



## Enforcement Briefing paper for National Boating Organisations, June 2014

### Team Structure

#### Background

In 2009 Enforcement became a national team in the Marketing Directorate, with Denise Yelland as Head of Enforcement. This change brought together the Patrol Officers from the Waterways as well as introducing a number of new roles to the team. The team was geographically split into five areas but these were slightly changed in January 2014 to make London a separate area. The current areas are London, South East, South West, Central and North.

#### Roles and responsibilities

The five enforcement teams sit under Paul Griffin, Enforcement Operations Manager who has control for the day to day operations of the team. Each area has a Supervisor and different numbers of Enforcement Officers and Data Collectors depending on the geographic and caseload size of the area. This part of the team consists of 47 people, which includes 1 manager, 5 supervisors, 21 Enforcement Officers and 20 Data Collectors.

The data collectors spend the majority of their time on site with the aim of covering the complete linear length by foot, bike or water every 14 days. Less frequent checks are undertaken at long term mooring sites, less populated canals (i.e. BCN mainline) and offline marinas and occasionally more frequently at selected hot spots e.g. locations where our data indicates above average propensity to observe overstaying and popular visitor moorings. On average an enforcement officer handles a caseload of between 75 and 100 cases. Their working week is split with an average of 3 days in the office and 2 days out on site. The office days are driven by the tasks in their caseload. These tasks are date driven according to the preceding action undertaken. Tasks include checking the latest licensing records, making customer contact, preparing letters for service, updating records to reflect any interactions already undertaken, preparing boat removal and court files for review and reviewing sightings and photos of unidentified boats. The choice of locations for on-site days is determined by the need to follow up specific cases in a geographic area and allow timely servicing of notices on boats etc. As well as day to day supervision of the team the Enforcement Supervisor is responsible for managing the boat removals for their area under the Section 8 procedure. In the last four years we have seized 285 boats.

The national Boating Support team includes 6 locally based Boating Coordinators, responsible for sightings analysis based on the sightings database and initial customer contact. They check the updated licensing records since the time of the sighting and make the initial contact with the owner to try to resolve issues without recourse to legal processes. They process payment for licences over the phone and have direct access to the Boat Safety database to ascertain the most up to date status of the BSS certification. They also provide administrative support to the rest of the enforcement team. The Boating Support team is headed up by Jane Lee, who is also the Boating Analyst.

#### Additional staff:

We are currently in the process of recruiting:

- a Deputy Enforcement Operations manager to cover the South East and London areas.
- an additional Enforcement Officer for London
- a Boating Co-ordinator based in Gloucester.

- we are firming up a proposal for an additional Enforcement Officer on the K&A.

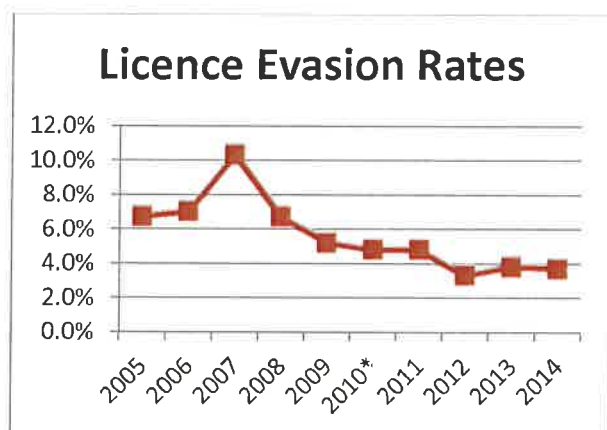
Some of these additional roles are funded from the Towpath Mooring Management Project and will be on temporary basis to 31 March 2016.

## Enforcement Processes

This section summarises the main processes used by the team. The main aim is to quickly and efficiently establish contact with the owner with a view to resolving the issue. The exact course of action and the time taken to resolve will vary on a case by case basis, but they are operated within a national framework. Options may include trying to arrange payment plans outside our usual credit terms, signposting external agencies which could help an owner facing personal difficulties and/or suggesting alternative options to the boater to resolve the issue.

### Licence Evasion

The licence evasion rate has remained below 5% for the last five years. This rate is calculated following the national boat count, where nationally all boats are recorded during a predefined period of time, currently in March each year. For the purpose of the count a boat is classed as an evader even if the licence has just expired. For ongoing monitoring an indicative rate is calculated each month, using the dataset from the annual count and the active number of cases for each month.



Evasion	2011	2012	2013	2014
North	5.20%	4.20%	4.10%	4.50%
Mids	5.10%	3.00%	4.30%	4.00%
W&W	5.00%	3.40%	4.00%	4.20%
SE	3.00%	1.90%	1.90%	1.90%
Sth - K&A	6.40%	4.10%	6.50%	4.50%
- Ldn	7.90%	5.50%	5.70%	5.30%
<b>TOTAL</b>	<b>4.90%</b>	<b>3.40%</b>	<b>3.90%</b>	<b>3.80%</b>

### Unlicensed Boat process

- Boat sighting recorded by the data collector
- Boating coordinator contacts owner – where possible by phone or email, then letter if necessary. This is done as soon after the sighting as possible to try and resolve the issue before the late payment charge becomes due
- If the matter is not resolved after contact by letter, the case is passed to the enforcement officer, who reviews the evidence and makes any further checks to determine whether the boat is being used as a primary residence, in which case our Live-aboard process involving a county court hearing is followed. If it is not, the simpler Section 8 removal process can be followed. Both these processes are prescribed by our legal team.

### Unidentified boat process

- Boat without an index number is sighted by the data collector. Photo references checked to establish if index number is known or existing case open. If so sighting is marked accordingly
- If new unidentifiable boat is sighted the data collector takes photo and references photo in the sighting record.
- Enforcement Officer reviews all sightings of unidentifiable boats and photos. If still unidentifiable will arrange for Patrol notice to be placed on boat requesting contact

- If not resolved the S8 or Liveaboard process will be followed (as above)

#### Direct Debit default process

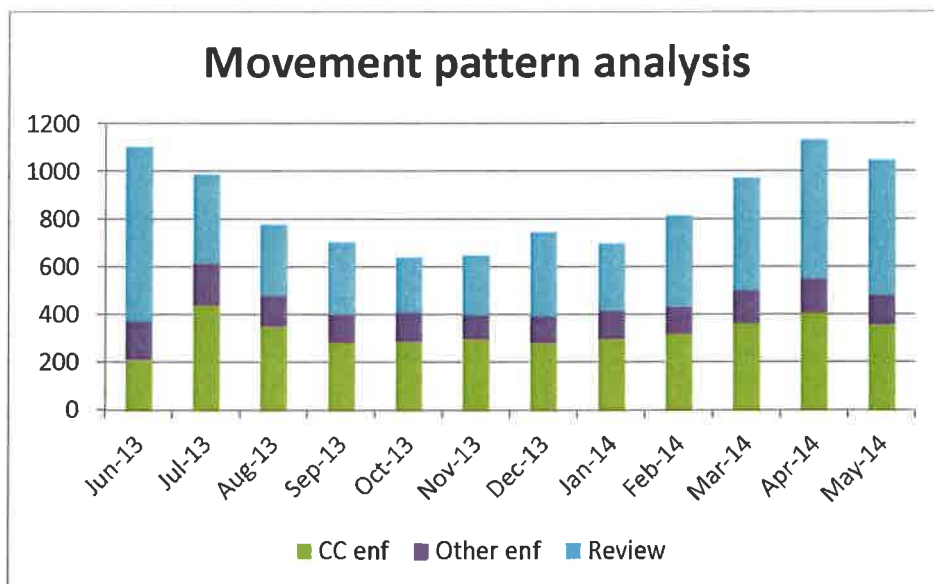
Where the existing owner of a boat has defaulted on their direct debit payment our credit control department make further attempts to request the payment. If this fails then the case is transferred to the Enforcement team.

- Boating coordinator attempts contact with the owner by letter, including details from credit control and a copy is sent to local team to post on boat
- If unresolved the defaulted licence is terminated and the case passed to the enforcement officer to issue letter and removal notices. The relevant S8 or live-aboard process is then followed.

#### Overstaying

##### *Continuous cruisers*

A monthly analysis of all continuous cruiser boat movements based on our sightings identifies those who appear to have moved the least in the previous six months. We also review any customer complaints received regarding a particular boat / area. The enforcement officer reviews the list of boats in their areas to see if there are known reasons why the boat has not travelled far – for example, approved extended stays, winter moorings etc. If not, then initial contact is made by sending a PreCC1 letter. If no contact is established then the legal process is instigated. On average about 800 boats are currently identified each month, of which about 400 are not in any existing enforcement process and will therefore be reviewed as just described. The monthly fluctuations relate to when the analysis of previous six months sightings includes winter months where traditionally boats take out winter permits and therefore stay in a smaller area.



**Figure 1: Monthly summary of number of boats identified as moving the least distance**

**Key:**

**CC Enf – enforcement action already underway for non compliance**

**Other Enf - enforcement action already underway for another matter (e.g. unlicensed)**

#### *New CC Customers*

In January 2014 we started issuing a welcome letter to those new customers who have taken out their first licence without a home mooring. From the 4<sup>th</sup> month of their licence their movement pattern is reviewed to see if it raises any concerns. If they are already flagged in the normal analysis then the standard process is followed (*indicated on chart below as red*), with the expectation that the licence will not be renewed if the movement pattern does not improve. If they have not appeared in the standard analysis but it is felt their movement may still not be in line with bona fide navigation then a further advisory letter is sent (*indicated on the chart below as amber*). So far we have issued welcome letters and applied this approach to 220 new customers.

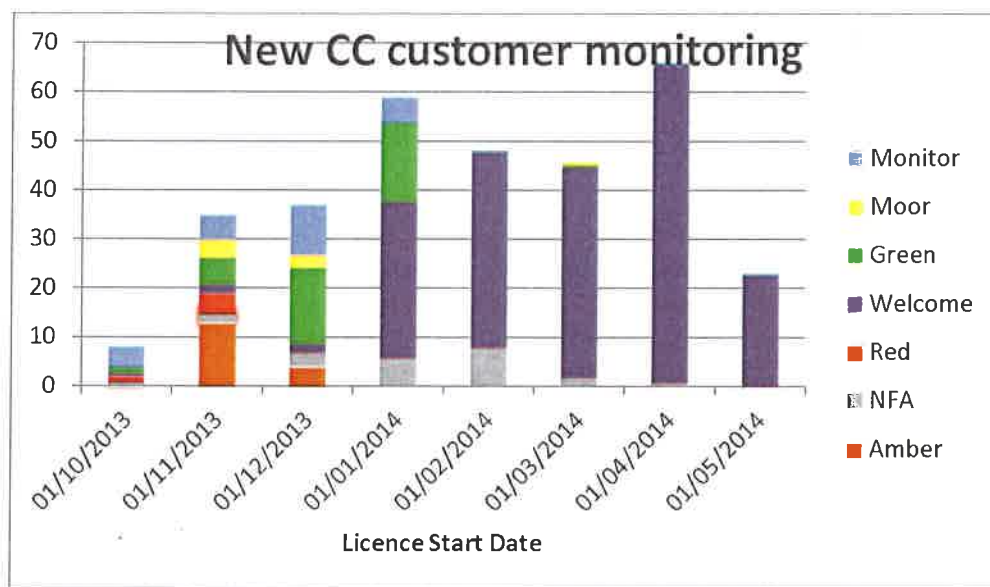


Figure 2: Chart showing volume of new customer taking our CC licences currently being monitored  
Key: action being taken or stage of process (welcome letter, amber warning, red warning)

#### Approved Extended Stay

When a boater contacts us with a request to extend their stay by up to 14 days, the Enforcement Officer is authorised to give consent, and providing it is for more than 7 days, will issue a special permit. If the extension is for more than 14 days, or is an extension to an original request then the matter is referred to the enforcement supervisor for consideration. The enforcement supervisor can ensure a consistent approach is taken with similar cases and refer to management for additional guidance on complicated circumstances.

#### Popular time limited moorings

At a number of sites more frequent sightings are being collected, predominantly by volunteers who are capturing the sightings electronically using an application called MOBIS.

- Sightings are captured and fed automatically into our national sightings database
- The application flags up those who appear to have overstayed the time limit
- Boating Coordinator reviews sightings and makes initial contact (phone / email). On some sites a notice is also left on the boat to remind the boater to move on or face an extended stay charge.
- Sightings continue to be monitored and, where necessary an invoice raised for the extended stay charge.
- The standard process for collection of these debts is applied by our Shared Services department in Leeds (not part of the boating team).

## Changes underway

### *K&A*

- Monitoring against the special interim plan started on 1<sup>st</sup> May 2014
- 14 day reminders being sent (text / email) if sightings show boat has remained in the same place / neighbourhood for more than 14 days. 45 sent on initial analysis
- Additional boating co-ordinator being appointed to support team with these initial stages of monitoring.
- Provisional plans in place to appoint an additional Enforcement Officer, which will allow data collecting to revert to weekly on linear sections

### *London*

- Replacement data collector started within the last two weeks and currently undergoing training
- Deputy Enforcement Operations Manager currently being appointed, who in turn will appoint London Supervisor
- Additional Enforcement Officer being recruited - interviews in next two weeks
- Introduce 14 day reminder process similar to currently being action on the K&A (this will happen as soon as new staff appointed and trained)
- Closer integration of enforcement and boater liaison teams: improving communications and cooperation with London boaters to promote understanding and respect for fair rules. Initiatives include London Boating Bulletin, Better Relationships Group, volunteer caretaker boaters at visitor mooring sites.

### *Maps and addition guidance & 14 day reminders*

One of the objectives of the Towpath Mooring Management Project (TMMP) is to provide clearer guidance to our customers about what our expectations are to meet the requirements of their licences, particularly those who do not have a home mooring. To support this we are planning to publish supplementary guidance and neighbourhood maps to inform customers where we expect them to move to after each 14 day period. In legal terms this is not defining 'place' in the legislation – rather it is setting out our interpretation of place as a guide to avoid the attention of our enforcement team. Any liveaboard case depending on this interpretation will of course still be subject to a Judge's determination which is based upon the wording in the Act rather than our guidance. It is hoped the Supplementary guidance and maps will be published in the coming months with the maps available on our website to download.

### *Revised data collection software*

We are in the process of updating our data collection software. This includes the additional functionality of flagging up when a boat appears have overstayed the time allowance for that location. This will then trigger a simple reminder (text or email) to say we believe the boat has overstayed. In the short term a manual process using current sightings data is being used to trail this on the K&A and it is hoped it will be rolled out to London in the coming months.

### *Enforcement website*

We are working on improvements to our corporate website to highlight the work and processes of the enforcement team. It will include contact details for the team and maps to show the areas each EO covers. It will provide high level monthly updates on caseloads etc and be a central point for contact details and links to other relevant external agencies and organisations which we feel may be of help to the owners. It will also provide others news and updates on both national and local items.

Denise Yelland  
June 2014



Appendices: *(see separate document)*

Examples of communications prior to legal process

1. Template: PreCC1 – initial letter regarding concerns about movement pattern
2. Template: Welcome letter for new customers whose first licence is for continuous cruising
3. Template: Amber letter for new customers whose movement pattern is of concern
4. Sample text for K&A reminders for overstay

Process flows:

5. Example of enforcement process – approved extended stay process
6. Example of legal process – section 8 boat removal