



By e-mail to:

Kennet & Avon Boaters Action Group

4th December 2015

Dear Kennet & Avon Boaters Action Group,

ENF345-2015 Level 1 Complaint

I refer to your email of 9 November in which you made a complaint following a lack of response to your original email of 19 October which contained a request for “a guarantee that enforcement action would not be taken against boats trapped by the stoppage at Seend on the Kennet and Avon Canal”

Firstly, I would like to apologise for the lack of response to your original email.

With regards to your request, whilst I am not able to give you the guarantee you have asked for I can confirm that the stoppage at Seend would be taken into account in relevant cases in so far as it may prevent onward travel in specific cases.

When deciding whether to take enforcement action or to renew a boat licence, the Trust will always look at the pattern of movement throughout the licence period. If a boater had been complying with the requirement to genuinely navigate from the beginning of their licence period until the date of the stoppage but was then prevented from navigating beyond Seend Wharf Bridge (or beyond Semington for boats over 70') then clearly we would accept that the range of movement has been limited for the period of the stoppage. Therefore, where boats have had to reverse their direction of travel back west, we would make appropriate allowance for this before taking formal enforcement action or when deciding whether to renew a licence. If, however, a boat had clearly failed to meet the movement requirements from the start of their licence period either side of the stoppage period, we may still decide to refuse a further licence or take enforcement action notwithstanding that the boat has been affected by the stoppage.

Furthermore, we would still expect some degree of continuous navigation to the west of Seend Wharf Bridge during the stoppage period, at least as far as Lock 11 (Horseshoe Bridge Lock),

and we do not consider it reasonable (within the meaning of section 17(3)(c)(ii) of the 1995 Act) for boats to simply stay in one place for the duration of the stoppage period provided the K&A either side of the stoppage remains navigable.

I trust this satisfactorily explains our approach in these circumstances.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Grimes', with a horizontal line underneath.

Mike Grimes
Head of Boating