

OBAN BAY – SINGLE HARBOUR AUTHORITY

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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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

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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