

10 April 2013

CRAIGNURE PASSENGER ACCESS SYSTEM -UPDATE

1. SUMMARY

This report provides an update on the issues relating to the future replacement of the current Passenger Access System (PAS) at Craignure in line with the report to council on 21 March 2013.

2. RECOMMENDATIONS

- 2.1 That Members note this report

3. UPDATE**3.1**

The development of the port planning exercise and business case in partnership with CMAL has yet to have firm dates established since the key contact within CMAL is currently on leave. However, I have compiled an indicative timeframe for the essential steps:

Element	Date for completion
Port planning	June 2013
Outline business case	July 2013
Approval by departmental management team(DMT)	August 2013
Approval by Senior management team (SMT)	August 2013
Final business case	October 2013
Approval by DMT	November 2013
Approval by SMT	November 2013
Design modifications and tender documentation	February 2014
Tender issue	March 2014
Tender award	June 2014
Contract start	October 2014
Contract completion	April 2015

The Business Case should be reflective of CMAL and the future ferry operator's plans for the deployment of ferry vessels on the Oban –

Craignure route, for the period beyond the next Clyde Hebrides Ferry Services tender due in 2016.

The Business Case should consider how each of these options will configure with current or future passenger handling and accommodation arrangements; to ensure that any new provision improves the passenger experience.

In respect of the communications plan which will involve community meetings, these will be scheduled to coincide with the major milestones within the development plan proposed.

4. CONCLUSION

- 4.1 The publication of the Scottish Ferries Plan provides the opportunity to plan for the “right” PAS and shore side infrastructure at Craignure, which will be fully compatible with future ferry operator requirements, which will improve vehicular & passenger travelling experience and will put customer requirements first.

5.0 IMPLICATIONS

Policy

Current Council policy is that as CMAL own the PAS and are responsible for its maintenance, that CMAL should be responsible for its ongoing safety and operational reliability and the provision and funding of any replacement structure.

Any consideration with regard to the Council adopting ownership and responsibility for the PAS and/or funding its replacement will require Council approval

Financial

The Council considers capital expenditure decisions based upon a Business Case approach. The Marine Service has had no locus to date in terms of the development of a Business Case for the provision of a replacement PAS, as the PAS is not a Council asset.

The proposed partnership approach with CMAL towards the required port planning and business case for shoreside infrastructure and PAS replacement will allow the “right” solution to be established. As part of the business case development process consideration will be given to funding options; e.g. the funding model for the completion of port infrastructure upgrade works for the Tayinloan Gigha ferry service is through

prudential borrowing funded in full through increased berthing charges applied to the ferry operator.

Personnel Legal	None The legal position remains that the Council do not have a responsibility to replace this asset
Equal Opportunities	The requirement for CMAL to make reasonable DDA provision in terms of PAS design and embarkation/disembarkation provision
Risk Customer Service	Financial & reputational risk to Council The lack (or perception) of a reliable PAS will impact adversely on the Island of Mull. Uncertainty regarding the future of the current PAS and the timetable for its replacement may impact upon customer service.

For further information please contact Martin Gorringe, Marine Operations Manager
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Development and Infrastructure Services
26 March 2013

Summary Briefing Note – September 2012 – Responsibility for the Craignure PAS

The Council is the Harbour Authority at Craignure and has confirmed on a number of occasions with CMAL that their Passenger Access System is safe. CMAL have confirmed that it holds all necessary test certification for the PAS and that it is subject to regular inspection and maintenance routines in accordance with CMAL's maintenance programme.

The Passenger Access System (PAS) at Craignure was procured 20 years ago by CFL and was inspected and maintained by CFL until its transfer to CMAL. CMAL have confirmed that following agreement between CMAL, CFL and Scottish Government that harbour maintenance responsibilities previously undertaken by CFL under the Harbour Access and Operating Agreement (HAOA) and the Property and Equipment Licence (PEL) would rest with CMAL from 01 October 2009.

The transfer from CFL to CMAL of responsibility for the provision, inspection and maintenance of Passenger Access Systems was undertaken not only at Craignure, but at other ferry port facilities where CMAL is not the Harbour Authority such as Stornoway, Ullapool, Ardrrossan and at Port Askaig. At Port Askaig, where Argyll & Bute Council is the Harbour Authority, in the last 12 months CMAL have procured the new PAS to accommodate safe passenger access for the new **MV Finlaggan** and retain responsibility for all necessary inspection, testing and maintenance requirements.

There are sound legal and operational reasons for this arrangement. The Merchant Shipping (Means of Access) Regulations 1988 provide that the primary responsibility for ensuring that there is a safe means of access between the ship and the quay lies with the ship's master and the employer of the ship's master (not the Harbour Authority). The logic for formerly CFL, and latterly CMAL, having responsibility for the Passenger Access Systems across the network is, that given the operational requirement from time to time to deploy different ferries on different routes, responsibility for ensuring safe passenger access should sit with the Master of the vessel (CFL - the Operator) and the Asset Manager (CMAL - the Client); which would appear to be consistent with the Regulations and the contractual arrangements between CMAL and CFL to ensure unrestricted operation.

CMAL currently has responsibility to ensure that the current PAS at Craignure is maintained in a safe and reliable condition until such times as a replacement PAS is procured. It was commonly understood until the final quarter of 2011 that CMAL was replacing the PAS.

The Council does not consider that there is any specific statutory duty incumbent on the Council to provide vessel specific embarkation facilities,

particularly when, as a matter of practice, these have been provided by CMAL and its predecessor for a number of years.

In relation to berthing charges made by the Council at Craignure, Argyll & Bute has a strong record of supporting its fragile island and coastal communities through its commitment to life line ferry services and its record of investment in its piers and harbours. As by way of example, the Council has just completed (August 2012) a £3M upgrade of harbour upgrade works at Tayinloan to improve the Gigha life line ferry service. The Council uses the revenues it raises from its portfolio of operational piers and harbours to support these key infrastructure assets, which are critical to the economy and sustainability of our communities.