



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
COUNCIL
2 JULY 2020**

RIVER PATROLS AND ENFORCEMENT

1. PURPOSE OF THE REPORT

- 1.1 To seek approval for finalising and entering a Memorandum of Understanding (MoU) with Essex Police (Marine Police Unit) for the purpose of improved enforcement presence and action on the River Blackwater, subject to the provision and insurance of a single Personal Water Craft (PWC) by Maldon District Council (MDC) to the project.
- 1.2 To seek approval for a downward revision to the Capital budget request approved by Council in February 2020, from the original £40,000 for purchase of a Rigid Inflatable Boat (RIB) to the lower amount of £17,000 for the purchase of a single PWC in order to support the terms of the MoU.

2. RECOMMENDATION

- (i) That the Council agrees to the principle of a River enforcement partnership through means of a Memorandum of Understanding (MoU) with Essex Police; for an initial three year period, followed by a gateway review and scope to renew for a further two year period;
- (ii) That the Capital Budget is revised and approved for £17,000 to procure a single Personal Water Craft which Maldon District Council will provide as part of the future MoU with Essex Police for Patrols and Enforcement upon the River Blackwater.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 The Council is responsible for ensuring that the bylaws relating to the tidal River Blackwater are enforced. There are specific bylaws relating to a restriction of the speed of ALL pleasure craft within 250 metres of the Mean High Water Mark throughout the entire River Blackwater. In addition to this, there is a Safe Navigation bylaw that requires river users to act responsibly, and provides protection to sensitive areas such as saltmarsh, creeks and inlets.

- 3.1.2 In order to discharge these duties the Council employs a River Bailiff who then is equipped with a boat from which enforcement activities and other duties are undertaken.
- 3.1.3 Until 2012 the River Bailiff was equipped with a high speed (60mph) Rigid Inflatable Boat (RIB) which was capable of apprehending speeding water craft. A significant number of successful prosecutions were obtained through the courts as a direct result the Bailiffs enforcement activities.
- 3.1.4 In 2012 Members decided to replace the RIB with a patrol boat. This removed the River Bailiff's ability to apprehend speeding river users but provided the opportunity to carry out light maintenance work on navigation buoys, carry officers on site visits and exchange some navigation marks without engaging a contractor.
- 3.1.5 The majority of speed and safe navigation issues relate to PWC commonly referred to as 'Jetskis', which is a trade name of Kawasaki. PWCs are generally fast, lightweight and because they relatively cheap, are an easily purchased as a weekend 'toy'. Most are capable of speeds in excess of 50mph. No license of formal training is required to own or use a PWC. They do not routinely display a number plate or identifying mark that could be used to identify users. The majority of problems are reported as occurring at High Water close to launch sites and predominantly, but not limited to weekends. PWCs can be launched from slipways all around the river and most of these facilities, particularly at caravan parks have facilities to aid with launching and recovery of all craft. All caravan parks should operate a scheme to ensure that all craft launched from their land are registered to the park and check the user has adequate insurance in place.
- 3.1.6 In 2016, following several years of very limited enforcement and escalating complaints / concerns from River users and launching sites about mis-use of PWCs specifically and speeding in general, the Council approved the purchase of two PWCs for an experimental three year project to increase both presence and effectiveness of patrols and enforcement on the River Blackwater. This enforcement was carried out by the River Bailiff with direct support of staff from the MDC Community Safety team. However, the necessary presence of the Community Safety staff was carried out during their non-rota time for 'normal' duties and came at an additional salary cost to the Rivers service.
- 3.1.7 During the first season twelve river users were successfully prosecuted by Magistrates, with the effect that during the summer of 2017 there was a marked decrease in speeding activity on the River as a whole and an increased awareness (and appreciation) from River users that patrols and enforcement was taking place.
- 3.1.8 In May 2018, a mechanical failure in one of the PWCs and an abortive rescue of staff member and machine by the second PWC meant that both machines were taken out of service. They were subsequently written off by MDC Insurers.
- 3.1.9 As a result, although Patrols and inspections have been undertaken by the River Bailiff, zero enforcement activity by MDC has taken place since May 2018 to present day.

3.2 Future service provision

- 3.2.1 Since July 2018, the River Bailiff and the Coast and Countryside Manager have been in discussion with Officers from the Marine Police Unit with regard to better co-operative working on the water. This led to a draft Memorandum of Understanding (MoU) being developed, based upon that used by Essex Police in their work with the UK Border Agency, for a partnership with MDC *specifically* with regard to the provision of a PWC machine to support increased patrol and enforcement upon the Blackwater.
- 3.2.2 Unfortunately due to service and staff changes within Essex Police, the progress of this project stalled in early 2019.
- 3.2.3 As a result MDC officers considered options for enabling patrols and enforcement via the single River Bailiff officer. A high speed and enforcement-capable vessel was found to be the best opportunity, as such a Capital budget project for a Rigid Inflatable Boat was developed and submitted in November 2019 and approved by the Council in February 2020.
- 3.2.4 On 1 May 2020, the River Bailiff was contacted by the lead Officer from the Marine Police Unit to enquire whether MDC would still be interested in the joint working / PWC initiative.
- 3.2.5 Subsequent discussions have yielded a revised draft MoU, plus an indicative engagement plan. The MoU clearly demonstrates the requirement of both parties to contribute one PWC each, with Essex Police taking on the manning, storage, maintenance and any of their operational costs for both machines.
- 3.2.6 Subsequent discussion with the Marine Police Unit has also received the guarantee that (should MDC enter into the MoU and supply a PWC) 50% of their time ‘afloat’ will be spent on the River Blackwater. In addition to this, MDC will retain the ability to use the BOTH PWCs by arrangement (NB: when not being used for pre-planned patrols / duties). This guarantee will be clearly incorporated in the final MoU document.
- 3.2.7 MDC Officers feel that by entering into an MoU with Essex Police, MDC will be gaining a substantially improved patrol / enforcement service and capacity – far above that which has ever been possible on the Blackwater previously. The River Bailiff will still be able to patrol and carry out duties with the patrol boat or on occasion on PWC, however the Marine Police Unit can be coupled with land-based support services and officers; colleagues within UK Border Agency and Coastguard; plus a renewal of the past practices of “Days of Action” where multiple agencies and officers, including MDC, are able to attend *en masse* at hotspots for issues or for blanket enforcement activities.

3.3 Finances

- 3.3.1 The cost of a RIB in the approved Capital Bid (**APPENDIX 1**) was £40,000. This would allow the River Bailiff to procure a high quality but previously-owned vessel (*the original Capital bid was for £60,000 to allow for purchase of an entirely new vessel was revised at Finance Committee*). Unfortunately neither the Insurance

receipt from the previous written-off PWCs or the receipt from any sale of the Patrol boat could be used to support this purchase (note: this paper does not propose the disposal of the Patrol boat).

- 3.3.2 The revised Capital request is for the lower amount of £17,000 (**APPENDIX 2**), in order to enable purchase of a PWC instead of the RIB.
- 3.3.3 Any MDC incurred operating costs for the PWC would be well within existing revenue budget scope, particularly in light of operational / storage / maintenance costs being largely met by Essex Police.
- 3.3.4 Additional Staff costs in relation to patrolling and enforcement would be reduced to near zero, outside of the River Bailiff normal duties. Occasional costs may be incurred for a second member of staff to support the River Bailiff, to ensure Safe working practices, though these would be met within normal working hours wherever possible.
- 3.3.5 Prosecution costs would still need to be met by MDC and advocacy work would also be carried out in-house. Although Essex Police would provide Professional Witness statements from their officers, enforcement cases would still need to be taken to Magistrates by the River Bailiff as the Bylaws for prosecution are Maldon District Council's and not Primary legislation.

4. CONCLUSIONS

- 4.1 The proposed MoU with Essex Police (Marine Police Unit) offers a significant opportunity to have greater patrol and enforcement presence on the River Blackwater than MDC could achieve through the single River Bailiff and resource available.
- 4.2 As the Capital Project for the RIB was approved by the Council, a decision is required by the Council in order to revise that approved bid. The revised bid offers a Capital expenditure saving of £23,000.
- 4.3 By entering into an initial three year agreement, with opportunity to extend by a further two years, MDC retains both its in-house capacity for River based patrols duties and a vastly increased external resource for enforcement upon the water.

5. IMPACT ON STRATEGIC THEMES

- 5.1 This report and scheme supports the Council's goal of providing services that are efficient and effective.

6. IMPLICATIONS

- (i) **Impact on Customers** – Significantly increased visible presence and enforcement upon the River Blackwater.
- (ii) **Impact on Equalities** – None identified.

- (iii) **Impact on Risk** – There are no corporate risks associated with this report.
- (iv) **Impact on Resources (financial)** – Reduced Capital expenditure from that already approved.
- (v) **Impact on Resources (human)** – None, the proposal could be managed within existing resources. Lesser requirement for staff resources than previous PWC enforcement scheme.
- (vi) **Impact on the Environment** – In part, the River Blackwater bylaws are in place to ensure protection of the River environment by limiting speed and ‘nuisance’ on the Water . Greater patrolling and enforcement of these will in turn provide greater environmental protection, particularly with regard to Saltmarsh habitats and bird disturbance.

Background papers:

Draft MoU between Essex Police and MDC;

Essex police Engagement plan;

MDC Corporate project bids for RIB and revised for PWC.

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