

Summary of responses to the consultation on Government proposal to abolish the Inland Waterways Advisory Council

February 2012

© Crown copyright 2012

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

This document/publication is also available on our website at:
<http://www.defra.gov.uk/consult/closed/>

Any enquiries regarding this document/publication should be sent to us at:

IWAC Consultation
Inland Waterways Team
Defra
Area 3B Nobel House
17 Smith Square
London SW1P 3JR

Tel: 020 7238 6372

Email: liz.sheppard@defra.gsi.gov.uk

Contents

1. Introduction	1
Background to the proposal.....	1
What we were seeking views on and why	1
2. Summary of responses and the Government's response	2
England and Wales	2
Scotland	4
All countries	4
3. The way forward	6
Annex A – List of respondents	7

1. Introduction

Background to the proposal

The Inland Waterways Advisory Council (IWAC) is a cross-border body which provides advice to Government and other interested persons on matters considered appropriate and relevant to Britain's inland waterways.

The proposal to abolish the Inland Waterways Advisory Council (IWAC) was announced by the UK Government on 22 July 2010 as part of its Arms Length Body Review and agreed by Scottish Ministers.

As set out in the Defra consultation document 'A New Era for the Waterways' published on 30 March 2011, the proposal to move British Waterways in England and Wales into civil society in 2012 outside of Government control and management and to set up a new waterways charity – the Canal & River Trust (CRT) – means that there will no longer be a need, in the Government's view, for a statutory body to provide advice for policy development. The UK Government is clear that policy development is the role of Ministers, who are accountable to Parliament.

In Scotland, it is not proposed to change the status of British Waterways, which will remain in the public sector as a body operating only in Scotland. When the assets of British Waterways in England and Wales are moved into civil society, British Waterways Scotland will commence operation as a self-standing public organisation. In light of the changes planned in England and Wales, the benefits of a cross-border advisory body are eliminated. Scottish Ministers have therefore agreed that IWAC should be abolished in Scotland, and intend to rely on the informal advisory network which has developed.

What we were seeking views on and why

The consultation invited views on the Government's proposal to abolish IWAC's functions in England and Wales and in Scotland. The consultation sought views on alternative arrangements, including whether there was a need for an independent advisory body and also for the boat safety standards appeals panel should IWAC be abolished.

2. Summary of responses and the Government's response

We received 35 responses to the consultation, of which 32 were from organisations and 3 were from individuals. Four responses were received within two weeks after the deadline and were included in the analysis. These figures can be compared to the 350 responses to the Government's parallel consultation on the transfer of British Waterways into the charitable sector.

A list of respondents is at Annex A. Names of individual respondents are not listed here for data protection reasons.

IWAC is a cross-border advisory body covering England and Wales, and Scotland. On behalf of the Scottish Government, the consultation sought views on the proposed abolition of IWAC's functions in respect of Scotland. The Scottish Government analysed these responses.

There were sixteen responses which commented on proposals affecting IWAC's functions in Scotland. Eleven of these were responses from stakeholders in Scotland whose focus was wholly on the Scottish aspects of the consultation, whilst five had a clear focus on England and Wales but also provided views on the Scottish questions.

The main points raised by the consultation, and the Government's or Scottish Government's response to each area, are given below.

England and Wales

Question 1 - *Do you agree that there is no need for a statutory Arm's Length Body to advise on policy for the inland waterways in the event of the creation of a new waterways charity in England and Wales, along the lines proposed by the UK Government in its recent consultation? If not please provide reasons for your view.*

You said: All but one respondent from England and Wales answered this question. Many respondents chose to answer this question and Question 4 together.

A majority of respondents thought IWAC should be retained and a minority agreed that there was no need for a statutory Arm's Length Body in England and Wales. One respondent did not give an opinion but thought Government should ensure it had a means of obtaining independent advice before abolishing IWAC.

Of those who thought that IWAC should be retained, half thought IWAC should be retained for a limited period – either for the next two years to allow the charity to establish, or until the Environment Agency (EA) navigations are brought into the charity (which as the Government has already announced is planned for 2015/16 subject to affordability and agreement of the Trustees). The other half did not give an opinion on the duration for which IWAC should continue.

Reasons given for retaining IWAC included:

- The knowledge, expertise and experience of the members of IWAC and their good quality advice.

Department for Environment, Food and Rural Affairs

- The importance of independent and objective advice to Government. Some respondents considered that CRT could not provide this as it is not their role and there could be a conflict of interests.
- CRT would need the advice of IWAC during its formative years.
- The continued need for advice during the transition period until the CRT is fully established. Some respondents suggested the transition period would make the need for IWAC's advice greater than ever. Some suggested IWAC should be retained until the EA navigations are transferred to the CRT.
- A view that AINA is a trade body speaking on behalf of its members and therefore cannot fulfil the same role as IWAC if IWAC was abolished.
- A view that IWAC is a low-cost option for Government since the members are unpaid.

Many respondents (both those in favour of keeping IWAC and those who thought it should be abolished) praised IWAC for their significant contribution in the past and considered them to be a well respected and appreciated body.

The Government's response: Government notes the arguments put forward by respondents in favour of not abolishing IWAC and notes also the comparatively low level of interest that this consultation aroused. However, we remain convinced that the creation of the CRT, subject to Parliamentary consent, means that a statutory advisory body is no longer required to provide advice on inland waterways policy. The proposed charity's constitution and model of operation would take account of its need to seek views from representative stakeholders and other experts. The Trustees of the CRT have already announced their intention to establish a number of expert committees to advise the charity's Trustees and Council on the operation of its waterways which comprise the majority of those in England and Wales.

A number of respondents suggested that IWAC should be retained until the EA navigations are transferred to the CRT. The Government intends to undertake a review in 2014 prior to the planned transfer and that review will be able to consider how any necessary independent advice should be obtained, for example through the creation of an ad hoc body with the necessary expertise. The Government does not see a case for retaining a statutory advisory body to provide advice on the remaining waterways in England and Wales.

The Government believes that the use of ad hoc advisory bodies more generally provides far more flexibility to obtain specialist expertise to deal with particular problems over a defined timescale and in response to specific issues rather than go through a lengthy and rigid public appointments process where appointments to IWAC are made for three years and where members' expertise is not always that required by Government.

The vast majority of respondents which supported the abolition of IWAC in Scotland (see below) clearly supports the case that a cross-border body is no longer required. The UK Government sees no value in retaining IWAC as a statutory advisory body only in England and Wales.

Department for Environment, Food and Rural Affairs

The UK Government is clear that policy development is the role of Ministers, who are accountable to Parliament. We do not consider that the points made by respondents give grounds to move away from that firm view.

The UK Government therefore intends to proceed with the abolition of IWAC subject to Parliamentary consent.

Scotland

Question 2 - *Do you agree that the Scottish Government should in future look to the existing canal liaison networks in Scotland for advice on issues affecting canals in Scotland? If not please provide reasons for your view.*

You said: This proposal was strongly supported, with a common view emerging from stakeholders in Scotland that appropriate and relevant networks were now in place in Scotland, and that the groups were sufficiently informed and confident to take on this function. One respondent in Scotland instead sought expansion of IWAC's remit beyond canals. An organisation based in England and Wales was against the proposal, considering that a cross-border advisory body would continue to be able to offer valuable advice to the Scottish Government.

The Scottish Government's response: The Scottish Government is pleased to see the scale of agreement that there is now a healthy network of informal advisory groups within Scotland which can advise the Scottish Government and British Waterways Scotland from a distinctly Scottish perspective as our canals organisation moves into a new phase of existence.

Question 3 - *Do you agree with the Scottish Government's proposal that the appeals panel should comprise three members? If not please provide reasons for your view.*

You said: There were five responses to this question, only one of which was from within Scotland and was supportive of the proposal. Most of the other responses were also supportive of the proposal.

The Scottish Government's response: The Scottish Government confirms its intention to have the appeals panel on boat construction and equipment standards comprise 3 members – one from British Waterways Scotland, one from the Royal Yachting Association and one from the British Marine Federation.

All countries

Question 4 - *Do you think IWAC should remain in place with its current role? If so, please provide reasons for your view.*

You said: There was a mixed response to this question. More than half of respondents from England and Wales and Scotland thought IWAC should remain in place with its current role. About a third thought IWAC should not continue. Two further respondents thought IWAC should continue in England and Wales but not in Scotland, since the British Waterways Board in Scotland would operate differently to the CRT. One did not give an opinion.

Department for Environment, Food and Rural Affairs

There was almost unanimous agreement from Scottish stakeholders that IWAC's functions in Scotland should be abolished, with Scottish Government instead looking to the existing Scottish network of informal advisory groups, though one respondent instead sought expansion of IWAC's existing remit beyond canals. There were no specific comments as regards IWAC's functions in Scotland, as opposed to England and Wales, from the other respondents.

Reasons given for wanting to retain IWAC in England and Wales are included in the summary of Question 1.

The Government's response: For the reasons set out above for Question 1 the UK Government no longer sees a case for IWAC to continue in its current role. Nor does it see any reason to put in place an alternative statutory advisory body. It therefore confirms its intention to abolish IWAC in respect of its functions in England and Wales. The Scottish Government confirms its intention to abolish IWAC in respect of its Scottish functions, looking instead to the network of informal advisory groups for advice.

In reaching this decision account has been taken of the very low number of responses to the consultation. The high number of responses to the consultation on creating the new waterways charity (over 350) indicates the high level of interest in inland waterways policy matters. The Government believes that the low number of responses to the IWAC consultation suggests that few waterways stakeholders believe that retention of IWAC is sufficiently important to their interests, or broader waterway interests, to express a view.

Question 5 - *Do you agree that with regard to the membership of the boating standards appeal panel that Option 1 (Retain the appeals panel with a membership of five: two appointed by the Board of the CRT and the three remaining members appointed by the Inland waterways Association, Royal Yachting Association and British Marine Federation) is appropriate? If not please provide reasons for your view.*

You said: Eight respondents answered this question. Most of those who answered agreed that Option 1 was appropriate. The one respondent who did not agree thought the panel should include a wider representation base with input being drawn from other formal organisations.

The Government's response: Government confirms its intention for the boating standards appeal panel for England and Wales, should it need to meet again, to consist of the members specified above.

3. The way forward

Government intends to lay a draft Order in time to abolish IWAC in England and Wales and in Scotland in June 2012, subject to Parliamentary time and consent.

Annex A – List of respondents

Association of Waterways Cruising Clubs (AWCC)
British Canoe Union
British Marine Federation
British Waterways
British Waterways Scotland
British Waterways Scotland Group
Countryside Council for Wales (Cyngor Cefn Gwlad Cymru)
Driffield Navigation Trust
English Heritage
Heritage Lottery Fund
Huddersfield Canal Society
Inland Waterways Association (IWA)
Inland Waterways Advisory Council (IWAC)
Inland Waterways Advisory Council (IWAC) – two responses from Scottish appointees
Lambhill Stables
Leader CWWW East Riding & North Yorkshire Waterways Partnership
National Association of Boat Owners (NABO)
National Community Boats Association
Residential Boat Owners' Association
Re-Union Canal Boats
Royal Yachting Association
RYA Scotland Sub-Committee on Inland Waters
Shire Cruisers
Southern Canals Association
Steam Boat Association of Great Britain
Stirling Council - Environment Services
Sustrans
The Barge Association
The Helix Trust
The Kennet & Avon Canal Trust
Wolverhampton City Council