

CHAIRMAN'S REPORT TO RUG 8 MEETING ON 17th OCTOBER 2019

My report this evening covers two high profile and controversial issues:

- The continuing problem of unconsented mooring
- Water quality on the River Thames.

Firstly, may I repeat my appeal for general calm and courtesy at this meeting. I received the following email yesterday: *"I would like to endorse your comment in the second paragraph of your covering note. I dislike [name redacted] and his ilk as much as anyone but I don't think it helps our cause to barrack the EA representatives who are prepared to turn up at the meeting. We can't hold the current staff in post to account for all the failings of the EA, past and present; we risk losing their attendance"*.

UNCONSENTED MOORING

I have now received the final report of the investigation into the aggregated Stage 2 complaint I sent to the EA in the summer focussing on the large, unsightly barge, which we now know as Hope IV, which was towed up from the Tideway on the 15th September 2018, and moored against Hurst Park. The lady who owned the vessel at the time claimed that she was waiting for a mooring to become available at Port Hampton, so that the vessel could be repaired and restored. This turned out not to be true. The vessel has been moored against EA owned land ever since (apart from a brief period on TWA land behind Platt's Ayot). The current owner has been restoring the boat himself in situ. It is currently moored against the Walton towpath.

The investigation was carried out by Paul Wyatt who is Operations Manager in the EA Herts and North London area. He has not had any prior involvement in the complaint, nor did he know about the complaint until he was commissioned by Julia Simpson, Director of Thames Area. His report has been through the EA redaction process and is now in the public domain. I will publish it in full on the Thames River Users Group website.

Paul states that: *"I have considered the evidence available to me and reviewed the case. I have come to the conclusion that the complaint is not upheld"*. I do not agree with this conclusion. However, there is enough substance in his findings and recommendations to warrant further discussion. I will take up the offer of a meeting with Julia Simpson and report back. If we are not happy with the outcome of these discussions, Stage 3 of the EA process is a complaint to the Parliamentary and NHS Ombudsman.

Three key findings in the report are:

- *"During my investigation there was evidence that Waterways officers are empowered to use their initiative to help balance the various needs of the users. For example, they have delegated responsibility for deciding whether a boat can moor on EA land for a longer period than that stipulated, currently 24 hours. The decision to allow Hope to stay considerably longer on EA moorings was one originally taken by a junior officer...not with the full knowledge of more senior Waterways officers"*
- *"I believe.... that Waterways could have acted quicker in their dealings with Hope and adopted a speedier, more robust, consistent enforcement position, Having a senior officer or manager overseeing such work would help in achieving this...."*
- *"... Waterways Officers arranged for an EA tug to move Hope (twice). The decision to use an EA asset should only have been made after careful consideration and preferably by a senior officer"*

The amount of discretion delegated to, or assumed, by junior officers is inconsistent with stated intention of the EA to adopt a zero tolerance approach to unconsented mooring against its own land. *Zero tolerance requires automatic punishment for infractions of a stated rule, with the intention of eliminating undesirable conduct. Such an approach imposes a pre-determined punishment regardless of individual culpability, extenuating circumstances, or past history. This pre-determined punishment need not be severe, but it is always meted out.*

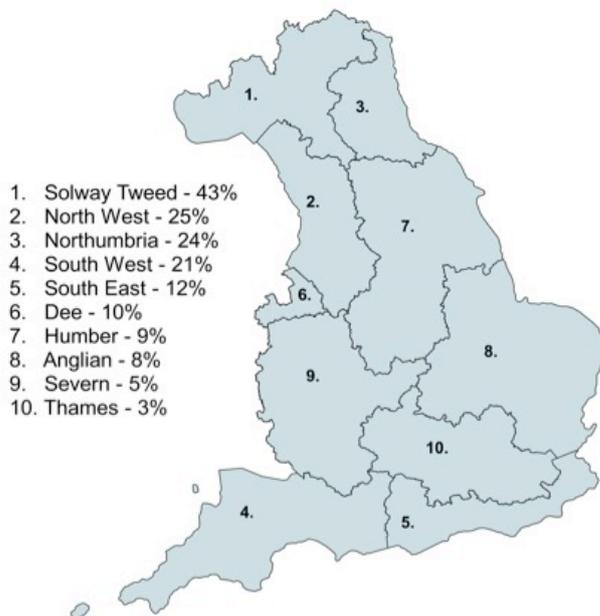
I do not agree with Paul that delegating responsibility in undertaking actions and making regulatory decisions on the 'front line' is necessarily a good thing. While it may be impractical to enforce every non-compliance on the river, the current delegated approach, focusing on compliance rather than enforcement has not produced **any** prosecutions in the last two years for any navigation offence, despite the appointment of three (2 x FTE) warranted officers.

I do agree with Paul's recommendation that: **“such decisions need the oversight of a more senior Waterways officer or manager to ensure consistency of (appropriate) action.... I therefore believe the governance model for enforcement within the Waterways department should be reviewed and tightened.** This recommendation provides a way forward which might be acceptable to river users.

WATER QUALITY

I was shocked to read the article in The Times of 3rd August entitled 'No River Safe for Bathing'. Two years ago, when the EA were boasting on Twitter about how clean the beaches in the UK were I asked them if they had any data on the quality of water on the river Thames. Now the Times has revealed that rivers in England are not tested enough to be considered fit for swimming. The Times investigation also shows a sharp decline in the number of prosecutions taken by the EA for river pollution.

How healthy are rivers in England and along the Wales and Scotland borders? Percentage of rivers meeting "good" ecological status



Source: Environment Agency



The BBC picked up the story and published the graphic on the left which suggest that the Thames River Basin has the lowest percentage of rivers meeting 'good' ecological status. There are many factors at play here including over population, over development and drought conditions. The Times also pointed the finger of blame at the EA for allowing over-abstraction by the water companies. Others have argued that the EA should be declaring a drought in SE England and imposing hose pipe bans etc.

At the local level, there has only been one prosecution under Thames Byelaw 66 for discharging raw sewage directly into the river in the last 19 years.

I think that the EA could do more by monitoring the number of boats that are using the pump out facility at Molesey Lock and investigating the sanitary arrangements of vessels moored on the main river who are not using it.

I have tabled three resolutions at the end of the meeting which I hope the EA representatives will consider seriously as short term 'quick wins' in lieu of a longer term strategy to address the problems identified in this report. Note that in their own submission to the recent Elmbridge Consultation exercise, the EA suggested that: *“managed moorings with an appropriate provider would be the most appropriate solution. This would need to be considered on a site by site basis”.*

Steve Collins, RUG 8 Chairman
17/10/2019