

# Minutes of Meeting

## Thames Navigation Users Forum

Date: 20 October 2020  
Time: 10.30 am to 12.30 pm  
Venue: by LoopUp conference call

**Chair:** JS Julia Simpson  
**Secretariat:** VSa Vicky Sanders

### In attendance Members:

|           |                 |   |
|-----------|-----------------|---|
| <b>AS</b> | Andy Soper      | The Dutch Barge Association   |
| <b>BC</b> | Brian Clark     | British Marine  |
| <b>CT</b> | Chris Turner    | River User Group 7  |
| <b>GW</b> | Greg Wheeler    | British Marine Thames Valley  |
| <b>JS</b> | John Shepherd   | RYA London and the South East   |
| <b>KE</b> | Kevin East      | British Canoeing  |
| <b>MC</b> | Mike Cook       | British Marine London and Thames Valley                                   |
| <b>MR</b> | Mike Rodd       | National Association of Boat Owners                                       |
| <b>MS</b> | Michael Shefras | TUGn  |
| <b>ML</b> | Murray Litvak   | British Rowing  |
| <b>PF</b> | Peter Finch     | River Thames Society  |
| <b>PS</b> | Philip Sachse   | River User Group 3  |
| <b>RW</b> | Rex Walden      | Residential Boat Owners Association                                       |
| <b>SW</b> | Shirley Wheeler | River User Groups 1/2   |
| <b>SC</b> | Steve Collins   | River User Group 8  |
| <b>TR</b> | Tony Riley      | Association of Thames Yacht Clubs and<br>Thames Motor Boaters Association |
| <b>VS</b> | Verna Smith     | Inland Waterways Association  |

### In attendance, Environment Agency:

|            |                 |  |
|------------|-----------------|--|
| <b>JS</b>  | Julia Simpson   | Thames Director/Chair  |
| <b>MHe</b> | Maria Herlihy   | Waterways Manager  |
| <b>MHi</b> | Mark Hill       | Waterways Manager  |
| <b>CC</b>  | Colin Chiverton | Environment Manager  |
| <b>AM</b>  | Alice Mayne     | Deputy Director for Navigation and Commercial<br>Development |
| <b>SH</b>  | Sam Holland     | National Navigation Senior Adviser                           |
| <b>PC</b>  | Peter Collins   | Thames Navigation Capital Programme Lead                     |
| <b>VSa</b> | Vicky Sanders   | Waterways Business Manager/Scribe                            |
| <b>OV</b>  | Olga Vaisset    | Finance Business Partner                                     |

### Guest:

|           |            |                      |
|-----------|------------|----------------------|
| <b>DK</b> | Dyl Kurpil | District Enforcement |
|-----------|------------|----------------------|

### Apologies:

|              |                |  |
|--------------|----------------|--|
| <b>AWilb</b> | Andrew Wilbey  | River User Group 4-5                           |
| <b>BK</b>    | Bob King       | River User Group 6                             |
| <b>AWilk</b> | Andy Wilkinson | National Navigation Manager Environment Agency |

### Agenda item 01: Welcome, meeting set up and etiquette, and apologies

JS welcomed all to the meeting and advised on meeting etiquette. It is planned to use MS Teams in the future. Attendees and apologies were noted.

All papers associated with an agenda item and circulated prior to the meeting, are taken as read.

### Agenda item 02: Agree minutes/action of last meeting and matters arising.

The minutes from the meeting 3 March 2020 were agreed with no matters arising. Outstanding actions were updated as follows:

05: Guidance and legal opinion on drinking points and water fitting regulations – *The Industry Specialist Consulting Group's Industry Best Practice document is circulated with these minutes. Further internal discussions will be had regarding lock site hose pipes.*

08: Produce revised process for group moorings at locks. Discuss with TR and Mike Chambers – *Process revisions actively being worked on and TNUF will be updated by December 2020.*

TNUF Terms of Reference - *A working group will be set up to review and agree a revised Terms of Reference. The Terms of Reference will be tabled to TNUF at the next meeting, March 2021.*

### Agenda item 03: Introduction

MHe introduced herself and MHi as Waterways Managers for the lower and upper reaches. MHi manages the Thames from St John's to Hambleden and MHe from Hurley to Teddington. There is a 'One Thames' approach.

Overview and forward look:

- Volunteers 2021: in light of Covid-19 and the use of the river for staycations and different types of activity, a working group will be pulled together to agree how volunteers will work next year. It is planned that volunteers will be lock side by March 2021. Members will be updated on progress.
- Wrecks on the river: PC is putting together a project for a process to identify and remove wrecks. Waterways will seek to recover costs from owners and realises this may be a difficult task.
- Fixed penalties notices (FPNs): the introduction of fixed penalties is supported in principle but there is no provision in Thames Waterways' legislation. The Environment Agency (Inland Waterways) Order 2010 (IWO 2010) would require amendment to make it an offence response. This would be likely to take considerable time, even provided it was acceptable to Defra. Another consideration is that the level of FPNs is currently capped at a level well below the cost of most boat registration charges, which would risk making evasion an attractive risk to potential offenders. All FPN income is paid to HM Treasury, and does not contribute to Waterways' overall financial position.
- IWO 2010 Article 16 process: the proposed national legal procedure is being developed by Environment Agency Legal Services and Enforcement colleagues. A light touch consultation will take place with key stakeholders as soon as possible after it has been approved internally, but timescales are unconfirmed at this time.
- Communications: the intention is to ensure communications are clear and concise in whatever media is being used. This includes the River Thames Conditions web page being live, current and up to date.
- Relationships: building stronger relationships with stakeholders and partners moving forward.

- Signage: signage improvement across the river. This summer temporary signage for pedestals operation was installed at most locks. A working group will agree how to create and keep more permanent signage.
- District Enforcement (DE): introduction to Dyl Kurpil (DK), Managing Director of District Enforcement. DK gave an overview of the contract which will start on 2 November 2020. DE already works successfully with a number of local authorities and private landowners and is looking forward to working with the Environment Agency. The intention of the contract is to maximise compliance across all sites for fair access for all. Please email [TNUF@environment-agency.gov.uk](mailto:TNUF@environment-agency.gov.uk) if you have any questions regarding the contract.

Q. Service aims objective. A wish to increase the number of enforcement actions seems very negative. The DE website includes a lot of material showing how to avoid paying. How many actions have been taken to court?

A. When the company introduces the compliance method there is always concern on the approach taken so as not to target people. An increase in actions will come naturally from the increase in patrols capturing contraventions. DE will proceed to resolution for any unpaid mooring charges. It is intended to engage and educate customers to ensure sites are used properly with enforcement playing a small part.

Q. RUG 8 (Bell Weir to Teddinton Locks) has the largest length of river bank owned by the Environment Agency on the non-tidal Thames. The Group supports and encourages DE and increasing civil enforcement is a movement from zero. Looking at the mooring registration details there may be problems with boat owners who do not have mobile phones.

A. Users can email DE if they struggle to book in to a site. Contact DE with any problems or if there is a dispute over a received fine.

Q. One member has used the services at Hampton Court and booked in on line. No receipt or acknowledgement was received. This may lead to a fine as there was no indication that the booking message had been received and therefore no evidence.

A. There is an option to insert your phone no. or an email address for receipt. If this option was requested DK will take this point away and see why it had not occurred in this instance. Please contact DE if necessary.

Q. What is the proposed signage above Boveney Lock? There is one site where the Environment Agency previously had a mooring sign, and there are other sites that can be turned into moorings. Apparently these new mooring options need assessment before they are designated. Are all sites currently listed in the contract going to turn into formal 24hr moorings?

A. The Environment Agency will look at the specific sites mentioned. DE will work with Waterways to increase the number of moorings.

**Action 1:** *MHe to ask the contract manager and local team to review the specific mooring sites above Boveney Lock*

#### **Agenda item 04: National Navigation team update**

A brief overview was given of the presentation and newsletter already circulated. The Team has been working hard from March onwards responding to Covid-19 with business as usual work continuing in the background.

- Spending Review: the Spending Review bid is the most substantial to date and this was achieved by producing a thorough business plan. The bid to government is for £200m; £170m capital and £30m revenue. It is supported internally and is now with government.

The final settlement will not be known for some time and Members will be updated as it goes forward.

- Strategic Review of Navigation Charges: an update is included in the newsletter. The project was slowed and the consultation delayed as it was not the right time for a consultation of this nature to take place. Also government had no space to consider the proposals. This means implementation of a new charge scheme has been delayed by a year. However SH has been focusing on the work since July, has made good progress and is finalising proposals. Some changes have been made due to legal implications and other changes have not been able to be made to the timescales. There will be consultation with stakeholders in spring 2021.
- Boat registration charges 2021 and 2022: a submission has been made to government to roll over charges for 2021 meaning no increase is proposed. The new charges agreed under the Strategic Review of Navigation Charges will be applicable for 2022.

All issues around charging will be brought together through the business plan. It is not known how HM Treasury will respond. The National Team has worked hard to make a strong case and the quality of their submission is to be commended. Both National and local teams realise there is still a lot to do.

Q. Strategy: there is a consultation next year. When will users be able to make their points?

A. As Members will recall, some engagement was held in autumn 2019 and the Team may engage further. Comments on the charges and level of charges will need to be made by customers at the consultation stage in spring 2021. There will be a response period of 12 weeks. The responses will be reviewed and the Team will then go back to government for approval to implement.

Q. What progress has been made to harmonise the registration year?

A. At the moment there is no intention to change the annual registration date. It is planned for registration to be available on line in the future which will allow a rolling year. A national group made up of all Environment Agency Waterways is in discussion to agree a consistent approach to applying local and lock side charges. Agreement will be reached in time for consultation for the 2021 charges implementation. The group will also review where they may be able to harmonise renewal dates.

### Agenda item 05: Finance Update

The Q2 (1 April to 30 September) 2020 to 2021 Waterways finance report is included in the Thames Operational Update. The spreadsheet will be familiar to Members.

- Income: the income position is being assessed following the lockdown and new lock side working practices under Covid-19. There will be a better picture of variances over the next 2 months.
- Expenditure: this is in line with forecasts. The forecast overspend includes spend on Public Safety Risk Assessment works and the employment of temporary summer lock and weir keepers.
- Capital: the spend to date against the capital forecast to the end of the year is low as the majority of work will be completed between November 2020 and March 2021.

Q. Why is the mooring and landing rents income showing as £1.154m against a full year forecast of £800k? Similarly there is no income to date from gold licences.

A. The accommodations, which are included in this income stream, are renewed on 29 September each year. Any annual amounts paid are shown on the spreadsheet. At the end of the Environment Agency financial year in March, a near 6 month proportion of accommodations income from April to September 2021 will be carried forward to the 2021 to 2022 accounts. This will be shown in the end of year accounts.

Waterways receives the full year income from gold licences in January/February each year and therefore there is no income currently.

Q. There will always be a mismatch in dates and a problem with the financial year not corresponding with some income streams. Why is Waterways projecting £4.8m income from boat registrations when the outturn for 2019 to 2020 was £4.3m?

A. It is expected that the income forecast for boat registrations 2020 to 2021 will decrease as the income comparison for the same period last year is £162k less than last year. The original forecast included the increase in charges of 5.7% and a projection for an increase on last year of the number of boats registered.

### Agenda item 06: Navigation Enforcement update

Nick Mckie-Smith leads the Team, focusing on intelligence and enforcement on a range of actions across the whole river, to prosecution and end point. Currently the judicial system has a back log of 500,000 cases and courts will prioritise those cases where a defendant is in custody and/or crimes are more serious. The Team has recently been focusing on marina compliance.

Q. Unauthorised moorings: is there an obligation on the part of private moorings owners to let the Environment Agency know if they remove moorings.

A. It is third party owned land and their responsibility. The Enforcement Team has good working partnerships with private land owners. Through these partnerships it is expected conversations will take place on any removal of moorings and other matters.

Q. It is stated that the Enforcement Team is intelligence led. In the 2020 to 2021 Enforcement Plan on gov.uk, there is a statement requesting members of the public not to contact the Environment Agency: *'We do not request that members of the public provide us with information on suspected offences'*

A. This point will be looked into. Members of public are encouraged to report incidents using the Environment Agency's incident reporting line **0800 807060**.

Q. Under the new arrangement with the mooring contract, will the Enforcement Team still be involved? If DE cannot identify boats it will be difficult to enforce compliance.

A. The Environment Agency will work in partnership with DE and will still carry out compliance and enforcement. Local teams are currently targeting boats with no names and serving notices. The challenge is not being able to check the registration.

Q. A high registration rate is being seen in marinas with Bourne End Marina being one of the first marina owners to take Section 60 responsibility. How can the Environment Agency enter marinas safely under Covid-19 restrictions?

A. It is believed that once boaters hear of action being taken by the teams, those who will comply will and the Environment Agency will target others that do not. All teams work to the current safe ways of working when visiting sites.

Q. There are limited enforcement outcomes currently showing in the Thames Operational update. How will customers know when the Environment Agency has succeeded? Boaters know they will not be prosecuted for not having a boat name and other compliance irregularities. This will continue until the introduction of FPNs.

A. Having taken advice, introducing FPNs would require legislative change. Space for the government to agree a change would be low priority. The Environment Agency recognise feedback and will look to see what it will achieve. Other Environment Agency departments are able to issue FPNs as they have specific legislation to do this, unlike boat use on the Thames.

Q. It would be helpful to have more regular enforcement activity updates. An increase in tweets for example following an operation. Include numbers of boats checked and how many unregistered. Members can then communicate to their own organisation members of the work taking place.

A. Waterways is working on communication channels and a move towards more regular updates on this and other activities.

Q. Mooring has been banned by land owners at Beale Park, Berkshire. This covers a large area. Can the Environment Agency liaise with the owners to understand the reasons behind this?

A. This will be taken outside the meeting.

**Action 2:** CC to review the Enforcement Action Plan 2020 to 2021 regarding the reporting of incidents

**Action 3:** CC/MHi to discuss the removal of moorings at Beale Park with local team to understand the reason behind the removal.

### Agenda item 07: Lock investment and asset maintenance update

- Investment programme: Waterways has an ambitious capital programme of £5.2m. The key drivers are building better asset resilience, reducing carbon, creating a sustainable navigation and building on inclusion. Building more innovation into the programme is also an aspiration.
- Lock breakdowns: next year's programme drivers are to look at mechanical, hydraulic and electrical repairs and refurbishments. There have been more breakdowns this summer than expected and trends are being examined.
- Shoal and tree management: this will be programmed in for next year and is being looked at in partnership with Fisheries, Biodiversity and Geomorphology teams.

Q. The published lock closure programme shows Days and Cookham Locks with closures of 4 months this winter. Will there be an update in the near future?

A. Issue 3 of the lock closure programme will be circulated in the next few days. The work to Days Lock has been split into 2 halves. The lock will be open between 18 December 2020 and 2 February 2021. The closure for Cookham Lock has been reduced to 4 January to 12 March 2021. In addition it is planned to open Abingdon Lock at the weekends where possible.

Q. The pusher tug is moored in the upper reaches and has broken down. Is the work it should be carrying out going back on the agenda? It is difficult to hire out boats when there are navigation restrictions due to overhanging trees and shoals.

A. It is intended to maximise the use of the in house work force whilst prioritising health and safety work. However the right kit needs to be available. As mentioned, the focus on trees and shoals will be factored in to next year's programme. Much tree management education has been carried out with landowners in the upper reaches over this last year, which should be promoted. Land owners need to play their part too.

Q. St John's pump out is not working. When will it be repaired?

A. This will be taken back to the asset performance team for an update.

Q. With regard to the provision of additional moorings, in the plan for the Sunbury Lock Island demolition there was mention of additional moorings. Is this still the case? Also the offer by the River Thames Society to fund the installation of interpretation boards for the paddle and rhymer weirs is still open. A local team will follow up with PF on his kind offer and agree on design and timescales.

A. There is a separate project looking at what to do with Waterways land holding and maximising opportunities for the Environment Agency and boat users. Consideration needs to be given to cost effectiveness, the benefit for the environment and flood risk.

The offer of the funding for interpretation boards is much appreciated and will be taken outside the meeting.

Q. Is consideration being given to the standardisation of lock operating systems?

A. This will be included in the scope for the work planned for lock breakdowns. A simple system is required.

Q. When Molesey Lock is closed could a pontoon be provided for canoe portage? It is a busy lock for non powered craft. Also are the fish pass improvements at Teddington, Sunbury and Molesey linked to the River Thames Scheme?

A. All work concerning Thames weirs is discussed between Operations, Fisheries Biodiversity and Geomorphology and the River Thames Scheme to look at shared opportunities.

Q. Sunbury Manor slipway appears to have been taken over by contractors. Is Waterways aware of this?

A. PC is not personally aware and will take outside the meeting.

Q. It is noticeable and appreciated for the quick response by the in house teams to lock breakdowns. However this summer has shown the fragility of the whole system. Can Waterways be urged to prioritise maintenance of its locks.

A. This is recognised and there is only so much work that can be completed with the revenue maintenance funding. PC is stepping in to develop a more robust programme to replace bigger mechanical and electrical kit and to harmonise systems.

**Action 4:** *PC to discuss the issue with St John's pump out with the asset performance team with a view to remedying.*

**Action 5:** *PC to advise whether a pontoon can be provided for canoe portage during the closure of Molesey Lock.*

**Action 6:** *PC to forward the question of the occupation of Sunbury Manor slipway to local team for a response.*

### Agenda item 08: Any other business

TR: Communications and Signage Group update

- Communication: MHe and MHi are helpful in giving information but general Waterways communications continue to be difficult. It is a work in progress as to what should be shared with users. The River Thames Conditions website does not meet accessibility standards but for now it should continue as the one stop shop and be updated in a timely manner. Users need to be aware of issues and be advised when these have been resolved.
- Pedestal instruction project: the project made good progress in July and August with new temporary operating instructions installed at most locks. However many instructions have now disappeared. There is a move towards fixed signage which will be taken forward by the Communication and Signage group during the winter months.
- Mooring contract signage: implementation of the contract is 2 weeks away and Members would like to know the detail of the proposed signage. It is believed the signage has been produced and this will be checked outside the meeting.

The Communications and Signage Group would benefit from more members and/or offers of help. Please email [TNUF@environment-agency.gov.uk](mailto:TNUF@environment-agency.gov.uk) if you would like to volunteer.

VS: Local Charges - it was reconfirmed that a national group is looking into a consistent approach to applying local charges.

PF: Moorings contract - a list has been shared of the short stay moorings included in the contract. There are certain omissions for example Stephens Ait. Also Goring allowed 2 day mooring this year, will this continue? It is a shame the moorings contract signage has not been shared prior to

installation. The signage should emphasise that these are Environment Agency 24hr moorings, welcome users and then include the detail.

The current status of the signage will be looked at. One of the proposals of the contract is to produce leaflets for hire boat companies to include in their orientation packs, advising on how to use the moorings.

KE: Abbey River - this time last year there was good news as the dam blocking navigation had been removed. It has been rebuilt and it is feared that if action is not taken by the Environment Agency to enforce the removal of the dam, direct action for removal will be taken by users. PC will take this away and report back to KE.

PS: Shoals at Benson - 2 boats cannot pass where the shoals are. The site will be included in the shoal works programme for next year.

PS: Signage – signs on the backwaters and channels have dropped off their posts or are covered in foliage. These have not been replaced. Waterways seem to run a lot of patrols but this has not been remedied, possibly because patrollers are used to the channels and do not actively look for the signs. MHi will advise the local teams.

TR: Mooring contract - there is a fear with the handing over of short stay moorings to District Enforcement acting as the Environment Agency's agent. What clarity is there of penalty charges and what happens if users do not comply and action is taken? There is concern amongst boaters that there will be increased income to the contractor with more notices being issued. Also there are many sites that are not included on the contract moorings list. Waterways will review mooring site coverage across the river and will act on the outstanding action from the last meeting on the group booking process. Members were reminded that if the mooring sites are used within the parameters of the contract there will be no action taken. This is no different to parking restrictions on the road or in a car park. MHe will circulate clarification of the process to moor which should be equitable for everyone.

GW: Levels at Grafton Lock - it is an agreement that levels at Grafton should run 4" lower than advertised. The levels are not running as low. Also there is a problem with the National Trust in allowing paddle boarders to park at Buscot and enter the river from there. This means there are a lot of users entering the river at one point which can create difficulties for other users. As Buscot Lock is no longer a priority lock, a lock keeper is not always in attendance. If there was a lock keeper at all times the paddle boarders would take notice of any instructions. Members were advised that a resident lock and weir keeper has been appointed to Grafton Lock and he is expected to occupy the house from January. MHi will take the query regarding Buscot Lock outside the meeting but please note use of the river has increased with different types of activities and all have to co-exist.

CT: Thames Operational update - one of Waterways aspirations in its Customer Charter is to maintain a clear navigation channel for users. This is not always the case. There is a willow tree in the river in the RUG 7 area opposite Queens Ayot, tied to the bank at a 90° angle which appears to be moving. This may move further with increasing flows. Also u/s of Old Windsor there is a ½ mile channel where foliage is growing further into the channel and should a large vessel leave the lock there is not room to pass another boat. MHer will discuss with the local team.

**Action 7:** PC to update KE on the current situation with regard to the removal of the rebuilt dam on the Abbey River.

**Action 8:** MHi will alert local teams to the replacement signage required Sandford to Cleeve Locks.

**Action 9:** MHe to ask the contract manager to review the mooring site coverage in the Mooring Contract, circulate clarification on the process to moor and ensure a process is agreed for group moorings at locks.

**Action 10:** MHi to discuss access by paddle boarders at Buscot with the local team leader.

**Action 11:** MHe to make local team aware of tree foliage obstructions u/s Old Windsor Lock

### Final note

This is VSa last meeting before she leaves the Environment Agency at the end of January 2021. Thanks was given to VSa for her support to TNUF and beyond that for Waterways' finance and business overview. VSa thanked Members and colleagues for their support and for passing on their knowledge of the river to her.

The next meeting is planned for 10 March 2021, 10.30am to 12.30pm. It is expected the meeting will be held by way of MS Teams and this will be confirmed nearer the time.

**End**