



To: **Executive Councillor for Arts & Recreation**

Report by: Head of Active Communities

Relevant scrutiny committee: COMMUNITY SERVICES

17/01/08

**Review of River Moorings Policy  
Non Key Decision**

**1. Executive Summary**

1.1 This report contains recommendations following a focussed review of the Council's River Moorings Policy, namely matters related to the pricing of the River Mooring Licence, the administration of the policy, and recommendations for future use of river bank on Jesus Green, known in the policy as 'Area A'. The report reflects the views of stakeholders following consultation exercises undertaken during November and December 2007.

1.2 There are links between aspects of this report and wider issues concerning punting on the river. A report dealing with punting issues generally is to be considered by the Leader at a Strategy Scrutiny Committee meeting on 8<sup>th</sup> February 2008. In order to ensure that the Council's approach to the punting issue is "joined up", the officers suggest that a decision on Recommendation 2.1.12 is made subject to confirmation or amendment by the Leader.

**2. Recommendations**

2.1 The Executive Councillor is recommended to approve the following:

- 2.1.1 Retain the pricing association between the full River Mooring Licence (RML) fee and Council Tax band A for 2008/09, but from 2009/10 onwards, increase the fee in accordance with inflation as determined by the RPIX as of 30<sup>th</sup> November the previous year.
- 2.1.2 Withdraw the entitlement to discount on the RML fee based on single person occupancy for 2009/10 onwards, whilst retaining concessionary rates for people on low incomes and students.
- 2.1.3 Undertake more research into comparable river mooring charging schemes, and revisit the possibility and options for charging per metre of boat length in a report to the Executive Councillor in January 2009.
- 2.1.4 Replace the current assessment criteria for the waiting list so that priority for available RMLs is given in strict chronological order to boat owners who will use the boat as a primary residence within 3 months of being offered a RML. The award of a RML shall be conditional to the licence holder owning and living on an appropriately registered boat and taking up a mooring in the permitted areas within three months of the award of the licence. If this is not achieved, the licence shall be withdrawn.
- 2.1.5 Retain the number of RMLs to be issued at any one time at 70. Administer RMLs for widebeam vessels as recommended in the report.
- 2.1.6 Include an additional item to be included in the terms and conditions of the RML requiring holders to provide grab ropes or chains on the river facing side of their vessel.

- 2.1.7 Reconsider the viability of installing mooring rings during 2008/09, and bring forward conclusions and recommendations in July 2008.
- 2.1.8 Consider options, costs and benefits of providing more accessible recycling services, and bring forward conclusions and recommendations in July 2008.
- 2.1.9 Schedule a programme of work to make further improvements to the riverbank.
- 2.1.10 Continue working with the Conservators of the River Cam and river users to ensure that the Council's Moorings policy contributes to an outstanding river amenity for everyone.
- 2.1.11 Note comments on the administration of the scheme and support suggestions for improved communication with stakeholders.
- 2.1.12 Report any additional recommendations arising from the Association of Inland Navigation Authorities' Advisory Document 'Residential Use on Water' to the Executive Councillor in January 2009.
- 2.1.13 That, subject to further consideration by the Leader, the Council's River Mooring Policy shall be amended as below:
  - (a) The Council, as a riparian land owner, reserves the right to take legal action to enforce against mooring activity that takes place without its express permission.
  - (b) That, subject to recommendation 2.1.13 (d), mooring is prohibited in Area A;
  - (c) That, without prejudice to recommendation 2.1.13 (b), officers are asked to draw up a scheme which would permit the mooring of a restricted number of permitted punts in Area A for consideration by the Executive Councillor.
  - (d) That the Director of Community Services is given delegated powers to permit punts to moor for short periods to allow their occupants to make leisure use of Jesus Green (picnics etc) and is asked to draw up rules. For the avoidance of doubt, the rules should not permit mooring in connection with the operation of a business.

### **3. Background**

3.1 The River Moorings Policy was introduced on the 1<sup>st</sup> April 2006. In the year 2007/2008, the scheme has run almost continually at its capacity of 70 licences.

3.2 Although the 2006 review identified the need to charge VAT on top of the River Mooring Licence fee, following representations from the riverboat community in March 2007, this aspect was reversed and the costs of paying VAT have been met by the Council from funding set aside for mooring-related expenses. During discussions on this issue in March 2007, the Executive Councillor requested that a full review of the pricing structure was undertaken during 2007, and that a report was brought forward for consideration in January 2008.

3.3 To date, the cost of a RML has been fixed to Council Tax Band A, and has additionally been discounted to accommodate single occupancy and those on low incomes. No account is currently taken regarding the length or width of boats. These issues had also been previously raised at the policy review workshop held in 2006.

3.4 Currently mooring is not permitted in Area A. This is because the Conservators of the River Cam prohibit mooring for navigational reasons in this part of the river. The Conservators have indicated to the Council that this aspect of their Mooring Policy will be reviewed, and therefore the Council needs to determine appropriate use in Area A and incorporate this into its River Mooring Policy.

3.5 In the last 12 months, the Council has continued a successful partnership with the Conservators of the River Cam, and has arranged quarterly feedback meetings with representatives from the Rowing and Riverboat community. These stakeholders have been involved in shaping the consultation process that underpins this year's review.

3.6 In October 2007, the Executive Councillor agreed that the survey and consultation underpinning the review should focus on the following aspects:

- Review of the price of a RML, with a particular focus on fairness in apportioning charges. Assuming 70 licences would continue to be granted, the Executive Councillor instructed officers to make recommendations for a revised scheme that would deliver an identical income target (subject to inflation and any change to the number of licences to be issued)
- Review of the administration and prioritisation of the waiting list for a River Mooring Licence
- Review of the number of RMLs provided
- Assess awareness of and suggestions for, new improvements
- Views on the administration of the policy
- Review of the use of the riverbank on Jesus Green (known as Area A.)

3.7 Phil Back Associates were commissioned to design and undertake consultation, coordinate a stakeholder workshop and from this, produce a report summarising findings to inform the officer's final report to the Executive Councillor. Officers concluded at an early stage that there were two distinct groups of stakeholders - one connected with the operation of the policy, and another connected with the wider use of Jesus Green. In order to prevent consultees from being asked a large number of irrelevant questions, it was decided that two separate surveys should be commissioned. The Consultant's reports are available as background papers. They highlight the methodology used and provide a detailed analysis of the findings. This report summarises key aspects which shape the recommendations.

3.8 As previously highlighted, the Conservators of the River Cam are reviewing aspects of their River Mooring policy during the winter period, and discussions were held with the Chairman and River Manager to determine whether joint consultation could be considered. However, the scope and timescales of each party were incompatible, and so separate approaches were agreed alongside continuing cooperation.

3.9 A stakeholder event was organised to take place on 12 December 2007. A wide range of stakeholders were invited to this meeting. At this meeting, Phil Back presented the preliminary findings of the survey undertaken in connection with the operation of the River Moorings policy, and further discussion took place. The detail and outcomes of the discussion is highlighted in the consultant's report and summarised under the following headings:

### **3.10 Review of fees and charging structure to apply for 2008/09.**

#### Background

The current fee is aligned to Council Tax Band A. The fee incorporates VAT at 17.5%. Discounts are available for single occupants, people on low incomes and students. The association of the RML fee with Council Tax has caused misunderstanding on a number of levels. The fee was originally associated with Council Tax Band A as there was consensus amongst those consulted in 2005 that this level of charge was perceived to be fair. In March 2006, the Executive Councillor for Customer Services and Resources approved a local Council Tax Discount under Section 13A of the Local Government Finance Act 1992 as part of the Mooring Policy and agreed that those taxpayers in compliance with the Mooring Policy are subject to a local Council Tax Discount.

The table on the next page illustrates the amounts payable by category for a Cambridge City Council River Mooring Licence in 2007/08:

<b>Payment status of licence holder</b>	<b>Amount payable annually *</b>	<b>Amount payable monthly *</b>
Full fee - no discount	£855.39	£71.31
Single occupancy discount of 25% (to be removed)	£641.54	£54.48
Low income or student discount of 50%	£427.70	£35.66

\* The amounts payable include a VAT element of 17.5%.

The RML fee compares favourably with charges for mooring fees charged elsewhere in England. According to a Sunday Times article on residential mooring ('The Life Aquatic', 21 March 2006), fees vary from approximately £780 to £3,000 per year. A number of agencies appear to charge on at least £70 per metre (length of boat). The table below illustrates a range of charges:

<b>Scheme</b>	<b>Annual Residential Mooring Fee (inc VAT)</b>	<b>Discounts available</b>
Bristol City Council	£ 1082.75 (Class A; £71 per metre)*	10% up front 7.5% in 2 instalments
British Waterways (BW) Erewash Canal	£1075.12 (£70.50 per metre)	A 10% prompt payment discount may apply
BW Grand Union Canal, Benbow	£2020.62 (£132.50per metre)	As above
BW Lee Navigation, Stonebridge	£1677.50 (£110 per metre)	As above
BW Nottingham & Beeston Canal	£1212.37 (£79.50 per metre)	As above
BW, Shropshire Union Canal, Norbury	£1473.45 (£75 per metre)	As above
BW, Grand Union Canal, South East	£1192.85 £78.22 per metre	As above

Given the average length of a Riverboat with a RML in Cambridge is 15.25 metres, the comparative average charge per metre for a boat owner paying the full fee is £56.09. This average drops to £28.94 for a boat owner on a low income.

#### Views from consultation

Overall, the majority view is that the level of charging is about right. There is a small majority support for the fee to vary in accordance with the length of the boat. A significant number of those consulted favour concessionary charging in relation to ability to pay; this included retaining a discount for students. A smaller majority felt that the fee should remain consistent regardless of the number of people living on the boat, whilst a larger majority felt the fee should remain the same regardless of location of mooring.

#### Recommendations

- Retain the pricing association between the full River Mooring Licence (RML) fee and Council Tax band A for 2008/09, but from 2009/10 onwards, increase in accordance with inflation as determined by the RPIX as of 30<sup>th</sup> November each year.
- Withdraw the entitlement to discount on the RML fee based on single person occupancy for 2009/10 onwards, whilst retaining concessionary rates for people on low incomes and students.
- Undertake more research into similar river mooring charging schemes, and revisit the possibility of charging per metre of boat length in a report to the Executive Councillor in January 2009.

### **3.11 Review of assessment criteria for allocation of River Moorings Licences from the waiting list.**

#### Background

The waiting list is currently operated on a strict chronological order using the previously approved criteria:

- i. People who permanently live on their boat (31)
- ii. City residents who moor and use for holidays (3)
- iii. City residents who use and hire their boat (0)
- iv. Boats used for storage (0)

The numbers in brackets represent actual numbers on the waiting list in each category.

There are currently a *further* 31 people without a boat who state they would acquire a boat use it as their sole residence if they were offered a licence.

#### Views from consultation

Whilst it should be noted that the numbers responding to the consultation were relatively small, there was a significant consensus that supported a straightforward strict chronological progression. Although consultees did not suggest giving priority to prospective boat owners, it is felt that this restriction currently creates a 'blockage' in the system for both people unwilling to purchase a boat without a suitable mooring place, as well as those with a RML who wish to sell a boat locally (although it should be noted that licences are not transferable).

#### Recommendations

- i) Amend the current assessment criteria for the waiting list so that priority for available RMLs is in strict chronological order and given to boat owners who will use the boat as a primary residence within 3 months of being offered a RML. The RML fee will be payable from the date the holder indicates they will accept the RML.
- ii) From 1<sup>st</sup> April 2008, the current list of 31 people with a boat will retain their position on the waiting list; however, the list will be extended to include those currently without a boat but who would purchase and live on an appropriately registered boat and take up a mooring in the permitted areas within three months of the award of the licence.

### **3.12 Review of the number of River Mooring Licences to be issued in 2008/09.**

#### Background

The original consultation undertaken in 2005 suggested a total of 70 licences should be made available.

#### Views from consultation

The vast majority of respondents take the view that the current number is about right. A number of concerns were expressed around the need to restrict the number of widebeam vessels - The RMP currently provides for 15 widebeam RMLs.

#### Recommendation

- i) Retain the number of RMLs to be issued at any one time at 70.
- ii) Retain the current number of widebeam RMLs at 15. A waiting list for widebeam RMLs will be maintained and operated in strict chronological order; however, only existing RML holders will be issued widebeam licences.

### **3.13 Suggestions for additions to the improvements programme.**

#### Background

In the last twelve months, the Council has financed mooring-related improvements costing approximately £62,000. These have included the refurbishment of the Pump Out at Jesus Green (of which one aspect is still outstanding), the installation of a water point on Stourbridge Common, and repairs to the riverbank.

### Views from consultation

The consultation revealed awareness of improvements was inconsistent. Levels of awareness were higher amongst licence holders, but not to the extent that might be expected. Respondents were asked about other improvements they would like to see considered. This generated 96 requests in total for 28 different improvements; however, there was a degree of consistency in requests for the following items:

- i. The provision of mooring rings,
- ii. Additional recycling facilities
- iii. Improvements to the condition of the riverbank.

### Recommendations

- i) Take appropriate advice and consider the viability and the consequences of installing mooring rings and bring forward conclusions and recommendations in July 2008.
- ii) Consider options, costs and benefits of providing more accessible recycling services, and bring forward conclusions and recommendations in July 2008.
- iii) Schedule a programme of work to make further improvements to the riverbank.

## **3.14 Administration of River Moorings Policy**

### Background

The administration of the River Mooring Policy is coordinated by Active Communities. The administration includes management of the waiting list, allocation of licences, raising of invoices, issuing licences, enforcement, liaison with partners, promotion and distribution of information, commissioning of services and approved improvements. The River Bailiff (employed by the Conservators of the River Cam) monitors the river on a weekly basis, detailing all vessels moored in Cambridge, their current position and registration status. This information is shared with Active Communities. To enforce the River Moorings Policy, Cambridge City Council is able to take action for trespass through the County Court. The Association of Inland Navigation Authorities (AINA) has recently produced a draft Advisory Document, 'Residential Use on Water'. This has been commissioned by the Department of Communities and Local Government (DCLG) and aims to offer guidance to navigation authorities and local authorities.

### Views from consultation

In parallel with other aspects of the survey, views of respondents tended to vary depending on the stakeholder group. There is however a measure of consensus in respect of general satisfaction with some aspects of the service such as availability, speed of answering the phone, and to a lesser extent, courtesy and fairness. People on the waiting list are more likely to have a negative view on issues such as how complaints are dealt with and how they are kept informed. There is a more consistent concern that that the Council should improve its understanding of the needs of stakeholders.

### Recommendations

- i) Establish an e-bulletin to be circulated to interested parties following the existing quarterly stakeholder meetings.
- ii) Continue working with the Conservators of the River Cam and river users to ensure that the Council's Moorings policy contributes to an outstanding river amenity for everyone.
- iii) Report any additional recommendations arising from the AINA Advisory document 'Residential use on Water' to the Executive Councillor in July 2008.

## **3.15 Revised policy reflecting use of the riverbank on Jesus Green (Area A).**

### Background

The Council's current policy does not permit mooring in Area A. This is because to date, the Conservators of the River Cam have prohibited mooring in this area for navigational reasons. In the autumn of 2007, the Conservators indicated to the Council that a review of their Mooring Policy would take place during the winter of 2007/08. They highlighted that this review will include reconsideration of the prohibition, and that it may be rescinded. Therefore, as riparian owner, the Council needed to reach a view of the appropriate use of

river bank in order that it could be incorporated within the Council's River Mooring Policy if required. To ensure a balanced view considered, the consultation was undertaken with a wide group of stakeholders.

#### Views from consultation

If mooring were to be allowed in this area, respondents would be more inclined to favour regulated punt operations. There is little enthusiasm for permitting visitor mooring on this stretch of the river and still less support for residential moorings. Mooring of residential or visitor craft, and excessive punt operations are seen to be damaging (or having the potential to damage) the environment and amenity of the green, both by limiting access to the river for other purposes (including angling) and by obstructing an otherwise attractive view across the river towards Jubilee Gardens. Insofar as there is a future vision for this area, it seems to centre on keeping things largely as they are (i.e. no moorings) and regulating punt operations.

#### Recommendations

That, subject to further consideration by the Leader, the Council's River Mooring Policy shall be amended as below:

- (a) The Council, as a riparian land owner, reserves the right to take legal action to enforce against mooring activity that takes place without its express permission.
- (b) That, subject to recommendation (d), mooring is prohibited in Area A;
- (c) That, without prejudice to recommendation (b), officers are asked to draw up a scheme which would permit the mooring of a restricted number of permitted punts in Area A for consideration by the Executive Councillor.
- (d) That the Director of Community Services is given delegated powers to permit punts to moor for short periods to allow their occupants to make leisure use of Jesus Green (picnics etc) and is asked to draw up rules. For the avoidance of doubt, the rules should not permit mooring in connection with the operation of a business.

## **4. Implications**

### **a) Equal Opportunities**

A full Equalities Impact Assessment has been completed. A concessionary scheme is currently available for those on low incomes to ensure access to the scheme is equitable. The Mooring Licence fee is discounted by 50% on production of evidence of low income or educational status. The approach utilised is that of comparability with Cambridge Card's Leisurecard A criteria. The removal of single occupancy as a discount category will impact on a total of 42 current licence holders. Of these, 8 (5 students, 3 people in receipt of low incomes) are entitled to receive a 50% reduction in the RML fee and will therefore see no change in their payment liability. The removal of single occupancy discount will not come into effect until the payment period 2009/10 in order that the people affected have an adequate notice period to enable them to make any necessary adjustment.

### **b) Financial**

Whilst it has never been the Council's intention that the cost centre for administration of the River Mooring Policy is hypothecated, to date, the costs of administering the scheme and providing basic services have utilised the full extent of income received. The refurbishment of the Pump Out at Jesus Green was financed via a budget bid. Repairs to the riverbank have been financed to date from an R and R fund set up for this purpose. The Council now has to pay VAT at 17.5% on income received from RML fees, and the impact of this has reduced the sums originally available for improvements to approximately £4,500 per annum.

### **c) Staffing**

There are no implications for staffing in the report

#### **d) Environmental**

Recycling performance will be improved if options for improvements to collection can be agreed and implemented

#### **5. Background papers**

Consultant's Reports:

Review of River Mooring Policy – pricing and administration

Review of River Mooring Policy – Jesus Green (Area A)

#### **6. Appendices – None**

#### **.7. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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