

## HEADLINE CONCLUSIONS FROM CONSULTATION REPORT MEETING: HATTON 28 MAY 2010.

**Attendees:** Clive Henderson (IWA), Rex Walden (RBOA), John Slee (NABO), Nigel Hamilton (APCO), Geoff Ashton (AWCC), Christopher Ford and Gareth Turnbull (TYHA), Damian Kemp & Sally Ash (BW)

### *Enforcement of CC rules*

There was unanimous (or near unanimous) agreement that the problems giving rise to the mooring policy consultation result from insufficiently energetic enforcement action by BW. It is recognised however that BW's powers and resources are not large enough to make greater enforcement effort the sole solution, and that other tactics are needed to supplement this.

BW's position is that it must give priority in use of enforcement resources to ensuring that all boats are licensed. It does now have improved processes for addressing straightforward breaches of licence terms (such as possessions left on the towpath) and these could be applied more frequently when adequate evidence is supplied by third parties. Continuous cruisers abusing the mooring rules remain the major challenge for which additional tactics are needed.

### *Local mooring strategies:*

- Unanimous agreement that these were an appropriate vehicle, in areas where there is conflict, to resolve issues.
- The problems which local strategies are devised to address exist in various locations and guises around the network. They all need to be addressed using a consistent national framework.
- There should be flexibility in the development of a local mooring strategy and different methods need to be tested, such as:
  - It could take the form of an inquiry with a panel inviting representations from all stakeholders and then commissioning working parties to develop solutions to the issues identified and finally with the inquiry panel formulating a draft strategy from those solutions.
  - It could be entirely run by an independent, external consultant without a formal inquiry panel.
  - The inquiry panel could be entirely run and managed by BW.
- There wasn't unanimous agreement on who should be chair group. Some felt this is BW's responsibility (and, as navigation authority, it is ultimately vested with the powers to make or break any proposed mooring strategy) while others felt that it should be someone who is entirely independent – a professional facilitator. BW accepts that it is ultimately responsible but there was agreement that alternative structures could be adopted to suit local circumstances.
- The strategies should define how far a boater must move in order to comply with BW CC guidance.
- Whichever model is used, great efforts need to be made to communicate with and include all stakeholders – especially boaters (regardless of type).
- There was support for the use of an independent facilitator for the K&A strategy, subject to funds being available.

### *Zoning short term moorings:*

- The creation of places where a boat can moor for up to 14 days is to be encouraged. Moorings on which the permitted stay is less than 14 days should only be defined where absolutely necessary - preferably identified by local mooring strategies.

- There should be provision where suitable within the strategy for waterside businesses to rent mooring spaces outside their premises at the market rate for the use of their customers while visiting their premises.
- If there is a contiguous series of short-stay zones, for example a 24 hour, a 48 hour and a 7 day, then the maximum stay at the overall site should be whatever the limit is in the zone with the longest stay (in this example 7 days) – it should not be the sum of all the zones (in this example 10 days).

#### *New type of mooring permit:*

- The idea of a new type of permit which grants the following was discussed:
  - The right to a winter mooring in designated areas.
  - The right to moor for up to X in a series of designated zones (defined by local mooring strategy but possibly up to one or two months in each zone, with a limit on the time you can stay in any specific zone before moving on to another zone – again defined by a local mooring strategy).
- These permits would be purchased on an annual basis (enabling boaters to plan their year ahead)
- They must cost pro rata, at least, as much as the average of the nearest set of BW long term, towpath, leisure moorings. It was felt there should be a premium on top of this to account for its towpath location (it should cost less or be cheaper to get a permanent mooring).
- BW should accept payment via housing benefit where applicable.
- Local mooring strategies will limit the number of boats able to stay in one location on this new type of permit – preserving as much casual mooring (14 day) as possible
- Use of income from these permits should be divided between waterway improvements (including dredging where needed) and the costs of necessary additional enforcement work to make the strategy effective.
- It was agreed to explore the inclusion of an element of council tax within these permits.

#### *Continuous cruising guidelines:*

- It was agreed to convene another meeting to review mooring and CC guidelines with a view to making the guidance simpler and clearer.

#### *Policy for reducing online moorings*

- It was agreed that the policy will continue . New process is about to be activated to improve recording of berth closures associated with each new marina.

#### *Residential mooring policy:*

- The policy proposed in the consultation is agreed.
- The principle of being able to navigate and being typical of boats currently on the network as a pre-requisite for boats being used as a primary residence is agreed.
- A salvage bond should be payable in advance of any static structure being put on the network to avoid the risk of BW having to fund disposal costs in the event of the boat being abandoned on the waterway. (We will need legal advice to develop this).
- It was agreed that although full time residential use at long-term leisure moorings may be contrary to planning control, it is very difficult to establish conclusively. It is for the planning authority to establish that a mooring is being used as a primary residence, and whether planning enforcement is necessary.