

Bath & North East Somerset Council		
MEETING	Cabinet	
MEETING	16 January 2020	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3180
TITLE:	Mead Lane Moorings	
WARD:	Saltford	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <ul style="list-style-type: none"> • Consultation Report and Options Analysis, Mead Lane Moorings, Saltford (November 19) • Appendices – Consultation report and Options Analysis • Equality Impact Assessment 		

1 THE ISSUE

1.1 As landowners, the Council is responsible for a stretch of riverbank adjacent to Mead Lane, Saltford. The Council introduced a 12 month mooring trial in November 2016 following discussions with the local community. The purpose of this report is to provide an update on the trial; consider the feedback received from communities and partners and agree the next steps.

2 RECOMMENDATION

The Cabinet is asked to;

2.1 Request officers undertake a structural survey of the river bank at Mead Lane and as part of the survey consider the suitability of this land for future moorings. This request is subject to approval of the revenue budget provision by Cabinet/Council in February 2020.

2.2 Request that officers report back to Cabinet once the results of the structural survey are known, to enable Cabinet to make an informed decision on the long term use of this land

- 2.3 In the interim period (whilst the survey is undertaken) Cabinet to decide whether to remove moorings at mead lane, or remove the 48 hour mooring facility (leaving the 14 day), or leave the existing arrangements in place.
- 2.4 Request that officers undertake further analysis of residential mooring arrangements along the river, to include arrangements for boaters and their families.

3. THE REPORT

- 3.1 The council undertook works to stabilise the river bank adjacent to Mead lane around 2004/5. It appears that the stabilisation works resulted in the site becoming more attractive for residential moorings. Over the subsequent years complaints from the local community about unregulated moorings increased and the council agreed to introduced a mooring trial (2016/17), with the aim of addressing these concerns. The trial resulted in the provision of a mixture of 14 day and 48 hour residential moorings (there are more 14 days moorings). Mooring posts and an information board were installed. Revenue resources were not identified to coordinate the monitoring of the moorings, including overstays. Where appropriate, complaints have been investigated on a case by case basis by individual services at the council. There is a strong feeling in the community that the council should have allocated resources to enhance monitoring/compliance checks and for any follow up action. The council did explore with the Canal & Rivers Trust if they could manage these moorings but at the time this wasn't supported due to lack of capacity and no commitment from the council to allocate resources.
- 3.2 Since 2017, community tensions have escalated between the local community and the boating community. This resulted in a 'Community Trigger' being called by the then ward councillor, under the provisions of the Police and Crime Act 2014 (September 18). The 'Trigger' is a mechanism by which victims of persistent anti-social-behaviour (ASB) can ask relevant bodies to review their response and action. A number of actions were agreed and implemented as a result of this process. The 'Trigger' was not seen to resolve all the issues by local residents.
- 3.3 There is a requirement for boaters to move on a regular basis to ensure compliance with their continuous cruising licences (issued by the Canal and Rivers Trust). The Live-aboard Boaters place a high value on the moorings, particularly the 14 day facilities. There are very limited opportunities to moor along the River Avon (Navigation) with The Canal and Rivers Trust (CRT) advising that the moorings at Mead Lane are the only 14 day moorings available on the river. There are limited 24/48hr moorings at Mead Lane, Bitton and Hanham.
- 3.4 In 2013 B&NES Housing & Major Projects Overview & Scrutiny Panel ran a Task & Finish review on Boat Dwellers & River Travellers and concluded that the current provisions for boaters was poor and we should seek to provide more moorings and better facilities.

- 3.5 In 2017 the council in partnership with the Environment Agency, Canal & Rivers Trust and Wessex Water produced the Waterspace study; this included a detailed boater survey. The results highlighted the need for more moorings, accessible/disabled moorings and better enforcement. The study also included possible interventions to improve Mead Lane moorings.
- 3.6 During February 2019, a senior officer was requested to coordinate and review the council's action and response to issues along Mead Lane. Informal discussions and site visits were held with all parties to better understand the background to the multitude of issues/concerns and with a view to finding a common way forward.
- 3.7 Following these initial meetings enhanced monitoring arrangements were put in place, these consisted of:
- Increased Police Officer/PCSO patrols
 - Use of 3GS to undertake proactive environmental patrols
 - Moorings compliance checks

Note: monitoring of overstays was not undertaken as part of these arrangements

- 3.8 16 compliance visits were undertaken by officers between 16 May and 13 November 2019. During these visits officers noted that there was no evidence of nuisance, littering or ASB. The one regular non-compliance noted related to boats mooring to trees, rather than using the mooring hooks. Visits were undertaken during the working week, at evenings and at weekends. During this same time period the community continued to provide regular reports of overstays and forward allegations of anti-social-behaviour/criminal activity.
- 3.9 Colleagues at Avon and Somerset Police advise that over the 12 month period (October 18-19), 12 calls were logged from the community about matters in and around the Mead Lane area. They advise that appropriate investigations were undertaken. All matters were dealt with on an informal basis.
- 3.10 In May 2019, following a discussion with the Cabinet Member for Community Services and the Ward Councillors for Saltford, it was agreed to undertake a community consultation on the future of the moorings. The trial arrangements had been informally reviewed; however, it was felt that a formal review was necessary. An independent organisation was engaged to undertake this consultation and engagement.
- 3.11 During the consultation period additional questions were raised about the suitability of this stretch of Mead Lane for residential moorings. Reference was made to a number of documents, including engineering reports that informed the stabilisation works in 2004/5. Questions have been raised by the community about the potential impact of the moorings and the suitability of the site for continued residential moorings. Advice was sought from one of the council's most senior civil engineers. He advises that the

age of the report and history since the consultants undertook the investigation means that it would not be advisable to base any recommendations on this information. The road is subject to periodic inspection by the Highway Inspector who would report any visual evidence of the road being affected by the moorings. At present, there is no visual evidence of deterioration. In summary, the only way the council could determine the current condition of the bank and its' suitability for future moorings is to commission a specialist survey. At present, we have no evidence either way of any direct impact of moorings on the condition of the riverbank. This would require the council to employ a specialist contractor.

3.12 The provision of open space, canoe launch points and places for fishing have been raised as part of the most recent consultation process. The Shallows, Saltford is council owned open space close to Mead Lane which has been identified in the Waterspace study (project 18) for improvement for biodiversity, canoe launch point and is also a place to fish. Along the River Avon there is over 6 miles of riverbank for free fishing and six local angling clubs with fishing rights.

4. STATUTORY CONSIDERATIONS

4.1 The consultation process. A robust and detailed consultation and engagement plan was implemented. The council has ensured that it is compliant with the following principles to ensure a fair consultation:

- consultation on proposals at a formative stage
- the consultation period should be of adequate time and
- The product of the consultation should be conscientiously taken in to account

4.2 Equality Act 2010 duties. The Council has a public sector equality duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people carrying out their activities. Live aboard boaters are not specifically covered under the protected characteristics identified under the Act (eg Gypsies and Irish Travellers); however, age, disability and pregnancy/maternity are protected characteristics under the legislation. In March 2019, CRT data indicated that there are 995 boats operating between Bath and Foxhangers, of which 403 of these are on continuous cruiser licences. 48 boats/boaters have licences with reasonable adjustments in place under the provisions of the Equalities Act 2010. Overstays are also approved by the CRT in cases of mechanical breakdown, medical emergencies and where boaters have caring responsibilities. In summary, there will always be a number of overstays on the Mead Lane site over any designated period, for legitimate reasons. Barriers faced by boaters include access to services, access to public transport and the affordability and availability of suitable residential moorings.

4.3 Equality Impact Assessment/Equality Analysis (EIA). (Appended). The River Avon at Mead Lane, Saltford is a popular location for leisure and recreation, and for informal mooring of boats. Until now it has been used as an unregulated mooring space utilised by live aboard and other boaters. The area was subject to a temporary mooring trial introducing 48 hour and 14 days' time limited moorings between December 2016 and October 2018.

Boat dwellers with a continuous cruising licence must move every 14 days (unless extenuating circumstances arise). The moorings at Mead Lane make up part of the local mooring network and some of those using the moorings will have a car to enable them to get to work/school/GP etc.

The Council is owner of this stretch of the river and does not have regulatory power to enforce mooring compliance. As the Council is the owner of this stretch, Canal and River Trust do not have the powers to monitor, inspect and report on overstaying, therefore during the mooring trial compliance with the 14 day or 48 hour stays was self-regulatory.

Bath and North East Somerset Council commissioned an independent survey of stakeholders on the options for the future of the Mead Lane moorings, and seeking views from all those who live, visit and work in the area.

In advance of the mooring trial white lines were installed along the lane to discourage vehicles parking opposite residential driveways (Nov 2016).

During the period of the mooring trial a Traffic Regulation Order prohibiting overnight parking between 1am-8am was consulted upon. A decision was made not to implement a parking restriction.

The intended outcome of the mooring consultation is to resolve current tensions and complaints from some house residents against boaters and vice versa.

In this case the service users are the general public, some of whom are boat dwellers and others using boats to travel along the River Avon. CRT figures show: March 2019 – 2,456 boaters on Kennet & Avon canal, 995 boats between Bath and Foxhangers (40% of boats on 22% of K&A), 403 of 995 are continuous cruisers, 80 holiday hire, 43 trade boats. The proposal will have an impact on boat dwellers (continuous cruisers on the waterways network) as well as residents and leisure users of the moorings at Mead Lane.

4.4 Housing considerations. The residential moorings at Mead Lane do not fall under the provisions of the Housing Act 2004. Residential moorings do not constitute a travellers' site or transit site and are not a site created by the council. Further, the Housing Health and Safety Rating System (Housing Act 2004) does not apply to boats; the standards are covered by the C&RT licensing process. Matters relating to disposal of waste, human or domestic from boats are dealt with by the C&RT. A live aboard boater, like any resident, can apply for social housing or, if

appropriate, present as Homeless under the Housing Act 1996. With regard to the Housing and Planning Act 2016, the Council is required to consider the needs of boaters when carrying out its periodic Gypsy and Traveller needs assessment. Currently a contractor working across the West of England area is undertaking this work. The results of this survey are to be made available January/February 2020.

4.5 Enforcement provisions. The council and police have powers under various pieces of legislation to remove caravans etc from unauthorised sites on land. However, this legislation applies only to wheeled vehicles. There is an expectation in the local community that the council will take trespass action for mooring overstays. Officers carefully balance duties and responsibilities, public interest, likelihood of success and cost before commencing any enforcement action. Trespass action could be considered for individual mooring overstays where there was evidence of a mooring over a prolonged period of time and where detrimental impacts of actions by an individual boat/boater could be evidenced. The cost of such proceedings can escalate quickly. The council is not currently resourced to gather this evidence and instigate legal proceedings of this nature. That said, officers continue to respond to resident requests/enquiries in accordance with our policies and procedures. It is recommended that if moorings are to continue at this locality, some revenue sum should be put aside to engage CRT to undertake enhanced monitoring and action to secure compliance with any contraventions of licences.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The infrastructure installed to implement the trial in 2016 was funded from a small capital grant. No additional revenue sums were allocated at this time to enhance and coordinating monitoring arrangements. The residential moorings have taken up an increasing amount of officer time in recent years, as community complaints and enquiries have increased.

5.2 A growth bid has been submitted as part of the 20/21 revenue budget considerations, to undertake any one off small works and to provide a sum for on-going monitoring and enforcement (£35k for 20/21 and an on-going annual revenue provision of £25k from 21/22). The draw-down of these funds is subject to the Cabinet decision to continue with/or not to continue with residential moorings at Mead Lane. It is estimated that the costs of the structural survey would be in the region of £10,000. Should the growth bid be approved, the remaining funds would be utilised to enhance monitoring and enforcement arrangements and to undertake any further analysis of current residential moorings and boater needs.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6.2 The key risks and mitigation measures are detailed below:

Risk	Details	Mitigation
Legal	<ul style="list-style-type: none"> • The council has a range of statutory duties to fulfil • Risk of legal challenge on either side 	<ul style="list-style-type: none"> • Relevant officers across the council engaged in the review and in response to enquiries
Financial	<ul style="list-style-type: none"> • Costs to implement any agreed Cabinet decision and to respond to consultation outcomes • Significant officer time is currently being spend responding to enquiries • Cost of any legal challenge 	<ul style="list-style-type: none"> • Revenue growth bid submitted for consideration in accordance with council financial planning and governance processes
Safety	<ul style="list-style-type: none"> • Stability of the riverbank and impact of moorings 	<ul style="list-style-type: none"> • Up to date survey to be commissioned, subject to Cabinet/Council approvals
Reputational	<ul style="list-style-type: none"> • In recent years there has been a deterioration in the relationship between the council and a small number of local residents and local partners 	<ul style="list-style-type: none"> • Engagement of an independent third party to undertake the consultation and engagement • Decision making through Cabinet to enable all interested parties the opportunity to participate in the democratic process and ensure that a decision on the future of the moorings is open and transparent

7 CLIMATE CHANGE

7.1 The impacts of climate change will result in more frequent/heavy downpours of rain, possible higher wind speeds.

7.2 Related considerations include how the council manages flood risks and takes forward opportunities to enhance the natural environment, water quality and air quality.

8 OTHER OPTIONS CONSIDERED

8.1 There are two options available to Cabinet at this time – to either make a decision without the benefit of an up to date survey or put in place an interim arrangement until the results of an up to date structural survey of the riverbank are known. As this is such a specialist area of work it may take several months before the survey is completed and the report received. River conditions need to be suitable for the undertaking of a survey. During this interim period Cabinet could make a decision to remove all mooring facilities, leave the existing mooring arrangements in place, or reduce the number of moorings – retaining the 14 day facility.

8.2 Consideration should be given to a number of matters including safety and suitability of the riverbank, the needs of boaters to access suitable moorings and the risks of legal challenge and associated costs.

8.3 There is no evidence that the residential moorings are having/not having an impact upon the structural stability of the bank at this time.

8.4 The Cabinet could decide to make a final decision on the future of the moorings/land at Mead Lane. However, this would be without benefit of an up to date structural survey. This information is considered necessary before any decision can be taken.

9 CONSULTATION

9.1 The consultation took place between 30 September and 31 October 2019. It consisted of an on-line questionnaire, three stakeholder events and one to one discussions with partners. The consultation was widely advertised and we received 1,251 responses, including over 3,500 long answers. 99% of survey responses were submitted through the on-line portal. Questions included:

- What people liked/disliked about Mead Lane
- Views on future mooring options (as per current arrangement, changes to 14 day/48 hour arrangements, fewer moorings, remove the option to moor, riverbank as open space)
- Views on enforcement and management of the moorings
- Potential charging
- And an open section for more broader feedback

9.2 Details of the consultation exercises and responses are appended to this report. All parties were advised that the validity of the results would not be considered on numbers alone. Whilst a small number of multiple entries were identified, this did not skew the overall results of the consultation exercise.

9.3 One of the most interesting outcomes from the consultation is the common ground between the local community and the boaters. Feedback indicates that value is placed on the natural beauty, wildlife and peace and quiet of Mead

Lane. Conversely, dislikes include unfriendliness, litter, waste, pollution and damage to biodiversity. Please refer to sections 3.2.7 – 3.2.8 of the appended report.

9.4 With regard to the future options, the following conclusions are contained in the report (section 3.2.9):

“When viewed by respondent type, those who identified themselves as Salford residents were more likely to support the provision of open space and fewer or no moorings. Notwithstanding this general trend, the option offering the split of mooring types (14 day and 48 hour) to remain the same was either “strongly supported” or “supported” by 42 Salford residents, and the idea of increasing the number of 48 hour moorings and offering fewer 14 day moorings was supported by 67 Salford residents. 69 Salford residents stated that they did not support the closure of all moorings at Mead Lane.”

“Those who identified as boat dwellers were more likely to support maintaining or improving mooring opportunities in this location. 66% of the boat residents who answered the question were supportive of an increase in 14-day moorings, and 62% supported the situation remaining as it is currently.

Contact person	Mandy Bishop, Director of Environment Tel: 01225 394019
Background papers	Mead Lane Mooring Trial 2016 – 17 (v3) – Report on One Year Trial (available upon request)
Please contact the report author if you need to access this report in an alternative format	