

Scrutiny committee

Report of head of HR, IT and Technical Services

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To: Scrutiny committee

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Abingdon Moorings Policy

Recommendation

1. The committee is invited to:
 - comment upon the attached draft policy to deal with moorings on Vale Council owned land
 - make recommendations to the cabinet member for regeneration, economic development and property for any alterations to the draft policy prior to its finalisation.

Purpose of report

1. To seek committee members' views on the attached draft policy to deal with moorings on Vale Council owned land.

Background

2. The Vale Council has for several years made its moorings available to visiting boaters and has taken informal action to make sure that boaters do not overstay and restrict the space available for new visitors. However, the Vale Council has not, until now, had a formal policy that sets out the terms and conditions for the use of its moorings and therefore officers' ability to move overstaying boats has been limited.
3. Since 2014, the Vale Council has employed a moorings inspector on a casual basis to monitor the moorings and a dedicated email address moorings@southandvale.gov.uk has been established for reporting issues and concerns about the moorings. This has been effective in reducing the problem of overstaying in the main. However, the area at Wilsham Road has been more

problematic due to poor signage and a number of boats refusing to move on, creating anti-social behaviour and a nuisance to local residents.

4. Two workshops were held with interested parties in 2014 to discuss issues surrounding the moorings in Abingdon. It was agreed at the workshops that a formal policy would be an effective way of dealing with the issues that have arisen on the river recently, for example boaters expressing confusion over what is allowed at the mooring sites, or taking advantage of the lack of a structured approach from the Vale Council to overstay.
5. Following the last workshop in November 2014, it was agreed to establish a small working party to take forward actions from the meeting. This group involved representation from Abingdon Town Council, the Environment Agency, the Abingdon Chamber of Commerce and the Vale Council.
6. The workshop identified that there is a need a formal policy document to be produced and the working party were tasked in developing this policy which would confirm the Vale Council's current system of management and the changes that had been supported by meeting attendees; specifically the reduction in the free stay period to three days and the introduction of a penalty charge for overstaying. The workshop attendees agreed that there is a need for better information for boaters, including signage that clearly indicates where the Vale Council's moorings were located. The working group were also tasked with production of a leaflet to promote the moorings policy.
7. The delay in finalisation of the policy has been due to the delay in registration of the Vale Council owned land with the Land Registry which has been ongoing since 2013. However, the relevant areas associated with the moorings were confirmed by the Land Registry in August 2016 as being registered to the Vale Council, enabling the policy to be finalised.
8. Abingdon Town Council has been consulted during the development of the policy, most recently at the meeting of its Planning, Highways and Consultations Committee on 8 August 2016 when the draft policy was discussed.
9. The draft policy has been published on the Vale Council's website.

Strategic objectives

10. This project will contribute towards the strategic objective of "building an even stronger economy" and corporate priorities of "supporting tourism in Vale" and "ensuring the success of our town centres", in this case Abingdon.

Policy objectives

11. The primary objective of this draft moorings policy is to encourage more visiting boaters to moor at Abingdon and peacefully enjoy the moorings, the town and surrounding area. This will be achieved by a policy that allows boaters to moor their boat free of charge in Abingdon for a reasonable amount of time but discourages overstaying or any misuse of the moorings.
12. The secondary objective of this draft mooring policy is to provide suitable moorings for local residents of Abingdon to moor their boats. This will be achieved by a

policy that allows boaters to pay an annual fee to moor their boat at Wilsham Road.

Differences from previous methods of dealing with moorings

13. The time allowed to moor is being reduced from five to three nights on temporary moorings in order to encourage a higher turnover of boats visiting the town.
14. To introduce a penalty charge of £100 for boats who remain beyond three nights on the temporary moorings or who return within three nights to any of the Vale Council owned temporary moorings in Abingdon.
15. To provide mooring for local residents at Wilsham Road on an annual basis, for a fee of £500.
16. Boaters will be directed to the policy on the Vale Council's website, by way of new signage. This will give clarity to boaters on what they can and cannot do.

Legal Implications

17. By implementing this policy there will be legal implications in respect of issuing fines to overstaying boats and those who return within the three day window.
18. External legal advice has been sought on the draft policy having regard to the Oxfordshire Act 1985 and the Vale Council's ability to enforce such a policy.
19. Advice received is that there will be a requirement for the Vale Council to establish a bylaw under S235 of the Local Government Act 1972 to enable the Vale Council to implement the terms of the draft policy and to provide the Vale Council with sufficient power to be able to seize boats that are abandoned or subject to unpaid penalties.

Financial Implications

20. The policy offers the Vale Council the opportunity to generate a new source of income, particularly in relation to the Wilsham Road area.
21. The current cost for employing the services of a casual moorings inspector is around £1,000 per year. However with the new policy there will be an additional cost for issuing penalties when required and any associated enforcement. In addition, there will be an officer time cost to manage annual bookings for the Wilsham Road area.
22. Officers are currently in discussion with officers at Arcadis (the Vale Council's property management service) to determine whether this is a service that it can manage on behalf of the Vale Council.

Conclusion

23. Subject to comments from committee members, officers recommend that work to develop a bylaw is undertaken by legal colleagues. The adoption of the bylaw will be subject to Council approval. Once the bylaw is in place the draft policy will be updated to reflect its existence. An individual cabinet member decision is

proposed to be taken in respect of adoption of this new policy. In addition, this individual cabinet member decision will include the decision to authorise the head of HR, IT and Technical Services, in consultation with the relevant cabinet member, to agree the final terms of the policy, to determine the appropriate management of the policy and any future amendments to the policy.

24. The policy will enable the Vale Council to more effectively manage its moorings in Abingdon. Also the boaters themselves will be able to have a clear understanding of what is expected when using the facilities.

25. The committee is invited to:

- comment upon the attached draft policy to deal with moorings on Vale Council owned land
- make recommendations to the cabinet member for regeneration, economic development and property for any alterations to the policy prior to its finalisation.