

# Bristol Boaters seek Judicial Review of unreasonable mooring fee hike

Bristol Boaters Community Association (BBCA), Cabot Cruising Club and Bristol Cruising Club have decided to take initial steps to seek a Judicial Review (JR) of Bristol Mayor's Cabinet decision 24th January 2023 to introduce new Harbour fees in April 2023.

- The new fees represent increases of up to 150%, and this on top of increased energy charges could mean lots of people have to leave their harbour homes and/or have to sell their boats. They are a change in structure of fees and as such are a change in policy.
- Bristol City Council (BCC) have failed to consult, they promised consultation in 2018, and on many occasions since, but this has never materialised.
- BCC has benchmarked council fees with 4 privately run marinas which provide significantly better facilities and services and are simply not comparable. The Bristol **Harbour Master has confirmed directly to boaters that there is no plan in place to improve any existing facilities.**
- Boat owners and others have repeatedly tried to work with BCC and have been ignored. The JR is the last option, albeit unwelcome.

A spokesperson for the BBCA said

*'All we want is meaningful consultation and a plan for the harbour that preserves its vibrant and diverse community. We understand the challenges facing the council, including the need to deliver a balanced budget, and we support a reasonable increase in mooring fees. But the proposed fee increases are excessive and thus we are worried about the future for our homes, leisure boats and businesses. We want to help Bristol City Council to get this right, and we are saddened and deeply frustrated that legal action might be needed to bring them to the table.'*

## Background

Bristol City Council (BCC) announced in 2018 that they were to undertake stakeholder consultation to inform decision making as part of The Harbour Review. BBCA also formed at this time, one of its aims to provide a voice to the longstanding & diverse community living and working in Bristol harbour, to facilitate a seat at the table and collaboratively feed back into any consultation process.

Harbour stakeholders have repeatedly tried to engage with the council since this announcement in 2018. The promise of consultation provided an exciting opportunity for harbour stakeholders to influence and improve the area we live and work in.

The Promised consultation was to be extensive, BCC published slides demonstrating a proposed 3 month engagement and governance structure. Engagement from stakeholder groups was intended to feed back to a Harbour Round Table, onto a Harbour Board and finally BCC.

Sadly, promised consultation never materialised. In January 2023, without notice, a significant increase in Harbour fees and partial overhaul of the fees structure were approved by the Mayor's Cabinet. The new fees are to be implemented in April 2023, just three months following their decision, some rising by 150%. **For a typical 16 metre boat owner, that would mean fees rising from £1,900 last year to £4,700 next year.** Stakeholder consultation was withdrawn sometime in the past year without notification, such secrecy is unbecoming of a Labour council and in direct opposition to their commitments to public engagement and transparency.

We have included a summary of the public domain documents relating to the council's extensive commitment to undertake consultation. Please see the *Accompanying Document*.

Hundreds of harbour users including businesses, charities, boat dwellers and leisure users are directly impacted. The Mayor asserts that some harbour users are "Abusers of a system" and "a privileged few", the reality is far from this view. Boat dwellers are part of a diverse Bristol community consisting of a range of people from many walks of life, adding a neighbourhood watch benefit of security and surveillance along the dockside. Life on the water in Bristol has never been exclusive or inaccessible to people on modest or low incomes. There are, however, improvements to be made regarding accessibility alongside many other areas, harbour stakeholders desperately want to be a part of creating positive changes.

BCC's benchmarking has been used to set the new fees, it simply compares fees from 4 privately run marinas, **no consideration is given to quality or quantity of facilities & services.** As a result BBKA undertook a comprehensive benchmarking of those 4 marinas which demonstrates a vast difference in both facilities and services being offered. Please see *Facilities Benchmarking BBKA*.

BBKA is supportive of fees rising and investment in the Harbour but strongly feels there needs to be a clear plan where any new fees should be reasonably implemented and proportionate to facilities provided. The Harbour Authority has confirmed there is **no plan in place to improve the current extremely poor facilities.**

At every stage of this failed process BBKA have acted in good faith and diligence to help BCC to engage with stakeholders, sadly this has been met with silence, secrecy, & resistance. The recent Information Sharing sessions whilst very welcome were hurriedly put together after decisions had been made and offered little scope to effect change.

On the basis of BCC's unwillingness to negotiate before imposing new fees, 3 harbour stakeholder interest groups have decided to initiate the legal process of Judicial Review. Nobody wants this to happen, our backs are against the wall. We have made this decision in order to uphold standards set out by Bristol City Council and in order to safeguard our community's future in Bristol Harbour.

We sincerely hope that demonstrating our willingness to defend our democratic right will initiate a genuine open consultation around the new fees. We hope the Mayor's office will reconsider and embark on a meaningful consultation as always promised and hold their decision.

Ensuring well thought out decisions that are in the best interests of the Harbours future are paramount to us. Harbour stakeholders are willing and proactive, we just need the green light.