

PE1693/K

Petitioner submission of 2 June 2019

Pricing Review and Consultation

A total 188 comments and complaints about the pricing review were raised by boaters and 2 complaints were elevated to the ombudsman. The basis of the complaints was that SC unreasonably used flawed data in the calculation of the new mooring charges and that they failed to take account of other concerns about their report. In reality, the Scottish Public Services Organisation (SPSO) were unable to adjudicate on both complaints on the basis that the SPSO Act 2002 states in Schedule 4, paragraph 15 that they must not investigate any action relating to the determination of the amount of any rent or service charge. They have also stated that they can only adjudicate on issues of maladministration and service failure. We were told that the legislation was brought over from England and SC can set pricing with no checks, balances or limits. SC stated in their submission that the SPSO found in their favour whereas in reality, they refused to consider the complaints. At that time, when concerns were raised about the price increases, people were told to move to areas of social deprivation where moorings were considerably cheaper or sell your boat. This did happen in some cases.

Advisory Group

The advisory group alluded to in the SC submission has not been established and questions on its remit and proposed constitution raised by LCA have not been answered. The group as presently proposed has no decision-making powers and has very restrictive agenda. This proposed group also does not have the powers of an ombudsman, it is not a mediation group and does not have the power to answer or settle boaters' complaints. It is not a viable alternative to an independent water ombudsman but a forum for discussion and advice, similar to KCA.

Flotilla

The Flotilla was collectively organised by KCA, LCA and SC. Congratulations and thanks to all parties who made the Flotilla such a wonderful historical event. It was an amazing public relations exercise for SC. Sadly, the goodwill generated does not negate the fact that tensions and issues of disagreement will occur as part of any organisational make-up and requires a conflict resolution procedure.

Role of the Ombudsman

Scottish Canals have a two stage complaints procedure. If the complaint is unresolved at the end of the process, then the matter can be raised with the Scottish Public Service Ombudsman. However, the SPSO is not independent, has a very restricted remit and is limited to adjudicating on issues of maladministration and service failure. We maintain that the appointment of an independent Water Ombudsman or similar body with a much wider remit is the only way to safeguard the rights of all canal users. It will ensure that Scottish Canals comply with their statutory obligations regarding maintenance of navigation. It will also consolidate and safeguard the foundations of the investment made by the Scottish Government for the continued use of the canals as navigable waterways.

Other areas we believe that an independent Water Ombudsman should address are:

1 Rights for residential boaters, they do not have any rights except the right to be taken to court. Leases are granted annually and offer no security of tenure for residential boaters.

2 The monopoly position of Scottish Canals, there are no alternative moorings at present although negotiations with Community Moorings Scotland have been ongoing for the past three years.

3 The allocation of available finance to ensure that resources are directed to canal maintenance rather than asset development. We would like to refer you to Scottish Canals Asset Management Strategy 2018-2030. On Page 8 under Canal Strategies, the comment that “budget prioritisation may not necessarily include navigation although it is an important consideration”.

Conclusion

We are respectfully requesting that the Scottish Government agree that a water ombudsman or similar body would benefit the people of Scotland and offer them the same benefits as the Canal and River Trust in England. Another option may be altering the remit of the SPSO so that it is able to investigate all areas of concern on the canals. It is sadly the case that while groups on the canals are important and have a role to play, they are often self-promoting. SC as an organisation are accountable to the Scottish Government. However, decisions about policies and asset managing will cause competing tensions. A water ombudsman must be independent of any vested interests and therefore neutral and fair.

While we appreciate that this would involve a financial cost to the government, we believe it would be money well spent.

It would be a hope that the Minister of Transport would receive regular updates. SC is a complex organisation with many competing demands on its time and budget and difficult choices have to be made.

While accepting the improved communications from the top of SC's organisation, there is every possibility that this will change. The issues we raise are not in relation to personalities but with the everyday business of differences of opinions from different people over different issues.

Response to Inland Waterways Submission PE16931

In their original submission, the IWA supported the proposal to create an independent water ombudsman to safeguard the interests of all canal users. We support their concerns that the departure of Catherine Topley from the organisation may have a negative effect.

English Water Ombudsman

For further information, the English Waterways Ombudsman issued his annual report for 2017/8 and full details can be found on the website waterways-ombudsman.org It showed a total of 252 complaints made under the Canal and River Trust's official complaints procedure. The scheme is an appeals process that takes complaints against CRT which the trust's own complaints process can't satisfy. In the last year, 35 appeals were made to the ombudsman. Thank you for considering the points we have raised.