

REPORT OF PLA/RTS WORKING PARTY

ON

END OF GARDENS MOORINGS

EXECUTIVE SUMMARY

In order to resolve a dispute that had arisen between owners of end of garden moorings and the PLA about the scale and manner in which the PLA was introducing increases in its license fees, Richard Everitt, Chief Executive of the PLA set up a Working Party (WP) of Senior Officers of the PLA and representatives of the River Thames Society on 16th April 2010.

The aim of the WP was to produce a scheme which is fair, robust, equitable and transparent. This report makes proposals for such a scheme. Its **core elements are:**

- **A tariff of charges that will be posted on the PLA website and included in the published tariff booklet**
- **The PLA charges to be manifestly comparable with those of other bodies and commercial operations which will be used as the basis of an index for future adjustments**
- **A new complaints procedure that will enable complaints to be dealt with effectively without the need for Arbitration other than as a last resort in exceptional cases.**

Principal Recommendations

1. TARIFF OF CHARGES

The PLA's tariff of charges will be publicised widely on the PLA web site and in booklet format which is issued to customers to include RTS.

- 1) The charge scheme will be:
 - a. The charge for a standard pontoon will be based solely on the length of the pontoon. There will be no additional charges for ladders, risers or other works that are integral to that pontoon & mooring.
 - b. There are separate charges for stand-alone river works e.g., ladders, risers, mooring posts and these will be included in the published tariff
 - c. The licence for the pontoon conveys the benefit of a right to moor. There will be no separate charging for "river works" and "mooring fee"

- 2) The Working Party has carefully examined the charges made for comparable moorings by the Environment Agency, British Waterways (now the Canal & River Trust) and local marinas. Those most applicable to end of garden moorings have been pooled and averaged to provide the PLA's charge.
- 3) A Review Panel will be appointed to review the tariff of charges every three years. Change will be made on the basis of variations in the "basket" of charges made by other Public Bodies and commercial operators included in the present comparison & calculation. In between Reviews, annual charges will be adjusted in line with RPI.
- 4) The new charges will be applicable from April 1st 2013. There will be no back charging.

2. COMPLAINTS PROCEDURE

A new complaints procedure is to be introduced which will result in complaints being dealt with more rapidly and more effectively than at present. It is expected that this will greatly reduce the number of cases that are taken to Arbitration under the terms of the PLA Act.

The new procedure requires the PLA to respond within stated time limits, it also places obligations on the complainant to present the complaint and supporting information in a timely way.

ATTACHED:

- 1) A copy of the Tariff proposed for introduction on April 1st 2013.
- 2) How to make a Complaint
- 3) A Summary of the new Complaints Procedure

REPORT

On 16th April 2010 Richard Everitt convened a meeting of Senior Officers of the Port of London Authority (PLA) and representatives of the River Thames Society (RTS) in an attempt to resolve disputes that had arisen between owners of end of garden moorings and the PLA about the scale and manner in which the PLA was introducing increases in its license fees.

Some of the pressing individual grievances were dealt with immediately.

Richard Everitt also announced that the PLA would draw up and publish a tariff of charges. He asked whether RTS would be willing to work with the PLA to prepare the tariff in a way that addresses the complaints of the licence owners and the needs and rights of the PLA. RTS Chairman, Peter Finch, accepted the invitation and a Joint PLA/RTS working party (WP) was set up.

This report provides:

- A brief background of the issues in dispute
- A proposed new system of setting and reviewing end of garden mooring charges
- A proposed Tariff of charges
- A summary of relevant legal opinions
- A PLA Complaints Review Procedure

1. Issues in dispute

At the heart of the dispute lie the differing interpretations of the Port of London Act Clause 67 (2) states:

“The consideration shall be the best consideration in money or moneys worth which, in the opinion of the arbitrator, can reasonably be obtained, having regard to all the circumstances of the case including the value of any rights in, under or over land of the Port Authority deemed to be conferred by the licence, but excluding any element of monopoly value attributable to the extent of the Port Authority’s ownership of comparable land.”

The PLA believed it was their duty to obtain the best consideration which can reasonably be obtained. In the paperwork associated with renewal of license, this part of the Act is quoted in justification of the increase that is being imposed whilst there is no reference to their duty to exclude any element of monopoly value.

The Licence Holders complained that the way in which the PLA seeks to obtain “best consideration” was arbitrary, unfair, unreasonable, opaque and exploits its monopoly position. For example:

- When a property changes hands and the new owner applies for a transfer of the Licence, the new owner is then charged far more than the previous one for the license for the same river works. When, the time comes for review of a neighbour's existing licence, a huge increase is proposed, which may be as much as 500%. The justification for the increase is that a neighbour (unnamed) has agreed to pay the higher level. This has resulted in a set of identical pontoons, which were all installed at the same time and for the same licence fee, now are charged hugely different rates.
- This “leap-frogging” process has caused great anger by both its rationale and its administration. When new licensees have quizzed the PLA they have been assured there is a scale of charges, but this is never produced. When the PLA notes that a “neighbour” has paid, the name of the neighbour is withheld, so it is impossible to check.
- The charges are adjusted annually in line with the RPI, so how come at review time they may be increased by 500%?

Clause 66 (1b) states

“A works licence granted under paragraph (a) of this subsection to carry out, construct, place alter renew, maintain or retain works in, under or over land belonging to the Port Authority shall be deemed to confer on the holder of the licence such rights in, under, or over land as are necessary to enable the holder of the licence to enjoy the benefit of the licence.”

What are the benefits of the licence that the holder may enjoy? Many have assumed that one of these is the right to moor a boat alongside a pontoon. It has now been established that this is indeed the case (although the PLA is entitled, if it wishes, to earmark part of its fee as the mooring element). . The PLA has been identifying a mooring element as part of its licence fee for many licensees. When it has attempted to review older licences where there is no specified mooring element by introducing a mooring charge as part of a substantial increase it has caused considerable confusion and resentment. The increase has been seen, understandably, as an attempt to raise an additional fee for an additional benefit.

There is also dissatisfaction on both sides about the way in which complaints are handled. The process is time-consuming and responses by the PLA readily generate further questions. The PLA Act provides an Arbitration Procedure which is seen as a rather heavy-handed and costly legal process. It is best used to establish a matter of legal principle and should only be used as a last resort to resolve complaints.

2. Ways of Resolving the Issues in Dispute

The WP identified ways in which most of these issues could be resolved:

1. Publish a Tariff of Charges

At a stroke this would deal with the complaints of lack of transparency and of arbitrariness. It would also bring the PLA in line with the practice that has been adopted by the Environment Agency and British Waterways, who are the most obvious comparators if the PLA is to demonstrate it is not abusing its monopoly position.

2. Formulate and Index charges against local, comparable commercial operations

This gives a realistic measure of what is an appropriate charge in a given locality and the index provides a measure of variability in the value of property-related commercial enterprises.

3. Seek legal opinion of the interpretation of the PLA Act

4. Introduce a robust and transparent PLA Complaints Review Procedure that may make use of an Independent External Review Panel

This should result in complaints being dealt with speedily, effectively and at much lower cost and less hassle than is the case at present.

The WP has explored the practicalities of these ideas and the report below provides proposals for how they may be implemented.

3. Setting a fair charge & constructing a Tariff

Options considered

- Create a fair charge by comparing commercial mooring rates from a basket of local commercial moorings e.g., Hammertons, Teddington Harbour and Environment Agency scales. Use this as a basis for indexing. This is appropriate because virtually all of the PLA's end of garden moorings lie between Richmond & Teddington Lock.
- Adapt the British Waterways model which systematically reviews all commercial mooring charges in each relevant area every three years and has a method for setting the rate for "end of garden" moorings in relation to the market rates. This is robust, is applicable to local areas and incorporates a price review procedure to index to the rise and fall of the market rates.

In all of their considerations the WP have had in mind that the aim of the PLA & RTS is to produce a scheme which is fair, robust, equitable **and transparent**. Core elements of the scheme are:

- i. A tariff of charges that will be posted on the PLA website
- ii. The PLA charges to be manifestly comparable with those of other bodies and commercial operations which will be used as the basis of an index for future adjustments
- iii. A new complaints procedure that will enable complaints to be dealt with effectively without the need for Arbitration other than as a last resort in exceptional cases.

RECOMMENDED PROPOSAL FOR SETTING THE CHARGES FOR END OF GARDENS MOORINGS

The Tariff for 2013

The new tariff for River Works Licences for private end of garden moorings to be introduced from 1st April 2013 will be a single all-in rate for a pontoon and associated facilities (piles, brows etc.) based on the length of the pontoon. This will be set at £ 55.42/ metre. Where there are some facilities but no pontoon the charges will be as follows:

- | | |
|-----------------|---------------------|
| 1. Ladders | £20 per ladder |
| 2. Travellers | £25 per traveller |
| 3. Mooring Pile | £50 per pile |
| 4. Guide Pile | £25 per pile |
| 5. Access Steps | £20 (per stair) |
| 6. Chain | £25 per chain |
| 7. Anchors | £50 |
| 8. Slipways | £7 per square metre |
| 9. Mooring Buoy | £100 per buoy |

All charges to be per annum and subject to VAT at the standard rate.

Other items will be dealt with on an individual basis.

These fees will be increased annually at the lower of RPI or the average percentage increase in the rates for goods dues (as defined in the Harbours Act 1964) charged by the PLA. The percentage increase to be adopted will be notified each year prior to the 1st January via a letter and the revised charges will be published in the tariff booklet which is also publically available on the website.

Every three years there will be a review of the charges to re-align them with market rates, as explained in more detail below. The review will be conducted by a panel

which will have representation from Licensees (1), River Thames Society (1) and PLA (1)

Derivation of the New Charges

The PLA is required S67 (2) of its act to obtain:

“... the best consideration in money or money’s worth which, in the opinion of the arbitrator can reasonably be obtained, having regard to all the circumstances of the case including the value of any rights in, under or over land of the Port Authority deemed to be conferred by the licence, but excluding any element of monopoly value attributable to the extent of the Port Authority’s ownership of comparable land.”

As the PLA does have a monopoly of sites on the tidal Thames we started by establishing what other bodies such as the Environment Agency and British Waterways (BW) charge for similar rights.

We also looked at charges made by commercial operators for moorings on or close to the upper tideway. As these operators do compete with each other it was quickly agreed that movements in their rates would be a reliable indicator of the market value of moorings.

In order to calculate a reasonable starting price that appears to meet all the requirements of the act it was eventually agreed that a hybrid method, partly based on the calculation used by BW (which is transparent) and partly based on the method developed by the PLA for residential moorings was appropriate.

The BW method is to survey the price for moorings on its canals in the region which have no facilities at all i.e. where it is simply possible to moor up alongside a bank. This is assumed to be the basic undeveloped site value and to derive the charge for an end of garden mooring this is assumed to be shared equally between the bank owner and BW i.e. the charge is 50% of the price for one of these basic moorings.

Clearly on the tidal Thames there are no such simple moorings as it is necessary to provide facilities for safe berthing at all stages of the tide. After considerable discussion about the value of residential moorings the PLA had developed a charging method based on 25% of the rental value. It was felt that similar logic could be used for end of garden moorings which could be valued at 25% of the relevant commercial mooring rates.

The final result was to combine these two methods as follows:

50% of the average charge (£/m/yr) for the following BW sites.

1.	Norwood Top Lock	103	
2.	Three Bridges	96	
3.	Cowley North	80	
4.	Cowley North O/S	96	
5.	Cowley South	96	
6.	Brown's Meadow	76	
7.	Uxbridge Lock	80	
8.	Springwell Lock	69	
9.	Stonebridge South	<u>136</u>	
	Av.1 =	92.44	@ 50% => <u>£46.22/m</u>

+ 25% of the Average of the following Thames Sites.

1.	Teddington Harbour	250	
2.	Kew Marine	294	
3.	Dove Pier	316	
4.	Harts Boatyard	258	
5.	Tim Barfield Marine	261	
6.	T.W. Allen & Sons	236	
7.	Gibbs Marine	315	
8.	Hammertons	179	
9.	Eyot House Ltd	<u>218</u>	
	Av.2 =	258.55	@ 25% => <u>£64.63/m</u>

And then take the average of the average charges

$$P = (0.5 (Av.1) + 0.25 (Av.2)) \div 2 \Rightarrow \underline{\underline{£55.42/m}}$$

To ensure that the rates are kept aligned to the market the fee will be reviewed every 3 years by repeating this calculation using the then current rates at the basket of sites. Adjustments may have to be made if sites are closed or if considerable alterations are made to them or extra facilities added.

4. Legal Opinions

The WP has considered carefully the question as to whether separate charges should be made for “the works” i.e. pontoon and access to it” and “the mooring” i.e. the use made of the pontoon when a boat is tied to it.

The key issues are:

- In legal terms, “the mooring” can be considered separately from “the works”?
- If so, how is it to be valued?
- What is the most practical way to achieve a valuation that enables the PLA to obtain “best consideration” without taking advantage of its monopoly position?

The PLA has sought legal opinion in two recent disputes:

1. It has been argued by some that PLA are not entitled to take account of the value associated with the mooring. This issue was raised as a point of law during a recent arbitration case.

The ruling issued by the Legal Expert stated:

“ The provisions of Section 66(1)(a) and Section 66(1)(b) are clear. If a Licence pursuant to Section 66(1)(a) has been granted ,as in this instance , to construct works ,namely the Pontoon and Ladder referred to in the Licence , that Licence is deemed to confer on the holder of the Licence such rights as are necessary to enable the holder of the Licence to enjoy the benefit of the Licence . The express terms of the Licence do not include any such rights, although the application made by the Respondent does refer to the use of the works for private mooring of pleasure craft. It is not necessary to imply such a term into the Licence in order to make the Licence serve the purpose for which it was granted or to give effect to the intention of the parties, because such a term is deemed to have been conferred by Section 66 (1)(b). My advice, therefore, is that when valuing “best consideration ” regard may be had to the value of the mooring.”

2. Some licensees are of the opinion that the PLA have changed the method of assessment simply because when providing a valuation two elements were identified on the Licence – namely the works and mooring. This aspect was specifically addressed in a legal opinion (a point of law) for an arbitration case involving leisure moorings.

“the Applicant (PLA) is not seeking to charge a mooring fee. The Applicant is contending that regard may be had to the value of the mooring because the Respondent (Licensee) is deemed to have been granted the right to enjoy the benefits of the Licence , to use the works for the purpose of mooring a pleasure craft”

Existing licensing arrangements would remain unaltered until either the next review or if addressing and outstanding review. Further, these new charges would not be implemented on a retrospective basis but with effect from 1 January 2012.

Whilst noting these opinions, the WP did consider charging models that clearly separated the “works” and “moorings” elements. It proved difficult to arrive at a formula that satisfied both the PLA and the RTS members.

The WP then decided to examine carefully what other Statutory Bodies and commercial operators charge. The PLA commissioned a consultant to carry out a detailed and extensive study of leisure moorings throughout the waterways for which the PLA is responsible and adjacent waterways for which the Environment Agency and British Waterways (now, Canal & River Trust) are the relevant Authorities.

It proved much easier to agree and relevant comparisons when looking at descriptions of actual moorings than it had been when looking at different pricing models. Site visits were carried out to finally determine which sets of moorings qualified as valid “comparators” These now comprise the “basket of comparators” that has been used to calculate the Tariff.

Hence, the pragmatic approach adopted to devise a robust charging scheme is in accord with the legal opinions quoted above.

.Amendment to Existing Licence Terms

Adoption of the charging scheme as described above will require some amendment of existing Licence Terms. In particular:

- There will be not be separate identification of charges for “works” and “mooring”
- The conditions applying to the terms of the licence will be stated on the tariff

At the time of the review the PLA will be contacting the Licensee, not only to address the issue of the review but also to seek an amendment to all existing agreements in order to bring them into line with the tariff that will apply equally to all licensees.

5. Dealing with a Complaint

The PLA Act specifies an Arbitration procedure that is legally binding upon both sides of the dispute. The process is costly and time consuming.

The WP felt that most complaints could and should be dealt with much more quickly without the need to go to Law.

Most complaints should be resolved by the PLA’s representative on the spot. If the complainant is not satisfied that the complaint has been dealt with adequately the WP proposes a 3-Level Complaints procedure which has provision for the successive review of the complaint by:

1. The PLA’s Head of Property

2. A Director of the PLA who does not have line management responsibility for the area of the complaint
3. An independent External Review Panel .: This External Review Panel will be composed of: a specialist appointed by the Valuation Office Agency (Chair), a nominee of the RTS and an Independent Non-Executive Director of the PLA

There are commitments by the PLA to respond within a set time at each level of the Complaint Procedure. There are corresponding obligations on the complainant to provide details and supporting evidence of the complaint within given time limits. If either party wishes to challenge a finding of the Panel, they may take the matter to Arbitration as provided for under the terms of the 1968 Act or within their current licence, but then that party should meet the full costs of the Arbitration procedure specified in the PLA Act.

Full details of how to make a complaint are given in Appendix 2. A summary of the procedure is given in Appendix 3.

APPENDIX 1. TARIFF OF CHARGES FOR END OF GARDEN MOORINGS 2013

The all-in charge for a pontoon and associated facilities (piles, brows etc.) is based on the length of the pontoon, the rate being £ 55.42/ metre.

Where there are some facilities but no pontoon the charges will be as follows:

- | | |
|------------------|---------------------|
| 10. Ladders | £20 per ladder |
| 11. Travellers | £25 per traveller |
| 12. Mooring Pile | £50 per pile |
| 13. Guide Pile | £25 per pile |
| 14. Access Steps | £20 (per stair) |
| 15. Chain | £25 per chain |
| 16. Anchors | £50 |
| 17. Slipways | £7 per square metre |
| 18. Mooring Buoy | £100 per buoy |

The new tariff for River Works Licences for private end of garden moorings is to be introduced from 1st April 2013

All charges to be per annum and subject to VAT at the standard rate

Other items will be dealt with on an individual basis.

These fees will be increased annually at the lower of RPI and the average percentage increase in the rates for goods dues (as defined in the Harbours Act 1964) charged by the PLA as in most if not all current licences. This will usually be at RPI although there have been a few years where the increase in PLA charges was less than RPI.

Every three years there will be a review of the charges to re-align them with market rates,

APPENDIX 2. HOW TO MAKE A COMPLAINT: A Guide to the PLA's Complaints Procedure

The PLA is committed to providing excellent levels of service. We are constantly striving to meet the rising expectations of our customers and visitors, and we welcome feedback on where our services and facilities can be improved or where your expectations have not been met. The PLA actively encourages people to use its complaints procedure so that issues and concerns can be raised with the PLA's Senior Management and addressed appropriately. This document explains how the complaints procedure works, what you need to do and what you can expect. A summary is provided in the attached Table.

PLA's Complaint Review Procedure

Issues of concern can usually be resolved by talking them through with the PLA, either face-to-face or by telephone. Our aim is to resolve the complaint to your satisfaction at this level. However, it is recognised that sometimes this may not be appropriate, or you may feel your concerns have not been properly addressed. In which case, you may wish to submit your complaint in writing or by e-mail to the PLA's Complaint Review Procedure which is described below.

There are three levels at which a complaint can be dealt with by the PLA and it is the PLA's intent to resolve the complaint to the satisfaction of both parties as quickly as possible.

If it proves impossible to achieve resolution the final recourse is to refer the matter to Arbitration as specified in the Port of London Act.

Level One: Review by Head of Property

If we haven't reasonably met your expectations or you wish to make a complaint relating to services or facilities provided by the PLA, you should write in the first instance to the Head of Property, who will pass on your complaint to PLA Senior Management.

Mail: Port of London Authority, London River House,
Royal Pier Road, Gravesend Kent, DA12 2BG

e-mail john.ball@pla.co.uk

Tel No: 01474 562200

In expressing concerns it is helpful to include all relevant details such as location(s), date(s), people contacted and the other circumstances relating to your complaint. It also helps us if you explain what remedial action you feel we should take, in order for us to quickly and fully understand the nature of your complaint and begin our investigations.

Once we have received your complaint we will acknowledge receipt of it, in writing within five working days. You can normally expect a full written response within 28 working days of this acknowledgement.

Level Two: Review by a PLA Director

If, after receiving our response at the **Level One**, you feel that your concerns have not been fully addressed, you can ask for your complaint to be referred to **the Second Level** of the complaints procedure. **Please contact the Head of Property and request that your complaint be referred to review by a PLA Executive Board Member.**

Your complaint will be acknowledged and your correspondence passed on, with any other supporting evidence, to a PLA Director who does not have direct line management responsibility for the area of your complaint. This helps to ensure that a fresh look is taken at your concerns, but only in respect of non-valuation/financial issues.

You can normally expect a full written response to your complaint within 28 working days of our acknowledgement of the complaint reaching the Second Stage. It may be necessary for a senior manager or executive director without day-to-day knowledge of the area of your complaint to request further information from local employees or from parties with an external relationship to PLA. When this is necessary and we feel it may not be possible to respond to your complaint within 28 working days we will contact you again. We will explain our reasons for asking for a time extension and seek your approval.

NB – at the first and second level of the complaints procedure you can expect a written response within 28 working days of our acknowledgement of your complaint. You can request that the complaint be moved to the next level of the complaints process should PLA fail to meet this commitment.

Level Three: The External Review Panel

Clearly, we always want to resolve any concerns or complaints internally. However, if after our responses you still feel dissatisfied with our proposed resolution you may

wish to refer your complaint to the External Review Panel for consideration. The External Review Panel does not make or influence PLA's policy, and can only investigate specific complaints which have recently completed the Levels one and two of the complaints procedure. There is no charge for using the services of the External Review Panel.

This External Review Panel will be composed of:-

Chair – Specialist appointed by the Valuation Office Agency

Member – A nominee of the River Thames Society

Member – **Independent Non-Executive Director of the PLA**

What can be investigated?

Complaints from people who believe that they have suffered injustice because of maladministration or unfair treatment by PLA in relation to River work licences.

Maladministration includes:

- doing something the wrong way;
- doing something that should not have been done;
- failing to do something that should have been done.

Disagreeing with a decision taken by PLA is not in itself evidence of maladministration, though failure to consider a decision properly can be.

The External Review Panel can consider most complaints which:

are referred to it within six months of the completion of the Levels one and two of the complaints procedure; and concern matters that came to the attention of the complainant no more than six months before the complaint was made to PLA.

The External Review Panel is empowered to seek other professional advice if required.

Exceptions

The External Review Panel cannot investigate personnel matters or cases that have been, or are being, considered by a court and generally it cannot consider complaints made by businesses with an annual turnover of more than £0.5m.

How to complain

You should send the External Review Panel full details of your complaint and, if possible, copies of all correspondence between you and PLA. If you need help or advice to make your complaint, please contact the External Review Panel. You can ask someone such as a friend or solicitor to make a complaint on your behalf. However, you would have to pay any costs involved.

Independent Arbitration as specified in the PLA Act

If either party wishes to challenge a finding of the Panel, they may take the matter to Arbitration as provided for under the terms of the 1968 Act or within their current licence, but then that party should meet the full costs of the Arbitration. The Arbitration procedure is specified in the Port of London Act 1968 (Section 67) and involves the appointment of an Arbitrator whose decision is final.

A Summary of the complaints process is given in Appendix 3.

APPENDIX 3. END OF GARDEN MOORINGS FULL COMPLAINTS PROCEDURE

LEVELS OF THE COMPLAINTS PROCEDURE	ACTION OF COMPLAINANT	ACTION OF PLA/ARBITRATOR	TIME SCALE	COMMENT
1. Direct complaint	Meet face-to-face, telephone call, e-mail or write to Officer or Agent of the PLA who is responsible for the issue	Deal with the complaint immediately		It is expected that most complaints can be resolved in this way
2. PLA Complaints Review Procedure	Not satisfied with the immediate response of the PLA. Request the Complaint Review Procedure be invoked. Contact Property Head PLA			The PLA Review Procedure is progressive and has three clear stages. Hopefully the matter will be satisfactorily resolved at an early stage
Level 1	Provide supporting evidence as to why the PLA's response to date has not resolved the problem	Property Head PLA Reviews of the Complaint & how it has been dealt with	Within 28 working days	The Property Head is the Senior Manager responsible for moorings
Level 2	Provide supporting evidence as to why the PLA's response to date has not resolved the problem	Executive PLA Board Member Reviews of the Complaint & how it has been dealt with	Within 28 working days, subject to extension by mutual agreement	The PLA Board Member will be from a different part of the PLA & will undertake an independent review
Level 3	Provide supporting evidence as to why the PLA's response to date has not resolved the problem	A External Review Panel Reviews the Complaint & how it has been dealt with.	Depends on the complexity of the complaint & time availability of External members of the Panel	If either party is not satisfied with the ruling of the Panel it can invoke the formal Arbitration Procedure, but in doing so it becomes responsible for the full cost of the Arbitration
3. Independent Arbitration as specified in the PLA Act	Provide the Arbitrator the details of the case with full supporting evidence	The PLA will provide the Arbitrator the details of the case with full supporting evidence. The Arbitrator will provide a ruling binding on all parties.	At the discretion of the Arbitrator	This is a legal process and legal representation is the norm.