

Canal & River Trust

Licensing Consultation 2017

Your views on shaping the future of boat licensing

Introduction

The Canal & River Trust cares for 2,000 miles of canals and rivers in England and Wales which are home to over 32,000 licensed boats. Our precious network of canals and rivers needs a lot of care and investment to keep it in a condition for boaters and the public to continue using and enjoying. We rely on boat licence fees for a significant amount of our funding to maintain the waterways.

National Review of Boat Licensing

We are holding an independent consultation about how boats are licensed on our waterways. The current licensing system has remained largely unchanged for more than two decades and is often cited by boat owners as being complex and out of date. This consultation survey is being run by TONIC, an independent organisation specialising in public consultations.

It aims to ask boaters the fairest and simplest way to split the important financial contribution made by the different types of boats and boaters towards the upkeep of the waterways.

This consultation closes at midnight on Monday 18th December 2017

The outcome of this consultation will be communicated to stakeholders in early 2018

Stage 3 Consultation - Your views on shaping the future of boat licensing

This document introduces Stage 3 of our consultation on boat licensing. In it, we provide some background to Stage 3, its aims and objectives, and set out the topics on which we welcome your response. We welcome any new ideas you have, in addition to the proposals we have presented.

The consultation is aimed at individual boaters: Business and Trade licence customers are free to express their views, but we do not intend to make any business licence changes over and above any we make to private licenses as a result of this consultation.

Confidentiality

All responses to this consultation are completely confidential and are stored securely by TONIC. TONIC are registered with the Information Controller's Office (Reference ZA273132) and all data in this survey is stored securely within the UK in accordance with all Data Protection Act requirements. The Canal & River Trust do not have access to individual responses and will only be supplied with completely anonymised data that cannot be linked back to you or your boat.

Aims of the consultation

The aim of the consultation is to ensure the long-term sustainability of our waterways so that boaters and other waterway users can continue to enjoy them now and in the future.

Licensing income plays an important part in achieving this goal – over recent years it has ranged from 10-15% of the Trust's income (in 2016/17 accounting for £19.6m of the Trust's total income) - and therefore it is essential that income is drawn fairly across all boaters, alongside the other sources of income like property, utilities and fundraising.

The consultation aims to help the Trust identify an approach to licensing that is:

- More simple and administratively less burdensome than the current system;
- Robust and workable;
- Balances pricing and affordability.

The outcomes of the final stage will help the Trust to identify a future approach to its licensing framework that is:

- Fair: it aims to ask boaters how the important financial contribution made by the different types of boats and boaters towards the upkeep of the waterways can be generated through licence fees in the fairest way
- Straightforward: simple to understand and sustainable

The intention of the licence review is not to increase the proportion of Trust revenue from boat licences, rather it is to make sure that the contribution from boat licences is distributed more fairly.

This consultation has identified a variety of views summarised thoroughly in Involve's reports on the outcomes from stages 1 and 2. Both reports are available on the Trust's [website: https://canalrivertrust.org.uk/national-consultations](https://canalrivertrust.org.uk/national-consultations) or by contacting our Customer Service team. They provide further helpful background to this, the final stage of our licence review consultation.

Discussion during both prior stages considered views that ranged from the suitability of the existing licence system, and the purpose of a licence, to the principles that should underpin any future licensing framework.

At both earlier stages of the consultation customers expressed a consistent view that the licensing system should not be used to disadvantage specific types of boating

customer and that any future changes should, as far as is appropriate, be transitional.

The outcome of the stage 2 report forms the basis for the focussed consultation proposals now presented at stage 3.

The Trust recognises that some may have particular views on aspects of boat licensing which have yet to be heard and may also have other proposals that they believe should be considered. Stage 3 is the opportunity for any other ideas and suggestions to be raised, as well as responding to the options set out here.

What is not included in this consultation

In stages 1 and 2 there have been some examples where consultees have identified areas where they believe the Trust should take a longer-term view outside the current consultation. Most notably how the Trust manages areas of high demand and how we could use developing technologies to help monitor and manage compliance with licence conditions on the waterways. The Trust is committed to reviewing these issues in the longer term and, though there are no specific proposals on these in this consultation, we are still keen to hear customers' views.

Please note that the focus of this consultation relates to individual private boat licences. Whilst Business and Trade licence customers are free to express any views, we do not intend to make any business licence changes (i.e. those over and above private licenses) as a result of this consultation.

Annual price increases will be dealt with outside of the consultation process. We are not looking to make any wider changes to the boat licensing structure before April 2019.

The consultation process

Our consultation has followed a three-stage process:

Stage 1 – Consultation with boating organisations to establish a broad understanding of different perspectives and opinions held by boating organisations representing the interests of boaters.

Stage 2 – Boat licensing customers were invited to express interest in attending nine workshops held across the country. There were 135 places available (15 at each venue) to further explore initial ideas from stage 1 along with other suggestions and debates.

Stage 3 – We are now inviting all our current licence holders / boating organisations and other interested parties to share their views on the outcomes from stages 1 and 2 and the options presented drawn from these prior stages.

Our approach to Stage 3

At stage 3 we are asking individual licence holders and other interested parties for their views on the ideas identified throughout stages 1 and 2. It is also an opportunity for all those who contribute to put forward views and suggestions that may not already have been considered.

Our approach is to present options for the main themes identified in previous stages of the consultation and seek views from all customers and organisations who may be impacted or have a view on changes to the licensing framework.

During stage 2, representative groups asked the Trust to consider other boating organisations who they may not engage with regularly. We have responded to these requests through our "boaters update," asking for organisations with an interest to contact us directly to make sure they are included on the circulation list for the Stage 3 consultation.

Learning from Stages 1 and 2

The main themes identified and discussed at stages 1 and 2 included but were not limited to:

- The broad principles that should underpin a licensing system, including fairness, clarity and enforceability;
- The challenges faced by the increase in the number of and use of wider vessels on the waterways;
- The application of discounts for specific boat-types or waterways, including discounts for prompt payment or other ways of administering boat licensing that benefit the Trust;
- Managing busy areas of the waterway in high demand;
- Considerations of the different impacts from, and challenges faced by, those with or without a home mooring.

Views were mixed on whether the current licensing system remains appropriate. The main findings are summarised in the executive summary of "licensing futures – stage 2" report produced by Involve, which can be found here:

<https://canalrivertrust.org.uk/media/original/33550-licensing-futures-stage-2.pdf>

If you have any difficulty or need assistance to complete this survey, please contact the Trust's customer service team on 0303 040 4040.

This consultation has been consciously focussed on those aspects of the earlier stages where specific options have emerged; other ideas and issues have largely been filtered out so that this report is tailored to be short, succinct and easy to comprehend.

Licence considerations for the increasing number of wider beam vessels on the Waterways

Boaters in Stages 1 and 2 of the consultation had a range of views on whether or not the licence system should change to levy a higher licence fee on wider vessels, which are increasing in number.

Views included, but were not limited to:

- Charging by length and width is fairer because having a wider boat is a personal choice and those whose boats occupy more water space – in particular use of locks and mooring space – and which afford more living space etc. - should pay proportionately more for their licence;
- Taking width into account is unfair to owners of wider boats who can only navigate some sections of the canal network.

In considering the feedback from stage 1 and 2, we have identified three main options:

1. Keep the current length only criterion
2. Move fully to an area-based licence fee (length x beam)
3. Adopt a surcharge on all boats above the standard narrowboat width – charging a supplementary percentage, of perhaps 25 or 50% above the standard length-based licence fee

The latter option would acknowledge that a wider boat justifies payment of higher licence fees but also recognises that the impact of the vessel (and the benefit derived) does not rise in direct proportion to the surface area.

A supplementary percentage on the licence fee for wider boats (for example an additional 25 or 50%) would also be simpler to administer than calculating the precise area (length x width) of each boat. A 50% surcharge would also offer a fair comparison with the 50% fee applied for an unpowered butty.

Licence considerations for the increasing number of wider beam vessels on the Waterways

1. In terms of calculating the price of a licence, please tell us on a scale of 1-5 how fair you think each proposal is

Please rate each proposal in the table below

Proposal	<i>1 = Very fair</i>	<i>2 = Fair</i>	<i>3 = Neither fair nor unfair</i>	<i>4 = Unfair</i>	<i>5 = Very unfair</i>
Licence fees remain length-based using the existing bands, with all wider boats (i.e. those wider than a standard narrowboat width) - charged an uplift of 25% on their respective length-based fee					X
Licence fees remain length-based using the existing bands, with all boats wider than a standard narrowboat width (i.e. in excess of 2.3m beam) charged an uplift of 50% on their respective length-based fee					X
Licence fees calculated by actual area (Length X Beam)					X
Licence fees calculated based on length only (i.e. no change) with the existing bands that increase every additional 1m	X				
Licences fees to be calculated on length only using exact length with no bands					X

None of the above – please suggest alternative

2. Please tell us any other views or suggestions you have on charging based on the area of a boat

It would be unlawful to simply introduce charges based on the width or total area of a vessel. CRT only has the power to charge for boat licences or registration according to the length of the boat. This is set out in Section 10 of the British Waterways Act 1971, which empowers CRT to sub-divide the classification of pleasure boats for the purposes of fixing the registration charges for each subdivision only by the length of the boat. Length bands were set out in Schedule 3 Part 1 of the 1971 Act. Although the Schedule of prescribed charges and boat lengths has been modified by Section 36(3) of the British Waterways Act 1974, the principle remains that the charges for registration and/or licences can only relate to length bands and not for any other method of measurement and/or subdivision.

In any event, widebeams may be larger but they cannot use the narrow canals which form the bulk of the waterways and there is no through north to south route for widebeams. To charge boaters more when they cannot use the waterways to the extent that the owners of narrowboats can is inherently unfair. Any increases in the cost of a licence for a widebeam boat would make life more difficult for boat dwellers, whether or not they have a home mooring. It cannot be assumed that the owners of wide beam boats are better off than owners of narrowboats. Some of the cheapest boats, such as converted lifeboats, are widebeams. Increasing the licence fee for widebeams will have a disproportionate adverse impact on the most vulnerable boat dwellers, putting them at greater risk of losing their homes through an inability to pay the higher licence fees.

No Equality Impact Assessment has been carried out on these proposals. CRT exercises statutory or public functions as a navigation authority. In respect of these statutory or public functions, which include boat licensing, it is subject to the General Public Sector Equality Duty under Section 149(1) of the Equality Act 2010 to:

- "a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

CRT has not demonstrated in the consultation how the proposals meet the requirements of the General Public Sector Equality Duty and it has not carried out an assessment of the impact of these proposals on people with the protected characteristics defined in the Equality Act. CRT is therefore in breach of the Equality Act.

CRT states on page 2 of this consultation questionnaire that: "The intention of the licence review is not to increase the proportion of Trust revenue from boat licences, rather it is to make sure that the contribution from boat licences is distributed more fairly." However, there is no corresponding proposal to this one regarding a reduction in licence fees for narrowboats or for smaller boats. We can only conclude that this consultation is an exercise to endorse an overall increase in licence fees received by

CRT. This is completely dishonest. This is an additional reason why we do not support an increase in licence fees for widebeams.

Consideration of licence discounts offered to different customers

Historically the Canal & River Trust has offered discounts to several boating / waterway categories. Typically, these have related to boats that receive reduced access to the network, add value and colour to the waterways, or provide marginal environmental benefit.

Note: The Trust is legally obliged to offer the current 'River only' discount so this is not included within the consultation.

During stage 1 and 2 consultees considered the current range of discounts in the context of creating a simple approach that was fair to all customers overall. Boaters again had varied views; many boaters appreciated some rationale for the current discounts offered, though some questioned the discount for electric boats where many participants could not see a justification for the size of discount offered; or for disconnected waterways where some felt that the choice of waterway was for boaters to make rather than to be related to the licence fee. There was a clear consensus that any discount must have a clear rationale. Some customers thought that the current discounts provide little benefit to the Trust or boaters as a whole given the small number of customers who claim them.

This section looks at the options we are considering, following the prior stages, for these discounts.

Historic Boat Discounts

In stage 2, the historic boat discount was widely, though not unanimously, supported on the grounds that historic boats promote the historic heritage of boating on the nation's waterways, which the Trust and other waterway supporters, value greatly.

However, it is important that we ensure any discount for historic boats is targeted appropriately and helps to support the retention of genuinely historic craft on the Trust's waters.

We'd like your views on the following:

3. Retain the historic boat discount at 10 % on the proviso that eligibility for the discount aligns with the National Historic Ship Regulations. The criteria will be reviewed outside of the consultation. On a scale of 1-5 how fair do you think this proposal is?

<input type="checkbox"/>

4 = Unfair

4. Please explain any other views or suggestions you have on proposals for a historic boat discount

The proposal to revise the criteria for claiming the historic boat discount without stating what revised criteria are proposed and only to review the criteria after the consultation is unfair. The reviewed criteria should have been developed beforehand and disclosed or published in this consultation. We cannot make an informed decision when the criteria have not been published. In failing to provide the revised criteria for the discount, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses.

Disconnected Waterway discount

In the earlier phases, some participants considered that the boater on a disconnected waterway had made a personal choice to limit their travel and as such this should not warrant a discount, especially compared with other customers who choose to only navigate limited areas of the network who do not receive any reduction in licence fees.

We'd like your views on the following options:

5. In terms of the disconnected waterway discount, please tell us on a scale of 1-5 how fair you think each proposal is

Please rate each proposal in the table below

The disconnected waterway discount should be:

Proposal	1 = Very fair	2 = Fair	3 = Neither fair nor unfair	4 = Unfair	5 = Very unfair
Retained at its current level of 25 %	X				
Reduced to 10% (potentially over 2-3 years)					X
Withdrawn entirely (potentially over 3-5 years)					X

6. On a scale of 1-5 how fair do you think any proposal to withdraw the disconnected waterway discount is?

5 = Very unfair

7. Please explain any other views or suggestions you have on proposals for the disconnected waterway discount

We support the retention of the disconnected waterway discount as it stands now. To reduce that discount would discourage much needed boat traffic from using the disconnected waterways, most of which are badly in need of maintenance. Reduced boat traffic would mean that these waterways would be in danger of silting up and becoming derelict again. In addition, licence fees should reflect the length of waterway available for cruising and therefore should be substantially lower when boats are used only on a disconnected waterway, given that boats on the connected parts of the CRT system have almost 2,000 miles of waterways at their disposal but each disconnected waterway is a fraction of that length.

Discounts for unpowered Buttys

Currently, unpowered buttys receive a 50% discount provided they are used as part of a working pair with a powered boat, and this was broadly supported in the earlier consultation phases.

It was noted that if an area-based (length x beam) licence fee were to be introduced, then the retention of a 50% discount for unpowered buttys might seem inconsistent.

We'd like your views on the following options:

8. In terms of the discounts for unpowered buttys, please indicate which you believe to be the fairest approach

The discount of 50% for unpowered buttys remain unaltered

9. On a scale of 1-5 how fair do you think the proposal to retain the unpowered butty discount is?

1 = Very fair

10. Please tell us any other views or suggestions you have on proposals for the unpowered butty discount

We support the retention of the unpowered butty discount as it stands now. However, the proposal does not state only that it is to retain the unpowered butty discount, the proposal is an either/or, so questions 8 and 9 imply that the decision has already been made to retain it. This fails to meet the Government Consultation Principles in that consultation on this issue is not being undertaken at a time when proposals are still at a formative stage.

Discounts for Electric Boats

In earlier stages of the consultation, participants' views on the 25% electric boat discount were often strongly held. They had particular doubts about the size of the discount and the criteria for eligibility.

Participants observed that some boaters still need to run diesel generators and/or burn fossil fuels or wood for heating, even though their engines are fuelled sustainably. Some argued that the discount does not necessarily promote the use of more environmentally friendly boats, nor does it contribute to reducing emissions more widely.

Some participants suggested an alternative approach, which would offer a "green"

discount for boats using any sustainable alternatives to diesel. Others raised the availability of third party grants from other sources, to sustain healthier / more environmentally sensitive lifestyles and felt that the Trust should not need to offer a discount.

The Trust is keen to encourage and support more environmentally friendly boating. We would like your views on the criteria for the discount, and the size of the discount.

We'd like your views on the following:

11. In terms of the discounts for electric boats, please tell us on a scale of 1-5 how fair you think each proposal is

Please rate each proposal in the table below

Proposal	<i>1 = Very fair</i>	<i>2 = Fair</i>	<i>3 = Neither fair nor unfair</i>	<i>4 = Unfair</i>	<i>5 = Very unfair</i>
Retain the current 25% electric boat discount	X				
Replace it with a 10% electric boat discount (a phased reduction of the discount over a potential 2-3 year period)					X
Remove the electric boat discount entirely (a phased reduction of the discount over a potential 3-5 year period)					X

12. On a scale of 1-5 how fair do you think any proposal for a new lower discount that recognises more environmentally friendly boating is?

5 = Very unfair

13. Please tell us any other views or suggestions you have on replacing the electric boat discount with an alternative discount that supports more environmentally friendly boating.

We would also be interested in your views on what criteria the Trust might consider for any such discount

We support the retention of the electric boat discount as it stands now and we do not support reducing this discount. The proposal for a new lower discount that recognises more environmentally friendly boating, without stating what is meant by “more environmentally friendly boating” is unfair. “More environmentally friendly boating” should have been defined beforehand and the definition included in this consultation. We cannot make an informed decision when the definition has not been published. In failing to provide that definition, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses.

Prompt Payment Discount

The prompt payment discount is 10% and presently applies to approximately 72% of boat licences. This level of take up means that most customers perceive it to be the de facto licence fee.

The prompt payment discount is different from the other discounts considered above. It was introduced at a time when there was a significant issue with late and non-payment of licence fees and as such, as a clear incentive for customers to pay early. It exists only to assist the Trust’s administration and to reduce costs and enhance cash flow. This means that the rationale for any discount must be based on the size of benefit that the Trust receives from early payment. Since the discount was introduced, the issue of late and non-payment has largely been addressed, and there are many easier ways for customers to pay for a licence.

Some participants in earlier stages of the consultation recognised this point. Others noted that it might not be entirely fair or inclusive to offer such a discount, as people without the means to pay the full upfront licence fee are in effect obliged to pay a higher price, even though they are arguably the least able to afford this.

11% of licences are still paid by cash or cheque and these payment methods take disproportionately more time and cost to administer. In addition, a growing number of boaters who do not pay the full amount in advance (and so do not receive the discount) use our self-service licensing facility and/or pay by direct debit, which reduces cost to the Trust.

We recognise the strong support for retaining some form of prompt payment discount. However, the current 10% discount is arguably greater than can be justified purely on the grounds of benefit to the Trust from early payment.

The Trust also benefits from and wishes to encourage customer self-service, as well as prompt payment.

Prompt Payment Discount - Options

Whilst we recognise the strong support for retaining some form of prompt payment discount, the current 10% discount is arguably greater than can be justified purely on the grounds of benefit to the Trust from early payment.

We note that - as well as gaining some benefit from early payment - the Trust also benefits from and wishes to encourage customer self-service, as well as prompt payment, and we also wish to recognise those on limited budgets who need to spread their licence fee payments over a year who commit to a direct debit.

We'd like your views on the following options:

14. In terms of the Prompt Payment discounts, please tell us on a scale of 1-5 how fair you think each proposal is

Please rate each proposal in the table below

Proposal	<i>1 = Very fair</i>	<i>2 = Fair</i>	<i>3 = Neither fair nor unfair</i>	<i>4 = Unfair</i>	<i>5 = Very unfair</i>
Removing the Prompt Payment discount entirely					X
Reduce Prompt Payment discount (potentially phased over a period of time)					X
Reduce the Prompt Payment discount and change it so that part of the discount is applied for prompt payments and part of the discount is applied to encourage automatic methods that reduce administration costs to the Trust (e.g. online payments, direct debits)*					X

***Examples of how proposed changes to PPD could be applied**

How the proposed changes to PPD would affect different payment methods

How you pay	Discount for Prompt Payment in full	Discount for self-serve (online web licensing) and/or Direct Debit	Total discount
Pay in full credit or debit card using customer self-serve (online web licensing)	Yes	Yes	Full discount

Pay by Direct Debit using customer self-serve (online web licensing)	No	Yes	Part discount
Pay by Direct Debit using paper form by post or via phone	No	Yes	Part discount
Pay in full using cash or cheque in person	No	No	No discount

Please note that any change to Prompt Payment discount would be made carefully so that there would be no net gain in income purely arising from any change.

15. On a scale of 1-5 how fair do you think the idea to change the current Prompt Payment discount to one that recognises both Prompt Payment and self-service/ direct debit payments?

5 = Very unfair

16. Please tell us any other views or suggestions you have on the proposal for Prompt Payment and direct debit/self-service discounts, particularly on whether you think this change is fair given the benefit derived by the Trust

No information or costings are provided for any of the proposals for reductions or restrictions to the prompt payment discount regarding the financial benefit CRT would gain from any of the proposals, so it is impossible to make an informed decision. In failing to provide any costings, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses. The Consultation Principles state specifically that where possible, validated assessments of the costs and benefits of the options being considered should be provided and yet CRT has failed to do this.

CRT states on page 2 of this consultation questionnaire that: "The intention of the licence review is not to increase the proportion of Trust revenue from boat licences, rather it is to make sure that the contribution from boat licences is distributed more fairly." However, there are no corresponding proposals to this one regarding a reduction in licence fees to offset the reductions in the prompt payment discount. We can only conclude that this consultation is an exercise to endorse an overall increase in licence fees received by CRT. This is completely dishonest. This is an additional reason why we do not support any reductions or restrictions regarding the prompt payment discount.

Reductions in the prompt payment discount will have a disproportionate adverse impact on the most vulnerable boat dwellers, putting them at greater risk of losing their homes through an inability to pay the higher licence fees.

No Equality Impact Assessment has been carried out on the proposals to reduce or restrict the prompt payment discount. CRT exercises statutory or public functions as a navigation authority. In respect of these statutory or public functions, which include boat licensing, it is subject to the General Public Sector Equality Duty under Section 149(1) of the Equality Act 2010 to:

"a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

CRT has not demonstrated in the consultation how the proposals meet the requirements of the General Public Sector Equality Duty and it has not carried out an assessment of the impact of these proposals on people with the protected characteristics defined in the Equality Act. CRT is therefore in breach of the Equality Act.

Removing the prompt payment discount for those who pay by cheque or cash would penalise older boaters who typically use the internet less and who are less likely to conduct financial transactions online because of concerns about security and vulnerability to fraud. This amounts to indirect age discrimination contrary to Section 19 of the Equality Act 2010. It would also penalise those who are least able to pay the standard licence fee, namely those on low incomes who save through the year and pay in a lump sum to make the licence fee affordable and to avoid paying the standard fee. These boaters on low incomes are far less likely to have good internet access and less likely to have internet banking. In addition this is not a true reflection of the cost of processing a cheque or cash payment but amounts to a penalty for paying by cheque or cash, contrary to Section 4 of the Consumer Rights (Payment Surcharges) Regulations 2012 SI 2012/3110 and Section 66 (c) of the Payment Services Regulations 2017 SI 2017/752.

Given that 72% of boaters claim the 10% prompt payment discount, this effectively makes the prompt payment rate the standard rate. CRT states in the consultation document that "this level of take up means that most customers perceive it to be the de facto licence fee". This statement is dishonest. It is standard practice in pricing across a wide range of businesses that the discounted price is the de facto price. What CRT has not disclosed in this consultation is that its budgeting is based upon the calculation that the discounted prompt payment rate is the amount that is needed to make the licensing system break even and meet the budget projections. If the prompt payment discount is removed, the standard licence fee for all boaters, both for those who pay in a lump sum and for those who pay in instalments by Direct Debit, should be reduced by 10% to reflect this reality.

The prompt payment discount helps boaters to prioritise and pay the boat licence fee before other payments where a discount for early payment is not offered. If there are significant reductions and restrictions in this discount it will lead to more boaters paying late or evading payment, which could lead to an overall reduction in income, cash flow difficulties and increased administrative costs for CRT, especially given that CRT is not proposing to end the punitive late payment surcharge which in itself is a disincentive to pay the licence fee once the surcharge has been incurred.

CRT states in the consultation document that the prompt payment discount “was introduced at a time when there was a significant issue with late and non-payment of licence fees and as such, as a clear incentive for customers to pay early. It exists only to assist the Trust’s administration and to reduce costs and enhance cash flow. This means that the rationale for any discount must be based on the size of benefit that the Trust receives from early payment. Since the discount was introduced, the issue of late and non-payment has largely been addressed”. Reducing and restricting the prompt payment discount will reverse these cash flow, cost effectiveness and administrative benefits and CRT will again have significant issues with late and non-payment. This would be a detrimental backward step for CRT

Application of and eligibility for multiple discounts

There was some discussion in the earlier consultation phases regarding the application of multiple discounts to an individual boat. Some argued that boaters should receive the largest discount only and should not be permitted to "pile up" discounts (excluding the prompt payment discount and River only discount from this). It was suggested that a simpler approach would be to limit the number of discounts allowed for each licence.

We’d like your views on the following options:

17. In terms of the multiple discounts, please indicate which option you think is fairest

Customers can receive multiple discounts as now

18. On a scale of 1-5 how fair do you think allowing multiple discounts is?

1 = Very fair

19. Please tell us any other views or suggestions you have on multiple discounts

If customers qualify for multiple discounts, they should receive them. The number of customers who qualify for multiple discounts is not great and some of these

discounts are mutually exclusive, such as the historic boat discount and the discount for electric boats.

Discounts for charity boat licences

Participants in earlier stages of the consultation agreed that the Charity Boat Discount should be kept. Some suggested that the conditions for eligibility should be reviewed.

Some participants felt that the discount could be increased or a licence could be offered for free. Doing this would require stronger eligibility criteria, for example, passengers are not charged to go on a boat and the charitable objectives of the organisation that owns the boat are clearly aligned with the Trust.

Participants asked why charity boats needed a business licence. This is required because they are not used for personal use but for carrying groups of passengers. A business licence ensures that charity boats adhere to the increased safety and insurance requirements for passenger boats.

We'd like your views on the following proposal:

Retain the charitable discount of 60%. Eligibility criteria will be reviewed in order to ensure that the charitable objectives of the Trust and third-party charities are aligned.

20. On a scale of 1-5 how fair do you think the proposal to retain the charity boat discount and review the conditions for eligibility is?

4 = Unfair

21. Please tell us any other views or suggestions you have on proposals for a charity boat discount

The proposal to retain the charity boat discount as it stands but to review the criteria after the consultation is unfair. The reviewed criteria should have been developed beforehand and included in this consultation. We cannot make an informed decision when the criteria have not been disclosed. In failing to provide the criteria for claiming the charity boat discount, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses. The discount should not be used to control or regulate the activities of charity boats by the back door. There is already sufficient regulation of charities through the Charities Acts and to use the licensing system to impose additional regulation against the will of charities is unjust.

Considerations for short term licences

Short-term licences were not discussed during stage 1 or 2. However, we would like to give people the opportunity to comment on our proposal for short-term licences and to suggest other approaches.

Short term licences are in general issued for small, unpowered or trailed boats and larger vessels visiting Canal & River Trust waterways for short periods from other navigations or coastal waters. 'Rivers Only' licence holders who wish to extend their licence to cover a short-term cruise on canals are the exception to this.

Short term licences are currently available for periods of one month, one week or one day. There is also a thirty day explorer licence for portable craft which provides up to thirty days use of all the Trust's waterways in England and Wales at any time within twelve months of issue date - the days do not need to be consecutive. Thirty, one-day tickets, are provided, which boaters can date and display for each day that their boat is on the waterways.

We'd like your views on the following:

Short term licenses can take up more time and resources to administer, especially compared to a full licence that lasts for 12 months, and could be simplified.

Our proposal is for three short term licence options:

- One week;
- One month; or
- Thirty day explorer.

The cost of all the short-term licences would be priced proportionately higher than a full licence to reflect the greater administrative costs.

22. On a scale of 1-5 how fair do you think this proposal is?

5 = Very unfair

23. Please tell us any other views or suggestions you have on short term licences

This issue should not be part of the consultation at all, because it has been introduced into the consultation at too late a stage. Proposing it at Stage 3 when it was not raised in Stage 1 or Stage 2 means that those who were consulted at Stages 1 and 2 do not have the same opportunity to put forward their opinions and influence the direction of the consultation as they did with ideas that were fully raised in Stages 1 and 2.

One day licences should continue to be available, otherwise this will encourage the owners of trailable boats to evade licence fees or to go elsewhere. It should be possible to buy a one day licence more easily, online or by phone or some other simple means. The current payment system is inflexible and inefficient. That is part of the problem.

The recent decision to deny three month licences to boats without a home mooring or with a mooring away from CRT waterways should be reversed. There is no valid reason why a boat without a home mooring, or with a mooring outside CRT jurisdiction cannot visit CRT waterways for three months. The decision to deny this licence to boaters without a home mooring is arbitrary and punitive. Many boats visit CRT waterways for short periods, such as boats making the passage from Bristol Harbour to the River Thames. The denial of three month licences to boats without a home mooring is of particular disadvantage to those with Rivers Only licences who wish to visit the canals for three months, which some need to do in winter in order to stay safe in flood conditions.

Licence considerations in respect of mooring status

Participants in stage 1 and 2 of the consultation discussed whether or not to vary the licence fee paid by boats without a home mooring vs those that do take a home mooring.

Mooring fees are often significantly more than the licence fee, and some boaters argued that it would be fair to charge a higher licence fee for those without a home mooring, especially as those without a home mooring would, typically (not having access to mooring facilities), be more likely to use the facilities provided by the Trust.

However, others made the argument that the waterways are always there for people who wish to use them, even if they choose to use them infrequently, and that the licence cost should reflect this availability.

Participants discussed the wider socio-economic pressures affecting people choosing to live on a boat, and the Trust notes the challenges they experience. Some suggested offering boaters without a home mooring a new form of licence. This would allow them to remain in a limited area (whilst meeting the requirement to satisfy the Trust regarding their bona fide use for navigation).

We'd like your views on the following options:

24. The statements below suggest different options for how licensing might take mooring status into account Please tell us on a scale of 1-5 how fair you think each proposal is

Please rate each proposal in the table below

Proposal	<i>1 = Very fair</i>	<i>2 = Fair</i>	<i>3 = Neither fair nor unfair</i>	<i>4 = Unfair</i>	<i>5 = Very unfair</i>
Retain the current arrangement with a single licence fee whether with or without a home mooring	X				
Introduce over time a higher fee for boats without a home mooring					X
Introduce – at a higher fee – a new licence that would permits boats without a home mooring to remain within a limited area (provided they satisfy the Trust concerning their bona fide navigation)					X

25. On a scale of 1-5 how fair do you think it would be to take mooring status into consideration as part of the licensing process?

5 = Very unfair

26. Please tell us any other views or suggestions you have on licensing considerations in respect of mooring status

The existing single licence fee regardless of whether or not a boat has a home mooring should be retained. Any licence holder has the right to cruise the waterways all year round if they choose, it is just that those with home moorings have the ability to stay on their mooring. For boaters with home moorings to pay less than those without, but still have the same rights to use the waterways as any other boater, is clearly unfair and the NBTA is strongly opposed to such discrimination.

Both of the other options proposed, of either introducing over time a higher fee for boats without a home mooring, or introducing, at a higher fee, a new licence that would permit boats without a home mooring to remain within a limited area (provided they satisfy the Trust concerning their bona fide navigation), would be unlawful. Section 10 of the British Waterways Act 1971 empowers CRT to sub-divide the classification of pleasure boats only for the purposes of fixing the registration charges for each subdivision and “provided that such charges shall not exceed the appropriate prescribed charges” that are set out for specific boat lengths in Schedule 3 Part 1. Although the Schedule of prescribed charges and boat lengths has been modified by Section 36(3) of the British Waterways Act 1974, the principle remains

that the charges for registration and/or licences can lawfully only relate to the setting of length bands and not for any other method of measurement and/or subdivision of classification such as classification by mooring status.

A higher licence fee for boats without a home mooring would also be unlawful because Section 17 (3) (c) of the British Waterways Act 1995 states two equal choices of licensing a boat: with or without a home mooring. To charge a higher licence fee for boats licensed under only one of the options in Section 17 (3) (c) would be to render the two options no longer equal.

A higher licence fee for boats without a home mooring would penalise boaters for the Government decision in passing Section 17 (3) (c) (ii) to permit people to use a boat on the CRT waterways without a home mooring. British Waterways did not want people to use its waterways without a home mooring but the intention of Parliament was that this should be permitted. To impose a financial penalty in the form of a differential licence fee would be in contempt of Parliament.

A new licence at a higher fee that would permit boats without a home mooring to remain within a limited area (provided they satisfy the Trust concerning their bona fide navigation) would be unlawful because in addition to not being in accordance with Section 17 (3) (c) of the 1995 Act, it would penalise boaters whose boat movements comply with the law. If a boat's movements are compliant, there is no lawful justification for penalising the owner with a higher licence fee. Boat movements are either compliant or not compliant. The penalties for non-compliance are set out in law. To impose a financial penalty on some of the boats that are compliant would be beyond the legal powers of CRT to enforce and CRT would be acting *ultra vires*.

It would be beyond CRT's legal powers and therefore unlawful to create what would effectively be a third category of boat licence without new primary legislation. If CRT did so, it would be acting *ultra vires*. To create a third category of boat licence has already been considered and dropped by CRT when it proposed Roving Mooring Permits, due to advice from its own Counsel that this would be unlawful. This proposal is effectively another proposal to create a Roving Mooring Permit. CRT was advised that it would be unlawful to offer more favourable terms to certain customers without offering them to all customers. This proposal is the same in that either the favourable terms or the lower licence fee will not be offered to all customers.

In addition the latter proposal would be in breach of the Equality Act 2010 because it would indirectly discriminate against boaters with disabilities for whom CRT has agreed 'reasonable adjustments' to its enforcement procedure which include a reduced cruising pattern, and those who do not have 'reasonable adjustments' in place but cannot travel the distance required to claim the lower licence fee. It would also discriminate indirectly against older boaters who are no longer able to travel very far, whether or not CRT has agreed adjustments to its enforcement procedure for them. It would also discriminate indirectly against pregnant boaters for whom CRT has agreed reduced cruising patterns during the pregnancy and for up to six months after the birth. It would discriminate against boaters who are not disabled but who have health problems that require them to stay near a place of medical treatment or care, who are exercising their right under the British Waterways Act

1995 to stay longer than 14 days in any one place. Increasing the licence fee for some or all boats without a home mooring would impose the greatest financial burden on those who are least able to pay. This is fundamentally unjust.

No Equality Impact Assessment has been carried out on the proposals to increase the licence fee for boats without a home mooring. CRT exercises statutory or public functions as a navigation authority. In respect of these statutory or public functions, which include boat licensing, it is subject to the General Public Sector Equality Duty under Section 149(1) of the Equality Act 2010 to:

"a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

CRT has not demonstrated in the consultation how the proposals meet the requirements of the General Public Sector Equality Duty and it has not carried out an assessment of the impact of these proposals on people with the protected characteristics defined in the Equality Act. CRT is therefore in breach of the Equality Act.

To make the proposal for a new licence at a higher fee that would permit boats without a home mooring to remain within a limited area (provided they satisfy the Trust concerning their bona fide navigation), without stating what is meant by "remain within a limited area" is unfair. "Remain within a limited area" should have been defined beforehand and the definition should have been included in this consultation. We cannot make an informed decision when the definition has not been published. In failing to provide that definition, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses.

Both proposals for a higher licence fee for boats without a home mooring are contrary to the outcomes of both Stages 1 or 2 of the consultation and contrary to the advice from the Navigation Advisory Group Licensing and Mooring Sub-Group (NAG L&M).

The Stage 1 report states:

"Finally, there is a view that this problem is outside the scope of licensing, and should be managed through enforcement. The Trust have got other means at their disposal to tackle congestion if they choose to do so - it shouldn't be through licensing." (p9)

"Broadly, and regardless of whether they advocate a length or area approach to sizing boats for licensing, respondents support retaining the current single licence, with categories defined within this". (p11)

“Respondents arguing for licensing by area and those who wish to retain length as the measure tend to agree that the congestion problems they identify are best dealt with through mooring charges and enforcement”. (p13)

“The idea of pricing according to distance travelled (with the assumption that travelling further would cost more) receives little support. Respondents point out that the licence provides permission to use the Canal and River Trust network, but does not limit that use”. (p14)

The Stage 2 report states:

“2. Main findings:

2.3 Boaters were adamant that the licensing system should not be used to penalise specific types of boating or set different types of boater against each other...

2.12 There was a strongly and widely held view that congestion is a problem of mooring and enforcement, and not something for the licensing system to resolve, though there were a few voices who did see a role for licensing in managing capacity” (pp2-3)

The minutes of the Joint meeting of NAG (L&M) and Elected Boater Representatives on 25th July 2017 state:

“4. Congestion. AC [Amanda Crosland, CRT Head of Boat Licensing] highlighted that the issue of busy or ‘congested’ waterways had been discussed at stage one and two, however the general consensus from the feedback is that this is not a licensing issue but a mooring and enforcement issue. The group suggested that this may be partly a maintenance issue (i.e. dredging) as well as a management issue”.

Alison Tuck, a member of NAG L&M stated on 17th October 2017 in a comment to an article in The Floater (www.thefloater.org/the-floater-october-2017/crt-ignores-early-licence-consultation-results-in-stage-3-survey#comments) that:

“I sit on the Navigational Advisory Group Mooring & licensing (For CRT) we have been involved in advising CRT on this consultation. All through Stage 1 & 2 it was felt to be a balanced approach. Then we get to stage 3 Our last meeting 1 day before they sent out the survey. We (NAG) weren't shown the questions or the proposals in it. Instead we had a discussion about Asset Management. This was a deliberate because I believe they didn't get the results they wanted from stage 1&2 so bypassed NAG for stage 3 because they new what our opinions would be. They have marginalised the advisory groups and are now marginalising boaters and boaters views”.

Indeed page 4 of the consultation questionnaire states: “At both earlier stages of the consultation customers expressed a consistent view that the licensing system should not be used to disadvantage specific types of boating customer and that any future changes should, as far as is appropriate, be transitional”.

In addition, page 26 of the consultation states: “The Trust is interested in exploring how the licensing structure might reflect the relative attraction of the most busy and popular parts of the network where the growth in boats without a home mooring, and their impact, are greatest. We acknowledge that most participants did not want to use the licence fee to address what they perceived to be a mooring or enforcement issue and as such will not consider this further with respect to this consultation”.

The fact that the proposals to charge a higher licence fee for boaters without a home mooring contradict the outcome of Stages 1 and 2; contradict the advice of the Navigation Advisory Group, and even contradict what is stated on pages 4 and 26 of the Stage 3 consultation document itself, demonstrates that the CRT already has a final view on this issue, in violation of the Government Consultation Principles which state in Paragraph B: “Do not ask questions about issues on which you already have a final view”.

We believe that this question is flawed and intentionally biased. CRT knows that most boaters have a home mooring and that people tend to express views in questionnaires that suit themselves. The end result will be that CRT will state that boaters themselves wanted an increase in the licence fee without a home mooring. We believe that CRT has ended its contract with Involve and recruited TONIC is in order to railroad through higher licence fees for boats without a home mooring, which CRT and BW have been attempting to impose since 2002.

The outcome of increasing the licence fee for boats without a home mooring will be the gradual gentrification of the waterways and inland boating, worsening the housing crisis and narrowing the social background of leisure boaters. The end result will be that thousands of people who live on boats will no longer be able to afford the licence fee. Poorer leisure boaters, very often those who are younger, who can only afford to go boating without a home mooring, will be priced out at the same time as CRT is trying to attract younger boaters to the waterways due to the ageing of the boating population. The licence review should not be used as a method of social cleansing.

Both of these outcomes would be contrary to CRT's Charitable Objects. Item 2.6.1. of the Charitable Objects of CRT states:

“2.6.1 The improvement of the conditions of life in socially and economically disadvantaged communities in such vicinity;”

CRT must operate within its Charitable Objects. A charity can only do what is set out in its charitable objects, and it must do what is in its charitable objects. It cannot use the licensing system to price poorer boaters off the waterways so that richer people can enjoy boating in peace. This means that there must be no differential pricing to discourage people from licensing their boats without a home mooring. This is because using a boat without a home mooring is the least expensive way of licensing a boat.

Increasing the boat licence fee without a home mooring (whether for some or all of these boats) will contravene Item 2.6.1 of the charitable objects in that it would increase the disadvantage in socially and economically deprived communities in the vicinity of the waterways by either pricing them out of living on their boats or by making it impossible for them to go boating as a hobby when this hobby can continue to be enjoyed by more wealthy sectors of society. Therefore increasing the cost of a licence without a home mooring would be unlawful and would render CRT at risk of enforcement action by the Charity Commission.

No information or costings are provided for either of the proposals to increase the licence fee for boats without a home mooring regarding the financial benefit to CRT, so it is impossible to make an informed decision. In failing to provide any costings, the consultation fails to meet the standards set out in the Government Consultation Principles in that it is not informative: it does not give enough information to ensure that those consulted understand the issues and can give informed responses. The Consultation Principles state specifically that where possible, validated assessments of the costs and benefits of the options being considered should be provided and yet CRT has failed to do this.

The only justification provided for a higher licence fee for some or all boats without a home mooring is that "those without a home mooring would, typically (not having access to mooring facilities), be more likely to use the facilities provided by the Trust".

This is thoroughly misleading and does not reflect the actual impact on the waterway infrastructure and facilities by different groups of boaters. Boaters with home moorings along the line of the waterways (CRT online moorings, farmers' field and end of garden moorings) that have no on-site facilities also make regular, sometimes daily, use of the facilities provided by CRT. Hire boats, mostly occupied by large groups of people who are used to the unlimited water supply of houses, make intensive, daily use of the water, sewage disposal and rubbish disposal facilities provided by CRT. Both of these groups make as much or more use of waterway facilities as boats without a home mooring. In any event, CRT does not provide that much in the way of facilities. Since 2007 CRT has closed a significant number of facilities permanently, despite complaints and requests by boaters to re-open these or to provide alternatives, such as the facilities at Fazeley Junction, Slaithwaite, Huddersfield, Honey Street and many more.

According to CRT's Boat Owners' Survey 2017, there is a continuing decline in leisure use of boats and a corresponding growth in residential use of boats. Some 35% of boats are now used as the owner's only, primary, secondary or temporary home. The implication of this is that CRT needs to ensure that its licensing system takes account of the Article 8 ECHR rights of boat dwellers, which have been clarified by the recent Court of Appeal judgment *CRT v Matthew Jones* [2017] EWCA Civ 135.

To increase the licence fee for boats without a home mooring would be to violate the Article 8 rights of boat dwellers by differential pricing compared to those who do not live aboard. Given that less than 4% of the moorings on CRT waterways have planning permission for residential use, the only way of living on a boat without breaching planning law is not to have a home mooring. Increasing the licence fee for some or all boats without a home mooring would penalise boat dwellers for obeying planning law by avoiding residential use of a leisure mooring. Indeed, given that the standard CRT leisure mooring contract requires the moorer to seek CRT permission to use the mooring as their main residence, this proposal would also reward unlawful behaviour by giving an advantage to boaters with leisure moorings who fail to observe the mooring contract.

A higher licence fee for boats without a home mooring that remain within a limited area would be impractical and unwieldy to administer, rendering it unworkable, contrary to the stated aim of the consultation to “help the Trust identify an approach to licensing that is more simple and administratively less burdensome than the current system; robust and workable”. Boat owners may opt to pay the lower licence fee on the basis that they will travel further than the defined “limited area”. Policing their movements and administering the financial sanction of a higher licence fee for those who through error or unforeseen circumstances such as illness, injury or mechanical breakdown do not manage to travel further than a “limited area”, together with operating an appeals mechanism and defining when boat owners may be exempt from such a financial penalty, will greatly increase the administrative burden and consequently the cost of the licensing system for CRT.

CRT stated during Stage 1 of the consultation that many boaters feel the current licensing can be perceived as unfair. Page 35 of the Stage 3 questionnaire states: “mooring fees are often significantly more than the licence fee, and some boaters argued that it would be fair to charge a higher licence fee for those without a home mooring”.

It is very important to distinguish between perceived unfairness and actual unfairness. Addressing perceived unfairness is a waste of resources; is likely to have costly unintended consequences; reinforces prejudice and divisions and risks creating actual unfairness. It is not unfair to have to pay an additional fee in return for additional benefits. For example, many boaters with home moorings perceive it to be unfair that they should have to pay a mooring fee on top of the licence to obtain the the convenience, security and additional facilities of a home mooring. These interest groups also perceive it to be unfair that boats without home moorings are permitted to moor on the towpath throughout the year, regardless of the fact that a boat with a home mooring has a licence that permits it to moor on the towpath all year in addition to having a mooring.

Most people responding to this consultation are likely to favour the options that would be most advantageous to them. Given that the majority of the boaters on CRT waterways have a home mooring and only around 13% do not, the majority view is likely to be that boaters without a home mooring should pay a higher licence fee. It is inherently unfair and unjust for boaters with home moorings to decide that those without a home mooring should pay more.

This perception of unfairness has been created by misinformation promulgated by CRT; BW; the Inland Waterways Association; marina operators; mooring operators; hire boat companies and boaters who choose to have a home mooring. These interest groups appear to resent having to pay for the additional benefits that they gain from having a permanent mooring. The misinformation spread by these interest groups alleges that boaters without a home mooring are “exploiting a loophole in the law” when they are simply doing what the law entitles them to do. Any assessment of “fairness” must be in line with the law and must take into account the Article 8 rights of boat dwellers.

If it is necessary to address the perception of unfairness, boats that never leave an off-line marina should be exempt from paying the licence fee. There is no statutory

requirement for a licence fee to be paid for boats that are on water that is above privately owned land and not subject to CRT jurisdiction. The licence fees are imposed by CRT in the Network Access Agreement between CRT and the marina, which is a commercial contract, not a statutory requirement.

Impact of any changes following the consultation

Participants in stage 2 of the consultation emphasised that any changes should not be retrospective. They thought that changes should be introduced over a transitional period, in particular if there are large increases in licence fees for any category of boat licence holder. This would help to mitigate the financial impact of any changes on those least able to afford such increases.

Participants who thought that any changes should apply to current, as well as new boaters, suggested a transitional period of no less than three years and as many as five.

Some of the proposals we have outlined include suggestions for phasing in changes. However, we are also interested in more general views relating to the phasing of any changes we propose following this third and final stage of the consultation.

27. Please tell us on a scale of 1-5 how fair you think each proposal is Please rate each proposal in the table below

Proposal	<i>1 = Very fair</i>	<i>2 = Fair</i>	<i>3 = Neither fair nor unfair</i>	<i>4 = Unfair</i>	<i>5 = Very unfair</i>
Introduce changes over a potential 1-2 year period					X
Introduce changes phased over a potential 2-3 year period					X
Introduce changes phased over a potential 3-5 year transition period					X
Introduce changes all together in one go, but giving a number of years' notice					X

28. Please tell us your views on how we might manage the implementation of any changes (including suggestions about any transitional periods for existing and new customers)

We do not think that there should be any increases in licence fees. Increased licence fees will have an adverse impact on all boat dwellers, whether or not they have a home mooring.

No Equality Impact Assessment has been carried out on any of the proposals in this consultation. CRT exercises statutory or public functions as a navigation authority. In respect of these statutory or public functions, which include boat licensing, it is

subject to the General Public Sector Equality Duty under Section 149(1) of the Equality Act 2010 to:

- "a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

CRT has not demonstrated in the consultation how any of the proposals meet the requirements of the General Public Sector Equality Duty and it has not carried out an assessment of the impact of these proposals on people with the protected characteristics defined in the Equality Act. CRT is therefore in breach of the Equality Act.

Page 2 of this consultation document states that the aim of the consultation is to "help the Trust identify an approach to licensing that is more simple and administratively less burdensome than the current system". However, the proposals in this consultation document do not make the system simpler, they propose a more complex licensing structure and the proposals do not reflect the conclusions drawn in Stage 1 and Stage 2 of the consultation. The basis of the consultation process has been undermined and Stage 3 of the consultation is therefore flawed and has been carried out under false pretences. This is contrary to the process set out in the Government Consultation Principles which state in Paragraph B: "Take consultation responses into account when taking policy forward. Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do not ask questions about issues on which you already have a final view." Therefore Stage 3 of this consultation has been mismanaged and should be abandoned.

CRT declared on page 2 of the Stage 3 consultation questionnaire that: "The intention of the licence review is not to increase the proportion of Trust revenue from boat licences, rather it is to make sure that the contribution from boat licences is distributed more fairly." However, no costings or other information is provided in this consultation document either to show why the contribution from boat licences is not distributed fairly at present, or to show from which boaters the costs will be removed and to which boaters these costs will be redistributed. The absence of this information demonstrates that the consultation is a sham and has not been entered into in good faith by CRT. This breaches the Government Consultation Principles, which state that validated assessments of the costs and benefits of the options being considered should be given and that consultation should take place at a time when development of the policies or plans is at a formative stage. Furthermore, any decision made on the strength of the outcome will fail to withstand the scrutiny of a Judicial Review. It would be negligent of CRT to put itself at risk of Judicial Review proceedings. Such negligence would also amount to maladministration, on the basis that a body that exercises statutory powers involving the use of public funds should undertake genuine consultation as set out in the Government Consultation Principles.

Boat licensing is a highly technical subject because it is governed by legislation. However, no compliance review of the proposals has been carried out to ensure that the proposals are lawful and no mechanism exists to do so. Consequently the proposals violate legislation in a number of aspects due to the engagement of lay people who are not equipped to carry out legal analysis to develop the consultation proposals.

For these reasons we do not agree that any of the proposed changes should be made, regardless of the implementation period.

Issues discussed in Stages 1 and 2 but falling outside the current consultation Improving the management of areas in high demand

Participants in stages 1 and 2 discussed how to address the challenge of busy areas of the country where canals are experiencing high levels of demand for mooring and cruising. In stage 2, participants described busy areas as a problem for mooring and navigation as well as safety and considered how best to manage them fairly.

In principle, licensing fees could be used as a mechanism to manage busy areas such as London, where many customers do not purchase a (relatively costly) home mooring. However, most of the participants in previous stages felt that busy areas are exacerbated by poor mooring provision and limited enforcement powers. They see the challenge as a moorings issue and do not think licensing is an effective or suitable way to address the relative appeal of London and other parts of the south where housing costs make living aboard a canal boat attractive.

The Trust is interested in exploring how the licensing structure might reflect the relative attraction of the most busy and popular parts of the network where the growth in boats without a home mooring, and their impact, are greatest. We acknowledge that most participants did not want to use the licence fee to address what they perceived to be a mooring or enforcement issue and as such will not consider this further with respect to this consultation.

However, with mooring inherently constrained in the busiest locations, and limitations on what can be achieved via enforcement, the Trust will undertake further work outside of the licence review process to develop possible options for how boat numbers could be managed in very busy sections of the canal network.

Tell us about yourself

29. What is your gender?

Not applicable

30. What best describes your relationship with the Canal and River Trust?

Other Stakeholder - please tell us which area or group you are representing:

National Bargee Travellers Association, representing itinerant boat dwellers.

31. What best describes the licence you hold with the Trust?

Other (please specify):

User group. Our members are boat dwellers without a home mooring.

Business licence holder

32. If you are a Business Licence holder, please let us know what business sector you are representing

If you are not a business licence holder, please go to question 33.

Other (please specify):

Some of our members hold Roving Traders' Licences

33. It would be useful for us to know how you currently pay for your boat licence?
Not applicable

34. Which waterway are you mostly based on?

I am mainly based on:

Our members are located throughout the CRT waterways

35. What was the region in which you did most of your boating in the past 12 months?

Not applicable

Thank you for completing the consultation

The Trust will publish the findings from this consultation and our final proposals for Licensing in early 2018 on the Canal and River Trust's National Consultations webpage: <https://canalrivertrust.org.uk/national-consultations>