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The last resort

Editor Janet Richardson meets the Canal & River Trust enforcement team.

One of the most common gripes we receive from boat owners is the number of ‘unlicensed’ boats they have spotted while cruising the network.

They also ask what the Canal & River Trust’s enforcement team is doing to tackle the problem – to find out more I visited the Braunston Stop House to meet enforcement operations manager Paul Griffin and locally based enforcement officer and team leader Lisa Jarvis.

Much of what they do is ‘invisible’; Paul explained: “We have to comply with the Data Protection Act and respect an individual’s privacy so we won’t tell third parties about our actions. Where people believe nothing is happening, invariably it is; we are just not able to discuss it.”

Lisa added: “Enforcement is a last resort. We do an awful lot of work and spend a lot of time communicating with the boat owner before we get to that point.”

While around 95% of boats are currently compliant and licensed, at any one time there are approximately 2500 cases going through the system for various issues such as licence evasion, overstaying and boats without a home mooring who do not comply with the guidance.

Paul reports to the Trust’s head of enforcement Denise Yelland and is responsible for six teams which cover the network across England and Wales. Each of the six area supervisors have, on average, a team of approximately 10, made up of enforcement officers, data collectors and boating coordinators. “We try not to be too rigid; it depends what the needs are in each area,” he told me.

The team of data collectors cover all the waterways every 14 days with some hotspots, such as in the London area and on the Kennet & Avon, covered every seven days.

Before the national enforcement team was formed in late 2009 the evasion rate was in double figures, while for the last four years it has consistently stayed below 5%.

Eyes, ears and legs

The first stage of the process is the boat sighting. Paul explained: “Data collectors are our eyes, ears and legs, they spend all their time out on the towpath. They will start in the morning and collect sightings of every boat they see – the index number of the craft is recorded on a handheld device which will show if the boat is unlicensed. The sighting also includes a GPS log which provides information on the movement of continuous cruisers.”

Lisa added: "We rapidly build up a picture of boaters' cruising patterns. We can check boat movements over a period of time which helps us decide whether we need to contact the boater to talk about their mooring requirements."

Using a web-based programme, sightings are looked at by the coordinators the following day and ones which require action are flagged up.

If a boat is recorded as being unlicensed, the boating coordinator will contact the boat owner by phone or email to discuss the situation – hopefully it is a simple omission on the boat owner's part and easily resolved. If the boating coordinator doesn't receive a response they will send out a standard letter to which the boat owner has 14 days to respond. Paul continued: "Most cases get resolved fairly quickly: it is often simply an oversight."

Sightings are analysed by a member of the team who will discuss what the next steps should be with the local enforcement officers. In cases of licence evasion, the case is passed to the enforcement officer who will start the enforcement process with the boat owner. A letter is attached to the boat asking the owner to make contact and giving the local enforcement officer's details. If the person comes forward and licenses the boat, that is the end of the process.

The next step

If an unlicensed boat is not lived on, it is subject to the 28-day Section 8 procedure. At the end of the 28-day notice period a final warning notice is fixed to the boat and sent to the owner's home address, giving the owner a further seven days to license their boat.

Lisa continued: "If the boat owner doesn't respond after that, we put a file together for our supervisor to approve the removal of the boat."

In the case of a liveaboard boat, owners have time to respond to a series of letters before things move to the next stage.

Lisa covers a busy stretch of the Oxford Canal from Napton to Oxford. It is her job to manage the case whether in respect of licence evasion or continuous cruising issues – as far as court if necessary. "A lot of our work is talking and discussing these issues and we spend a lot of time trying to resolve them, both before and during the enforcement process," she explained.

"We try to make contact with people all the way through. If our boating customers are vulnerable we try to help them. We can stop the process at any stage and will always try and work with someone to try and find a solution."

"If eventually a case does have to go to court, I follow it all the way through to the end. Fortunately the numbers of those cases are relatively small: I have been to court three times so far this year. It's a last resort but, after a lengthy warning process, we are sometimes left with no choice but to remove boats from our waterways, even when the boats are peoples' homes."

Nationally, the Trust has taken 28 cases to court over the last three years.

“We will work with people; they may be waiting for a boat survey for instance. If they are actively trying to get issues resolved, we will give them time to sort things out,” said Paul. He stressed: “We don’t want to take boats out of the water; we want to resolve the issue with the owner. Enforcement is our last option; we try to work with people but we have to take action if we can’t get owners to comply. We have an obligation to our customers who do play by the rules: it is not fair on them if we permit unlicensed boats to remain on our wonderful waterways.”

When all else fails, the final option is to take the boat out of the water – 368 were seized over the five year period from April 2010 – April 2015.

An independent surveyor values the boat and the Trust’s contractor moves it to the closest lifting point, where the boat will be craned out and taken to a secure storage area. The owner still has the opportunity to get the boat back but will have to pay not only the outstanding debt but also all the removal costs in order to do so.

If a boat is valued at less than £3000 the Trust will consider destroying it, otherwise the contractor will hold it for six weeks before the Trust can look into selling the boat.

Time cost

It is a legal requirement for boats to display their licence disk and Lisa stressed: “We spend a lot of time responding to complaints that boats are unlicensed. It is a frustration; people assume that if they can’t see a disk then the boat is unlicensed but in the vast majority of instances this is not the case. To support our team and put other peoples’ minds at rest we always urge boaters to display their licence and their index number – it can take up a lot of our time to chase them up when they’re not. There’s a boat sighting section on our website where anyone can type in a boat index number to see if the boat they are concerned about is licensed or not.”

Paul said: “What I can assure our customers is that any unlicensed boat will be identified and taken through the process I mentioned earlier.”

Finding a resolution

Lisa continued: “We treat everybody the same and try to support the people who have complex issues. We ask what the issue is and may ask for a supporting letter from their GP if necessary. If boaters don’t tell us what they’re having problems with we can’t help them. Most of our job involves working directly with our customers but we can’t do that if they won’t talk to us. We work with the waterways chaplaincy and will try and signpost people to the relevant agencies who can offer them support.

“For example if a boater can’t move on because they have broken a leg we can help by granting an extended stay for an agreed period of time. Others may have longer term issues which we don’t know about, which causes a problem for us.”

Paul agreed: “The more we know, the more chance there is we can find a resolution. But what we can’t have are unlicensed boats on the canals. If a boat is licensed we know it is insured and has the relevant safety certificate. It would be wrong as a charity not to deal with these issues and we have a duty to all of our customers. If we didn’t take boats out of the water, you’d see evasion rates go up.

“In the case of continuous cruisers boaters can be given shorter term licences of three or six months to give them the opportunity to demonstrate they can comply with the Terms & Conditions of their licence. I think that is a fairer way of doing things than just revoking someone’s licence, it is pro-rata and a six-month licence will not cost any more proportionately than if it was for 12 months. If the boater can show that they are undertaking genuine cruises during this period they’ll be able to apply for a 12-month licence. However if they still aren’t meeting our guidance then we won’t relicence their boat and they’ll need to remove it from our waters.”

Dealing with people

The Trust’s enforcement officers on average spend about 50% of their time out on the towpath. The team contains a mix of ages and both male and female officers.

Paul pointed out: “My team are responsible adults who make informed decisions on the bank. A lot depends on how you deal with people. Officers used to wear uniforms with epaulettes and caps and looked very formal. While we need to be easily identifiable we also wanted to have a more informal appearance which is why the enforcement staff now wear black and white with open neck shirts. This is different to the bank staff and is more relaxed and, we hope, more approachable. We want to work with people and support them and if they won’t comply with us, we have to make sure we’re making the right decisions. Enforcement is the end game.”

Lisa reiterated: “Most of an enforcement officer’s work is not visible and is done respectfully and confidentially, often dealing with complex and difficult situations. We spend a lot of time listening to boaters: we don’t want to hide behind the process or an email, we want a dialogue with our customers. The last resort for us is to have to take a boat away and we spend a great deal of time trying to resolve these issues before that becomes necessary”.

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