

## Appendix A- Summary of feedback

### Angling Trust

- Reduced access to river through blocked towpath
- Lack of obvious disposal facilities for sewage from boats.
- Support for PSPO and Byelaw
- More vigorous approach to enforcement of pollution

### British Marine London and Thames Valley

- By blocking visitor moorings, genuine cruising boats are unable to find suitable overnight moorings and are not renewing their navigation licences. Licence numbers are down.
- Local businesses (pubs, cafes, shops and restaurants) are not benefiting from a regular turnover of visiting boat crews.
- Boat sales on the River Thames are declining as boaters find visitor moorings difficult to find and choose alternative leisure activities.
- Hire boat fleets and bookings are declining because of a lack of usable visitor moorings damaging the visitor experience.
- Passenger boat and hotel boat companies are often blocked from their regular pick up and drop off points, to the detriment of passengers that can often include children, OAP's, and disabled passengers.
- Marinas and boatyards, who pay business rates, licences to the EA, insurance, and provide safe and adequate moorings are losing customers because they can illegally moor free of charge elsewhere.
- Legal residential moorings, who pay Council Tax and have proper services including, power, water, and sewage disposal are disadvantaged by illegal mooring.
- These illegal moorings attract anti-social behaviour.
- Noisy generators often run continually.
- Unmaintained boats are allowed to sink, polluting the river and cost the land owner or the EA considerable salvage and disposal costs.
- Many of these illegal boats are of poor construction and do not have suitable waste management systems resulting in sewage pollution. Canoeists, sailors, rowers, paddleboarders, fishermen, and open water swimmers who come into direct contact with the water are dealing with untreated waste in the river caused by some of these illegal moorings.
- Most riverside properties, because of their high value, pay the maximum Council Tax band and it is not right that these properties are blighted by illegal mooring communities and anti-social behaviour.
- A lack of river policing and EA patrols have allowed the illegal mooring situation to get out of control.
- Beauty spots and World Heritage sites are blighted by the eyesore of illegal moorings.
- favour Public Space Protection orders, Byelaw changes and managed moorings to enable the river to be used and enjoyed by all.
- If Councils provided additional services (rubbish disposal, drinking water, power, or even pump-out facilities they could charge more.

## **Community Law Partnership**

- PSPO powers are very draconian powers and it is essential that the conditions under the Powers to make orders are satisfied and that evidence is put forward to justify any PSPO.
- What is required is an increase in permanent moorings and temporary moorings and longer time periods for temporary moorings to assist boat dwellers who are homeless in terms of the Housing Act 1996 s175(2)(b).
- It appears that the Councils have failed to carry out an assessment of boat dwellers needs as required under Housing and Planning Act 2016 s124. Such an assessment should now be carried out before any further action is taken.
- This is a flawed consultation and should be withdrawn. In any event it is not at all clear that current legal powers for dealing with ASB are not sufficient in any event.

## **Councillor Szanto**

- Option 1 seems to be the only viable route to dealing with this long-standing problem.  
Option 2 doesn't work since so little of the river bank is owned by the Council it would not protect most of the area. The maximum fines are also relatively low for the repeat offenders who may be making considerable income from letting out their boats.  
Option 3 may be worth considering for riverbanks the Council owns, but again suffers from the problems of Option 2 which is the limited land owned by the Council. It would not solve the broader problem.  
Option 4 is unacceptable. We have to find a way of taking action against this type of behaviour. Our residents deserve and expect nothing less.

## **Environment Agency**

- Managed moorings with an appropriate provider would be the most appropriate solution. This would need to be considered on a site by site basis.
- This Needs a consistent approach over a strategic period, to help boaters understand and adapt to new mooring conditions. PSPOs could be very effective for dealing with very persistent individuals, but not as the only, or first response option for a moorings enforcement issue.
- Highly experienced non-tidal Thames Assistant Harbour Master and EA Waterways Compliance Manager, would be very happy to help EBC and/or be consulted further in this.

## **Friends of Hurst Park**

- public is denied free access to riverbank land, and moreover there is no mooring for legitimate boat owners who pay considerable annual licence fees to the Environment Agency for the privilege of navigation
- There is no reason the authorities should not do everything possible as soon as possible, whenever possible. A multiple approach might prove very effective.
- (Managed moorings) This is a good idea. But, there should be allowance for 24 hour mooring in passing, so as not to penalise legitimate boat owners and to uphold the time-honoured tradition of the River Thames, followed by increasing charges day on day, with enforcement.
- (Do nothing) It is not an option. Time tells us over many years things only get worse.

## **National Barge Travellers Association**

### **PSPO**

- The PSPO would criminalise itinerant boat dwellers for the simple act of living in their homes.
- It would violate the Public Right of Navigation (PRN) on the River Thames,
- The PSPO would itself be ultra vires because it seeks to undermine the lawful rights of boaters and to usurp the powers of the navigation authority in legislation such as Section 79 of the Thames Conservancy Act 1932.
- The PSPO would therefore also breach Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014. Therefore, the PSPO would be unenforceable as it would be invalid.
- The PSPO would violate the rights of boat dwellers to respect for their homes under article 8 of the European Convention on Human Rights. The sanctions are grossly disproportionate to the level of any alleged offence.
- The Anti-social Behaviour, Crime and Policing Act 2014 only gives councils the statutory power to make a PSPO if activities are persistent and will have a detrimental effect on quality of life. However, the report provided contains insufficient evidence to conclude that the activities detailed within it do indeed have a significant detrimental effect on quality of life.
- The PSPO will cause widespread homelessness amongst the Barge Traveller community. The consultation has failed to propose any measures that would protect these vulnerable people, and therefore the proposals fail to meet the tests set out in the Anti-social Behaviour, Crime and Policing Act 2014.
- In addition, nowhere in the consultation do the councils propose carrying out welfare assessments of these boat dwellers, given that local authorities are required to consider the welfare needs of Travellers on land before taking steps to evict them, and not to evict at all if welfare needs are identified.

### **Byelaws**

- Byelaws prohibiting mooring would subvert the right to moor pursuant to the PRN on the River Thames and would thus be repugnant to the general law
- byelaws with strict mooring time limits would compromise navigational safety by forcing boaters to navigate in unsafe river conditions. This could result in boats sinking and loss of life.

### **Managed mooring**

- The danger inherent in requiring moored boats to move when river or weather conditions are unsafe is not comparable to setting a parking time limit on a road or in a car park
- The imposition of daily charges of £100 violates of the right to moor for a "reasonable time" within the PRN, which is codified in Section 79 of the Thames Conservancy Act 1932. This action is unlawful.
- The only way that a fine can be imposed is by statute and as car park enforcement companies have no statutes, the mooring charge claimed is unlawful.
- "Do Nothing" is the option that would result in the least harm to itinerant boat dwellers. Therefore the NBTFA favours this option if no alternatives to what is proposed are considered by the Councils

### Alternative proposals

- Instead of any of the four proposals in this consultation document, Elmbridge, Runnymede and Spelthorne Councils should work with other riparian landowners to establish a network of temporary moorings for Bargee Travellers with durations of between two weeks and twelve weeks. In addition the local authorities should provide facilities for boaters for potable water, rubbish disposal and chemical toilet sewage disposal.

The consultation does not meet criteria in the Government Consultation Principles 2018 in that it gives insufficient time for proper consideration of the proposals especially given that the consultation overlaps a holiday period. Five weeks is not sufficient for proper consideration of such serious proposals.

### **Dominic Raab MP**

- Written to the EA 24 times over 4 years to raise the issue of unauthorised moorings and the blight caused to local residents and users of riverside areas.
- Only the PSPO is likely to be an effective tool in addressing illegally moored boats in this area, given the limitations of the other options.
- Strong support for a PSPO for a period of 3 years and to pursue the requisite consultation as soon as is practicable.

### **Reclaim our Riverbank 2 (ROR2).**

- Concern of lack of action by EA to enforce notices on EA owned land.
- All landowners to work together for a managed mooring solution.
- An eventual gifting of the riverbank to the council(s) and the drafting of robust byelaws would be a good solution but will take time to implement and we need action NOW.

NB ROR2 report that 131 river users supported this response, of these, 57 had KT postcodes (mostly KT8), 56 had TW postcodes (mostly TW16), 2 had other postcodes and no postcodes as yet for the remaining 16.

### **Residential Boat Owners' Association**

- Local planning and housing authorities should be encouraging the development of approved and managed residential mooring sites, with appropriate facilities which should be offered, in the first instance, to existing local boaters with an affordable annual mooring fee, much the same as with the provision of affordable housing.
- Local housing authorities should pay heed to the (Draft in 2016) Guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats. This would treat boat dwellers as people in need of having their housing choice respected, supported and improved.
- One of your options is managed moorings. It is evident that the number of people choosing to live afloat is increasing all the time. Unconsented mooring is an issue, in large part, because of the lack of space to moor with consent. The vast majority of unconsented mooring happens where it is safe (from a navigational perspective) to moor. Not knowing if they can find another "safe" location is a significant disincentive to moving.
- As noted, moving a liveaboard boater on, when they do not have a mooring to go to, is making them homeless. Potentially this has serious cost implications for the LA in question. The policies adopted by Richmond and to a lesser extent Kingston

amount to Social Cleansing, the majority of the boaters affected being in the lowest socio economic

groups, many of them very vulnerable. A more imaginative, humane and enlightened policy might ultimately prove to be more cost effective.

- It is repeatedly claimed that the boaters in question will never pay to moor their boats. This is not our experience; most are happy to pay a modest fee in exchange for the right to moor in peace. The moorings do not need to be elaborate or have residential planning approval but a time limit of weeks rather than days would encourage compliance.

### **River Thames Alliance**

- RTA Co Ltd welcome Elmbridge Council's attempt to rectify the ongoing mooring challenges on the river banks under their jurisdiction.
- Neither Local Authority, Land Owner nor the Environment Agency can satisfactorily deal with the ongoing challenge.
- RTA suggests, that as can be seen by Richmond and Kingston actions, unless there is a common standard of compliance adequately enforced between Lechlade and Teddington there can be no resolution.
- As expressed, "If a PSPO were to be considered, further specific consultation would need to be carried out with clearly defined geographical areas, and which behaviours are to be stopped."
- A better option would be through one means or another a standard Byelaw for every authority and landowner with land bordering the River Thames.
- Managed moorings have worked in the past however the previous arrangement fell into disrepair
- Do Nothing IS NOT AN OPTION!

### **Thames River Users Group 8**

- Over 100 members support managed mooring solution backed with civil enforcement.
- Support Elmbridge efforts to introduce this on their land but want to see this extended to whole length of Thames.
- Alternatively, Elmbridge should seek to gain ownership of the riverbank by gifting from the EA and Surrey CC.
- No objection to either the introduction of byelaws or a PSPO moving forward.

### **Surrey County Council**

- Option 1 SCC has no legal power so will not work
- Option 2 The Council's ownership is minimal and it would not protect most of the area. Fines are not prohibitive to deter repeat offenders.
- Option3 As with of Option 2 there is limited deterrence and Council ownership of riverbanks is limited and does not offer a broader solution.
- Option 4 is unacceptable.
- SCC would be supportive of taking action to address this long-standing problem could a legal solution be found would be happy to help in any way it can.
- An alternative solution is a joined up approach between all affected parties where a joint application for an injunction prohibiting unauthorised mooring is made; given the number of landowners affected this would require a significant amount of work and would carry a high initial cost. Were an injunction granted (this is not a given) it

would require policing for which SCC is not currently resourced other than for its own land holdings?

### **Surrey Police**

- managed moorings and bylaws would only be partially effective due to the variety of landowners and therefore, I agree that these do not seem to be feasible options.
- Doing nothing is also not a wise option as this would further increase the perception that the stretch of the Thames that passes through the borough is an attractive inconsequential area to moor/reside.
- That really only leaves the PSPO as a viable option
- There is the need to ensure that that legislation 'Public Space Protection Order' would satisfactorily encapsulate the appropriate stretches of river. If it is the case that many of the areas have private/riparian owners, then the legal professionals would need to ensure that the PSPO was still lawful/relevant in these areas. If this was the case and a wider evidential capture was still required, then I am confident that by collaboratively canvassing the local residents and river users a considerable amount of perhaps currently unrecorded evidence could be identified.
- The issue of illegally moored boats on the borough is of course emotive and while acknowledged that many of the occupants are peaceful, we would support the need to implement longer-term measures to improve matters and reduce demand on all partners

### **Thames Valley Skiff Club**

- We feel that the introduction of Byelaws (Option 2) is the most appropriate. However, it is also felt that the development and introduction of a Public Space Protection Order (PSPO) (Option 1) should also be pursued.
- As the consultation document itself says, Byelaws have been used successfully to manage mooring consent in Richmond on land controlled by the local authority. (Other land owners will not be covered by any new Byelaws, but this is the same as at present anyway). This option has already be shown to be successful and is at least a proactive step forward.
- It is useful to be able to see what actions had already taken place and progress being made via the dedicated web page on unauthorised moorings.

### **Walton Rowing Club**

- In response to your consultation questions, we believe that both options 1 (PSPO) and 2 (Byelaws) should be considered by Elmbridge BC, but probably both depend on co-operation with other boroughs and with the Environment Agency. Enforcement activity will generally only be effective with EA cooperation, otherwise the problem is only displaced by a few hundred metres.
- Finally, it would be helpful for riparian owners and stakeholders to be given some guidance as to what actions we can take, or the most appropriate people to contact, according to the behaviour we observe.
- There is already very little doubt that most of the "problem moorers" are breaking EA bye-laws and rules; the problem seems to be that these rules and bye-laws are not enforced – does that mean they are unenforceable or is this a resource/budget issue?

Resident groups

### **Cherry Orchard Gardens**

Issues include parking and storage, sewage, blocked access to the towpath, rubbish, security and anti-social behaviour

Boat owners who are given a "direction to move" by the EA or any other body generally relocate in another jurisdiction just before any legal time limit. The process then has to start again. It is essential that civil penalties based on escalating mooring fees are used instead.

Proposals:

A POSP (Public Open Space Protection Order) would provide access to the river for the general public and would enable the council to remove any unauthorised structures on the riverbank alongside the old Chelsea and Lambeth reservoirs.

Parking Controls in Cherry Orchard Road, Cherry Orchard Gardens and Hurstfield Road would release parking spaces for the residents. However such controls must not be too onerous for the residents and must be the subject of close liaison with the residents. Many properties have no off street parking.

The task of regulating mooring along the whole of the Thames is enormous. The EA and other public landowners with large stretches to manage should cede regulation of their stretches of the riverbank to a single organisation which could use civil penalties to enforce the regulations along those stretches of the non-tidal Thames.

A regular police presence in the area might deter antisocial and illegal behaviour particularly along the towpath from Molesey to Walton

There is probably a need for an affordable location for live aboard boats with proper sanitation and parking. This would have to be much further upstream so as not to impact on residents in the vicinity of such a location

### **Hampton Court Crescent**

Irrelevant hold up to land ownership problem at Cherry Orchard should be dropped in favour of action to disperse the land grabbers on the riverbank itself. Our residents find it most intimidating to walk along this stretch of the Thames Path, which is unacceptable.

A jointly managed moorings approach for this area, and indeed the entire riverbank, is obviously desirable.

The stretch of the river from Hampton Court Bridge to Shepperton is not of complex ownership but the failure of the EA as predominant landowners to exercise its legal powers. It is heartening to see the land-based authorities taking these initiatives, but in our stretch of the river so much depends on the actions/inaction of the EA.

### **Rivermead Residents' Association**

As you know, the stretch of the Thames between Hampton Court and Sunbury lock has been blighted in recent years by long-term overstaying hulks providing internet-advertised accommodation as well as a variety of other unauthorised illegal moorers. Some of the latter have also taken up long term residency and are now attempting to acquire public riverside land alongside their illegally moored boats by fencing it off and securing it with padlocks etc.

Given that Richmond Council's introduction of new bye-laws seems to have effectively solved the problem in their area of responsibility, suggests that this is at least one of the options EBC should adopt.

Not only do EA and SCC have a poor track-record on enforcement, but illegal moorers are able to take advantage of multiple-ownership by moving (a few yards in some cases) from land owed by one organisation to another and sometimes back again in order to evade attempted enforcement. So a further option we believe should be actively pursued is for EBC to seek to acquire ownership - through gifting - of the riverside land which they do not currently own.

But acquiring ownership of the land and introducing new bye-laws are only effective solutions if the bye-laws are enforced. So if EBC do decide to adopt these options, we would expect adequate enforcement to take place on both illegal mooring and illegal acquisition of riverside land. This would certainly need to be more vigorous and effective than that of the EA and SCC.

20 further responses were received from a mixture of local residents and residential boat owners, the main points are summarised below:

### **Local residents**

- support prioritising managed moorings with high fees from Hampton Court bridge to the Kingston borough boundary, as long as managed moorings are never an option for Hurst Park.
- Should provide designated areas for permanent boat residents with facilities similar to travellers' sites – possibly licenced to a suitable management provider. The facilities would need to be protected by strong enforcement for infringements.
- The best way forward would be for ALL riparian owners to all get together and adopt option 3 (Managed mooring). I am sure the revenue that would be generated would amply reward the appointed management and provide a revenue stream for app the riparian owners.
- managed moorings - it is good to have a 1 year pilot to see any pitfalls there could be with this approach. For a more co-operative solution this would have to be in conjunction with all land-owners otherwise the boats would just go to moor on another piece of land that was not the Council's.
- My view is that probably Bylaws would be the best way forward.
- PSPO appears favoured route, but concern about time to implement.
- a firm commitment and plan for enforcement is required from all boroughs, the EA and, if necessary, the police.
- Having read the consultation document I strongly feel taking no action is not an option. Action should be taken urgently.
- The travellers situation in our Elmbridge parks and on road verges is now largely under control - with new quickly enforced laws. The riverbank is the new frontier of illegal residence and unwanted dumping. And similar powers need to be adopted so swift action can be taken to regain our riverbank. This means the required funding and manpower needs to be also put in place.
- I pay the EA an annual licence fee to moor my boat on my jetty at the back of my house so why am I being charged this fee yet so many boats flout the regulations and moor free of charge for months/years?
- I feel the pilot scheme for Solution 1 (PSPO) should either cover all 3 Boroughs or be limited to 3 months.

## **Residential boat owners**

- assertions that there is so much anti social behaviour on the stretch of river by Cherry Orchard Gardens unjust and distorted from those with an alternative agenda
- We are currently in a negotiation stage prior to a land tribunal with the EA due to the unique status of the land as unowned and unclaimed, it is not unauthorised mooring
- EBC should not interfere with due process of law regarding the moorings between Cherry Orchard Gardens and Reservoir Wharf in Molesey
- Criminalising riverside mooring is an appalling idea which would do just this.
- There is a legitimate fascination with canal boat life for land dwellers that the holiday-makers cannot fulfil. It is a community rich with history and tradition, with a fascinating array of people which should be protected and aided, not broken off and destroyed.
- There is an overwhelming amount of natural resources which could be tapped to make micro-renewable energy -which can generate income for local communities as well as help clean up the waterways
- It is my view that it is a prejudicial act to persecute &/or prosecute members of a minority group simply because of their lifestyle whether chosen or inherited through family tradition.
- What is needed is better control, better communication with more regular short term moorings,( with rubbish facilities.) At the moment it's more a case of a heavy knee jerk reaction, following complaints from wealthy home owners who didn't notice the boat dwellers.
- I object to this proposal on the following grounds. In short you are using a piece of legislation not designed for the purpose it was designed for and i consider the proposed action to criminalise live aboard boat unlawful and unacceptable, including being discriminatory towards a section of society which in its self is an offence under criminal law.
- The live aboard boating community on the Thames contribute as much as any others to our boroughs and it is really sickening to see this motion to criminalise us for our way of life. The common law already offers thorough protection from antisocial behaviour and criminality wherever it might occur without recourse to this kind of discrimination.
- please take in to consideration the adverse effect of any proposed action on legitimate boat owners who pay their EA licence to cruise the river and need to moor short term to rest, get provisions and also overnight during longer cruises.
- To give one example. Reading Council cleared unauthorised long term mooring at a mooring site beside a large Tesco by imposing a daily fee of £9.50 on what was once a free short term mooring, thereby removing a valuable amenity from passing cruisers who merely wished to do some shopping.

5 responses received from boat owners have been included in the appendices are duplicated responses supporting the views of the National Barge Travellers Association which are included in the above section.