3 Islands – Vessels operating from Oban Bay serve many of our island communities. It is essential that vessels navigating Oban Bay waters do so as safely as practicably possible. See also, risk below.
- 6.6 Risk – Advice from the OBMG is that 'to do nothing', given concerns over safety at Oban Bay, is not an option worthy of consideration.
- 6.7 Customer Service – None.

### **Executive Director with responsibility for Roads and Infrastructure:**

Kirsty Flanagan

**Policy Lead:** Cllr Rory Colville

February 2021

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

## APPENDIX

# COMMUNITY ASSET TRANSFER – INFORMATION REQUIRED

## **Community asset transfer**

This is a formal statutory process which is set out in Part 5 of the Community Empowerment (Scotland) Act 2015.

More information on this on the Council website at: <https://www.argyll-bute.gov.uk/asset-transfer-request>

Groups can make a request at any time and we are required to respond to it formally within six months of verification of the request. The legislation requires detailed information to be specified in an asset transfer request, so one is not treated as having been validated until all the required information is received by the Council. Basically what this means is that you would need to complete all the steps including producing a robust business plan as part of your request.

The type of information we would need to see is outlined in the asset transfer request form which is available here: [Asset Transfer Request Form approved January 2017 \(argyll-bute.gov.uk\)](#)

The group can use our form or another but the request must be in writing and contain all necessary information for us to make an assessment of the request.

In considering an asset transfer request local authorities consider:

- the reasons for the request,
- any other information provided in support of the request
- whether agreeing to the request would be likely to promote or improve
  - economic development
  - regeneration
  - public health
  - social wellbeing
  - environmental wellbeing, or
- whether agreeing to the request would be likely to reduce socio-economic inequalities
- any other benefits that might arise if the request were agreed to

- how the request relates to the relevant authority's duties under Equalities legislation
- any obligations that may prevent, restrict or otherwise affect the authority's ability to agree to the request

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**ARGYLL AND BUTE COUNCIL****ARGYLL AND BUTE HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****4 MARCH 2021**

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**MARINE ASSET MANAGEMENT PLAN**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with a further update on ongoing major, and/or noteworthy, schemes currently being addressed within the Council's Marine Asset Management Plan.
- 1.2 Capital works programmed for the forthcoming financial year, 2021 to 2022, are valued at £10.335 million, plus any underspend from schemes from this current financial year i.e. Rothesay Harbour.
- 1.3 In particular, this report provides an update on the following schemes:-
- Craignure
    - Public consultation
    - Work on linkspan
  - Iona and Fionnphort
  - Rothesay Harbour
    - Piling and grouting works
    - Pontoons
  - Dunoon and Kilcreggan
- 1.4 Members are asked to:-
- consider the update on ongoing major and noteworthy schemes currently being taken forward via the Council's Marine Asset Management Plan.
  - note that £10.335 million worth of capital words have been programmed for the forthcoming finical year, 2021 to 2022

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ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

ROADS AND INFRASTRUCTURE  
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## MARINE ASSET MANAGEMENT PLAN

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### 2.0 INTRODUCTION

2.1 This report provides Members with a further update on ongoing major, and/or noteworthy, schemes currently being addressed within the Council's Marine Asset Management Plan.

### 3.0 RECOMMENDATIONS

3.1 Members are asked to :-

- consider the update on ongoing major and noteworthy schemes currently being taken forward via the Council's Marine Asset Management Plan.
- note that £10.335 million worth of capital works have been programmed for the forthcoming financial year, 2021 to 2022

### 4.0 BACKGROUND

4.1 Close liaison with Transport Scotland, CMAL and Calmac ensures that priorities can be established in the Asset Management Plan and targeted accordingly.

4.2 In particular, this report provides an update on the following schemes:-

- Craginure
  - Public consultation
  - Work on linkspan
- Iona and Fionnphort
- Rothesay Harbour
  - Piling and grouting works
  - pontoons
- Dunoon and Kilcreggan

### 5.0 DETAIL - The Asset Management Plan:-

5.1 Detail is provided below on some of the more major schemes listed in the Asset Management Plan to provide Members with an indication of progress. Capital works programmed for the forthcoming financial year, 2021 to 2022,

are valued at £10.335 million, plus any underspend from schemes from this current financial year i.e. Rothesay Harbour.

5.2 The Asset Management Plan lists the work to be carried out on the Council's marine infrastructure over the next 10 years.

5.3 **Craignure Pier – Public Consultation:-**

At the time of writing this report, the public consultation on the future of Craignure Pier was live on the Council's web site. The consultation provides information on both the 'Interim Options' Outline Business Case (OBC) and 'Long Term Options' OBC. A verbal update will be provided to Members at the Harbour Board Meeting on the outcome of the consultation.

5.4 **Craignure Pier – Work on the link-span:-**

The first of the two hydraulic cylinders has been replaced at Craignure and work to replace the second cylinder is being planned for March with the help of the consultant 'WSP' and contractor RL Engineering. It is likely that work will take 3 days to complete, during which time, the pier at Craignure will be closed to all ferry traffic. Council officers are liaising closely with Calmac and, at the time of writing this report, the detailed programme for the works was being compiled

5.5 **Fionnphort / Iona Ferry Slips –**

Much useful information was gathered from the recent planning consultation exercise. A number of objections were received and public concerns have been reviewed in some detail. Not least of these concerns was the general aspect of the breakwaters and, in particular, the height of the breakwater on the Iona side. Following discussions between Council officers, CMAL and Calmac, consideration is being given to reducing the proposed Iona breakwater crest level. Meanwhile, work on the design is progressing with further information to be produced on both wave heights and sedimentation modelling. Environmental Impact Assessments will also be produced for both Iona and Fionnphort. In addition, photo montages will be produced to allow the public to better understand visual impacts of the completed structures. Further consultation with the public will take place.

5.6 **Rothesay Harbour – Piling and Grouting Works:-**

The consultant AECOM has completed design work and all necessary documentation, including design drawings, was issued for tender purposes in December; tender return date was 28<sup>th</sup> January 2021. This next phase of the works at Rothesay will take the form of both piling and grouting; this work will be required in order to stabilise infill material within the masonry pier. Value of works is estimated to be in the region of £4.1 million.

5.7 **Rothesay - pontoons:-**

The contract for installation of the new pontoons at the outer harbour has been awarded to TMS Maritime Ltd. – marine contractors. Value of the contract is circa £553K. Main target milestones are as follows:-

- Start on site –
  - 15 February 2021
- Commence dredging works –
  - 24 February 2021
- Commence pile installation –
  - 17 March 2021
- Commence installation of pontoons and gangway –
  - 25 March 2021
- Finish works –
  - 9 April 2021

All related works will be funded from the Town Centre Fund and Coastal Community Fund with prudential borrowing to make up any shortfall – as per the Harbour Board decision of December 2019.

#### 5.8 Dunoon and Kilcreggan:-

A contract was awarded to Mott MacDonald on 14<sup>th</sup> January 2021 for the compilation of an Outline Business Case (OBC); the OBC will consider the feasibility of various design solutions to ensure safe berthing of the proposed new vessel (detailed specification to be provided by CMAL) at both Dunoon and Kilcreggan. Mott MacDonald is currently working, on behalf of CMAL, on an Outline Business Case to consider development options at Gourock – this is as a result of Transport Scotland’s decision to introduce new vessels on the Gourock, Kilcreggan and Dunoon triangle. The OBC for Dunoon and Kilcreggan is expected to be complete by August of this year.

### 6.0 CONCLUSION

6.1 This report provides Members with an update on a number of marine-related projects which are all at various phases – from early feasibility stage to on-site construction stage.

### 7.0 IMPLICATIONS

- |     |           |   |
|-----|-----------|---|
| 7.1 | Policy    | None directly arising from this report.   |
| 7.2 | Financial | Proposed additional increase in fees and charges will ensure that future income is sufficient to maintain and develop the Council’s marine assets this financial year. Further fee increases will be required to fund prudential borrowing in future years. |
| 7.3 | Legal     | Considered to be none directly arising from this report.  |



7.4	HR	None
7.5	Fairer Scotland Duty	
7.5.1	Equalities protected characteristics	None directly arising from this report
7.5.2	Socio-economic Duty	None directly arising from this report
7.5.3	Islands	See risk below
7.6	Risk	Completed works will reduce requirement to repair and maintain existing infrastructure.
7.7	Customer Services	Overall improvement in travel experience and quality of journeys.

**Executive Director with responsibility for Roads and Infrastructure:**

Kirsty Flanagan

**Policy Lead:** Cllr Rory Colville

February 2021

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

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**ARGYLL AND BUTE COUNCIL****HARBOUR BOARD****ROADS AND INFRASTRUCTURE  
SERVICES****4 MARCH 2021**

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**PORT MARINE SAFETY CODE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC). The Designated Person's report (February 2021) is attached in Appendix A of this report. The latest version of the Marine Safety Plan is attached in Appendix B.
- 1.2 The new contract to provide Designated Person (DP) services to the Council was awarded to ABPmer in November of last year; their first report is attached. In order to successfully implement the requirements of the PMSC, ten key measures have been identified by ABPmer as being relevant for all Harbour Authorities. Details of these measures are outlined in the DP's attached report.
- 1.3 Two of the ten key measures are either not being met, or are only being partially met. From the two key measures not being fully met, notable issues raised in the Designated Person's report and their current status are detailed in Section 5 of this report.
- 1.4 The latest version of the Marine Safety Plan (MSP) is attached in Appendix B of this report. The activities listed in the Plan show how the standards in the Code are being measured. All activities relate directly to the key measures identified by the DP. Each measure has a clear objective and target identified which will be used as a measure of compliance.
- 1.5 Members are asked to:-
  - Consider this report, including its appendices – the Designated Person's Report and the latest version of the Marine Safety Plan.
  - Approve the revised version of the Marine Safety Plan.

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ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

ROADS AND INFRASTRUCTURE  
SERVICES

4 MARCH 2021

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## PORT MARINE SAFETY CODE

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### 2.0 INTRODUCTION

- 2.1 This report provides an update on progress being made towards full compliance with the Port Marine Safety Code (PMSC).
- 2.2 The Designated Person's report (January 2021) is attached in Appendix A of this report. The latest version of the Marine Safety Plan is attached in Appendix B.

### 3.0 RECOMMENDATIONS

- 3.1 Members are asked to:-
- Consider this report, including its appendices – the Designated Person's Report and the latest version of the Marine Safety Plan.
  - Approve the revised version of the Marine Safety Plan.

### 4.0 BACKGROUND

- 4.1 In order to comply with the Port Marine Safety Code (PMSC), the Council must develop and operate an effective marine 'Safety Management System' (SMS). Each harbour authority must appoint a DP to provide independent assurance directly to the "Duty Holder" that the Marine SMS is working effectively; their main responsibility is to determine, through assessment and audit, the effectiveness of the Marine SMS in overall compliance with the Code.
- 4.2 The new contract to provide Designated Person services to the Council was awarded to ABPmer in November of last year; their first report is attached. In order to successfully implement the requirements of the PMSC, ten key measures have been identified by ABPmer as being relevant for all Harbour Authorities. Details of these measure are outlined in the DP's attached report. Findings are summarised below:
- Duty Holder
    - The DP reports that this measure is being met.
  - Designated Person
    - The DP reports that this measure is being met.
  - Legislation
    - The DP reports that this measure is being met.
  - Duties and Powers
    - The DP reports that this measure is not being met.\*

- Risk Assessment
  - The DP reports that this measure is being met.
- Marine Safety Management System
  - The DP reports that this measure is being met.
- Review and Audit
  - The DP reports that this measure is only being partially met.\*
- Competence
  - The DP reports that this measure is being met.
- The Marine Safety Plan
  - The DP reports that this measure will be met once the revised Marine Safety Plan is approved.
- Aids to Navigation
  - The DP reports that this measure is being met and exceeded.

\*For those measures which have not been met (or only partially met), see section 5 in this report.

4.3 The Council's 'Safety Management System' document, which is continually being updated, can be found here:-

<https://www.argyll-bute.gov.uk/marine-safety-management-system>

4.4 The Marine Safety Management System must incorporate a regular and systematic review of its performance. To demonstrate the Council's commitment to marine safety, a Marine Safety Plan was first produced and approved by the Harbour Board in 2017. The Plan has recently been updated and is attached to this report in Appendix B for approval. See also section 6 below for further detail.

## 5.0 PORT MARINE SAFETY CODE AUDIT FINDINGS

5.1 Two of the ten key measures are either not being met, or are only being partially met. Of the two key measures which are not being fully met, notable issues raised in the Designated Person's report and their current status are as follows:-

- Duties and Powers
  - The DP reports that this measure is not being met.
  - This measure is summarised by the DP as – '*Comply with the duties and powers under existing legislation, as appropriate.*'
  - The DP has stated that compliance at port level can only be tested thoroughly through a systematic audit. This will be looked at by the DP in their compliance audit, the first of which is scheduled for September 2021.
  - Action – Liaise and arrange audits on all major ports with Designated Person.
- Review and Audit
  - The DP reports that this measure is only being partially met.

- This measure is summarised by the DP as – ‘*Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.*’
- The DP has stated that the Authority’s most recent external PMSC audits confirm that this requirement is being met. However, they also state that the last internal audit was carried out by ABC in July 2017. Since this was the only internal audit focused on PMSC compliance conducted by the Authority in the previous five years, they conclude that the ‘Review and Audit’ measure is only being partially addressed.
- Action – Further internal audits to be arranged.

## **6.0 PORT MARINE SAFETY PLAN TARGETS**

- 6.1 The latest version of the Marine Safety Plan (MSP) is attached in Appendix B of this report.
- 6.2 The activities listed in the Plan show how the standards in the Code are being measured. All activities relate directly to the key measures identified by the DP. Each measure has a clear objective and target identified which will be used as a measure of compliance.
- 6.3 Objectives have been split into two sets, the first addresses ‘Standing Objectives’ the second set addresses ‘Period Objectives’.

## **7.0 CONCLUSION**

- 7.1 Work towards full compliance with the Port Marine Safety Code continues. Future reports will provide Members with progress updates in relation to the ten key measures.

## **8.0 IMPLICATIONS**

- 8.1 Policy None directly arising from this report
- 8.2 Financial The appointment of ABPmer as the new Designated Person has been met through operational budgets.
- 8.3 Legal Any failure to implement the PMSC could have legal consequences in the event that there should be a marine incident.
- 8.4 HR None
- 8.5 Fairer Scotland Duty
- 8.5.1 Equalities – protected characteristics None directly arising from this report

- 8.5.2 Socio-economic Duty None directly arising from this report
- 8.5.3 Islands See risk below
- 8.6 Risk The Council is undertaking to carry out actions to minimise risk to Council as a result of the operation of our Ports and Harbours
- 8.7 Customer Services Having a completed Safety Management System in place will assist port customers with the use of our Ports and Harbours and Council staff with their safe operation.

**APPENDIX A** - Designated Person Audit Report

**APPENDIX B** – Revised Marine Safety Plan

**Executive Director with responsibility for Roads and Infrastructure:**

Kirsty Flanagan

**Policy Lead:** Cllr Rory Colville

February 2021

**For further information contact:**

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324

**APPENDIX A**

**DESIGNATED PERSON REPORT  
February 2021**

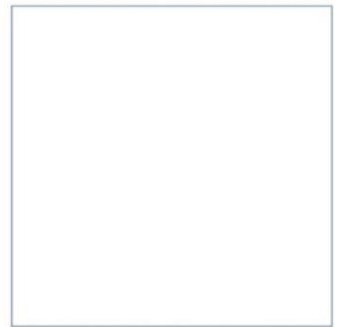
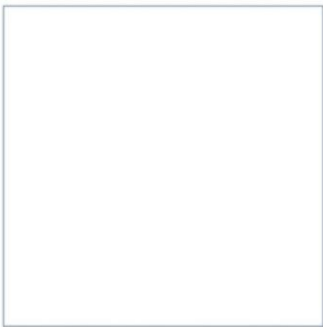
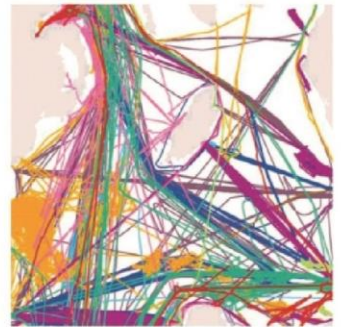
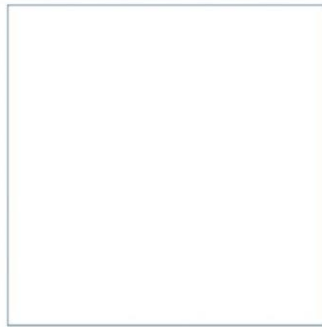


# Argyll and Bute Council

## Designated Person (PMSC)

### Half Yearly Report

February 2021



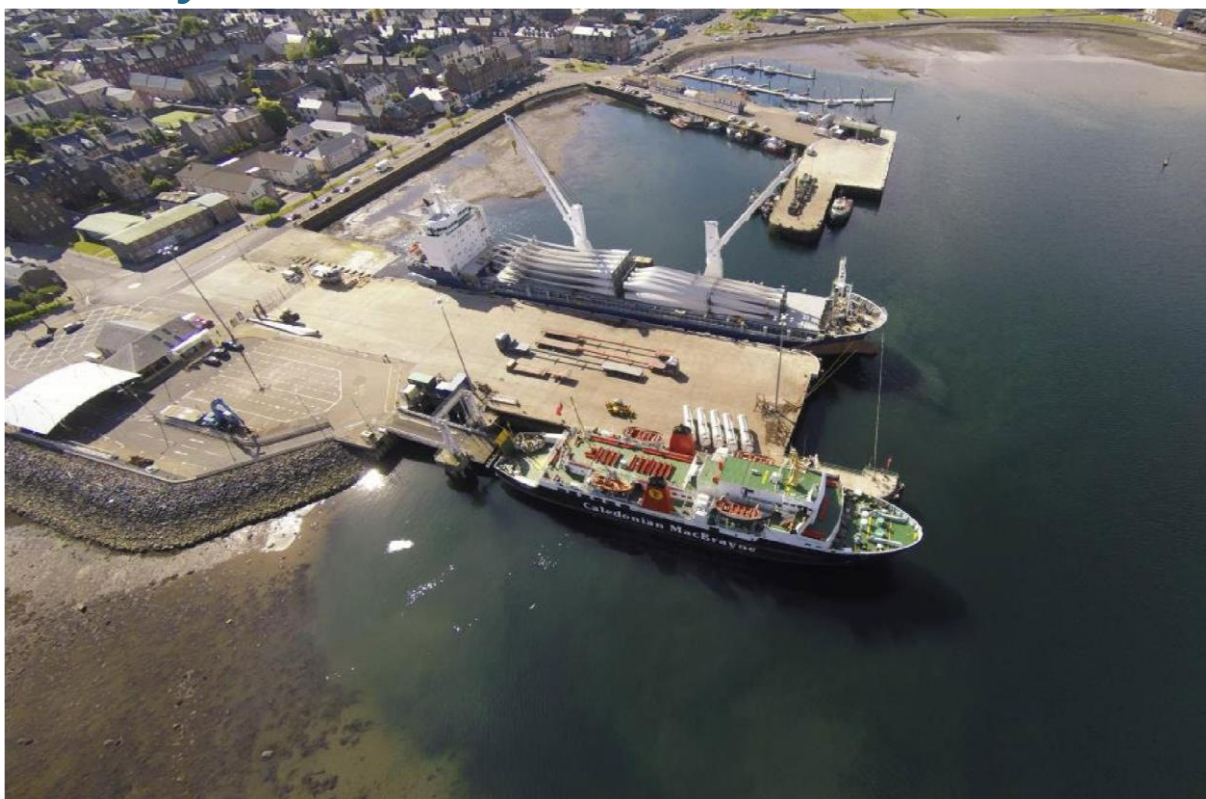
Innovative Thinking - Sustainable Solutions

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# Designated Person (PMSC)

## Half Yearly Report

February 2021



Source: <https://www.argyll-bute.gov.uk/mid-argyll-kintyre-and-islay/campbeltown-harbour>

## Document Information

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## 1 Introduction

This report is provided by ABPmer to Argyll and Bute Council and is written to inform the Harbour Board and Duty Holder of their current status in respect of compliance with the Port Marine Safety Code published by the Department for Transport (DfT) and regulated through the Maritime and Coastguard Agency (MCA). The Port Marine Safety Code is referred to within this report as ‘the Code’ and the accompanying Guide to Good Practice is abbreviated to ‘the GtGP’ (DfT, 2018). This document is presented as a half yearly report, dated 01 February 2021. ABPmer commenced Designated Person services for Argyll and Bute Council on the 01 November 2020.

### 1.1 Designated Person service activities

The following activities have been carried out by ABPmer as Designated Person since the commencement of service to the issue date of this report:

- Meeting attendance:
  - Start-up meeting held by Microsoft Teams, this meeting was attended by key members of the Council’s Marine Management Team and the ABPmer Designated Person services delivery team (Monty Smedley and Harry Aitchison); and
  - The Designated Person joined a group Harbour Masters’ meeting held by Microsoft Teams on the 04 November 2020.
- Document review:
  - Review of the ‘Marine Safety Plan’, draft edition for the years 2021 to 2023.

## 2 Port Marine Safety Code

The Code sets out a national standard for every aspect of port marine safety (DfT, 2016). The aim of the Code is to enhance safety for everyone who uses or works in the UK port marine environment. In order to successfully implement the requirements of the Code, ten key measures are identified as relevant for all Harbour Authorities to consider. These are summarised below:

No	Ten Key Measures Required for Successful Implementation of the Code	
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.
2	Designated Person	A ‘Designated Person’ must be appointed to provide independent assurance about the operation of the marine safety management system. The Designated Person must have direct access to the Duty Holder.

3	Legislation	The Duty Holder must review, and be aware of, their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.
4	Duties and Powers	Comply with the duties and powers under existing legislation, as appropriate.
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated, or as low as reasonably practicable in accordance with good practice.
<b>No</b>	<b>Ten Key Measures Required for Successful Implementation of the Code</b>	
6	Marine Safety Management System	Operate an effective marine safety management system, which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
9	Plan	Publish a safety plan, showing how the standard in the Code will be met, and a report assessing the performance against the plan at least every three-years.
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.

To provide Argyll and Bute Council with a high-level view of compliance, the following sections provide a summary statement for each of the ten key measures, with supporting commentary explaining how Argyll and Bute Council deliver each measure, with a concluding statement as to whether there is evidence that the measure is being met.

## 2.1 Duty Holder

Argyll and Bute Council, as Harbour Authority has assigned the post and accountability of Duty Holder to the Council's Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is included within the Authority's MSMS which is available on the website. The Duty Holder is accountable for compliance with the Code, the role as applied by the Authority is documented in the Authority's MSMS. This measure is being met.

## 2.2 Designated Person

Argyll and Bute Council has appointed Monty Smedley, Principal Maritime Consultant at ABPmer as its Designated Person. The role of the Designated Person as applied by the Authority is documented in the Authority's MSMS. The Designated Person has direct access to the Harbour Board and Duty Holder. This measure is being met.



## 2.3 Legislation

Previous Designated Person reports have highlighted a need to review and update the local Acts and Orders, and review Byelaws in use in Argyll and Bute Council ports and harbours. This advice has been actioned by the Marine Management Team. Argyll and Bute Council's legal section has produced a draft Consolidation Order and received comments back from the Council's solicitors. The Marine Management Team is reviewing the provisions of the Consolidation Order as part of a strategic review into Harbour Authority powers required at each marine facility. This measure is being met.

## 2.4 Duties and powers

ABPmer commenced the Designated Person Service contract on 01 November 2020, the first scheduled external PMSC audit is September 2021. Based on the external PMSC audit conducted by Marine and Risk Consultants Ltd (Marico Marine) in October 2018, there were a number of areas in which the Code was not being fully applied. Compliance at port level can only be tested thoroughly through a systematic audit process. This will be looked at in the next compliance audit (see Section 3 of this report). Based on previous auditing findings, it is concluded that this measure is not being met.

## 2.5 Risk assessment

Argyll and Bute Council use the MarNIS 'Port Assessment Toolkit' software system to manage marine risk assessments and record marine incidents. The system contains a set of risk assessments for each principal pier, port and harbour. This provides confirmation that a process is in place, which meets the requirements laid out in the Code's Guide to Good Practice on port marine operations (DfT, 2018). The system is based on the International Maritime Organization (IMO) safety assessment approach and is fully auditable. This measure is being met.

## 2.6 Marine safety management system

The Authority has published a Marine Safety Management System Manual, the latest edition is dated May 2020. It is evident from the document's version control that regular reviews have been conducted, confirming a revision cycle. This measure is being met.

## 2.7 Review and audit

The Code's Guide to Good Practice (DfT, 2018) identifies that internal audits should be conducted annually and external audits every three years. The Authority's most recent external PMSC audits confirm that the requirement for external audit is being met. External audits were carried out between 02 and 04 October 2018 by marine consultancy, Marine and Risk Consultants Ltd (Marico Marine).

The most recent external PMSC audits for the Authority are namely:

- |                   |             |  |
|-------------------|-------------|--|
| ▪ 02 October 2018 | Campbeltown | Published 05 November 2018 (MM, 2018a) |
| ▪ 03 October 2018 | Oban        | Published 05 November 2018 (MM,        |

		2018b)
▪ 03 October 2018	Port Beag	Published 05 November 2018 (MM, 2018c)
▪ 04 October 2018	Cuan Ferry Slip	Published 05 November 2018 (MM, 2018c)
▪ 04 October 2018	Easdale Ferry	Published 05 November 2018 (MM, 2018c)

The 2018 audits concluded that none of the piers, ports or harbours visited by the external auditors were compliant with the requirements of the Code. External audit has previously been carried out at Dunoon in 2016 and Rothesay in 2015. The external audit at Rothesay in 2015 concluded that the port was compliant with the requirements of the Code. An internal audit was last conducted in July 2017 by Argyll and Bute Council auditors (Argyll and Bute Council, 2017). This is the only internal audit focused on PMSC compliance conducted by the Authority in the previous five years. Based on this information identifying limited internal auditing, it is concluded that the ‘Review and Audit’ measure is partially addressed.

## 2.8 Competence

Argyll and Bute Council policy is that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety. The Marine Management Team has established a training matrix identifying qualification and training requirements. A centralised training record is maintained. Continued development of the training matrix is identified as an objective in the 2021-2023 ‘Marine Safety Plan’. This measure is being met.

## 2.9 Safety plan for marine operations

The Argyll Bute Council website hosts a ‘Marine Safety Plan 2017-2020’. A new plan has been drafted and has been reviewed as part of the Designated Person Services activities in January 2021. The plan sets out objectives for the Harbour Authority to meet in the plan-period. There is a requirement to publish the plan to meet the expectation set by the Code. Upon publication, this requirement will be met.

## 2.10 Aids to navigation

Formal testing of Argyll & Bute Council’s Aids to Navigation (AtoN) will be part of the next external audit. It is anticipated that the Authority will meet the standard laid down by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) which is monitored by the Northern Lighthouse Board in its role as the General Lighthouse Authority (GLA). In terms of the types of AtoN the Authority managed, these include Category 2 and 3 aids, but no Category 1. The current availability statistics and target measures are shown below:

- Category 2. An aid to navigation that is considered by the GLA to be of navigational significance. It includes lighted aids to navigation and racons that mark secondary routes and those used to supplement the marking of primary routes. Target availability for Category 2 is 99.00%. Argyll and Bute Council achieved 99.83% as a rolling three-year average.
- Category 3. An aid to navigation that is considered by the GLA to be of less navigational significance than Category 1 and 2. Target availability for Category 3 is 97.00%. Argyll and Bute Council achieved 100% as a rolling three-year average.

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This measure is being met and exceeded.

### 3 Delivery Plan and Activities

This section provides a generalised plan for the Designated Person; this plan can be adapted to any developing needs of the Authority. Target activity delivery dates are shown below:

- Designated Person audit schedule:
  - September 2021: Dunoon Pier, Helensburgh Pier, Kilcreggan Pier.
  - September 2022: Rothesay, Port Askig, Port Charlotte Pier, Bruichladdich Pier.
  - September 2023: Oban, Craignure, Fionnphort, Iona ferry slip, Bunessan.
  - September 2024: Campbeltown, Carradale Harbour, West Loch Tarbert Pier.
- Annual Board presentation: March Harbour Board
- Designated Person half yearly Board report: January and July

### 4 Designated Person Summary

As a high-level summary, based on the evidence from internal and external PMSC audits, at this time ABPmer as the Designated Person, cannot provide assurance that the Council is compliant with the requirements of the Code. This statement is based primarily on previous audit outputs and the Authority's publications.

At this time, it is recommended that the Council write to the MCA by the 31 March 2021 confirming the measures that meet the Code's requirements, with a short commentary on the progress made towards meeting the remainder.

A detailed assessment of the Authority's performance will be provided following the first external audit scheduled for September 2021. These audits will be reported to the Harbour Board and Duty Holder along with progress made towards full compliance with the Code.

### 5 References

Argyll and Bute Council, 2017. 'Internal Audit Report' (Unpublished). July 2017

DfT, 2016. Port Marine Safety Code. Department for Transport (DfT) / Maritime and Coastguard Agency (MCA), November 2016.

DfT, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016. Department for Transport (DfT) / Maritime and Coastguard Agency (MCA), February 2018.

Marico Marine (MM), 2018a. PMSC Audit 2018-Campbeltown. Report Number: 14UK1046-2018-09-1. 05 November 2018

Marico Marine (MM), 2018b. PMSC Audit 2018-Oban. Report Number: 4UK1046-2018-09-2. 05 November 2018

Marico Marine (MM), 2018c. PMSC Audit 2018-Piers. Report Number: 14UK1046-2018-09-3. 05 November 2018

## 6 Abbreviations/Acronyms

AtoN	Aids to Navigation
Code	Port Marine Safety Code
DfT	Department for Transport
GLA	General Lighthouse Authorities
GtGP	Guide to Good Practice
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IMO	International Maritime Organization
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MSMS	Marine Safety Management System
PMSC	Port Marine Safety Code
UK	United Kingdom

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

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## **APPENDIX B**

# **REVISED MARINE SAFETY PLAN 2021 to 2023**



## Marine Safety Plan 2021 - 2023



Approved by the Harbour Board: **Date**

## 1. Introduction

Argyll & Bute Council own and manage a number of ports and harbours and as a Statutory Harbour Authority (SHA) has responsibilities and duties under health and safety, environmental and maritime legislation and guidance.

The Port Marine Safety Code (PMSC) is published by the Department for Transport and sets out a national standard for port marine safety. The Code applies to all Harbour Authorities and other marine facilities, berth owners and terminals operators in the UK.

As part of its compliance with the requirements of the PMSC, Argyll & Bute Council is publishing the following 'Safety Plan for Marine Operations' for a period of three years, covering 2021 to 2023. This Marine Safety Plan is one component of a comprehensive (strategic level) Marine Safety Management System (MSMS) and serves to support the continuing improvement of marine safety performance.

This Marine Safety Plan commits Argyll & Bute Council to undertaking the proper management and regulation of marine operations within the scope of its powers and authority, and in line with its stated marine policies.

## 2. Marine Policies

Argyll & Bute Council has several policies in support of the management and regulation of marine operations. These strategic policies are embedded in the MSMS and are approved by the Harbour Board and the Duty Holder under the PMSC. These are:

- Management of Navigational Safety Policy
- Enforcement and Prosecution Policy
- Safety Planning Policy
- Risk Assessment Policy
- Pilotage Policy
- Hydrographic Policy
- Environment Policy
- Training Policy
- Consultation Policy

## 3. The Management of Marine Operations

A comprehensive overview of Argyll & Bute Council's structure, management, and documentation is maintained in the MSMS which supports the delivery of this Plan. External audits of the MSMS are undertaken on an annual basis, in the form of a rolling programme across the Council's ports and harbours.

Argyll & Bute Council is committed to ensuring a positive safety culture and to enhancing its risk-based MSMS. All locations consistently and proactively review their risk assessments for all identified marine hazards and when required, identify control measures to mitigate those risks to an acceptable level of ALARP (As Low As Reasonably Practicable).

Argyll & Bute Council has responsibilities to provide vessel traffic management and, as far as its powers allow, to facilitate the safe transit of vessels using its ports and harbours.



#### 4. Plan Period

This plan covers the period 01 January 2021 to 31 December 2023.

#### 5.0 Management Objectives for the Safety Plan for Marine Operations

Argyll & Bute Council has split its objectives into two sets, the first addresses 'Standing Objectives' the second set addresses 'Period Objectives'.

#### 5.1 Standing Objectives

The objectives support the ongoing improvement plan for Argyll & Bute Council Ports and Harbours. This plan is owned by the Marine Operations Manager, on behalf of the Duty Holder, and aims to address high level improvement targets which will benefit all port and harbour locations and fulfils the requirement of the PMSC for the Duty Holder to maintain a 'Marine Safety Plan'.

Number	Provision / Activity	Objective	Measure
1	Duty Holder	Duty Holders to have received training on their role and responsibility under the Code in the last three years	100% of Duty Holders trained
		Duty Holders to have undertaken an operational tour of a Council Port or Harbour in the last three years	100% of Duty Holders undertaken an awareness tour
2	Designated Person	External Audit completed at one Port or Harbour per year	Annual
		Report to the Duty Holder at least once per year	Annual
3	Legislation	Review legal duties and powers at least once every three years	Three years
4	Duties and Powers	MAIB Reportable Incidents: make all reports to the MAIB within 24 hrs, with investigation followed up.	24 hrs initial report, investigation sent at incident close

Number	Provision / Activity	Objective	Measure
		Incident investigation: close out all incidents on MarNIS in accordance with defined procedures and closed out within an agreed timeframe.	Close out Incidents on according to nature and severity of Incident.  1 week for Minor Incidents  1 month for more serious Incidents which may involve other Parties
		Hydrographic Survey set out in a survey plan	Surveys conducted to planned dates
		Hydrographic Survey publish within target timescale	Within one month of survey date
5	Risk Assessment	All Marine Risk Assessments to be in-date	100% in-date
6	MSMS	The Marine Management Team will undertake a formal review of all marine policies on a three-yearly basis	Three years
		The Marine Safety Management System will be reviewed annually (or following any significant industry changes)	Annual
7	Review and Audit	Review SMS on an annual basis. Complete internal audits to the three-yearly schedule	Complete scheduled Review of SMS in accordance with timeframe as stated in Section 14.7 of SMS
8	Competence	Ensure staff with marine safety responsibilities are trained to undertake their duties	100% of mandatory training completed
9	Plan	Publish a three yearly 'Marine Safety Plan' (this plan)	Published and in-date
		Publish an assessment of the organisation's performance against the last period plan	Published review

Number	Provision / Activity	Objective	Measure
10	Aids to Navigation	Aids to Navigation: Three-year performance meets or exceed IALA performance threshold	Cat 1 = 99.9% Cat 2 = 99.0% Cat 3 = 97.0%

### Period Objectives

The Council operates 39 ports and harbours located throughout Argyll and Bute. Specific improvements are identified within the plan period and laid out in the table below. Where the improvement relates to one location, this is denoted in brackets.

Number	Provision / Activity	Objective	Measure
a	Vessel Traffic Management (all SHAs)	Carry out a Formal Risk Assessment of LPS in line with MGN 401	At each port, by 2023
b	Pilotage service (Campbeltown)	Review the Pilotage Directions	Re-issue within plan period
c	Liaison and consultation with stakeholders (all SHAs)	Ensure good lines of communication are in place on marine safety matters for new and existing activities with Harbour Users Groups.	Each port to establish consultation forum / User Groups
d	Training	Review training needs for all staff associated with Marine Operations to ensure staff with marine safety responsibilities are trained to undertake their duties, identify mandatory training	Create a Training Matrix
e	Emergency plan	Establish an exercise plan. Conduct real time and table top exercises for emergencies	Establish a plan

Number	Provision / Activity	Objective	Measure
f	New Installations Infrastructure Replacement (Fionnphort & Rothesay)	Oversee installation of a new Breakwater and Ferry Berth at Fionnphort and replacement of Rothesay Outer Harbour pontoons	Risk assessed infrastructure development

## Harbour Board Work Plan 2020 - 2021

This is an outline plan to facilitate forward planning of reports to the Harbour Board.

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
4 March 2021					
	Oban Bay Single Harbour Authority	Marine Operations	Bi-Annual	9 February 2021	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	9 February 2021	
	Port Marine Safety Code	Marine Operations	Bi-Annual	9 February 2021	
2 September 2021					
	Oban Harbour Management Group – Oban Bay	Marine Operations	Bi-Annual	10 August 2021	
	Marine Asset Management Plan – Update on Progress	Marine Operations	Bi-Annual	10 August 2021	
	Piers and Harbours Fees and Charges 2020/21	Marine Operations	Bi-Annual	10 August 2021	
	Port Marine Safety Code	Marine Operations	Bi-Annual	10 August 2021	
<b>Future Reports – dates to be determined</b>					
	Community Groups & Berthing Dues				

## Harbour Board Work Plan 2020 - 2021

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
	Review of Marine Services Working Practices				
	Crane Provision at Campbeltwon				