

Record of Cabinet portfolio holder decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Mike Murray
Key decision?	Yes
Date of decision (same as date form signed)	21/4/17
Name and job title of officer requesting the decision	Suzanne Malcolm Economic Development Manager
Officer contact details	Tel: 01235 422217 Email: suzanne.malcolm@southandvale.gov.uk
Decision	To approve the Abingdon moorings policy for management of moorings on Vale Council owned land in Abingdon (attached). To authorise the relevant head of service in consultation with the relevant cabinet member, to make any future amendments to the policy, deal with the day to day management, implementation of the policy and setting of the fee for long-term mooring at Wissham Road.
Reasons for decision	<p>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.</p> <p>The primary objective of the 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.</p> <p>The secondary objective of this draft mooring policy is to provide suitable moorings for residents of the district to moor their boats. This will be achieved by a policy that allows boaters to pay an annual fee to moor their boat at Wissham Road.</p> <p>In 2014, two consultation meetings were held (on 12 May 2014</p>

and 4 November 2014) to discuss issues with Abingdon moorings following complaints regarding overstay on Vale Council owned moorings.

Both consultation meetings were attended by representatives from the boating community, River Users Group, River Thames Alliance Moorings Group, Environment Agency, Abingdon town council councillors and officers, Vale of White Horse district councillors and officers, Choose Abingdon Partnership, Abingdon Chamber of Commerce and various individual businesses and boaters.

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. As a result research was undertaken on best practice in managing moorings and an initial draft policy was produced.

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 overstay 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.


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. This group identified the need for improved signage and a leaflet to promote the new policy.

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.

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.

In September 2016, Scrutiny committee considered the draft policy. At this point it was considered that there was a need to establish a bylaw under S235 of the Local Government Act 1972 in order to implement the policy. However, subsequently legal advice was provided that determined that by making minor changes to the wording of the policy that it could be implemented without a bylaw in place. This means that the policy will be enforced using the Vale Council's powers as landowner.

	<p>In December 2016, the draft policy was published on the Vale Council's website. Feedback from members of the public following the publication of the draft policy on the website highlighted the need to make the long-stay moorings on Wilsham Road available not just to the residents of Wilsham Road. As such the policy has been updated to open the application process to all residents of the Vale district.</p>																		
<p>Alternative options rejected</p>	<p>The Vale Council could choose not to adopt the policy and continue with the current arrangement. However it is felt that it is appropriate for the Vale Council to have a policy in place in order to deal with any overstayng boats in the future. It also offers residents of the district the opportunity to have a long-term mooring which is regularly requested by members of the public.</p>																		
<p>Legal implications</p>	<p>By implementing this policy there will be legal implications in respect of enforcing overstayng boats and those who return within the three day window. The policy represents a legitimate means of enforcement.</p>																		
<p>Financial implications</p>	<p>The policy offers the Vale Council the opportunity to generate a new source of income, particularly in relation to the Wilsham Road area. On an annual basis, a fee needs to be determined as to how much the Vale Council will charge for these residents' moorings.</p> <p>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 more regular monitoring and any legal enforcement. In addition, there will be the cost of officer time to manage annual bookings for the Wilsham Road area.</p> <p>There will be a cost associated with replacing and implementing new signage. It is hoped that delivery of the new signage will be support by Abingdon Chamber of Commerce and Abingdon Business Improvement (BID) board.</p>																		
<p>Other implications</p>	<p>n/a</p>																		
<p>Background papers considered</p>	<p>n/a</p>																		
<p>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>	<p>n/a</p>																		
<p>List consultees</p>	<table border="1"> <thead> <tr> <th data-bbox="1890 967 1921 1114">Name</th> <th data-bbox="1890 775 1921 954">Outcome</th> <th data-bbox="1890 140 1921 316">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="1921 967 1953 1114">Ward councillors</td> <td data-bbox="1921 775 1953 954">No comments received</td> <td data-bbox="1921 140 1953 316"></td> </tr> <tr> <td data-bbox="1953 967 1984 1114"></td> <td data-bbox="1953 775 1984 954">No comments received</td> <td data-bbox="1953 140 1984 316"></td> </tr> <tr> <td data-bbox="1984 967 2016 1114"></td> <td data-bbox="1984 775 2016 954">No comments received</td> <td data-bbox="1984 140 2016 316"></td> </tr> <tr> <td data-bbox="2016 967 2047 1114"></td> <td data-bbox="2016 775 2047 954">Concern over effect on fishing rights and design of map</td> <td data-bbox="2016 140 2047 316">07/03/17 & 15/03/17</td> </tr> <tr> <td data-bbox="2047 967 2078 1114"></td> <td data-bbox="2047 775 2078 954">No comments received</td> <td data-bbox="2047 140 2078 316"></td> </tr> </tbody> </table>	Name	Outcome	Date	Ward councillors	No comments received			No comments received			No comments received			Concern over effect on fishing rights and design of map	07/03/17 & 15/03/17		No comments received	
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		Monica Lovatt Chris Palmer Robert Hall Vicky Jenkins	No comments received No comments received No comments received No comments received	
	Legal	Pat Connell Ian Price	Agreed Confirmed that the policy represents a legitimate means of enforcement.	20/02/2017 20/02/2017
	Finance	Emma Creed	Agreed	17/02/2017
	Human resources			
	Sustainability			
	Diversity and equality	Cheryl Reeves	No negative equality implications as a result of this policy	14/02/2017
	Strategic Management Board	David Hill	Need to clarify how future management of policy is going to be resourced	20/02/2017
Confidential decision? If so, under which exempt category?				
Call-in waived by Scrutiny Committee chairman?	n/a			
Has this been discussed by Cabinet members?	Yes – draft policy was discussed at cabinet briefing on 10 February 2017			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature  Date 21/4/17			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only	
Form received	Date: 21/4 Time: 10.20 am
Date published to all councillors	Date: 21/4
Call-in deadline	Date: 28/4 Time: 5 pm