

Study - PLA River Works Licences for Residential Use

Terms of Reference

Background

1. The Port of London Authority is constituted by the Port of London Act 1968 as amended with wide powers and responsibilities for the safety of navigation on the tidal River Thames. It owns the majority of the river bed of the tidal Thames (most of the remainder being owned by the Crown Estate). The banks of the River are, in the main, not owned by the PLA. The PLA grants licences for works placed in the River under the terms of s.66 of its Act. The licence is valued in accordance with the terms of s.67 of the Act. This section also provides a disputes resolution procedure, by way of arbitration, if the PLA cannot agree the consideration for a River works licence with the Licensee. If the PLA refuses to grant or seeks to revoke a River works licence for any reason there is an appeals mechanism to the Secretary of State (s.69).
2. There are around 280 houseboats on the Tidal Thames. The majority are in enclaves and in some cases there are long term River Works licences for these enclaves. Other houseboats are on individual River Works licences.
3. The setting of River Works Licence fees for the placing of infrastructure in the River continues to be contentious between the PLA and a number of the occupants of houseboats.

Study

4. The PLA has agreed to commission a study into the setting of river works licence fees on the River involving residential use (whether single or multiple dwellings) and wishes to ensure that the methodology for the study enables the existing houseboat owners and occupiers to express their views and concerns both in relation to the existing arrangements and on the options for the way forward.
5. The PLA currently uses a comparison method as a basis for setting river works licence fees. The Consultant is required to examine and report on the current fee methodology and propose options for setting River Works Licence fees in the future which provide a greater degree of transparency and predictability for the PLA and Licensees, taking account of the Act. In undertaking this work the Consultant should hold discussions with a cross section of houseboat owners and with representative groups of houseboat owners to understand their concerns (including the setting of their fees), and with other interested parties, and share draft conclusions with the PLA and with houseboat owners/representative organisations and consider their representations before finalising a report. The Consultant will report progress regularly to a steering group comprising representatives of the PLA, houseboat dwellers and their representative organisations.

6. The main outputs of the work should include:
 - a. A methodology for setting the fees for river works licences (including a mechanism for periodic reviews of the fees), that commands a reasonable degree of support from the houseboat community.
 - b. If the application of the methodology is likely to result in significant changes in the fees paid, a proposal on how changes could be phased in.
 - c. A method for resolving disputes that enables issues to be addressed within a reasonable time frame at the behest of either party and less formally, and therefore as inexpensively as possible, than resort to arbitration (arbitration being the final resort available to either party as provided by the PLA Act)
7. The completion date for the final report will be determined by the consultant's work programme and agreed by the Steering Group, who can extend the date if necessary.
8. The Consultant will provide a brief fortnightly report on progress to the Steering Group.
9. The Consultant will refer to the Steering Group issues which she is unable to resolve.
10. Transparency: All correspondence between the Consultant and any members of, or parties represented by members of, the Steering Group shall be copied to all members of the Steering Group. This will include any contracts between the Consultant and any parties represented on the Steering Group.

Agreed.


Chair

17th September 2010