



# River Moorings Policy 2017 - 2023

## Technical Document

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## **1. Purpose**

- 1.1 The purpose of this policy is to enable Cambridge City Council to effectively manage the provision of its mooring facilities, as the riparian owner of the land adjacent to the river bank at defined locations within the River Cam corridor. Areas where mooring is currently permitted by the Council extends from Jesus Green through to Stourbridge Common with locations on both sides of the river.
- 1.2 One of the primary aims of the policy is to provide a mechanism to advise interested parties about the way in which the Council will discharge its various functions and responsibilities for moorings.
- 1.3 Those identified as having an interest in the mooring policy include current and future moorer's, visiting boaters, commercial boat operators, stakeholders, organisations and individual members of the community who have an interest in the river or are directly affected by activities which take place within the river and its environs.
- 1.4 The policy recognises that the area of the River Cam covered by the policy is becoming increasingly popular for a variety of activities and is now one of the busiest stretches of inland waterway within the United Kingdom, and the activities of the City Council need to reflect the changing demands on the river system.
- 1.5 As a moorings management policy, its limitations must also be recognised and as such it does not attempt to deal with the full range of City Council statutory responsibilities such as planning, social care and housing needs or the full range of ambitions expressed for the future of the River Cam. The policy does however have regard to the wider responsibilities of the Council and identifies areas where other policies may have the potential to influence the future operation of the River Moorings Policy.

## **2 Introduction**

- 2.1 The new Policy updates and changes where appropriate the existing Mooring Management Policy adopted in October 2010. This revised policy, therefore, aims to reflect the considerable operational changes in the intervening period since the 2010 policy was adopted.
- 2.2 The policy revision will also encompass changes to policy which have been made since the adoption of the 2010 document but have not previously been included as a revision within the policy framework, e.g. removal of discounted licence fees for certain categories of user.

- 2.3 Several factors which influence the future policy direction have been identified by river users, stakeholders, local residents and the City Council. These include increasing demand for visitor and longer term licenced mooring locations, achieving a balance for potentially competing uses between mooring and navigating boats and other river users such as rowing clubs, angling organisations and commercial operators such as punting.
- 2.4 The demand for licenced moorings (12-month duration) far outstrips the availability of City Council moorings and this demand is likely to continue at the same level or increase if the current interest in boat dwelling continues.
- 2.5 Additionally, recent changes within the Housing and Planning Act 2016, Section 22 requires that:-
- “In the case of a local housing authority in England, the duty under subsection (1) includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of— (a) sites on which caravans can be stationed, or (b) places on inland waterways where houseboats can be moored.*
- “houseboat” means a boat or similar structure designed or adapted for use as a place to live.”*
- 2.6 Therefore Cambridge City Council and its neighbouring local authorities will have to complete an assessment of the demand and need for moorings within the context of the Housing and Planning Act 2016 within its next review period.
- 2.7 A principal responsibility of the City Council is to ensure the safe, responsible and proportionate use of its areas of riverbanks where mooring is permitted and in furtherance of its statutory duties and responsibilities where appropriate. Most importantly the City Council must work in partnership and with due adherence to the role and responsibilities of the Cam Conservators as the statutory navigation authority for the River Cam. The Cam Conservators have powers to regulate navigation on the River Cam by a range of byelaws under Section 25 of the River Cam Conservancy Act 1922.<sup>2</sup>
- 2.8 The Cam Conservators are also concerned about the current and potential unregulated mooring of vessels, which could reduce the navigation width of the River Cam below acceptable levels with attendant health and safety consequences. This policy proposes a fair, proportionate and proactive enforcement mechanism to remove areas of existing mooring without permission and to ensure that any instances of new boats mooring without permission are quickly removed.
- 2.9 Research undertaken by the Cam Conservators has, for example, indicated that, in comparison to other waterways the River Cam had a crowded water space with over 1000 craft in a 14 mile stretch of river, this gave a density per

mile of almost 6 x that of East Anglian waterways. Similarly, the research indicated that in the last 20 years rowing has increased by 148% within the River Cam to approximately 3,000 participants.<sup>3</sup>

- 2.10 This tendency towards increasing use underlines the priority given to the proactive management of the areas of the River Cam and environs which are subject to activity approved by the City Council.
- 2.11 In recent years the City Council has conducted several consultation exercises to gauge the views, ideas and opinions of a wide range of organisations, representative bodies, individual boat owners, residents and members of the wider community. Recent consultations include; in February 2015, when the Council proposed a policy for control of visitor moorings based on a Contract Law Model and between November 2016 and January 2017, when it completed a consultation exercise in relation to a number of revised policy considerations.
- 2.12 The development of the updated policy has taken account of the views expressed by consultees and the policy has, where appropriate, incorporated these into the revised proposals.
- 2.13 This policy will remain in place for a period of five years, at which point it will be reviewed. However, should unforeseen, or external circumstances require fundamental changes in policy direction the policy will be reviewed prior to the anticipated end date of 2023.

### **3 River and Riverside Activities and Functions**

- 3.1 The River Cam provides an extremely important and valuable natural asset within the heart of Cambridge city centre, adding to the value of the locality in a number of ways, ranging from the natural environment through to the commercial benefits realised from tourism and leisure activities. Although the primary purpose of this policy is to ensure the effective provision and management of the moorings provided by the City Council, it also needs to reference the wider benefits and values of the river for a range of functions and activities.
- 3.2 These include:
- The value of the River Cam as a blue corridor connecting a pattern of biodiverse, historic and recreational green infrastructure within the City.
  - Hosting a range of river borne and river related active leisure pursuits including rowing, punting, events, visitor cruises, recreational boating and angling.
  - Provision of a safe and accessible traffic free towpath for walkers, runners and cyclists which connects the city in an environmentally sustainable way, improving its legibility.

- Providing a high-quality visitor and tourism attraction which can be accessed by visitors at a number of ability levels from quiet enjoyment to challenging physical activity.
- Providing a variety of on-line moorings for visitor and residential moorings.

#### **4 Policy Background**

4.1 The Cambridge City Council, Moorings Management Policy 2010, was the first such policy prepared by the Council which had the intention of describing and itemising how moorings would be provided and managed. It stated several purposes including:

- To set out in a single location the different decisions and conclusions that had been reached over the previous fifteen years during which the Council had taken a more proactive role in managing moorings within Council ownership.
- To ensure safe enjoyment of the river and its banks for residents and visitor alike, both on land and on the water, and to ensure the protection of wildlife and the natural environment associated with the river.
- To advise of the role of the Conservators of the River Cam as regulators of navigation through byelaws granted by The River Cam Conservancy Act 1922.

#### **5 Policy Review**

5.1 The updated policy itemises the principal changes in policy which the Council is introducing from the review of operating the policy between 2010 and 2016. The overall aim being to manage the City Council moorings in a sustainable way which meet the needs of boat owners and mooring users balanced with the recreational and residential needs of others. The policy has considered the broader environmental needs of the locality; protecting and enhancing landscape, public amenity, nature conservation and heritage interests.

5.2 The updated policy has been informed by a public consultation exercise completed by Cambridge City Council between November 2016 and January 2017. The consultation attracted a high level of community engagement eliciting over 800 responses from a number of different interest groups and individuals.

5.3 The public consultation sought comments and viewpoints on a number of different mooring policy areas and these included:

- The method by which the cost of annual mooring licences is calculated;
- The level of financial penalty charges to be applied within the Contract Law Model for overstaying temporary and visitor moorings;
- The management of unregulated moorings at Riverside and the extent to which existing moored boats could be regularised and the site managed effectively within the future policy;
- The introduction of a revised enforcement policy for visitor and temporary moorings with delegated officer powers;
- The type and number of mooring locations, including reducing future availability and a temporary increase to support the relocation of boats currently moored at Riverside;
- The establishment of short term winter moorings;
- The management of the closed waiting list including consideration of how to accommodate existing Riverside moorer's should there be a requirement to do so;
- The opportunity for those consulted to state any additional items which they wished to be considered

## **6 Policy Structure**

6.1 The policy areas of the document are arranged within three sections for each policy for ease of interpretation. These are:

- Policy Heading – which provides the name of the policy being referenced.
- Introductory section- outlining the principles and requirements of the policy, outlines issues and opportunities and provides a background to views expressed during previous consultation exercises.
- Policy statements- outlines one or more policy principles which the Council will have regard to during the operation of this policy.

## **7 Policy Objectives**

7.1 The key areas of policy, which have been considered of importance to the current and future operation of the moorings service, are outlined within this section of the policy as follows:-

## Policy RMP 1: Type of Moorings

- i. All moorings provided by Cambridge City Council are on-line moorings and this is in part due to their historic and incremental nature rather than as a planned process by the current administration of the Council.
- ii. The most up to date guidance from the Inland Waterways Association (2015),<sup>3</sup> advises that ‘The aim should normally be to reduce on-line moorings by the creation of new moorings off-line. Generally, new permanent on-line moorings should be resisted’ and in reference to residential moorings that ‘It is important to formalise the number of residential moorings (less than 5% of the total number of moorings is generally accepted as an appropriate figure’.)
- iii. This would indicate that Cambridge City Council is not currently compliant with recommended practice from the IWA, either in terms of on-line moorings in navigable waterways, or with the proportion of residential moorings in comparison to other types.
- iv. The future development of the Moorings Management Policy will recognise these factors and attempt to create a more balanced range of moorings where practicable and desirable within the constraints and parameters of the areas within the ownership of the City Council.
- v. By preference the City Council would seek to hold the number of on-line moorings for visitor and licenced purposes at existing numbers. However due to the Council having recently (2014) gained ownership of the Riverside area which has a number of existing moored boats. There will be a need to either create a number of regulated moorings at Riverside and/or accommodate boats currently moored at Riverside within the existing licensed mooring locations controlled by the Council.
- vi. This is likely to increase the number of moorings above current levels however any such additional moorings created will only be utilised to resolve the issue of boats which are currently moored at Riverside and for no other purpose.
- vii. The requirement to improve the management of the current situation at Riverside and the potential impact this may have on the Council’s mooring policy has been made clear through the options outlined within the most recent consultation exercise.



- viii. The duty of the City Council to consider the provision for places on inland waterways where houseboats can be moored to meet the needs of people residing or resorting to the district, within the context of the Housing and Planning Act 2016, Section 22,<sup>4</sup> may also influence or require changes to the way in which the River Moorings Policy is operated in future.
- ix. The Council currently has no offline mooring provision and it is extremely unlikely that the Council would be able to make the necessary investment to build and operate such facilities.
- x. However, the draft Cambridge City Council Local Plan has identified a site at Fen Road which is allocated for off-river residential moorings within the proposals schedule set out in Appendix B of the plan. The draft plan also states that:
  - a. *‘The delivery of further residential moorings within off-river basins or marinas will be considered favourably, providing appropriate access arrangements can be made and onshore facilities constructed which comply with other policies of the plan.’*
- xi. Therefore, should there be private or organisational interest in developing offline mooring facilities within the administrative boundaries of CCC these would be supporting through the planning policy function in principal.

#### **Policy Statements RMP 1 – Type of Moorings**

RMP 1.1 The Council will support the retention of 70 on line mooring licences within existing locations on Jubilee Gardens, Jesus Green, Midsummer Common and Stourbridge Common and if possible 7 more on Riverside at locations which can be provided safely.

RMP 1.2 The Council will create new temporary licenced on line moorings to resolve existing mooring management issues where appropriate.

RMP 1.3 The Council through its planning function will support the development of offline moorings in appropriate locations.

RMP 1.4 The Council will complete an assessment and demand for moorings within the context of the Housing and Planning Act 2016, with surrounding housing authorities within two years.

## Policy RMP 2 – Category of Moorings

- i Four broad categories of moorings are permitted by the City Council, these are:

**a) Short Term Temporary Moorings**

Areas where mooring is permitted for a maximum period of two hours, between the hours of 10.00 and 1600 hours. This is for using the waste pump out and drinking water facility.

**b) Visitor Moorings**

Mooring was previously permitted without charge at these moorings for a maximum of 48 hours with no return within 7 days. However, the City Council has now determined that a charge will be made for use of these moorings as a contribution towards their upkeep and management. The visitor moorings will now be managed by a Contract Law Model, whereby visiting boats have to register on arrival. If visiting boats exceed the 48 hour free mooring they will be liable to a penalty charge for each 24-hour period or part thereof, by which they exceed the permitted length of stay. Visitor mooring will be allocated on a 'first come, first served' basis and cannot be pre-booked.

**c) Commercial Moorings**

There is a limited number of commercial moorings which are operated, based on commercial leases. There are managed by Property Services and outside the scope of this policy.

**d) Licenced Moorings (12-months)**

The majority of moorings currently operated by the Council are reserved for boats which have a 12-month residential licence provided by the Council. The licence grants a right to moor for a specific owner of a vessel and cannot be transferred to another owner, for example, if the boat is sold. The licence does not confer a right to moor in any specific location and includes provisions that require boats to be moved when necessary to permit riverbank maintenance or to facilitate river based events. There is no guaranteed right of renewal for any existing licence holder.

**e) Winter Moorings option**

The Council was requested to consider providing winter moorings when it reviewed its moorings management policy.

- ii The option of providing winter moorings was included within the 2016/2017 consultation questionnaire, the community were asked their view on the Council's preferred position which was not to allocate winter moorings at this stage, as there were a number of outstanding issues in relation to winter moorings which have yet to be resolved.

- iii In the case of other mooring providers, the use of winter moorings is generally to provide a home mooring for those categories of boat owners who would otherwise be classified for navigation and mooring purposes as continuous cruisers i.e. they continually traverse the waterway and temporarily moor rather than have a home mooring.
- iv Winter Moorings are designed to provide a longer stay berth during the winter months when navigation is less attractive or more difficult due to weather conditions.
- v Council Officers and Cam Conservancy have considered the option of winter moorings and cannot identify what benefits this proposal would have, given the current issues and high level of demand for long stay licenced moorings. Winter moorings would also take up space used by visiting boats preventing temporary mooring.
- vi Encouraging more boats into the locality during a traditionally quieter period for relatively long stays is likely to be counterproductive and increase pressure on the river and associated uses. The area(s) occupied by visitor moorings currently are some of the most scenic areas bordering residential and greenspace.
- vii The reduced number of visitors during the winter months assists in the restoration of these areas by reducing environmental disturbance to the water course and river bank. This also provides the opportunity for essential maintenance to be carried out without having to relocate moored boats.
- viii There would be the opportunity for increased income through the issuing of temporary winter licences at 25% of the 12-month licence fee. However, this would require additional staff resources to manage the scheme and ensure that the duration, terms and conditions of the licence are enforced.
- ix Following consideration of the balance of all the factors involved the Council is not intending to allocate winter moorings for the duration of this policy.

#### **Policy Statements RMP 2 – Category of Moorings**

RMP 2.1 That the Council will provide mooring categories for short term temporary moorings, temporary visitor moorings, commercial and licensed moorings.

RMP 2.2 That the Council will not allocate provision for winter moorings within the timescale of this policy.

### Policy RMP 3 - Number and Location of Moorings

- i. The availability of mooring spaces on the Council owned sections of the River Cam are extremely limited in comparison to demand, and the fact that they are all on-line moorings requires that they need to be carefully managed to prevent interference with navigation requirements, rowing activities or bank based activities such as angling. It was not previously the intention of the Council to create any more on-line moorings within their riparian ownership during the intended lifetime of this policy.
- ii. This includes the intention of developing and maintaining a balance between the differing recreational and environmental needs of the river and the consideration that the number of on-line moorings provided by the City Council is at an optimum level in terms of land and facilities available. In arriving at this policy, the Council has taken regard of the most up to date guidance from the Inland Waterways Association (2015) <sup>3</sup>, it advises that ‘The aim should normally be to reduce on-line moorings by the creation of new moorings off-line. Generally, new permanent on-line moorings should be resisted’ and in reference to residential moorings that ‘It is important to formalise the number of residential moorings (less than 5% of the total number of moorings is generally accepted as an appropriate figure’.)
- iii. This would indicate that Cambridge City Council is not currently compliant with recommended practice from the IWA either in terms of on-line moorings in navigable waterways or with the proportion of residential moorings in comparison to other types.
- iv. Notwithstanding the preference to hold the number of moorings at current levels, however, the longer-term resolution of the inherited mooring area at Riverside Wall is likely to require the establishment of a number of regulated licenced moorings within the Riverside Wall area and potentially the requirement to temporarily increase the number of moorings available within other areas to accommodate relocation from Riverside Wall. It would then be the intention to reduce the number of moorings available to current levels as soon as reasonably practicable.
- v. The number of regulated moorings which will be provided at Riverside Wall will be subject to technical feasibility and a financial viability test of any solutions proposed. The Conservators of the River Cam and the Environment Agency will also be involved in the development of any proposed solution.

#### **a) Short Term Temporary Moorings**

Each area can accommodate 2-3 vessels on a temporary basis either, during use of, or waiting to use the facilities.

These are located at areas D1, Jesus Green on Map 1 and K1, Stourbridge Common on Map 3.

#### **b) Visitor Moorings**

Two areas are reserved for visitor moorings, which can accommodate between 8-10 vessels dependent on their individual size. Visiting wide beam craft can be accommodated in Area C but not permitted on Area E2.

Area C, Jubilee Gardens on Map 1 and Area E2, Midsummer Common  
Also Map 1.

#### **c) Commercial Moorings**

There is a limited number of commercial moorings which are operated based on commercial leases. There are managed by Property Services and outside the scope of this policy.

#### **d) Residential Moorings**

This is by far the largest number of moorings provided, the Council has made a total of 70 mooring licences available on an annual basis. A maximum of 15 of the 70 moorings are available for wide beam vessels.

Moorings are available at 7 locations as indicated on the maps.

Area B, Jubilee Gardens, for 75 metres upstream of the weir, Map 1,  
Area D2, Jesus Green, Map 1 and Area E1, Midsummer Common on  
Map1.

Area G and H, Midsummer Common on Map 2.

Area K2, Stourbridge Common on Map 3.

Area M, Stourbridge Common on Map 4.

Wide beam vessels are only permitted to moor on Area B, Jubilee  
Gardens, Area D2, Jesus Green and Area M, Stourbridge Common.

Area P, Riverside Wall on Map 5 (The number and location of licenced  
moorings in this locality has still to be determined as indicated within  
this document)

#### **e) Prohibited Mooring Locations**

There are a number of areas within the riparian ownership of Cambridge City  
Council where mooring is expressly prohibited under Cam Conservators

Byelaws, for the purposes of ensuring safe and effective navigation of the river. These are:

Area A, Jesus Green on Map 1.

Area F and Areas J on Map 2.

Area L on Map 3.

**f) Mooring Location Maps**

Illustrative location maps are provided as an appendix to this policy document.

**Policy Statement RMP 3 – Number and Location of Moorings**

RMP 3.1 The Council will manage and maintain the number and locations of moorings as indicated within the policy maps.

RMP 3.2 The Council will temporarily increase the number of mooring licences if required to facilitate the management of the moorings service.

RMP 3.3 The Council will install and manage licenced moorings at Riverside Wall subject to technical and financial considerations and statutory approvals where required.

## **Policy RMP 4 Allocation of Annual Mooring Licences**

- i. The Council will allocate annual moorings licences on the following basis.
- ii. Existing holders of Mooring Licences will be granted a licence renewal at the end of their current licence period providing they have adhered to the terms and conditions of the licence throughout the preceding licence period. The granting of the new licence will also require proof of requirements covering boat navigation licence registration, boat safety certificate, public liability and insurance.
- iii. Where vacant licences have become available due to the surrender of annual licences these would be offered to those on the Council's waiting list on a chronological basis, that is, those who have been on the waiting list for the longest period and have therefore reached the top of the list would have first refusal of any available licences.
- iv. However, the Council reserves the right not to offer any available licences to the occupants of the waiting list if it requires the use of those licences for the purposes of ensuring the effective management of the moorings or resolving existing problems identified within this policy. For example, providing an effective solution to established issues of boats moored without permission (pre-dating this policy) on Council owned land, the resolution which will be of benefit to the longer-term operation of the policy.

### **Policy Statement RMP 4 – Allocation of Annual Mooring Licences**

RMP 4.1 Existing licence holders to have their licence renewed on an annual basis subject to continuing to meet eligibility criteria and licence terms and conditions.

RMP 4.2 Vacant licences to be offered to those on the waiting list on a chronological basis. Subject to the Council not requiring vacant licences for its own purposes.

### **Policy RMP 5 – Management of Mooring Waiting Lists**

- i. The Council has maintained a waiting list of those applicants for annual licences who meet the eligibility criteria, this list had to be closed to new entrants in 2014 due to the level of demand and limited supply which indicated that it would take an unrealistically long time scale before all the current list could be provided with a licence. This is estimated to be more than ten years due to a combination of the limited number of licences surrendered each year and the number of people on the waiting list.
- ii. The waiting list is managed on a chronological basis, that is, those who have been on the waiting list for the longest time are next in line for when a licence becomes available. Due to the limited number of licences surrendered each year, and as current licence holders have an almost automatic right of renewal providing they had adhered to the conditions of the licence in the previous twelve months, there is little realistic likelihood of the waiting list participants being accommodated within the medium to longer term.
- iii. The transfer of the responsibility for Riverside to the Council in 2011/2012 and the number of unregulated moorings at that site and the intention of the Council to manage that area more effectively in future has also had an impact on consideration of the future allocation of mooring licences. In terms of resolving the issues of mooring at Riverside the Council will have regard to a number of factors when allocating mooring sites these will include: whether owners of moored vessels have applied to be on the Council's regulated list, whether they are fully compliant with Cam Conservator or Environment Agency requirements for licences and certificates, whether they have public liability insurance, whether they are registered for and have paid Council Tax where required. That they meet the Council's mooring licence terms criteria that the boat is their sole residence. Additionally, the Council may require wide beam vessels to have mooring priority at Riverside if it is the only mooring locality which can accommodate wide beam boats and will take account of additional factors including the length of time spent on the waiting list.
- iv. The people on the waiting listed are contacted annually through a review process to determine whether they are still interested and eligible to be granted a mooring licence should one become available. This has the benefit of keeping the list relevant and up to date. There are currently around 200 applicants on the list. (~50 wide beam and ~150 Narrow beam)



- v. Therefore, the waiting list will be retained as a closed list until the current issues relating to mooring without permission have been resolved and/or the numbers on the waiting list have reduced to a more realistic level in terms of supply and demand considerations. It is considered that once the waiting time on the list has reduced to an approximately eighteen month waiting period that the waiting list can be reopened to new applicants.

**Policy Statement RMP 5 – Management of Mooring Waiting Lists**

RMP 5.1 The waiting list will remain closed until the estimated waiting time for an available licence has reduced to approximately 18 months.

RMP 5.2 The waiting list applicants will be subject to an annual review in terms of continuing interest and eligibility.

## **Policy RMP 6 – Setting of Mooring Fees & Charges**

- i. It is the intention of the City Council to set annual licence mooring fees and charges at a level which is considered proportionate in comparison to the accessibility and proximity of the moorings to City Centre amenities and the services directly provided to mooring boats. This also takes account of the level of mooring fees charged by other providers for comparator purposes and market testing of Council charges.
- ii. A benchmarking exercise was completed in August 2016 to compare the level of mooring licence fees charged by Cambridge City Council in comparison to other providers of residential and home moorings. This covered other local authorities, trusts and private providers. This was used to provide an update to the comprehensive research into 'Residential Mooring Policy and Charging in Cambridge' which was commissioned by the Council in 2009.
- iii. The 2016 benchmarking update re-affirmed that the level of charges set by Cambridge City Council were very reasonable in comparison to other providers. The facilities provided by other mooring providers was also factored into the comparison and it was clearly acknowledged within the benchmarking process that most of those charging higher mooring fees were providing services and facilities to moorer's which were of a higher standard than those currently available to those on Cambridge City Council moorings.
- iv. As part of the policy review alternative methods of charging for mooring licences were considered, this included the option of increasing the baseline licence fee by approximately 100% to bring the fee level in line with the nearest equivalent benchmark comparator.
- v. Through further consideration of those alternative charging options by the Council and the views expressed within the outcome of the 2016/2017 consultation exercise it has been determined that the existing baseline annual licence fee updated annually by the prevailing Retail Price Index level, will be retained.
- vi. The Council does not currently charge for use of visitor moorings. The permitted length of stay will remain at 48 hours with no return within 7 days. In conjunction with the proposal to introduce a Contract Law Model for enforcement purposes a penalty fee for overstaying will be introduced. It was originally recommended that the penalty fee should be set at £100.00 per 24 hour overstay or part thereof with the purpose of acting as a sufficient financial deterrent to ensure compliance with the permitted length of stay periods.

- vii. Through further consideration of the appropriate level of penalty charge by the Council and the views expressed within the outcome of the 2016/2017 consultation exercise it has been determined that the penalty fee should be initially set at a lower level of £50.00 per 24 hour overstay or part thereof. This will be applied within the same criteria for Civil Enforcement penalties, with the charge reduced to £25.00 if paid within 14 days.
- viii. The Council also considered the option of charging annual licence fees based on boat length and width rather than a flat fee for each boat. After further consideration of this option it has been concluded that the Council will charge on the basis of boat length but not beam. The Category/Tariff class which will be used to apply the bracketed boat length charges will be based on the Annual Registration categories published by The Cam Conservators for Power Driven Vessels – Private Class ‘C’, classes 32-39.
- ix. In respect of liability to pay Council Tax for boats used for residential purposes in receipt of an annual mooring licence from the City Council, the District Valuation Office has taken the view, after consideration of prevailing legislation and case law that boats used as dwellings on the River Cam should be registered on the Valuation List as eligible to pay Council Tax.
- x. The City Council currently provides a 100% discount on the tax liability for residential moorings, therefore moorer’s who are subject to the mooring licence fee do not pay Council Tax at present. However, in the intervening period between the discount being introduced in 2006 and subsequent changes to the regulation of Council Tax introduced in 2012, the City Council has introduced a Local Council Tax Reduction Scheme within other areas of its responsibilities which operates on a means tested or ability to pay basis. This scheme can, for example, offer discretionary relief from Council Tax at a range of levels up to 100% dependent on individual circumstances. The scheme operates in conjunction with other social benefits such as Housing Benefit to ensure fair and equal treatment.
- xi. The City Council will during the lifetime of this policy consult in detail with stakeholders and those in possession of mooring licences to determine the most appropriate way of applying Council Tax discounts in future and in alignment with other Council policy areas.

**a) Temporary Mooring Sites**

There will be no charge for temporary mooring within the designated sites if the maximum permitted stay of two hours is not exceeded. Any vessel which remains on the moorings longer than 2hours will be charged a penalty fee of £50 for each 24hour period or part thereof that it remains on site.

**b) Visitor Moorings**

There is currently no charge for use of visitor moorings. However any vessel which remains on the moorings longer than 48 hours or returns within a seven-day period (7x24 hours) will be charged a penalty fee of £50 for each 24hour period or part thereof that it remains on site.

The Council will consider the introduction of a charge for visitor moorings during the lifetime of this policy if an effective and automated method of collecting fees can be economically installed.

**c) Commercial Moorings**

The fee for commercial moorings will be negotiated on an individual basis between the Council's Property Services Unit and the other party. As such individual fees, will not be disclosed on the basis of commercial confidentiality and the need to achieve maximum market value for such opportunities.

**d) Licenced Moorings**

The annual fee for a mooring licence will be effective from the 1<sup>st</sup> April and comprise the previous year's fee level updated by the September Retail Price Index for the subsequent year.

**Policy Statement RMP 6 – Setting of Mooring Fees & Charges**

RMP 6.1 The annual licence fee will be increased by 2% from 1st April 2017 and then each subsequent 1st April by the annual percentage Retail Price Index (RPIX) for the previous September.

RMP .6.2 Individual boats will be charged by length.

RMP 6.3 Civil Penalty Fees for overstaying time limits on temporary and visitor mooring sites will be set at £50.00 reduced to £25.00 if paid within 14 days.

RMP 6.4 The option of charging for visitor moorings will be considered during the lifetime of this policy.

## Policy RMP 7 - Licence Terms and Conditions

- i. The Council's Mooring Policy allocates available licences to people who will use their boat as their sole residence. Licence holders register their vessels with the Conservators of the River Cam or the Environment Agency in categories that assume a vessel is mechanically propelled and capable of propulsion under its own means.
- ii. The Association of Inland Navigation Authorities (AINA)<sup>4</sup> classifies such vessels as 'Residential Craft'. The Council's Mooring Policy simply provides permission to moor such a specified vessel on any of a number of designated areas of the riverbank. The licence agreement does not provide for any security of tenure for individual boats or licence holders and the licence is non-transferable.
- iii. The application form for a licence requires boaters to provide a relevant boat safety certificate and public liability insurance as well as proof of boat registration with either the Conservators of the River Cam or the Environment Agency.
- iv. Licence holders are required to sign a Licence Agreement with the Council, which outlines a range of Terms, Conditions and Prohibited Acts which cover the roles and responsibilities and expected behaviour of the parties to the agreement. The licence terms and conditions contain a range of fixed eligibility criteria which applicants must meet before they can be considered for a licence.
- v. The licence agreement states which contraventions of the licence may result in the licence being withdrawn or not renewed.
- vi. Consideration has been given by the Council to extending the length of licence period from the current 12 months to a longer time, for example from 24 months to 36 months, however has determined to retain the licence as a 12-month agreement for the lifetime of this policy.
- vii. Over the lifetime of the previous policy from 2010 to 2016 there was an occasional need to add, alter or rephrase areas of the licence terms and conditions.
- viii. Such changes did not reflect a significant departure from the aims and objectives of the Moorings Management Policy and were managed as operational decisions. The same process will apply throughout the lifetime of this policy.

- ix. As part of the development of the revised Moorings Management Policy the terms and conditions of the licence agreement will be reviewed by the Council's Legal Services Team to ensure that it remains compliant with any legislative changes which may have arisen, in the intervening period

**Policy Statement RMP 7 - Licence Terms and Conditions**

RMP 7.1 The mooring licence will be an annual licence with a maximum duration of 12 months.

RMP 7.2 The licence terms and conditions will be reviewed for legislative compliance.

## Policy RMP 8 - Enforcement Policy and Code of Practice

- i. Several areas of Moorings Management would benefit from an updated and integrated enforcement policy which would permit consistent and transparent action to be taken within an agreed framework. The primary purpose would be to communicate and facilitate the ability of the Council to take proportionate action when mooring without permission or licence transgressions occurred.
- ii. The Enforcement Policy for Moorings would be aligned within the Council's Corporate Enforcement Policy to ensure consistency of approach and alignment with the purpose and objectives of the Council.
- iii. A principal of the enforcement activity would be that punitive action and resort to the Civil Courts, for example, for eviction notices or possession orders would only be triggered after attempts at voluntary compliance with the mooring management requirements, had been unsuccessful.
- iv. However, the process for voluntary compliance with regulations would be itemised within the policy with defined time scales for responses to prevent delay or cases dragging on before action was started. This would have the added benefit of defining the delivery expectations of the policy, by itemising the series of actions which had to be taken after a trigger event had occurred. This would include process mapping so that staff with responsibility for applying the policy would clearly understand the steps and stages to be followed.
- v. This would define the responsibilities and contact details of individual officers and service units within the Council, such as Streets & Open Spaces, Enforcement Officers and Legal Services. This would also assist in preventing local interpretation and reduce the discretion to give cases a lower priority against other workload demands or to make individual arrangements with transgressors which didn't comply with fair and transparent processes.
- vi. By setting time scales for the completion of each stage, combined with a series of standard letters and forms the administration of the process will be simplified.
- vii. It is recommended that the management and delivery of the process is structured through a system of delegated powers whereby appropriately experienced officers would deliver the process without further recourse to Committee. Final approval to proceed in an individual case would be signed off by a senior council officer.

- viii. For the revised enforcement policy to be successful it is important that the various sections of the Council who would be required to deliver the policy are involved in its preparation and development and that they make the required commitment of staff and resources for delivery.
- ix. It is anticipated that once the new policy is in place and current enforcement cases are cleared that the requirement for future enforcement action will be greatly reduced. The licence to occupy CCC moorings must be on the basis of mutual trust rather than the assumption that either party will not meet its obligations under the agreement.
- x. The City Council will work in partnership with The Cam Conservators and other relevant partners to ensure that effective action is taken against those boat owners who moor their boats:
- Without permission on Council owned moorings;
  - In areas where no mooring is permitted if not under Cam Conservancy byelaws;
  - Breach temporary and visitor mooring time scales;
  - Transgress the terms and conditions of the Council's mooring licence;
  - Causing a health and safety hazard; and
  - Failure to have a current navigation licence and boat safety certificate if moored against Council land.
- xi. The enforcement policy and code of practice will be clearly communicated and available as a public document. It is the intention of the Council to take proportionate action within the context of its corporate policies at the same time ensuring that its responsibilities are carried out in a fair and transparent way.
- xii. The two principal methods of enforcement outlined below will be applied dependent on mooring location.

#### **Contract Law Management System**

- xiii. Due to potential problems with boat users overstaying the time limit of 48 hours on moorings designated for visitors the Council has introduced a contract law system. The terms of the mooring contract will be clearly set out along the river bank on notices and on the Council's website.
- xiv. If boats exceed either the 48-hour free period or return to any City Council mooring within 7 days a penalty will be applied for each 24-hour period or part thereof that the boat is in breach of the permission. Failure to pay the penalty notice could result in debt recovery action.



### **County Court System**

- xv. Where boats are moored without permission in areas of Council ownership where the area is not covered by Cam Conservator byelaws expressly prohibiting mooring and therefore subject to Conservator enforcement powers. The City Council will ultimately apply to the County Court for a possession order and injunction against the boat owners if they fail to remove the boat when requested.

#### **Policy Statement RMP 8 - Enforcement Policy and Code of Practice**

RMP 8.1 The Council will prepare and publicise a moorings enforcement policy and code of practice.

RMP 8.2 The effectiveness of enforcement activity and the level of actions required will be reviewed and reported annually.

### **Policy RMP 7.9 - Stakeholder Engagement**

- i. The Council has several principal stakeholder groups which it will continue to liaise with throughout the duration of this policy, for example, The Conservators of the River Cam and The Camboaters Association. The ongoing contribution of these organisations to the successful management and development of the moorings and associated areas is considered beneficial.
- ii. The Conservators of the River Cam through their regulatory function in terms of licencing and boat safety certification is a key factor in ensuring that boats licenced to moor have the necessary approvals.
- iii. As the navigation authority, they also provide guidance and advice on suitable sites for mooring locations and areas where byelaws may be applied to improve the health and safety of users navigating the river.
- iv. The Camboaters Association have formed a representative group representing those holding mooring licences and those without, and are a valuable forum for representing the diverse number of boat owners. This assists in ensuring that policies are appropriately applied and management issues are brought to the attention of Council officers as they arise.
- v. There are also several other organisations with stakeholder interests and influence, particularly rowing organisations, angling associations, resident associations and commercial interests. The Council will seek to develop a more effective dialogue with representative organisations with an interest in the river which would be of benefit in exploring opportunities for improving access and the experience of the river for a range of activities. The idea of an annual river user's forum, for example, is one option currently under consideration.

### **Policy Statement RMP 9 – Stakeholder Engagement**

RMP 9.1 Continue engagement with existing stakeholder organisations.

RMP 9.2 Identify and gauge interest of potential stakeholder organisations.

RMP 9.3 Consider options for developing and holding an annual river user's forum.

## Policy RMP 10 - Risk Management & Health & Safety Processes

- i. The Council is required to take reasonable precautions to ensure the ongoing health and safety of service users and general access to its facilities. The City Council's priority will be to maintain the mooring locations within a physically safe and well maintained condition, this will include areas such as the towpath, the riverbank, access steps, waterpoints and pump out facilities.
- ii. Regular programmes for routine maintenance functions such as grass cutting and litter collection will be provided. Regular inspection programmes and condition surveys will be conducted to identify any infrastructure or associated defects.
- iii. The Council will ensure that any identified health and safety defects will be rectified within an appropriate timescale according to severity and risk.
- iv. Various Acts and Statutory Instruments/Regulations created by Parliament impose specific duties and confer liabilities if those duties are breached (hence the term statutory duty). Acts of Parliament take precedence over common law duties, and they too may employ the word "reasonable" when describing an obligation.
- v. Some examples of commonly encountered statutes are: -
  - Health & Safety at Work Act 1974
  - Highways Act 1980
  - Defective Premises Act 1972
  - Occupiers Liability Acts 1957 & 1984
- vi. Dependent on the way the statute is constructed, the duty may be of a specific nature or be an implied requirement.
- vii. It should be remembered that it is possible to be liable in both negligence and breach of statutory duty simultaneously.
- viii. Apart from the Health and Safety at Work Act, the legislation that impacts most on the subject of this report is that which relates to occupier's liability.
- ix. The 1957 Occupiers Liability Act stated that an occupier has a common duty of care towards all lawful visitors (not trespassers). Section 2.2 defines this duty as "a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises

for the purposes for which he is invited or permitted by the occupier to be there."

- x. The term occupier in relation to this Act is deemed to be someone in control of premises or land. This, therefore, means that the Act will apply to almost all a council's outdoor activities that involve the use of its land. Therefore, it is important to realise that there is not only a common-law duty but also a statutory duty.
- xi. The 1984 Act amended the common law by outlining the duty of an occupier towards those the premises or land without permission. It says that an occupier owes to trespassers a duty of reasonable care, this duty being to take such care as is reasonable in all the circumstances to see that they do not suffer injury on the premises because of the danger concerned.
- xii. This duty arises if;
  - The occupier is aware of a danger or has reasonable grounds to believe it exists.
  - The occupier knows or has reasonable grounds to believe that the person is in the vicinity of the danger or that he may come into the vicinity of the danger.
  - The risk is one against which in all the circumstances of the case the occupier may reasonably be expected to offer that person some protection;but, no duty exists in respect of risks willingly accepted by the injured party.
- xiii. It will therefore be seen that these Acts have taken the common-law term of "reasonable" and incorporated it within the statute and this effectively means that the test of what is reasonable at common law is also the test of your Statutory Duty.

**Policy Statement RMP 10 - Risk Management & Health & Safety Processes**

RMP 10.1 Regular inspection and maintenance regimes will be supported to keep the moorings in good condition.

RMP 10.2 Annual condition surveys for health and safety purposes will be completed and recorded.

RMP 10.3 Identified health and safety risks will be rectified or contained within recommended time scales.

## **Policy RMP 11 Capital Investment & Improvement Programme**

- i. Where appropriate and not in contravention of any other policy objectives, such as the management of common land and environmental sustainability the Council will aim to improve the quality and accessibility of mooring locations and associated facilities.
- ii. This will require the identification of funding needs within a planned investment programme over several years, to be met when the Council's capital budget priorities permit funding to be allocated.
- iii. The Council's key priority is to ensure that the existing areas of licenced moorings comply with health and safety requirements, minimises environmental damage and protects other users of the river and surrounding areas.
- iv. The Riverside area is likely to require significant capital investment to provide regulated moorings and improve the health and safety aspects of the site. These are currently being cost estimated as a priority project.
- v. Other potential priorities, will include improvement work to stabilise the bankside edge and existing revetments, provision of mooring rings and solar lights to mark mooring points. Signage improvements will also be given priority where new management rules and mooring prohibitions are in place. The use and feasibility of information technology to assist in the management of moorings will also be considered as part of any upgrading programme.
- vi. The Council acknowledges that the facilities provided to residential moorer's are currently at a lower level than that provided by off-line moorings within purpose built marinas. However, there is more equivalency between other providers of on-line moorings and what is provided by the City Council.
- vii. Where appropriate and potentially aligned with other improvement priorities the Council will consider extending the range of facilities on offer, however the overall planning status of the River Cam and environs must be respected. Therefore, it is anticipated that the opportunity for the provision of more comprehensive facilities are only like to occur within a broader based integrated planning framework.
- viii. Such proposed facilities could include showers, laundry, electricity points, mail boxes and an additional pump out area.

- ix. Council officers are preparing a capital investment programme to guide and quantify improvements during the life of this policy. The level of current and future income generated from mooring licences will be a component of any investment considerations.

**Policy RMP 11 Capital Investment & Improvement Programme**

RMP 11.1 The Council will prepare capital investment proposals to regularise moorings at Riverside Wall as the key priority for this policy.

RMP 11.2 The Council will prepare capital investment proposals to cover existing areas of moorings.

## **8 Policy Implementation & Review**

- 8.1 Following Committee approval and formal adoption of the River Moorings Policy 2017-2023, the River Moorings Policy will be delivered through the appropriate Council departments and individual officers as required. A dedicated resource to support the daily operations and administration of the service will be retained within Streets and Open Spaces. The successful implementation of the policy will require effective working between a number of different areas of the Council to develop policy objectives into realisable projects.
- 8.2 The effectiveness of the policy measured against operational requirements and the experience of delivering the results will be used to evaluate the policy at regular intervals. As a minimum, officer will identify any issues or opportunities which have arisen during the preceding year. Where it is appropriate and within the scope of the policy document any minor changes which improve the effectiveness of the policy will be applied and incorporated into operational processes.
- 8.3 Where any more major issues arise, which would require a more fundamental change to the agreed policy objectives these would be identified and reported through the necessary Council channels for resolution.
- 8.4 The Council will organise and support an annual stakeholder's forum to provide an opportunity for those with either a direct interest in the moorings or other aspects of the river to feedback their views, comments and ideas to facilitate the ongoing implementation of the policy. This will have the benefit of ensuring that any issues or opportunities arising can be considered at regular intervals.
- 8.5 The process of reviewing the policy will commence in year 2022 and initial proposals will be prepared by the Council for submission to community consultation processes within the timescales and protocols in place at that time.

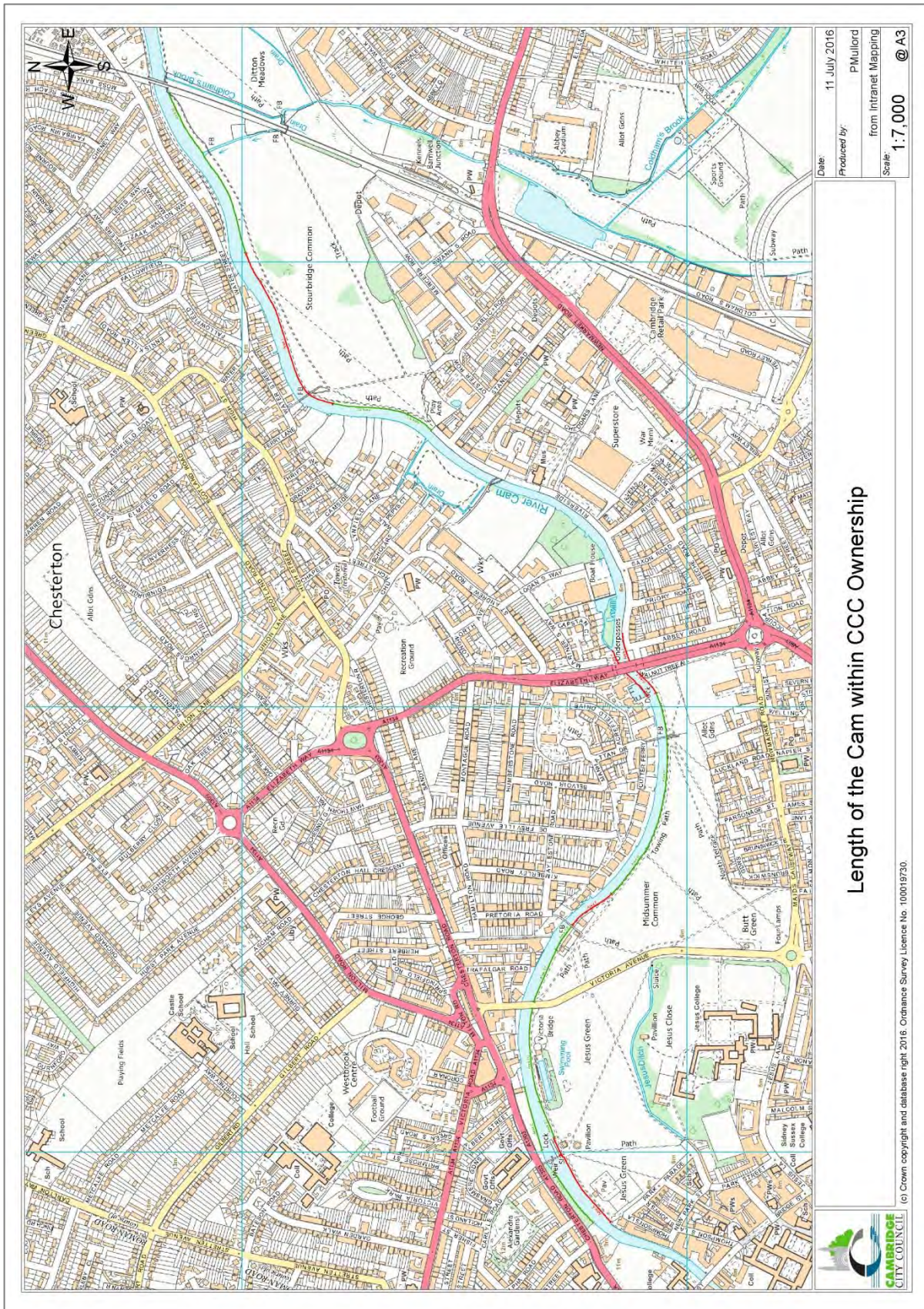
**9 Appendices**

**9.1 Map illustrating extent of Cambridge City Council Mooring Sites.**

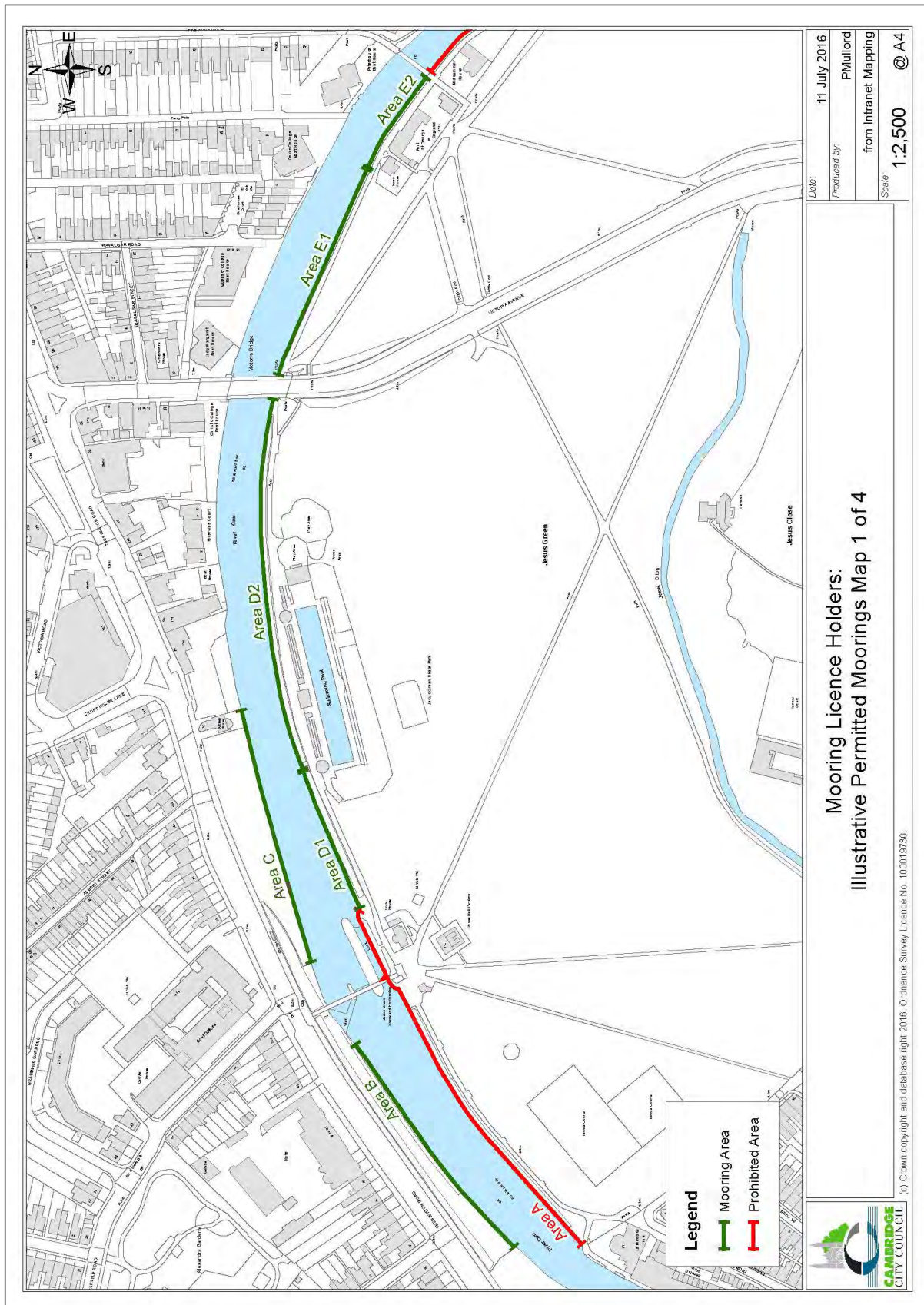
**9.2 Individual Mooring Location Plans**



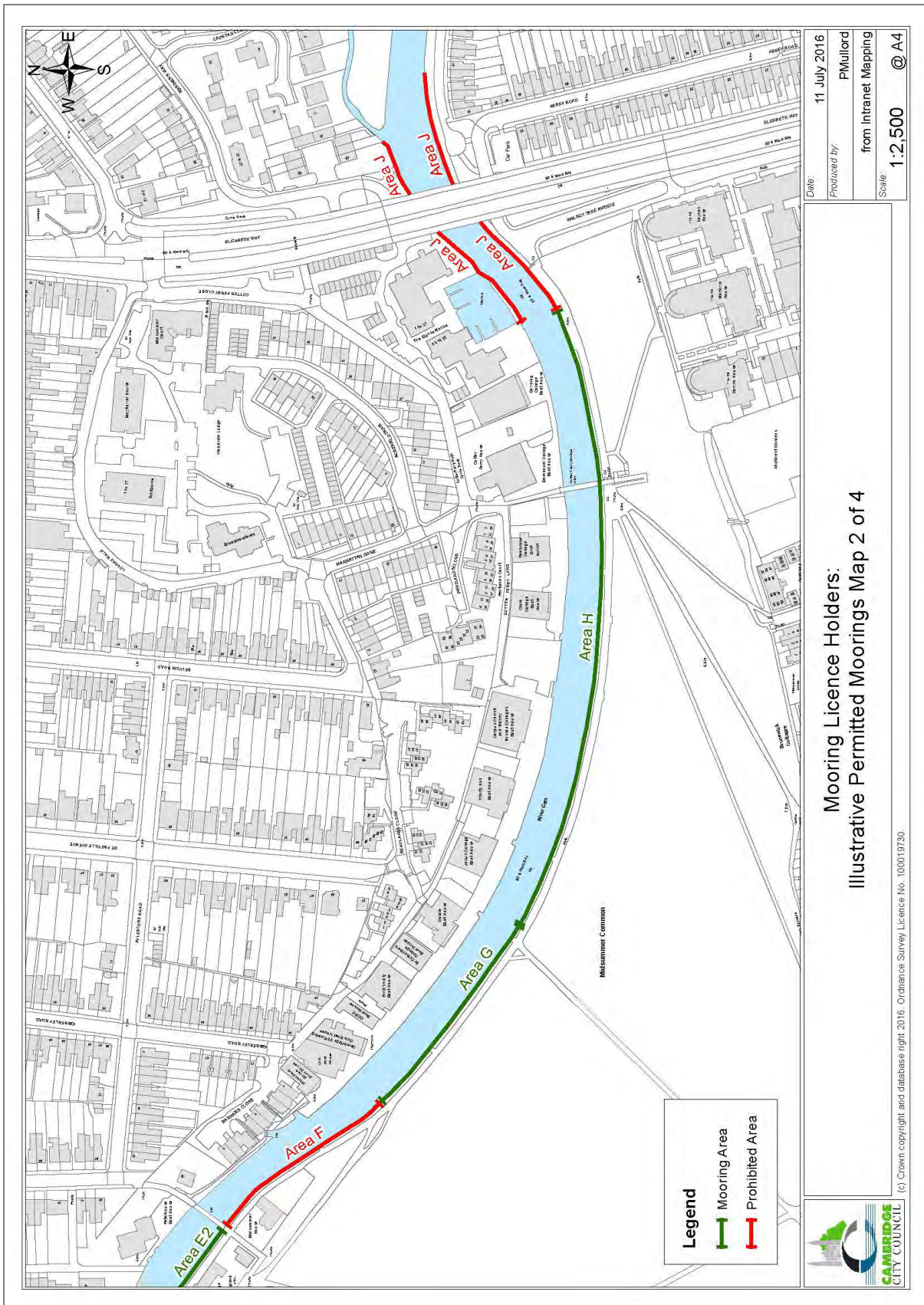
### Map illustrating extent of Cambridge City Council Mooring Sites



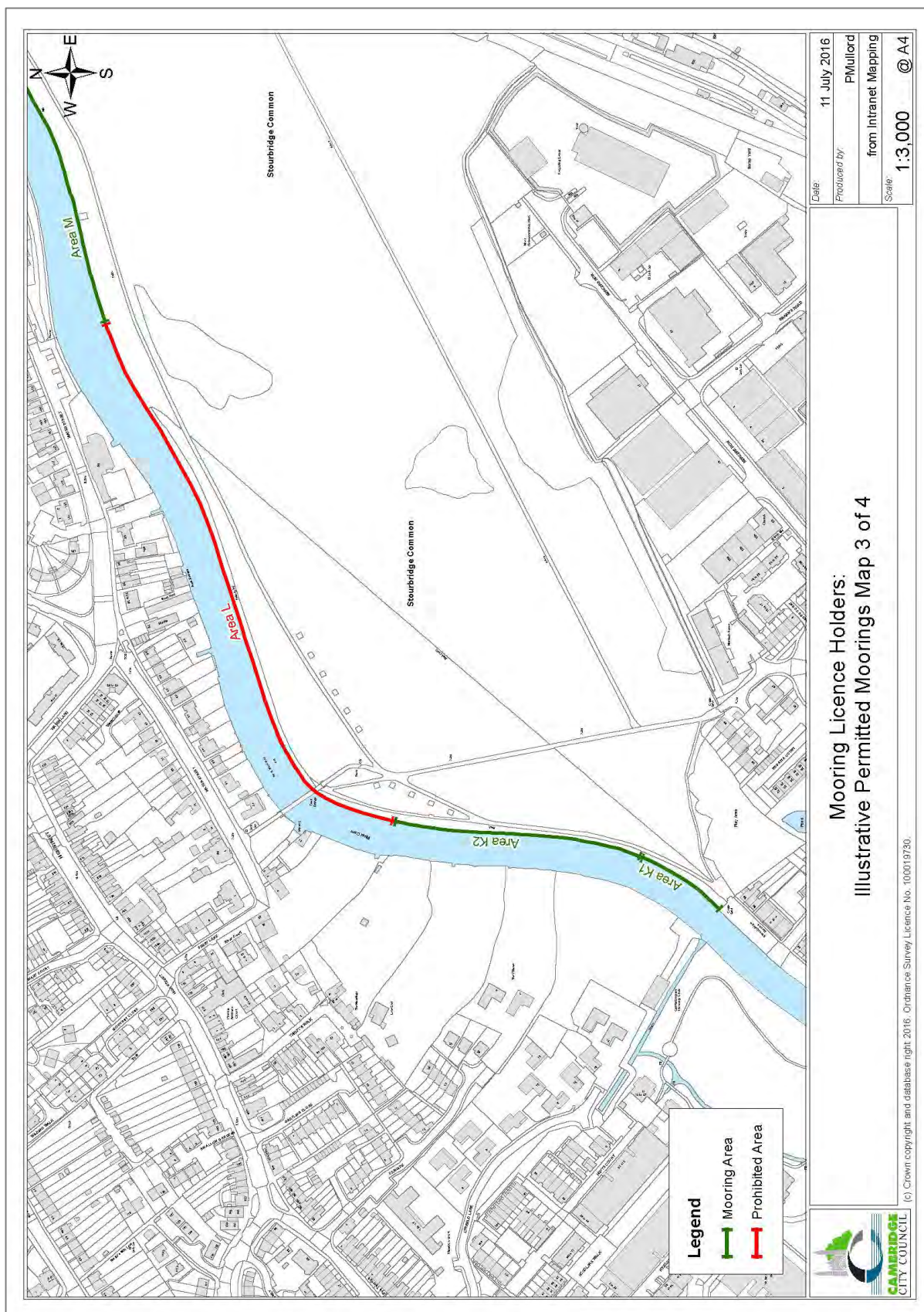
Individual Mooring Location Plans – Map 1 of 4



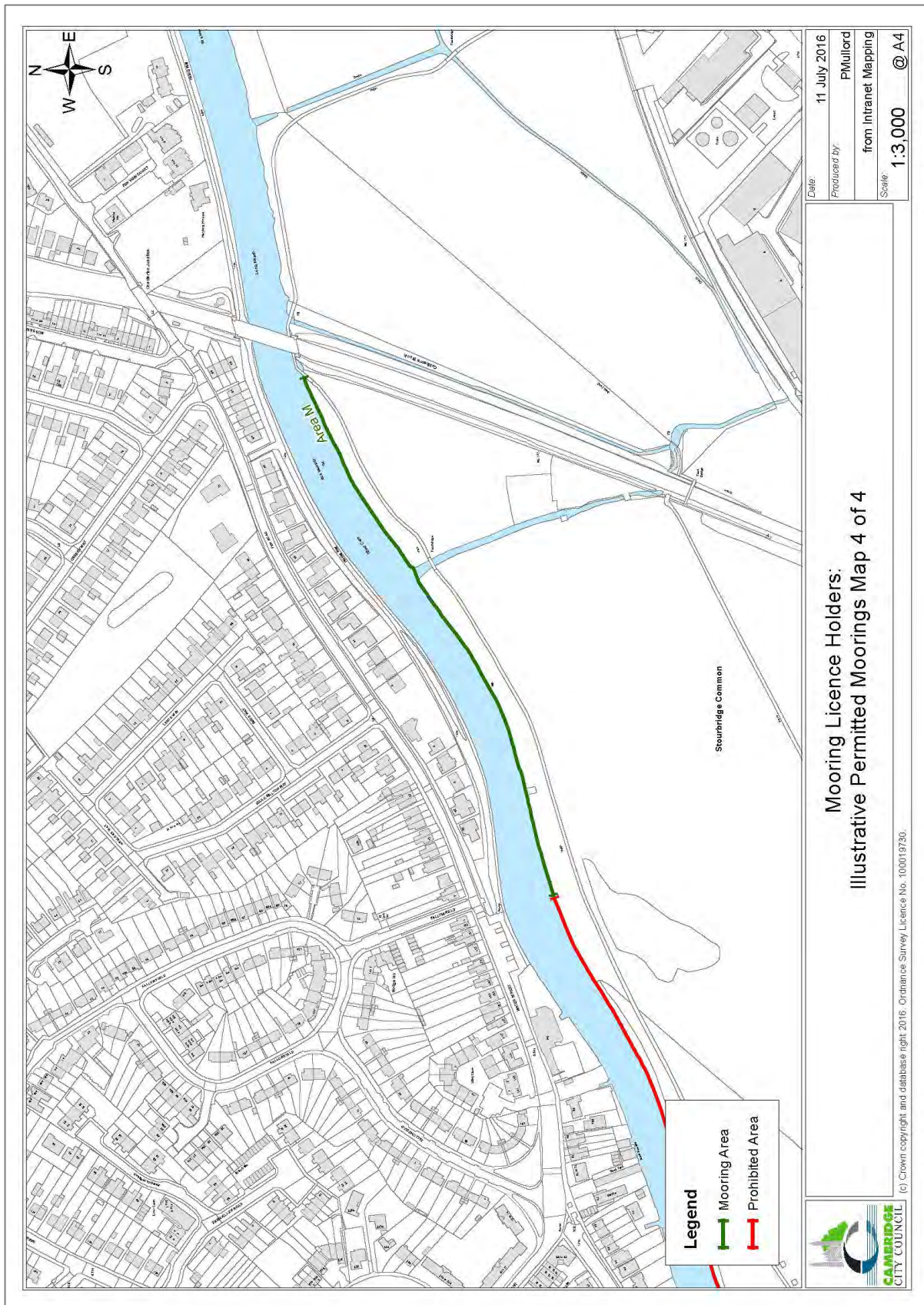
Individual Mooring Location Plans – Map 2 of 4



### Individual Mooring Location Plans – Map 3 of 4



Individual Mooring Location Plans – Map 4 of 4



### **9.3 Copy of licence agreement terms and conditions over page**



**DATE:**

**LICENSEE:**

**BOAT NAME:**

**BOAT NUMBER:**

<b>ANNUAL FEE:</b>	Net Amount	£	
	VAT	£	
	<b>Total</b>	<b>£</b>	subject to licence condition 5

**LICENCE PERIOD:** **1 April 2016 - 31 March 2017**  
(the period beginning with the date of this licence and ending on the following 31 March)

**LICENCE NUMBER:** **ML\***

**Signed on behalf of** )  
**the Council** )

Head of Streets and Open Spaces

**Signed by the Licensee** )  
)

in the presence of )

**Witness signature** .....

Witness name (printed) .....

Witness address: .....Cambridge City Council.....  
.....Mill Road Depot, Mill Road.....  
.....Cambridge, CB1 2AZ.....

# LICENCE CONDITIONS

## 1. LICENSOR

The licensor under these conditions is CAMBRIDGE CITY COUNCIL of The Guildhall, Cambridge CB2 3QJ (“the Council”)

## 2. FRONT PAGE

Terms used in these conditions and on the front page have the meanings given on the front page.

## 3. CONSENT

3.1 The Council permits the Licensee to moor the boat belonging to the Licensee specified on the front page (“the boat”) against a part of the bank of the River Cam shown yellow on the attached map. The position at which the boat is moored from time to time is called in these conditions “the mooring”.

3.2 The Licensee may not moor the boat against any part of the riverbank shown red on the attached map.

3.3 The Licensee may fix stake posts in the riverbank to moor the boat.

3.4 The Council may at any time and for any reason by notice to the Licensee change and re-designate the location of the mooring to another place on the River Cam shown yellow on the attached map.

3.5 Further restrictions and conditions of mooring (with which the Licensee must comply) are set out on the back of the attached map.

## 4. DURATION

4.1 The permission lasts for the licence period (see front page) unless brought to an end earlier in accordance with the provisions of these conditions.

4.2 When the licence comes to an end (however that occurs) the Licensee will immediately—

(a) remove the boat from the mooring and remove all stake posts and the like from the riverbank;

(b) restore the riverbank to its former condition to the satisfaction of the Council; and



(c) hand to the Council the licence discs for the boat and any key made available to the Licensee.

4.3 If the Licensee has not restored the riverbank to its former condition, the Council may give notice to the Licensee specifying the cost of the remedial works required. The notice is to be taken to be conclusive of the matters it contains, and on service of the notice the Licensee must pay to the Council the sum specified.

## **5. FEE**

5.1 In return for the permission, the Licensee will pay the Council the annual fee (see front page).

5.2 The annual fee is payable either by—

- (a) a single payment on the grant of the licence, or
- (b) equal instalments in advance through direct debit on the first day of every month.

5.4 The Council may increase or decrease the annual fee by one month's notice to the Licensee.

## **6. VAT**

The Licensee will pay any VAT properly chargeable on the licence fee or other sums payable by the Licensee under the licence.

## **7. OCCUPATION AND USE**

7.1 The boat must be occupied by the Licensee and by members of the immediate family of the Licensee.

7.2 The Licensee must notify the Council of—

- (a) any continuous period of non-occupation lasting more than 4 weeks; or
- (b) more than 30 days of non-occupation in any 12-month period.

7.3 The boat must be the Licensee's only permanent residence and the Licensee must notify the Council as soon as the boat ceases to be his only permanent residence.

7.4 In the case of a joint licence the Licensee must notify the Council as soon as the boat ceases to be the only permanent residence of one or more of the licence holders.

## **8. DUTIES OF LICENSEE**

### **8.1 Riverbank**

- (a) The Licensee will not place, park, erect or fix (whether permanently or temporarily) on the riverbank:
- a hut, shed, caravan, mobile dwelling or other type of building or structure;  
or
  - a vehicle of any description.
- (b) The Licensee will neither do nor allow anything which might damage or injure the banks of the River Cam, or infringe the rights of or cause a nuisance or annoyance to a riparian owner or to a riparian owner's tenants or licensees.
- (c) The Licensee will be responsible for and will protect (that is, indemnify) the Council from the consequences of any damage to the bank of the River Cam against which the boat is moored caused by negligent or malicious acts. Damage which is reasonably foreseeable as a result of the boat being moored against the riverbank is not included in this paragraph.
- (d) The Licensee will immediately make good to the satisfaction of the Council any damage that may be caused to the riverbank arising out of the grant of this permission whether due to the act or negligence of the Licensee, to the act of a third party, to weather conditions or otherwise. Failing which, within seven days of a notice from the Council specifying the cost of works to make good the damage, the Licensee will pay the Council the amount specified in the notice. The notice is to be conclusive of the matters specified in it.
- (e) The Licensee must not impede any footpath or obstruct any emergency or access road in the vicinity of the mooring.

### **8.2 Boat**

- (a) The Licensee must moor the boat safely at the mooring and lock all security gates.
- (b) The Licensee must display in a prominent position on the boat a valid mooring licence and a valid boat registration disk issued by the Conservators of the River Cam.
- (c) The Licensee will obtain for the boat a boat safety certificate (or, in the case of a new boat, a certificate of conformity) and supply the Council with a copy of the certificate as soon as possible after the certificate is obtained.

- (d) The Licensee must keep the boat clean and in good condition.
- (e) The Licensee must ensure that the boat has a fully functioning engine and is capable of independent propulsion.
- (f) The Licensee must ensure that no animals are kept at the mooring except domestic pets, and that any domestic pets are kept under control and do not cause a nuisance to people in the area.
- (g) The Licensee must provide suitable grab chains, ropes and fenders along the riverside of the boat.

### 8.3 **Prohibited acts**

The Licensee must not do or allow any of the following.

- (a) Finger mooring.
- (b) Double mooring unless under exceptional circumstances and with the prior consent of the Council for a period not exceeding 48 hours in areas permitted by the Conservators of the River Cam.
- (c) Hang or place anything from any part of the mooring (excluding the boat).
- (d) Camp in tents or other structures on any Council-owned open space.
- (e) Light open fires on any Council-owned open space.
- (f) Create nuisance by smoke.
- (g) Store anything on the riverbank, or on the highway or on any Council-owned open space.
- (h) Discharge sewage into the river.
- (i) Operate a business from the boat or the mooring or the riverbank.
- (j) Moor a tender or dinghy on the outside of the boat.
- (k) Exceed permitted mooring hours in areas restricted for water point access.
- (l) Bring a motor vehicle on to any Council-owned open space without the Council's prior consent.
- (m) Alter, add to or deface the mooring.
- (n) Use a generator or boat engine between the hours of 9pm and 8am or cause a noise nuisance at any time.
- (o) Moor in 48-hour mooring areas.

- (p) Moor in areas where mooring is prohibited for navigation reasons, or moor a boat wider than 2.15 metres where the Conservators of the River Cam prohibit this.

#### **8.4 Household waste**

The Licensee must put all refuse in the bags provided by the Council, and must leave the refuse bags at official points on days designated by the Council.

#### **8.5 Fire precautions**

The Licensee will take all necessary precautions against the outbreak of fire in or on the boat.

#### **8.6 Cam Conservancy Byelaws**

The Licensee will comply with the River Cam Conservancy Byelaws and all regulations for the time being in force made by the Conservators of the River Cam or any other duly constituted authority, and will keep the Council and its employees protected from (that is, indemnified against) all consequences of any breach of those byelaws and regulations.

#### **8.7 Insurance**

The Licensee will insure against third party risks and claims against the Council or its employees that may arise out of the grant of the licence with an insurer approved by the Council, and will pay all premiums within seven days after they become due. The Licensee will deliver to the Council on demand—

- (a) either the insurance policy and the receipt for the current year's premium, or
- (b) a renewal certificate demonstrating that the cover is still extant.

#### **8.8 General indemnity**

The Licensee will protect (that is, indemnify) the Council and its employees against the consequences of the grant of the licence, mooring the boat and the use of the bank of the River Cam authorised by the licence, including damage or injury (whether fatal or otherwise) to individuals or property. This does not apply in the extent of any negligence on the part of the Council.

**9. TERMINATION BY NOTICE: LICENSEE**

The Licensee may terminate the licence by giving the Council at least one month's notice.

**10. TERMINATION FOR BREACH: COUNCIL**

If the annual fee is more than 28 days in arrears or if Licensee fails to observe any of the Licensee's other obligations in these conditions, the Council may terminate the licence by giving the Licensee at least seven days notice.

The Council may terminate a joint licence by giving the Licensee at least 7 days' notice if one of more of the licence holders has ceased to occupy the boat as their only permanent residence

**11. REMOVAL OF BOAT BY THE COUNCIL**

When the licence ends (however that occurs) the Council may remove the boat from the mooring and the cost of doing so is a debt immediately due to the Council from the Licensee.

**12. THIRD PARTY RIGHTS**

No person except a party to the licence has the right to enforce any of its terms.

**13. NOTICES**

13.1 A notice under the licence must be in writing, and a notice includes a consent and a notification.

13.2 A notice to the Licensee is sufficiently served if sent to the Licensee by recorded delivery at the Licensee's last known address in the United Kingdom or if left for the Licensee at that last known address or at the boat on the mooring.

13.3 A notice to the Council is sufficiently served if sent by recorded delivery to Asset Management, Streets and Open Spaces, Mill Road Depot, Mill Road, Cambridge CB1 2AZ or if left for them at that address.

**14. WHERE THE LICENSEE IS MORE THAN ONE PERSON**

14.1 This clause applies if the Licensee consists of more than one person.

14.2 The obligations on the Licensee may be enforced against those persons separately, all together or in any combination.

- 14.3 Notice to or by one of those persons has the same effect as notice to or by them all.
- 14.4 When a joint licence has been terminated, whether by notice or by surrender, because one or more of the licence holders has ceased to occupy the boat as their only permanent residence, the Council may in the Council's absolute discretion grant a further licence to one of the former licence holders provided that they are continuing to occupy the boat as their only permanent residence. The Council shall be under no obligation to grant a further licence.
- 14.5 Anyone aggrieved by the Council's decision not to grant them a further licence following termination of a joint licence may appeal in writing to the Executive Councillor for City Centre and Public Places. The Council must receive the appeal within 10 days of the date of the Council's decision.

## **15. OTHER PEOPLE'S RIGHTS**

This licence is granted subject to the rights of all other persons (including members of the public) who have the right to use the riverbank or to pass and repass over the riverbank. Nothing contained in this licence whether expressed or implied grants or confers on the Licensee the sole right to use any part of the riverbank, or guarantee that space along the riverbank will be available for mooring.

## **16. PERSONAL NATURE OF LICENCE**

- 16.1 The licence is personal to the Licensee and accordingly the Licensee has no power to assign the benefit of the licence, or to grant any sublicense, or to enter into any sharing arrangement relating to the rights granted by the licence.
- 16.2 The licence is granted by the Council in its capacity as owner of the land, as opposed to its capacity as local planning authority.

## **17. ENTRY TO INSPECT AND NOTICE TO REPAIR**

- 17.1 The Council and its employees or agents may inspect the mooring (without going inside the boat) at all reasonable times (or in the case of emergency, at any time) to discover whether or not the terms and conditions in the licence have been observed, and to view the state of repair and condition of the riverbank and the boat.
- 17.2 If the Council requires the Licensee to remedy any breach of the undertakings or other conditions in the licence, then the Licensee must do so straight away.

**18. LOWERING RIVER LEVELS**

If the Conservators of the River Cam decide to lower the level of the water in the river above Jesus Lock and advertise that fact, then it will be the Licensee's responsibility to move the boat below the lock or take suitable precautions to prevent the boat being grounded on the river bottom, and the Council will not be responsible for any disruption or damage caused.

**<Conditions end>**

#### **9.4 References**

- a) [www.camconservators.co.uk](http://www.camconservators.co.uk)
- b) IWA Policy on Mooring on Navigable Waterways, The Inland Waterways Association, (October 2015)
- c) Jed Ramsay, River Manager, Conservators of the River Cam (2015)
- d) [http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga\\_20160022\\_en.pdf](http://www.legislation.gov.uk/ukpga/2016/22/pdfs/ukpga_20160022_en.pdf)