

OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides a further update on the work being carried out by the Oban Harbour Management Group (OHMG) and explains possible options for the future management of the waters of Oban Bay.
 - 1.2 The Group has given consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the Management of Marine Safety within Oban Bay waters.
 - 1.3 All members of the OHMG agreed that the 'do nothing' option, is not a realistic option, given current navigational concerns already highlighted by the Group.
 - 1.4 There are a number of pros and cons for each of the options available for consideration. If, however, the Council's rights of access to the North Pier can be protected, as highlighted as a point of concern by Members at the meeting of the Harbour Board in March 2017, the option for CMAL to extend their existing harbour area could be an attractive solution for the Council, given that there would be no increased responsibility to the Council for managing Oban Bay waters.
 - 1.5 Clearly, any legal agreement reached, which protects the Council's unfettered access to the North Pier, would require careful scrutiny by Legal Services; implications for the Council, in terms of being a 'nested' harbour authority within an extended CMAL harbour area, will require careful consideration – this will be the subject of a further report to the Harbour Board which will explain how the Council's assets will be protected.
 - 1.6 Members are asked to approve the progression of option 4 (as outlined in this report), on the basis that further investigation is carried out regarding the protection of the Council's interests, with particular regard to the harbour area, at the North Pier.
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OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

2.0 INTRODUCTION

- 2.1 This report provides a further update on the work being carried out by the Oban Harbour Management Group (OHMG) and explains possible options for the future management of the waters of Oban Bay.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to approve the progression of option 4 (as outlined in this report), on the basis that further investigation is carried out regarding the protection of the Council's interests, with particular regard to the harbour area, at the North Pier.

4.0 BACKGROUND

- 4.1 A report was presented to the Harbour Board in March 2017 to explain the work of the Oban Harbour Management Group. At that time, the report was noted by the Board with the proviso that 'the Council must ensure continuing unfettered access to the North Pier and the transit berthing facility'.
- 4.2 The OHMG was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes CMAL, NLB and the Council, with Calmac providing assistance when required. The group is primarily focused on marine navigational safety and associated activities and developments that may impact on safety.
- 4.3 A Navigational Risk Assessment (NRA) was first undertaken in early 2011 as an acknowledgement of the increase in ferry and leisure activity in the harbour. This NRA highlighted a number of risks that the group agreed should be addressed to ensure safe management and navigation in the waters of Oban Bay. While the group made some improvement it became clear that there was a need to develop a suitable implementation plan and ensure that resources were in place to deliver the plan. The reference for the need to improve marine safety is the Port Marine Safety Code.
- 4.4 The OHMG has produced guidance documentation to assist with safe navigation in Oban Bay; the Group has also given consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the Management of Marine Safety within Oban Bay waters. Eight potential options for the formation of a SHA were originally identified by the OHMG as being worthy of consideration;

- Option 1: Single Statutory Harbour Authority (SHA) (municipal port) – A&BC.
- Option 2: Single SHA (state port) – CMAL.
- Option 3: Two SHAs – A&BC extends statutory limits, CMAL remains as is.*
- Option 4: Two SHAs – CMAL extends statutory limits, A&BC remains as is.*
- Option 5: Single SHA (trust port) – new independent trust port as sole SHA.
- Option 6: Multi SHAs - new independent trust port + current SHAs nested within this.*
- Option 7: Single SHA (hybrid municipal/trust port) - Board made up of current SHAs possibly plus others.*
- Option 8: Single SHA (Company Limited by Guarantee) (CLG) – the ‘Tobermory Model’.

4.4 Of the eight options above, options 3, 4, 6 and 7 (highlighted) have, of late, been considered in-depth by the OHMG as potential models for Oban Harbour. This report outlines discussions held and findings to date.

5.0 DETAIL

- 5.1 Specialist legal advice on Options 3, 4 and 7 was sought by the Council from Scott Blair, Advocate. The advice is contained within Appendix A (exempt) to this report.
- 5.2 Further work has been carried out by the OHMG to evaluate each option (options 3, 4, 6, 7 in 4.3 above and the ‘do nothing’ option) against agreed set criteria. The outcome of this work is provided in Appendix B (exempt) to this report. All members of the OHMG agreed that the ‘do nothing’ option, is not a realistic option, given current navigational concerns already highlighted by the Group.
- 5.3 There are a number of pros and cons for each of the above options. If, however, the Council’s rights of access to the North Pier can be protected, as highlighted as a point of concern by Members at the meeting of the Harbour Board in March 2017, option 4 above could be an attractive solution for the Council, given that there would be no increased responsibility to the Council for managing Oban Bay waters. Clearly, any legal agreement reached, which protects the Council’s unfettered access to the North Pier, would require careful scrutiny by Legal Services; implications for the Council, in terms of being a ‘nested’ harbour authority within an extended CMAL harbour area, will require careful consideration – this will be the subject of a further report to the Harbour Board which will explain how the Council’s assets will be protected.

6.0 CONCLUSION

- 6.1 The OHMG was established in 2008 to consider, primarily, marine navigational safety in Oban Bay. Much work has been done by the group

since its inception to improve marine safety in Oban Bay. Of late, an in-depth analysis of the preferred options, for the formation of an SHA, has been undertaken by the Group. The main concern for the Council remains that unfettered access must be available to the North Pier; if this concern can be addressed through legislation, it seems that the option (4) for CMAL to extend their area of influence at Oban Bay could be worthy of further consideration.

7.0 IMPLICATIONS

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| 7.1 | Policy | None directly arising from this report |
| 7.2 | Financial | Related costs have been met through operational budgets. There could be financial implications depending upon the option chosen for the Single Harbour Authority (but see below). |
| 7.3 | Legal | Further legal advice will be sought on how best to protect the Council's interests at Oban North Pier. |
| 7.4 | HR | None |
| 7.5 | Equalities | None |
| 7.6 | Risk | The Council is an active member of the Oban Harbour Management Group. Work carried out by the group to date will minimise risk to the Council. |
| 7.7 | Customer Services | Having a 'Code of Practice' and 'Guidance for small craft users at Oban Bay' will assist port customers using the North Pier and will also assist Council staff with their safe operation. |

Appendix A (exempt) – Specialist Legal Advice

Appendix B (exempt) - OHMG Assessment of Options.

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December 2017

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