

MINUTES of a COUNCIL MEETING of the NATIONAL ASSOCIATION of BOAT OWNERS, held at the Waggon and Horses, Oldbury on Saturday 11th July 2009

Present: David Fletcher (DF) in the Chair, Geoffrey Rogerson (GR), John Slee (JS), Stephen Peters (SP), Simon Robbins (SR),

1. **APOLOGIES FOR ABSENCE** were accepted from: Andy Colyer (AC), Brian Rowland (BR), Howard Anguish (HA), Richard Carpenter (RC), Stuart Sampson (SS)

2. **MINUTES of 6th June 2009 Council Meeting**

a) were unanimously agreed and signed by the Chairman.

b) **Matters arising & c) Actions**

- 2a **Membership** RC to email Melanie asking for a list of the data and format she would like to work with. **(RC)**
- 2c **Concessions list** SP would send DF the original list for revision to be scanned and forwarded to RC for updating. **(SP, DF, RC)**
- 2d **Sally Ash's River Lee cruise** – AC to enquire if this is to happen. **(AC)**
- 2f **Store** RC to choose a date when a couple of Council Members can tidy and sort **(RC)**
- 2g **NABO AGM** RC to visit Wolverhampton Boat Club to discuss catering options **(RC)**
- 4 **BW 20/20** DF to circulate NABO response to Council for comment and release **(DF)**
- 5c **Mooring Contracts Working Group** DF has sent a letter as Chairman to try to progress this, and will circulate a copy to council **(DF)**
- **Moorings Price Increases c. VAT** BW have stated that VAT should be charged at 15% and if anyone has been charged at 17.5% the difference will be refunded at next licensing
- **d. National Policy on Tidal Locks** DF will pursue this, with reference to Limehouse Basin and Gloucester Docks in particular. **(DF)**
- 7 e **WUSIG consultation** HW and GR will continue to monitor. **(HW, GR)**
- **BWAF** DF has put a review on the NABO website.
- 15a **Waterway Reports** DF and JS had entered Waterway Reports, but they did not appear to have been actioned by the moderators. JS to check that system is working **(JS)**
- 15b **Membership Renewals** RC to continue to contact non renewers **(RC)**

3. **FINANCE**

a) **Expenditure** The Display Boards and Legal Opinion accounts have been paid

b) **Balances**

- Alliance & Leicester Current Account: £2,688
- Barclays Bank Current Account: £3,625
- Tracker Account: £31,206
- TOTAL FUNDS HELD: £37,519

c) SP will raise a new cheque payable to former member the late Mike Smith to replace that sent but refused by the executors. **(SP)**

4. LICENSING, MOORINGS, CONDITIONS & CHARGING

DF had sent BW a letter regarding Mooring Contracts.

The BW Public Consultation is planned to begin mid-August.

SR would write an article in NABO News (NN) inviting anyone with related problems to send us the details of their case in order to build up a case file to back our arguments.

(SR)

As SR had been unable to attend the BW meeting, GR & HA went. GR made the point to Madge Bailey that if BW made retrospective planning applications for residential use, the majority would probably be refused. The affected boaters would then use Human Rights legislation to stake their claim to remain. It would be better if applications solely for new residential moorings were made.

Rex Walden (RBOA) believes something less than planning permission is needed.

SR raised the cases where Housing Benefit had been paid to BW, thus implying the right to residential status. He reminded Council that we can advise boaters under threat to use their councillors and MP.

After discussion it was agreed that

- a) SR would meet with Rex Walden (SR)
- b) SR would contact Madge Bailey (SR)
- c) DF would try to arrange to spend a day with a BW enforcement team (DF)

5. LEGAL OPINION

GR recalled that 4 years ago NABO had spent £5,000 on legal advice and BW had backed off imposing their proposed continuous cruisers rules. We have now spent over £6,000 and NABO must be seen to making good use of the legal opinion obtained.

A meeting with Mark Beasley of Shakespeare Putsman had been arranged for August 4th at 2 pm to seek clarification of the legal advice obtained from Counsel at a cost of up to £1000. DF, GR & SS would attend. (DF, GR, SS) Mark would be asked to compose a letter to Nigel Johnson of BW, outlining our stance and intentions.

Mark would be asked how NABO should use the Opinion for Members' benefit – perhaps by producing an edited version.

GR suggested, and **it was unanimously agreed**, that we must take action before the AGM:

- a) Challenge BW's assertion that when a licence holder signs up to BW's Terms and Conditions they have the force of law even where they were *ultra vires* and extended beyond the Act.
- b) Challenge BW's assertion that the Continuous Cruising guidelines have the force of law.
- c) Dispute BW's assertion that they can refuse to issue a licence to someone who is now complying with the law.
- d) Dispute BW's use of "*causing an obstruction*" to allow them to move a boat without the statutory 28 days notice.
- e) Assert that boaters with a home mooring are not limited to mooring on the system for a maximum of 14 days – this applies only to continuous cruisers.
- f) Assert that River Registrations do not constitute a Contract.

Subsequent to the meeting with Mark, an article for the September edition of NN should be prepared. A Press Release should be released to the Waterways magazines and copied to the Parliamentary Waterways Group.

6. WATERWAYS FOR TOMORROW

SR will take responsibility for "Waterways for Everyone". **(SR)**

Regarding the RYA meeting and the agreed statement that Louis Jankel had signed NABO to, it was agreed that he had done the right thing in the circumstances, given that DF had agreed he should speak on our behalf. The statement had been initiated by John Edmonds (Chair IWAC). DF had sent out a bulletin asking members to write to their MP, urging them to support Charlotte Atkins EDM debate.

It was agreed that it is important that the practical maximum number of boats on the system should be set, given the current length of waterways (40,000 has been mentioned). The repercussions of exceeding capacity include increased maintenance and congestion against increased income. However, would BW be within its rights to refuse licences on these grounds?

The high percentage licence and mooring increases, when compared to loss of income from government on behalf of non-boating users, must be dealt with. Boaters should not be expected to accept steep increases for the waterways indefinitely.

7. WUSIG PAPER

DF would report in a bulletin that the next draft moorings paper is on its way **(DF)**

8. PLANNING 2009/2010

Council members should endeavour to find potential Council members to be elected at the next AGM. There is a vital need to find a new Editor for NN. **(ALL)** The post of Vice Chairman will also be vacant. DF will appeal to the membership in the next NN **(DF)**.

9. CSS

Council members had received a report from SS by email.

JS reported that, despite a reminder, BW had not removed an out of date stoppage notice about the Lune Aqueduct, at Bilsborrow on the Lancaster Canal.

DF suggested that stair treads should be flat and even.

DF reported that some bollards had been installed on the off-side which does not help single-handers. **(SS)**

10. NABO PROMOTION & MARKETING

a) In his absence, RC was asked to inform Council of progress on the calendar or wall charts by email. **(RC)**

b) The idea of area Winter Socials for NABO members or talks about NABO for Boat Clubs should be further discussed by email. A portable (or electronic?) promotional presentation should be prepared for use by Council or other members' use. The advantages of membership should be clearly presented, including support of our lobbying, our ability to provide helpful advice and information to boaters. **(RC, JS)**

c) **It was agreed** RC be asked to design and investigate the cost of placing a series of 3 adverts in Waterways World and Towpath Talk in the October, November, December 2009 editions, to coincide with the legal challenge. Budget to be agreed by email **(RC)**

d) **It was agreed** that NABO should not endorse products through NN.

11. NABO NEWS contributions

Further Financial Costs Survey analysis, Safety, Lincolnshire Waterways (Already submitted), Chairman's Report **(DF)**

Invitation to become NABO Correspondents, Waterways for Everyone **(SR)**

12. ANY OTHER BUSINESS


- a) **Chiltern Railways** DF had written asking that the redundant Swing Bridge near Isis Lock should be removed, and had received an acknowledgement.
- b) **G&S Canal Safe Haven** SP had received a reply from Steve Dunlop (Director BW Scotland), who acknowledged that removal of free short stay access to the G&S Canal from the River Severn should have been referred to the Gloucester and Sharpness Canal Users Forum. It is on the agenda of the next meeting. DF will try to find a NABO member who can attend (**DF**)
- c) **EA Harmonisation** DEFRA want an integrated cost structure rather than equal costs across the board. The User Groups support that position.
- d) **Parliamentary Waterways Group** (of which NABO is an associate member). Attended by Louis Jankel on behalf of NABO. Nothing to report.
- e) **Caroline Killeavy (BW Head of Customer Relations)** DF plans to build a working relationship with monthly meetings if possible, but does not wish to duplicate what SS is doing (**DF, SS**)

ACTION Points are indicated throughout the minutes by underline

The meeting closed at 2 pm

Date and time of the next full Council Meeting:

Saturday September 5th 2009 at the Waggon and Horses at Oldbury at 10.45 am

 5/9/09