

AGENDA ITEM NO 9

TITLE: Management of District Council Moorings along Ely Riverside.

Committee: Commercial Services Committee

Date: 12th November 2014.

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1.0 ISSUE

- 1.1 To identify an effective management solution for the moorings owned by the District Council along the Ely riverside, which allows the area to be enjoyed by visitors and residents and supports the local economy.

2.0 RECOMMENDATION(S)

- 2.1 Members are requested to:

- i) Approve the principal of introducing a 'cost neutral' visitor mooring management system, which takes a pro-active approach to dealing with boaters that overstay a specified time for mooring.
- ii) Authorise officers to consult key stakeholders and the wider community on the options for the effective management of the moorings managed by the District Council.
- iii) Report the consultation findings back to Commercial Services Committee at their meeting on 3rd March 2015, along with an options appraisal and recommendation on the preferred management option for the moorings moving forwards.

3.0 BACKGROUND

3.1 The Revocation of the Mooring Byelaw

The District Council had been working to extend the geographical extent of the existing Mooring Byelaw which had a clause which limited mooring to 48 hours, and prevented mooring for a further 48 hour period. This clause was to provide a consistent enforcement approach for visitors and ensure a turnaround of vessels to enable boating visitors to use the shops and services. However, during the final stages of this work, a representation was made to the Secretary of State regarding the legality of the existing and proposed Mooring Byelaw.

- 3.2 The representation stated that the purposes for which the District Council was seeking to make a byelaw were already covered under powers the Environment Agency had under the Anglian Water Authority Act 1977. The representation stated the District Council's Mooring Byelaw should not be

confirmed by the Secretary of State as it would be contrary to s235(3) Local Government Act 1972.

- 3.3 Legal advice was sought, which concluded that the issue raised within the representation was correct. Therefore a report was taken to the Full Council meeting on Thursday 16 October 2014 with a recommendation to revoke our existing and proposed Mooring Byelaws. The recommendation was approved.

3.4 Complaints since the Byelaw was challenged

Following legal advice that the Mooring Byelaw was ultra vires, the District Council stopped enforcing the Mooring Byelaw in April 2014, and as a result there have been at least 50 complaints to date made to the Council's Community Development Officer, mainly regarding boaters overstaying and therefore preventing other boaters from being able to moor and enjoy a visit to Ely. Other staff coming into contact with river users also regularly deal with enquiries and complaints.

3.5 Key stakeholder meeting

A key stakeholder meeting was held on 21st October 14, with representatives from the Environment Agency, the Great Ouse Boating Association, The Inland Waterways Association, the Cambridgeshire Marine Industry, East Anglian Waterways Association, Bridge Boatyard, Ely Marine Ltd, Ely Perspective, City of Ely Council and District Councillors and officers.

- 3.6 The clear message from the meeting was that all parties felt the moorings should be controlled by some form of management strategy. There was also a general consensus that a period of free mooring should be offered. It was recognised that meeting the costs of managing the moorings would be a feature in the options appraisals and would need to be explored further through a formal consultation process.

4.0 OPTIONS

- 4.1 There are two basic options that the Council has when considering the future management of their moorings at Ely Riverside:

4.2 Option 1: Do Nothing

The Council could allow boaters to moor as they choose with no time limit along the stretch of land managed by ECDC. However, there are significant risks to this option, specifically:

- i) Loss of confidence in ECDC and reputational damage;
- ii) Potential damage to the local economy;
- iii) The inadvertent creation of residential moorings;
- iv) Inequality – boaters not all given the same opportunity to moor;
- v) On-going costs of dealing with complaints;
- vi) Unrest and disturbance amongst frustrated river users and potential knock-on impact on the Police and other service providers;

- vii) Damaged relationships with organisations and user groups with an interest in the riverside and waterway.
- 4.3 The benefit to this option is that there would be no additional capital costs. However, dealing with complaints is time consuming with each one taking around 30 minutes to respond to. Assuming that the complaint is dealt with by a junior officer, this costs approximately £6 per complaint (based on an hourly rate of £12), totalling £300. The time officers spend dealing with complaints is also time taken away from other projects and Council priorities.
 - 4.4 Option 1 'Do nothing' was not the preferred option of the Key stakeholder meeting.
 - 4.5 Option 2: Introduce a visitor mooring management system
The Council could choose to introduce a specified time period for allowing visitors to moor (for example 48 hours, with no return for 48 hours). This would allow equal opportunity for boaters to moor and ensure that the local economy benefits from a consistent turnaround of visitors to Ely.
 - 4.6 If a management system was to be put in place, it is critical that it be rigorously enforced to ensure that boaters know the Council is committed to the principles of fairness and equal opportunity and that they will therefore not tolerate boaters overstaying (except in exceptional circumstances with prior agreement of the Council).
 - 4.7 If Committee approve a management system in March 2015, the intention would be to have the new arrangements in place by the summer of 2015 (See Appendix A).
 - 5.0 ARGUMENTS/CONCLUSIONS
 - 5.1 The Council has been seeking to resolve land ownership and mooring issues since 2009. This is to ensure there is a consistent approach to enforcement, resulting in a regular turnaround of boaters to Ely, which in turn benefits the local economy.
 - 5.2 Although the Council can no longer manage the riverside via the enforcement of a Byelaw, there are alternative options that could achieve a similar result. These alternative options should be explored in greater detail and an options appraisal presented for consideration after a public consultation has been carried out.
 - 6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT
 - 6.1 Enforcing the mooring byelaw had a cost to the Council, and this would need to be factored into any business plan looking at an alternative solution for regulating the moorings. Recognising that the Council is committed to keeping Council tax as low as possible and to maximising income opportunities, any alternative management option would need to be cost

neutral to the Council, i.e. cost no more than the enforcement of the mooring byelaw and potentially could also offer opportunities for reinvestment into the services the Council provides at Ely Riverside.

- 6.2 An equality impact assessment will be carried out when the management options are assessed and presented as part of the final report to be received by Commercial Services Committee on 3rd March 2015.

7.0 APPENDICES

- 7.1 Appendix A – Timescales for implementing a mooring management system.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Map detailing the extent of the land owned or managed by ECDC.	Room 115 The Annexe The Grange, Ely	Julie Cornwell Partnerships Officer (01353) 616352 E-mail: julie.cornwell@eastcambs.gov.uk

Managing the Mooring Byelaw timeline

Appendix A - Timescales for implementing a mooring management system

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