

## **Oban Bay Management Group**

### **Argyll & Bute Council's proposed Municipal Harbour Authority Consultative Forums**

### **Response from OCHDA & Oban Bay Stakeholders' Group (OBSG)**



#### **Introduction**

Discrete and distinct functions, covering consultation and co-ordination, require to be undertaken in support of the establishment and operation of the new Harbour Authority.

The new Oban Harbour Authority area will require effective inter-agency co-ordination and collaboration between the Harbour Authority and the other public agencies with responsibilities in the Bay. These agencies currently include, but are not limited to, agencies with specific responsibilities for water-based activities, notably CMAL, Calmac Ferries, the Northern Lighthouse Board and Crown Estate Scotland. At present this co-ordination is undertaken by the voluntarily-established Oban Bay Management Group with Argyll & Bute Council (A&BC) as the partner responsible for specific areas of the Harbour (N & S Piers, Port Beag and the Oban Times slip).

The new Oban Harbour Authority will require effective consultation mechanisms to be developed regarding the day-to-day operation, maintenance and development of the Harbour in order to safeguard the Harbour for the communities that rely on it, now and for future generations. This consultation will require to satisfy PMSC requirements for consultation with all Harbour Users but must recognise that the responsibility for managing the Harbour rests with the Harbour Authority (in this case A&BC) alone.

As a Local Authority A&BC must also engage with local community(ies) regarding the operation and future development of the Harbour. This duty, under Best Value and Community Empowerment legislation and linked with Island Communities Impact Assessment, might best be accomplished by the Council and the relevant stakeholders, including Harbour Users, producing the development plan, linked to the Council's wider development planning for Oban. Responsibility for the future development of the Harbour area rests with A&BC on behalf of the community.

The Council's recently-developed proposals for the future co-ordination and consultation regarding the operation of the new Harbour Authority attempt to merge these separate functions into a combined co-ordination and consultation process reporting to the Harbour Authority via the Harbour Board.

#### **The Council's proposal**

The current proposal from A&BC creates two bodies with substantially overlapping responsibilities. The bodies appear to be hierarchical, for example the proposed Management Co-ordination Forum will receive requests from "stakeholders" for matters to

be raised but both will co-ordinate users' and community feedback to the Harbour Board. However the proposal lacks detail over accountability and lines of reporting between the two groups and the relationship between each and the Harbour Board. The two bodies have a number of users in common and the users' forum includes a broad mix of harbour users and other stakeholders.

The proposed Management Co-ordination Forum, which is to reflect the needs and interests of the bodies which have legal and financial responsibility for management in the Bay, does not include Crown Estate Scotland who will remain responsible for the entire sea bed in the Harbour Authority area. This seems to be an oversight of some significance.

The overlap in responsibility and lack of clear accountability between the groups is particularly problematic in relation to consultation over navigational safety and environmental matters in the harbour area. A single users' forum with a specific focus on navigational safety and environmental matters is more likely to enhance decision-making and engender confidence. At the same time the proposal to include land-based stakeholders in the users' forum may reduce the focus on the core issues of navigational safety and environmental protection.

The role of non-user stakeholders in advising regarding the needs of the communities and opportunities for harbour improvement match the Local Authority's existing duties under Best Value. However, this role is different to the role of advising over operational matters relating to navigational safety and environmental protection and should be treated as a separate strategic task.

### **OCHDA & OBSG's response to the Council's proposal**

The proposal, as put forward, cannot be supported for the reasons outlined above.

In order to move the process forward we suggest that an exercise of co-creation for both the future co-ordination process and the future consultation process is undertaken. This exercise, perhaps a workshop session involving all relevant bodies and stakeholders, should start by clarifying, separately, what the consultation and co-ordination requirements of the new Harbour Authority cover.

The function of co-ordination between public agencies is a matter for them to address and then report on the arrangements to the Harbour Authority.

The function of consultation, which the Harbour Authority is required to establish, should be developed specifically for this purpose with clear objectives. The consultative process must also include comprehensive recording and reporting mechanisms back to the Harbour Board and should involve the appropriate organisations and individuals.

Consideration should be given to the advantages of including the agreed arrangements in the HRO.

(Phil Hamerton, OCHDA Comms Officer/acting chair - OBSG, 3/4/23)