

OBMG Public Meeting

28 MARCH 2019 – ARGYLLSHIRE GATHERING HALL – 1900

<u>Present</u>	<u>Title and Company</u>
Tony Bennett	Chair for the Stakeholder Group
Roddy MacCuish	Councillor & Policy Lead for Roads & Amenity Services, Argyll & Bute Council (A&BC)
Mike Brew	Vice Chairman, NLB
Lorna Spencer (LS)	Director of Harbours and Piers, Caledonian Maritime Assets Ltd (CMAL)
David McHardie (DM)	Harbour Master, Caledonian Maritime Asset Ltd (CMAL)
Phil Day – Chair (PD)	Director of Marine Operations, Northern Lighthouse Board (NLB)
Ewen Mackerchar (EMK)	Marine Operations Manager, Northern Lighthouse Board (NLB)
Vicki MacKenzie (VMK)	Harbour Master, Argyll & Bute Council (A&BC)
Paul Jennings (PJ)	Harbour Manager, Oban Bay Management Group (OBMG)
Mhairi Wren (minutes)	Operations Assistant, Northern Lighthouse Board (NLB)
<u>List of abbreviations</u>	
CMAL	Caledonian Maritime Asset Ltd
NLB	Northern Lighthouse Board
A&BC	Argyll & Bute Council
OBMG	Oban Bay Management Group
OBSG	Oban Bay Stakeholder Group
CFL	CalMac Ferries Ltd
SHA	Statutory Harbour Authorities
OHDG	Oban Harbour Development Group
HRO	Harbour revision order
HEO	Harbour Empowerment Order
PMSC	Port Marine Safety Code
OCHDA	Oban Community Harbour Development Association
DfT	Department of Transport
<p>Phil Day thanked all in attendance for being there</p> <p>Approximately 40 members of the public were present for the meeting</p> <p>Paul Jennings discussed the history so far and delivered a presentation to highlight various aspects of this including the options going forward and the creation of a Trust Port.</p> <p>Tony Bennett discussed the work that has been carried out in the attempted creation of a Trust Port and discussions were held regarding the historic Oban Harbour Authority which ceased in 1974 and the concept of the amendment of the previous legislation or the creation of new fit for purpose legislation using the information gathered. It was agreed by all that new legislation was the most appropriate way forward and there was not the need to dig up historic information relating to why the previous Oban Harbour Authority ceased to exist.</p>	

A copy of this presentation can be found below:



OHG Meeting
180319 - Presentatic

Tony advised that all stakeholders were presented on the 20th February at the Oban Bay Management Group (OBMG) meeting with a formal request that The Oban Bay Stakeholder Group (OSHG) asks the OBMG to support them in creating a Trust Port to manage the upregulated waters of Oban Bay and its approaches and invited interested Stakeholders and users to work together to produce a harbour that is both safe and compliant with all current legislation.

RESPONSES

A&BC

The A&BC Harbour Board is made up of councillors from right across A&BC who look after the Council's marine assets and all the piers and harbours. My remit is to chair that group and we are very fortunate to have three councillors on that group from Oban, Lorn & the Isles and I would like to thank Councillor Lynch and Venard for their unwavering support on that group and also the support of the entire area committee, the eight councillors who serve this area have been right behind this from the start.

We convened a meeting of the Harbour Board out with our schedule solely to discuss this matter and an unanimous decision was made that Argyll & Bute Council are firmly behind this project and will continue to support it.

CMAL

Lorna would like it noted that missing from the presentation was "the CMAL board acknowledge the work undertaken by the stakeholders and the commitment demonstrated to establish the Trust Port proposals". The CMAL board recognise and applaud the work that the stakeholder group have done and this was in my email back to the group.

CMALs board did raise concerns, the concerns are around the analysis of the operating costs and Tony mentioned that the costs that the OBMG came up with were £800,000, out of that figure there was nearly £200,000 in establishment costs which of course the OBMG were £168,000. The figures the group have come up with don't include establishment costs so I'm not sure we are comparing like for like, but the CMAL board certainly felt a little bit concerned about the robustness of the estimated cost.

They also expressed concern about the responsibility associated and perhaps the full understanding of what taking on a conservancy port means. The executive management of the Trust Port is a vitally important role to play and operations standards and accounting governance, at the moment we haven't seen evidence within the stakeholder group that of appropriate qualifications and experience, well the CMAL board haven't, but that doesn't mean to say it's not there. All we are trying to do is demonstrate and respond to what we can see.

The detail of the harbour order drafting in consideration of protective provision will determine if CMAL will object to any legislation promoted, so while we understand what you are doing and we are on board with the current proposals, until we see some draft legislation we can't say that we

won't object to it.

The proposal in the CMAL board's opinion doesn't demonstrate sustainability and value for money and we do also recognise that the proposal is in its early stages. When Tony talked about the increase from 1.5p to 2p not being a considerable sum of money, and it is certainly a lot less than other ports charge, what it does mean is that 89% of the cost will be charged onto lifeline ferry services which is public money and it is important that people appreciate that it is public that it is going to be paying for 80 to 90% of the costs. However we did raise those concerns and they have been noted and passed to Tony and they are publicly available if anyone wants them.

The Boards position is that the CMAL board has agreed that CMAL will not promote a harbour revision order (HRO) that extends the current statutory harbour area although we may look to tidy up the area around the South Pier while the Oban Community Harbour Development Association (OCHDA) is promoting the establishment of a Trust Port. So while this group is working on the development of a Trust Port CMAL will not look to promote any legislation that extends our current harbour area except perhaps round our activities at the South Pier.

The CMAL board understand the risks and responsibilities with regard to the safety of navigation and this is very important for CMAL and what the Board were very clear on was that they would put some kind of date stamp on this because we know the MCA are chasing us to have a solution in place and as CMAL customers are the biggest customers and users of the port it puts us under pressure to make sure there is a solution raised. The CMAL board have said that they want this seriously reviewed by the 1st March 2020 and if there is no legislation being promoted they would look to take forward, with the support of the OBMG, the initial proposal. The other thing that came out of it was that CMAL will continue to work with and assist the OCHDA where possible in their work to establish a Trust Port. So there is continued assistance being provided by CMAL and we do recognise the extent of the work that has been done in the group and we are broadly on board with continuing with the promotion of the Trust Port position but it can't be time unlimited, there has to be some kind of pressure to get this up and running, and my view was I think that's a very positive position from the CMAL board, we have expressed our concerns but we are also happy to provide assistance as the project progresses.

NLB

Just as Lorna has explained for the CMAL board that is what the NLB board concluded when it considered this matter a week or two ago. It is worth saying that the NLB's perspective, and this is one of safety, although the board as you are well have a substantial bit of infrastructure in the bay itself and as a harbour user, it is the General Lighthouse Authority for this part of the world and therefore the buoyage in the Sound of Kerrera, in the bay and at the North entrance are the NLB's responsibility and therefore as a member of the initial OBMG its perspective is one of safety. The NLB is neutral as to what authority there is to regulate the other bay area but it is very clear that there should be one and on that basis NLB is more than content to support the Stakeholders Groups efforts thus far and will co-operate and support them as best that we can. The only caveat that NLB would point out is that the cost to date from whoever has many any estimates, and they may rise or fall with whatever consequences come from that, but the NLB is very keen to support the effort because by establishing a Harbour Authority that can properly regulate the outer bay safety will improved for all.

The meeting was then opened up to the public for questions relating to the boards positions.

QUESTIONS

	<p><u>Question – Phil Hamerton (PH) – Local resident and leisure sailor</u> <u>Answer – Lorna Spencer (LS) Director of Harbours and Piers, (CMAL)</u> <u>Comment - Roddy MacCuish (RM) Councillor & Policy Lead for Roads & Amenity Services, Argyll & Bute Council (A&BC)</u> <u>Comment – Mike Brew (MB) Vice Chair (NLB)</u> <u>Comment – Tony Bennett (TB) Chair for Stakeholder Group</u></p>
PH	Thank you for your presentations and your clarity, I think there is one thing that we have not referred to yet and this is the desirability of any of the models that we have before us and the question in my mind is which do we think is the more desirable for Oban, a private port run by CMAL
LS	CMAL is not a private company.
PH	But it would be private port in law
LS	No
PH	But it can't be a Municipal port and it can't be a Trust Port.
LS	There are lots of other port models, you don't have to be a trust or a Municipal Port, we are not a private company, we are a public company
PH	Thank for correcting, it is a public body as are all the bodies represented at the table and that is part of my point. A port run by one partner or a port that is run by a broad partnership, Oban bay as we all know is a very complex place. According to the latest figures we were given nearly a year ago in excess of 20,000 vessel movements a year, and I assume those figures come from 2017, so there will considerably more than 20,000 a year and Cal Mac and CMAL is not the biggest harbour user, less than a quarter of those vessel movements are actually ferry movements, they may be bigger in tonnage and they may be carrying more passengers but in terms of managing the harbour in terms of what everybody needs Cal Mac is not the biggest user. The fishing community is a very significant partner, smaller than Cal Mac, the biggest users of the harbour overall nowadays, and it's what makes the history interesting but less relevant, is the leisure sailing community. So we have got a situation that is enormously complex, there are clearly risks, there are wide groups of stakeholders. We have one model of governance to look at with extreme detail and the Trust Port governance is quite clear, it would require a Trust Port to balance all the interests of all the stakeholders. The whole purpose of a Trust Port is to balance everybody's interests, to make sure that one body cannot every be in a position where they can dominate against the best interests of the entire community and the entire community is not just the harbour users in a Trust Port it is the wider community and it's not just Oban town either and it's not just Oban and Argyll & Bute, it's the whole of the West of Scotland. We have to get this right, what I'm trouble by in that all of the presentations and I'll come and ask a specific question in a moment, is why we not talking about desirability. Throughout the presentations it's been a question of the stakeholders bid too, the stakeholders worked too. Yes we've had support from many of the people sitting at the top table, particular individuals and great that support has been. But why are we still putting it forward as something the stakeholders are doing rather something that the OBMG is doing.

	<p>So my question to each of you is which do you think is best for Oban, as a management structure for looking after a SHA? Which Model do you think is the right model for Oban? Then let's worry about how we are going to do it, let's use all of our brains, but what do you think we should be trying to develop?</p>
LS	<p>I don't have a particular view on any particular model of which is the most appropriate. As a statutory harbour authority, whether it is CMAL, A&BC, NLB or a Trust Port it is written into your legislation what your duties and responsibilities are and those duties and responsibilities are to all harbour users. I don't particularly like the term of the word that is used quite regularly about dominance, it is all about safety. I have no particular who is the preferred harbour authority, our priority is about maintaining a safe environment and the reason the OBMG didn't take forward the Trust Port is back to Fergus's point about our board members can't be on the Trust Port as well, that's why the option wasn't taken forward. I don't mind who the SHA is, the CMAL board don't mind who the SHA is as long as it is cost effective, driven by safety, managed by the right people and the interactions between key users in terms of the safety management systems are in place. There is no preferred option, it is about finding the right option and I completely agree with that, but there has also got to be some timescales in delivering that option. As Fergus quite rightly said we can't sit on two boards which is why this group never took forward the Trust Port option.</p>
<u>PH</u>	<p>With respect the question of sitting on the board is somewhat premature, we are not talking about establishing a board, and we are talking about doing the work that you quite rightly point out hasn't been completed by the stakeholders, to test out the viability. We are not talking about constructing a board but thank you for your response.</p>
LS	<p>I don't mind which option is taken forward, there has to be SHA which was identified a long time ago, and as long as that SHA within its legislation is clearly responsible with duties and accountability to all harbour users it doesn't matter, in my mind or experience, which group takes that forward.</p>
<u>PH</u>	<p>Thank you, from my reading of the Trust Port legislation it is quite different and I think the desirability is different but thank you.</p>
RM	<p>The desirability is a very good question indeed, but until you have a proposal, or someone has a proposal to go forward it's very hard to decide what the best is. I personally share Lorna's view, I want what is the best for the stakeholders that want it and until something comes forward I don't have the knowledge to know what is the best and then the Argyll & Bute Harbour Board will be guided and it will be then be decided by the local elected members but it is extremely difficult when you ask the question what is "my desire", my desire is to get the very best for Oban Bay and that is all we want to do.</p>
MB	<p>It is probably worth saying that what hasn't been said yet is the role that Port Marine Safety Code plays in all of this which places responsibilities on HA's to work in a certain way, it is a Department of Transport (DfT) initiative that is probably now 13/14 years. It took quite a bit to get going but it is seen as the industry best practice on what drive or what governance sit across the top of all HA's, large and small, so that the government is satisfied that HA's work to industry best practice and are run the same way. That is what drove principally Lorna and the OBMG in the early days, that in discharging their duties under the Port Marine Safety Code (PMSC) ⁽¹⁾ in their own harbours as Tony has just describe, left begging the approaches to those harbours, which is the bay and the North entrance and the sound</p>

	<p>of Kerrera to some extent. So that's what drove the initiative and that requires risk assessments to be carried out and government structures to be put in place, now which one it is, in some respects doesn't matter but if you are sitting within the DfT or Transport Scotland there are some models that you would look to see replicated. Now whether that is a Trust Port or a municipal port or indeed a private port, which wouldn't apply here, there are models that would follow. So the words Trust Port are probably the best fit which is why Tony and the other stakeholders have chosen then. From the NLB's point of view, just as Lorna has just said, and indeed Roddy, we aren't bothered what it is called or what type it is as long as it is there and recognisably going to do what the PMSC and other legislation requires.</p> <p>TB I'm going to stick my head on the block and give an opinion rather than just say whatever is best, my personal opinion is that the Trust Port isn't the best option for Oban, my personal view is that the Municipal Port option would have been best for Oban because that would have brought with it local representation and also the security of a large organisation behind it but the Council made it very clear at the outset that they were not prepared to extend their area of jurisdiction into the outer bay and to take on the responsibility of being the SHA for the whole of Oban so that then left a limited scope of options, of which I feel that the Trust Port is the best option. If you actually go back through the records of the group and its predecessor the Oban Harbour Development Group, back in 2012 the OHDG identified the Trust Port as the preferred option and the colleagues sitting at the top table all the way through 2012 and early 2013 were talking about the formation of a Trust Port as the preferred option so six years on I don't think that has changed that much. Twelve months ago when we were told that OBMG preferred view was that CMAL would go forward as the option for managing the outer bay we were given a paper to accompany that, it think it was March 2016 and in that paper was a table that listed the various options and against those options they were scored for cost, value for money, desirability, local representation and so on. The final row of that table was title effective governance and the one option that scored the highest mark was the Trust Port, so by the OBMG's own evaluation twelve months ago the Trust Port gave the most effective form of governance for the outer pay and I would say that more just within reason, irrespective of cost if that is the best way of running the outer bay for the benefit of everybody then that is what we should be trying to do, and that is what we are doing.</p>
	<p><u>Question – Roger Hallett (RH) – Tourist</u> <u>Answer – Phil Day (PD) Director of Marine Operations, (NLB)</u> <u>Answer – Lorna Spencer (LS) Director of Harbours and Piers, CMAL</u></p> <p>RH I agree with Tony and Phil Hamerton that it is a community thing to be looked at as well as a business place, the original question I'm going to ask is there has been some talk about underestimates from Lorna yet CMAL might have managed to get it for £100,000 less, where are those savings made?</p> <p>PD I think the CMAL option that was £250,000 was the harbour extension option which would have CMAL extend their harbour area, it was the £800,000 estimate from the OBMG for the Trust Port, is that right?</p> <p>LS Yes, the cost for the CMAL option you wouldn't have to have another harbour board because CMAL already have a board, and they are already the duty holder so we are technically the board or the board of position already, so we wouldn't need to recruit other</p>

	board members, it would be the board, so the savings in the CMAL costs against establishing a Trust Port with its own board, you already have a harbour board established within CMAL so you wouldn't have to establish another board so that is where the savings come from.
<u>RH</u>	But as you said your dimension is commercial operation and harbour safety
<u>LS</u>	We are not a commercial operator, CMAL do not operate anything, we are a HA and we really on government funding to provide our infrastructure, so we are publicly funded either from ferry dues through Cal Mac ferries which is public subsidy or through grant funded provided by Transport Scotland to build the infrastructure, we are not a commercial environment, we make no profit.
<u>RH</u>	Then wouldn't some of that money be available to any HA operator?
<u>LS</u>	No, unfortunately we are not in a position to offer funding to other HA's, we don't work like that. You would have to get funding from Transport Scotland or from HIE or some other party, we don't give out funding. We could accommodate the cost in extending our harbour area and delivering a safe harbour environment with the existing board which we have in CMAL which was the proposal was by the OBMG, not just CMAL, whereas if you establish a Trust Port there in the cost of an additional board and running fees, we already have facilities, as would A&BC if they were to accept it they have got offices and staffing facilities, these things are already in place therefore the incremental cost is less than if you establishing a new Trust Port
<u>RH</u>	Thank you
	<p><u>Question – Fergus Gilanders (FG) – Previously Assistant Harbour Master, A&BC</u> <u>Answer – Lorna Spencer (LS) Director of Harbours and Piers, CMAL</u> <u>Comment - Roddy MacCuish (RM) Councillor & Policy Lead for Roads & Amenity Services, Argyll & Bute Council (A&BC)</u></p>
<u>FG</u>	I was going to ask a question about the fact the OHDG had made a decision in 2013 and I believe it was endorsed by then Argyll & Bute Strategic Management Team, so I was going to ask what changed between 2013 and 2015 to shift it to CMAL, but actually the point I wanted to make because my question was actually answered by Tony was that it is actually stated in the MTPS and in the summary of the transport minutes and the more recent MTPS, it is the Scottish Governments stated aim to have a Trust Port above a private and municipal port.
<u>LS</u>	CMAL are not a private port, could I just clarify that.
<u>FG</u>	No, they don't fit in the category so we are talking just about Trust Port as their stated priority.
<u>LS</u>	There are lots of other categories of SHA other than Trust Ports.
<u>FG</u>	That is what the MTPS document says.
<u>LS</u>	Can I just comment the document two years ago stated that A&BC didn't actually support, or formally, through their councillors support any of the options given? We got to a point

RM	<p>nearly three years ago where the council representatives in the OBMG supported the CMAL extend and then when there was changes in the representation when Jim Smith came on the team the position then changed, so we then had to go back to the drawing board and find a way forward. So some two and half years ago, I can find the documentation, there was a consensus in the OBMG that the best, or the most efficient option, to provide the HA area was for CMAL to extend and with changes of councillors and council officers that position was withdrawn so we had to go back to the drawing board and look at it again.</p> <p>You are 100% correct, the representation changed with the elections and also with a different view from officers which were led by a different view from councillors that were in position at the time. There are now different councillors and a different view.</p>
<p><u>RH</u></p> <p><u>RM</u></p> <p><u>RH</u></p> <p><u>RM</u></p> <p><u>DM</u></p>	<p><u>Question – Roger Hallett (RH) – Tourist</u> <u>Answer – Roddy MacCuish (RM) Councillor & Policy Lead for Roads & Amenity Services, Argyll & Bute Council (A&BC)</u> <u>Statement - Duncan Martin – Chairman Oban Bay Community Berthing</u></p> <p>How much influence does the local council have on this procedure? It seems to me that they should have a great deal because it is more than just a harbour, it is an amenity for Oban.</p> <p>As I said earlier on you have three representations, three elected members on the harbour board which, I think, is more than any other area, so they have a definite influence. I happen to be in the fortunate position to chair the harbour board, backed up by the eight local councillors on the area committee so there is definitely a lot of influence.</p> <p>And they have taken into account the amenity value as well at the harbour operation value?</p> <p>Absolutely</p> <p>Can I also, I sit on the board of the Oban Community Council, and it is thoroughly in support of this project of creating a harbour run by Oban for Oban and for all its users without distinction because we depend on all of them and as others have said it is an asset to the people of Oban even if all the do is look at it, it is still an asset.</p>
<u>ER</u>	<p><u>Comment – Elaine Robertson (ER) – Chair of Area Committee</u></p> <p>I am the Chair of the local Area Committee and I’m just endorsing what has been said, we are in support, we want a safe harbour, we want a harbour that Oban is part of.</p>
TB	<p><u>Statement – Tony Bennett (TB) Chair for Stakeholder Group</u> <u>Comment – Lorna Spencer (LS) Director of Harbours and Piers, CMAL</u> <u>Question – Phil Hamerton (PH) – Local resident and leisure sailor</u></p> <p>I only found the decision of the boards last Friday so up until then we didn’t know what they were going to say and we didn’t’ know whether we were being let off the lead to trundle forward or whether we were going to be reined in. As a result of last week the Stakeholder Group and OCHDA will be taking the lead in drafting the new legislation. To go</p>

	<p>back to Duncan's question about the blank sheet of paper, it will most likely be a Harbour Empowerment Order (HEO) rather than a HRO so an HEO is pretty much what is going to happen, and that will need to be submitted by early 2020 in order to meet the CMAL deadline and also to be processed by Transport Scotland hopefully signed off in time for the start of the 2020 leisure season. We have got 9 months to get the order drafted and agreed. We've got to determine the operational governance, we've got to finalise that, the proposal was based on a harbour board that was remunerated with a modest amount of remuneration, we've have got to look into that in more detail. We've got to finalise the start-up costs and determine the funding for that, Lorna stated earlier that their start-up cost would be £250,000 whereas ours would be over £800,000, I will comment on that. The start-up costs, we didn't look at those because we didn't know what the decision was going to be our how much support there was going to be from the three principal OBMG people, they obviously have come on board and are going to support us so hopefully there will be a genuine feeling of co-operation over the next nine months and we can work together and I very much believe that we should be resolving the differences before we start drafting legislation otherwise the only people who are going to benefit are the lawyers. Let's see if we can reach a consensus of the framework of the harbour order and then dot the i's and cross the t's legally before it is submitted.</p> <p>The other thing is that any aspect of the unknown has a degree of uncertainty so I freely admit that the £325,000 is our best estimate at the moment, the same way the OBMG's estimate of £800,000 and the CMAL value of £250,000. The start-up cost estimate I have slightly more of an issue with, the start-up costs for the CMAL option we were told was somewhere between £10,000/£20,000 last year, and then more recently we were told that the typically cost for the HRO would be £70,000/£90,000. The difference between the CMAL option and the Trust Port option was £90,000 so depending which figure you take for the legal costs they may or may not be that different.</p> <p>LS I'm not sure why there is some misunderstanding about the cost but to put into context the legal costs, CMAL have funded the review of the harbour legislation and the cost of that is £25,000 that is how much it has cost CMAL to provide Monica inputting the review of the harbour legislation. We have been quite happy to do that so that we all knew we were and we all established it but it just puts into context the cost of the lawyer.</p> <p>PH But it's not CMAL's money its public money.</p> <p>LS Yes, it's all public money. When we are promoting a HRO we start with a base line of £70,000 for legal costs and you can never put a roof on it because you don't know the scope of the objections and redrafting. The review that we have done here and now for this work is nearly £25,000 alone.</p> <p>TB One of the steps is to get to grips with the costs and then following or alongside that we have obviously got to try and raise the money for that, there have been loads of groups that have been on to us and they have all offered financial support for this, within their own means. There will almost certainly be a crowdfunding campaign done as we have a huge amount of money to try and raise to get to the starting gate. Once we are through there and up and running I think the challenge will be slightly less and as I said previously, it is getting to there that is going to be the difficult bit.</p> <p>Personally I would prefer that we try and get the money together for someone to take this project forward, 12 months ago I agreed to chair the stakeholder group in order to get their</p>
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	<p>voice heard at the OBMG and challenge the then decision for CMAL to take their option forward. We have succeeded and we have done that and Oban in now in with a chance to determine its own future. I'm not from Oban, I don't even live in Oban so I would far rather that there was somebody with a more heartfelt interest in Oban taking the details of the project forward although I am still happy to chair the group and represent the group with the OBMG although that is something we are going to have to decide with the stakeholders. The members of the OBMG have commented that over the last 12 months there has been a more co-operative feeling as I said in my opening comments this evening.</p> <p>The challenges we've got, first and foremost, it's trying to provide within the Trust Port framework an effective means of representation for the headline user, for Cal Mac ferries, to have meaningful representation. The Trust Port guidance issues by TS doesn't permit them a place on the board, it should also be said, that had the CMAL route gone ahead, we were told last May by Lorna in the Corran Halls the Harbour Board would be the CMAL board so there would be no representation locally on that board either, so neither option is perfect from a representation point of view but the Trust Port option, I think personally is the better option but it has its limitations.</p> <p>We have got to bring together the differing interest which I've eluded too before, the start-up costs, the technical input. We know we are light on the technical input, that's why we would far rather be working on a model where we had representation from the NLB, CMAL and CFL ports and harbours because they have got the expertise and we would far rather have that input on board. Hopefully their support will provide some of that technical guidance but a week in we've obviously got to start upping our game and find stakeholders who are prepared to take on particular issues and widen the scope of the stakeholders. We've got to work with national agencies, particularly Transport Scotland, if the Trust Port is going to succeed we are going to have to follow their guidance in the publication Modern Trust Ports for Scotland ⁽²⁾. They are key to this process, Chris Wilcox has already been to visit us, he talked with us back in November, and unfortunately he has been seconded and has been replaced by Val Ferguson, unfortunately only because we had an established relationship with Chris. Val Ferguson is going to be retiring later this year so unfortunately there has been no continuity with Transport Scotland over the 12 month process, but we've opened a dialogue. They have repeatedly made it clear that they need to be convinced on the viability and sustainability of a Trust Port long term, it is all well and good getting it up and running and it running for two or three years but how sure can we be that in 10 years' time when we are on the third rotation of board members that there is a sufficient pool of people available to keep the Trust Port running, that is one of the many challenges, but it is the big one that we are going to have to face. So if there is anyone in the room, or if you know of anybody, who might have an interest or something to add to the team, please let us know because we have got a big task ahead of us.</p>
<p>RH</p> <p>PD</p> <p>RH</p>	<p><u>Question – Roger Hallett (RH) – Tourist</u> <u>Answer – Phil Day (PD) Director of Marine Operations, (NLB)</u></p> <p>Why would the users not provide technical input?</p> <p>Do you mean the OBMG?</p> <p>Yes</p>

PD	<p>We will, we have all committed to helping the stakeholder group develop this Trust Port model so within the limitation of our resources we can help with that, ultimately the trusts port, or the precursor to the Trust Port will have to have their technical expertise. We can provide that directly, but we can certainly give loads of advice and I have no doubt that we will all help provide experience to the group</p>
<p><u>Question – Sarah Brown (SB) – Local Sailor and Business Owner, sits of Stakeholder Group for Oban Bay</u> <u>Answer – Tony Bennett (TB) Chair for Stakeholder Group</u> <u>Statement – Phil Hamerton (PH) – Local resident and leisure sailor</u> <u>Statement - Duncan Martin – Chairman Oban Bay Community Berthing</u> <u>Statement – John MacArthur - WHAM</u> <u>Answer – Phil Day (PD) Director of Marine Operations, (NLB)</u> <u>Comment – Lorna Spencer (LS) Director of Harbours and Piers, CMAL</u></p> <p><u>SB</u></p> <p><u>TB</u></p> <p><u>PH</u></p> <p><u>DM</u></p>	<p>Other Trust Ports manage to get a good demographic or selection of expertise on their board, can you give us a flavour of the skill sets that are required?</p> <p>It's on about the third page of the Trust Port guidance document but you are basically bringing in navigation, engineering and safety. Its ticking the boxes for the PMSC as well as financial and running a business because even though it's a Trust Port it still has to breakeven and run as a viable business. Transport Scotland give very clear guidance on that, they also make the point with I spoke with Val Ferguson recently, the document is guidance, and it isn't a table of stone. What is in a tablet of stone is that a position on the board is open to all, that is a core part of Scottish government commitment to community empowerment, out with that the rest of it is guidance and if we can make a compelling case for something to be slightly different to what it is in the document they would consider it and give us free advice as to whether or not it was likely to be acceptable. The suite of skills, to go back to your question, is pretty much what you would expect to have when running a harbour, there is nothing outrageous in there. As so far as the turnover of board members is considered my simple answer to that one at the outset would be if Mallaig can do it with its rather more limited population I'm sure that it's within the powers of Oban to provide a port.</p> <p>Just to add to that the population of Oban is about eight times the population of Mallaig.</p> <p>I would personally say I think that there would be no difficulty in finding the necessary professional expertise, one of the strengths of Argyll is that so many people retire here who have had very good careers elsewhere in all aspects of accountancy, marine services, you name it. They have come out the woodwork in the last year to help us get where we have got to and a lot of them really want to put their skills to use and I don't think there would be any shortage of skills. I sit on the stakeholder group and Oban Bay Community Berthing and I have been attending the finance one, I don't have the expertise but I cannot begin to express my thanks to the people who have done so much work to get us as far as we have got so far, it has been tremendous amount of work, the times Fergus has spent in the archives and so on and I think there was some question as to whether we really understood what we were letting ourselves in for in terms of PMSC, I think we do have people on board who do fully understand that this is a really serious business, it is not a game running harbour, it is serious with legal responsibility and so on. I think the people in the core group fully understand that, it is a quantum leap to what any of us do currently.</p>

JM	<p>Just endorsing that regarding the skills available, it could have saved CMAL a load of money if they had took on board our legal representative who came a lot more cheaply than those used. That shows what the power of a community can do.</p>
PD	<p>Absolutely and I hope that you'll be able to get your establishment order somewhat cheaper as well.</p>
LS	<p>I would just like to make one comment, I am trying to share experience and knowledge, my experience with legal representation is that you have to have a lawyer that knows what they are doing with harbour legislation and the balance is while CMAL employ at the moment Monica and her team we actually find that cheaper in the long run because they are fully conversant and understand what they are doing whereas we have promoted HRO's with less experienced lawyers who don't fully understand the environment and in the long run that has cost us more money because they have to keep going back and redrafting so that is just piece of knowledge that I've gained over the years that as with everything else I'm happy to pass on whatever knowledge I can give. My experience is that while it is very expensive up front it saves you money in the long term</p>
DM	<p>I agree as when Monica came to our meeting she had carried out a tremendous amount of work and it was a challenge and very interesting to her as it's so complex, however she couldn't have carried out without some of the archive work that Fergus had carried out.</p>
LS	<p>Absolutely, she was very enthusiastic about it.</p>
DM	<p>It is absolutely great, as Tony said she brought together the positions and views of the legal position that were miles apart before and got them to be more or less coherent and that was I think very well worth the money that CMAL invested in this.</p>
<p>THANK YOU FROM PHIL DAY</p> <p>Phil commented that the stakeholders had done a fantastic job over the last few months and thanked everyone for their participation and attending the meeting.</p>	
<p><u>DISCLAIMER</u></p> <p>Every reasonable effort has been made to ensure that the information provided in these minutes is comprehensive, accurate and clear. There are several questions which due to the location of the person in the room the recording did not fully pick up the question or background noise drowning out the speaker. If there are any changes to be made please contact mhairiw@nlb.org.uk within two calendar months from the date of the meeting so these changes can be checked. After this date the recording will be deleted and no more changes will be made.</p>	
<p><u>REFERENCES</u></p>	

<u>1</u>	Port Marine Safety Code - https://www.gov.uk/government/publications/port-marine-safety-code
<u>2</u>	Modern Trust Ports of Scotland - https://www.transport.gov.scot/media/29818/j249946.pdf