

REVIEW of CONSULTATION on BOAT LICENCE FEES 2007

22 May 2008

Purpose of this paper

- Take an objective view of the 2007 boat licence fee consultation process
- Report to the Waterways Ombudsman following determination of complaints made by two customers regarding licences for boats in shared ownership
- Recommend actions to improve consultation processes
- Serve as publishable review as requested by the Waterways Ombudsman

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1 Background

British Waterways' commitment to consult its customers on matters of significance to them, arises from its status as a public corporation. The requirement goes beyond the extent to which a wholly commercial entity would ensure it understood the preferences and attitudes of its customers. BW's public corporation status places upon it a broader responsibility to take account of the views of the public at large and more specifically, those who people who are customers and make use of the waterways for which BW is responsible.

BW's framework document states . . .

So far as is practicable, BW consults with waterway users, user organisations and others affected by its activities, on matters such as standards, leisure, amenities and charges, in advance of decisions of significant interest to them.

Further to this, BW's 2003 openness and accountability review resulted in an annual programme of consultative type meetings with individual customers in each waterway unit. Also centrally run meetings with the leaders of organisations which represent them. The 2003 review also established the British Waterways Advisory Forum which comprises representatives of the principal waterway customer membership organisations. BWAFF focuses on higher level, strategic matters, appoints its own chairman and conducts its business in an independent manner.

BW's openness and accountability review led it to adopt the Government's code of practice on consultation which, during 2007, was itself subject to a consultative review. The code of practice currently in place is that dated September 2005 though a revised code is expected during 2008. Whilst the 2005 code has been formally adopted by BW, it is generally recognised as being designed principally for larger departments of government.

2 Consultation responsibilities

The BW director responsible for consultation is Simon Salem, director of marketing & customer service. A member of his team, is designated consultation co-ordinator, tasked with taking a consultation overview across the business and ensuring that whoever manages any particular consultation, does so appropriately with a clear, comprehensive and inclusive process. To the end of September 2007 this was Eugene Baston, external relations manager, and from October 2007, Jonathan Bryant head of customer service. Jonathan Bryant is the author of this report which has been prepared independently of, though shared with, both his line manager, Simon Salem and Vince Moran, director of customer operations. Mr Moran was the director who dealt with the customers' complaints at the second level of BW's complaints procedure.

Management responsibility for the 2007 boat licence fee consultation lay with Sally Ash, head of boating development, who is also a member of Simon Salem's team.

In each of the operating business units the general manager is responsibility for consultation, including the organisation and chairing of an annual programme of regional meetings and discussions with customers, as required since 2003.

3 Points arising from the Waterway Ombudsman's investigation

The ombudsman investigated three areas, one of which related specifically to the way in which BW's work in consultation, policy and guidance fell short of expectations in the case of boats in shared ownership. Specifically

- The process lacked any preliminary discussion with persons likely to be affected
- Administrative back up was patchy. Mistakes were made in sending information out
- Consultation documentation was judged not to comply fully with the Government's code of conduct
- Incorrect and conflicting information was published in BW's Waterfront magazine
- Allocation of responsibilities was questioned. There appeared to be inadequate separation of duties in taking an overview, managing the consultation and dealing with any complaints that might arise from it
- The process for drawing conclusions from the consultation were flawed

One purpose of this report is to determine the extent to which these points were addressed in the next major consultation, i.e. 2007's boat licence fee consultation.

4 Conduct of the 2007 boat licence consultation

Section 1.2 of appendix II sets out how BW consulted, evaluated responses and reached its conclusions in this instance. In relation to the critical points above

- There were early scene setting discussions held during April 2007 at a 'national' meeting of customer group representatives
- Administration was much improved with specific systems put in place to log and codify submissions. Also to record the customer discussion sessions run by BW's chief executive and director of marketing & customer service
- BW received no observations or complaints that this consultation did not comply with the Government's code of conduct, which it did to a substantial degree. However it failed to comply in some minor respects namely – lack of reference to a telephone number for enquiries about the consultation, no version of consultation documentation in the Welsh language and no reproduction of the Government's consultation code criteria in the concluding post consultation document
- Incorrect information was not published. Waterfront is now distributed electronically with hypertext links to appropriate documentation
- Allocation of responsibilities was clearer. Sally Ash was held responsible by Simon Salem for managing the consultation. Simon Salem put his name to the consultation document in order that any complaint arising from it or the process could be dealt with independently by the chief executive, Robin Evans. The role of consultation co-ordinator changed from Eugene Baston to Jonathan Bryant part way through the consultation process
- The process for evaluation and drawing conclusions was not flawed. It may be helpful in future however, if this process could be summarised for information purposes in a *what next* section of the principal consultation documents

5 Points arising for future action

The opportunity was missed to engage a broader range of customers in the consultation process by briefing general managers to include licence fee consultation on the agendas of their pre-arranged spring / autumn meetings. This will be standard procedure for future consultations

The process lacked a clearly laid out plan & time table prior to commencing. This will be a pre-requisite of future consultation and the plan used for both internal actions and general information to customers. Clear plans and time frames reduce the likelihood of last minute rush and the mistakes that can arise as a result of this

Consultation plans should allow ample time for authoring and approval of consultation documentation. Edits to improve understanding by the public, and sign off by appropriate managers / directors are key parts of this

Consultation papers should publish the six consultation code criteria and invite comments on the extent to which respondents consider that the criteria have been met. Also to invite suggestions on ways of improving future consultations.

Due consideration should be given to the implementation implications of decisions arising from a consultation. In the case of this consultation there was barely enough time for directors and the board to reach a decision before BW's systems needed to be loaded with the new rates for year commencing April 2008. Adequate business process time must be allocated to the orderly implementation of conclusions reached through consultation processes.

6 Positive lessons learned

The fifteen licence fee road shows held in five locations around the country were very well received. Had longer been available, more locations could have been selected. Customers much appreciated the fact the BW's chief executive and marketing director had taken time to spend an hour with them

These road shows had a clear effect on the outcome of the consultation. Directors understood customers' perspective on this issue more clearly. The result is both a reduced increase for 2008/09 and further strategic thinking through British Waterways Advisory Forum

It became clear that customers had little understanding of BW's overall financial position or plan. Hence the simple handout distributed at each of the road shows. BW will pay more attention to communicating this in future

It became clear that BW must do more to communicate directly with individual customers, rather than over depend on the waterway user groups to communicate BW's message to their members

7 Proposed guidance note

A draft internal guidance note on consultation has been reviewed by BW's Waterway User & Special Interest Group and by British Waterways' Advisory Forum. The draft was welcomed by both and some useful amendments suggested. The Waterways Ombudsman has also reviewed this draft and made some helpful observations about it. This guidance note will be finalised and issued internally. End