

	Question	Answers
1. Pamela Smith: Interpretation of S17	...in view of the legal opinion obtained by NABO which states: "1. British Waterways may not legally deny or withhold a licence if a boater breaches the continuous cruising guidelines which do not have the force of law but are stated as a requirement in the Terms and Conditions.". Please can you confirm that British Waterways will not be sending any more letters such as this one"	Jackie Lewis (Barrister), the Head of our in-house legal team responded in writing to NABO on 10 th Oct, (1) explaining why we disagree with NABO; (2) explaining BW's <u>duty</u> to interpret the Act where its meaning could be subject to doubt and (3) inviting NABO – and its legal advisers if they wish – to meet with BW to try and resolve differences of view. Our enforcement team will continue to carry out their duties in accordance with our interpretation of Section 17, so we are not in a position to confirm that we will not be sending any more letters as it is entirely dependent on boat movements.
2. Rich Annetts	"Please can the representative's of British Waterways provide a point by point explanation of the issues they are trying to address at the western end of The K & A with their new mooring policy as detailed in the current national consultation."	We have explained in general terms in our public consultation paper on mooring policies why we believe local, stakeholder-led mooring strategies would be helpful in managing scarce mooring space along waterways generally. The specific issues for the Kennet & Avon will emerge early in 2010 once a strategy steering group has been established and has completed the first phase of its work.
3. Chris Pink	I have heard that one of the problems highlighted by the residents of Bathampton is the number of camper vans and cars owned by boat owners long-term parked in the lane by the school. I have also heard that British Waterway own, or have rights to, part of the large gravel car park behind the George pub. Can you confirm whether BW does have an interest in this car park? If yes then can BW encourage boaters to use this car park instead of the lane? If no then can British Waterways, as part of their initiatives with Bathampton Parish Council make enquiries and proposals such that this car park could be used in this way?	BW does not own or lease any part of the car park behind the George PH. BW has no 'initiatives' with Bathampton PC – we have simply responded positively to their requests to meet to discuss their concerns, as we would to any similar request from any other stakeholder representative. We wonder why the demand for long term car parking in the area appears to be larger than the number of long term mooring spaces. In any case, BW never guarantees to provide car parking for its long term mooring customers. However, this is an issue which the mooring strategy steering group could reasonably explore as part of its work.

<p>4. Chris Pink</p>	<p>A meeting took place between the parish councils of Bathampton, Claverton and Monkton Combe together with a small number of canalside residents on 10th September 2009. The minutes of the meeting were sent to Sally Ash. A quote from the meeting under the heading "Parish councils' perspective on canal issues." is appended below;</p> <p>"The popular western end of the canal from Bath to Bradford-on-Avon has suffered ' neglect, abuse and inappropriate development' , principally from a minority of liveaboard' boaters who by default, have come to believe that they have the right to:-* freely dispose of human waste and every other manner of trash in whatever location they choose * threaten anyone who chooses to call attention to the situation.</p> <p>I would like to know what action British Waterways has taken regarding these allegations of serious criminal offences (highlighted in bold)?</p> <p>Also I would like to know whether British Waterways has involved the Environment Agency and the Police in investigating these allegations.</p>	<p>These were allegations made by parish council representatives. They did not provide any evidence so there is no basis for a BW investigation.</p> <p>If we discover evidence of anti social behaviour on our property, we would of course investigate and take appropriate steps to stop it, where necessary seeking the support of the local police, the Environment Agency or other bodies as relevant.</p> <p>Identifying individuals responsible for anti social behaviour is of course usually very difficult. All boat licence holders have signed up to comply with licence terms and conditions which include refraining from acts such as those quoted by Bathampton PC, and we take this opportunity of reminding all boat owners of these conditions.</p>
<p>5. David Thomas</p>	<p>How many boats have been identified between Semington and Bath as fitting BW's profile of boats without home moorings that make insufficient movement to satisfy the 'continuous cruising guidelines'?</p> <p>Given that one of the intentions of the new local moorings plan is to <i>prevent those boats continuing to follow their current patterns of navigation</i>, what outcome would British Waterways like to see for these boats and their liveaboard owners and what outcome has British Waterways predicted to be the outcome of these plans.</p>	<p>We are currently working on a caseload of 69 non compliant continuous cruisers. We are aware of more in the area, but they have not yet entered into our formal process for enforcement.</p> <p><i>"To prevent boats continuing to follow their current patterns of navigation"</i> is not one of the aims set out in the moorings policy consultation. The consultation document sets out our proposals and we have nothing further to add on this point at this stage. It will be the job of the local mooring strategy group to develop the thinking. .</p>

<p>6. Kevin Humphries</p>	<p>When British Waterways met with the Parish Councils of Bathampton, Claverton and Monkton Combe, together with a BANES councillor and several canalside residents why did they not seek any representation from boaters, either at these meetings or subsequently?</p> <p>Why did they not ask any boaters or boaters's representatives about the allegations made at these meetings? Is it policy to hold meetings without attempting to find broad representation from all 'stakeholders' either affected or affecting the situation</p>	<p>It was two local residents, not several, and we've never met Monkton Combe PC (we have exchanged emails though)</p> <p>Previous answer (to question 3) applies here: "We have simply responded positively to their requests to meet to discuss their concerns, as we would to any similar request from any other stakeholder representative."</p>
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