

End of Garden Moorings & Houseboat Dispute Resolution Procedure

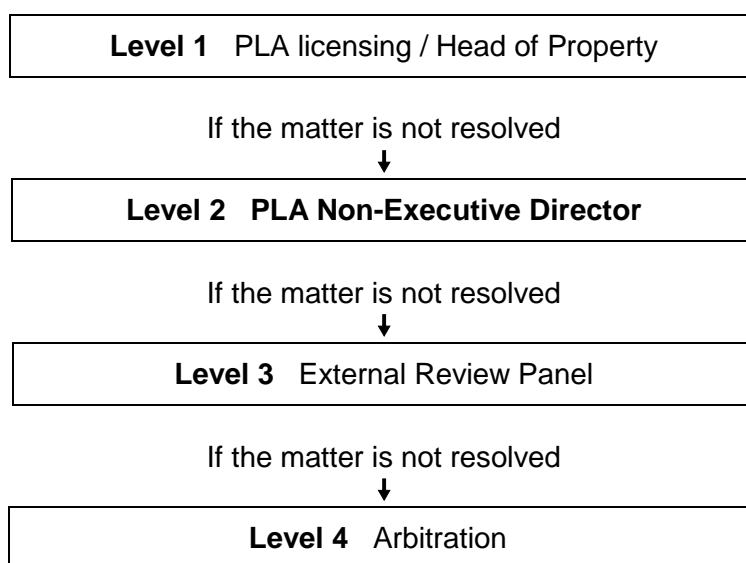
We recognise that it can sometimes prove difficult to reach agreement over the application of the formula for calculating houseboat mooring fees and, occasionally, other matters related to houseboat mooring licences. If agreement cannot be reached directly between PLA officers and customer, we offer a four-stage dispute resolution process, which provides scope to address matters at an appropriate level. Arbitration is available as the ultimate step, but we hope to resolve matters through an External Review Panel before reaching that point.

Dispute resolution

Licensees have the right to contact any member of the PLA or its representatives in an informal way to resolve the matter quickly. The PLA has a responsibility at this stage to deal with the matter immediately. If the matter is not successfully resolved then the licensee has the right to invoke PLA Complaints Review Procedure which entails three levels.

Schematically the procedure is as follows:-

If a licensee disputes any elements of the formula or its application, a four-stage dispute resolution process is followed



Level 1 PLA licensing team

The licensee liaises directly with the PLA's licensing team, preferably stating their case in writing and providing clear supporting evidence. The PLA has one month to:

- conduct a review as to how they have applied the formula to that licence;
- consider the case and evidence put forward by the licensee; and
- provide a written response which clearly states their conclusion, rationale and any action proposed.

If the matter is not resolved or the licensee is unsatisfied, they can refer the issue to the second state:

Level 2 River Works Licence (residential) Dispute Resolution Panel

At stage 2, both the licensee and the PLA licensing team put their case and supporting evidence to a Non-Executive Director not involved in the licencing process. Each party may elect a representative in preparing their case and/or attending the panel.

If the matter is not resolved or the licensee is unsatisfied, they can refer the issue to the third state:

Level 3 External Review Panel

External Review Panel members

There are three members of the Panel; the chair will be the District Valuer. The remaining two members need to assess cases neutrally, have no financial or other close interest in the outcome of the case or River Works Licences generally, and no sympathies with just one side. They must also have the necessary skills. Suggestions include representatives from the business community e.g. CBI, local Chamber of Commerce, a local business, accountant, property professional, regeneration agency e.g. London Thames Gateway, or suitable person from an interest group such as the River Thames Society.

The Panel would focus on the potential areas for dispute:

1. The elements of the formula

Each year the PLA will publish how it has recalculated the London-wide mooring fee, including the sites included in the basket, the published rates of the operators and location weighting index that it has used.

2. The application of the formula

The PLA will need to agree any site-specific factors and adjustments with the licensee at the outset and record these clearly for future reference, and also ensure that the dimensions of the boat(s) in occupation are correct. In the case of a licensee who charges mooring fees, the PLA will need to confirm whether the formula is using their published rates or if the notional mooring fee has been applied, and why. These are all issues which could be referred to the Dispute Resolution Panel.

If the matter is not resolved or the licensee is unsatisfied, they can refer the issue to the second state:

Panel's remit and costs of the process

The Panel's remit is to consider the dispute within the context of the formula as set out earlier, and provide a decision.

Arguably the Panel's work is straightforward since the areas for dispute would be limited by the formula. It is anticipated that the process of reviewing the case, convening a hearing and providing a decision should normally take one day. On this basis, the PLA will fund the

cost of the District Valuer, plus reasonable travel costs of the other two Panel members. The two parties in dispute (the licensee and the PLA) would pay their own costs to prepare and present their case, which may include their respective experts or representatives.

If the Panel Chair believes the case will take longer, they would need to make suitable recommendations. They would also need to undertake a preliminary review to identify disputes which, in their independent opinion, are unsubstantiated or vexatious. In such cases there should be a pre-hearing where the Chairman would recommend terminating the process, providing clear justification. The licensee would still have the opportunity to proceed but would be required to fund the panel's costs. Therefore the cost of the Dispute Resolution Panel itself would normally be free for the licensee other than vexatious cases.

If the matter is not resolved or the licensee is unsatisfied, they can refer the issue to arbitration:

Level 4 Arbitration

The Panel's decision cannot be binding because either party still has the right to seek arbitration as provided in the 1968 Act. However the Dispute Resolution Panel should provide a less intimidating and more cost-effective forum than arbitration. It provides an intermediate stage for resolving disputes and providing an independent decision. It is therefore hoped that arbitration will be less likely once the matter has been heard by the Panel.

END OF GARDEN MOORINGS & HOUSEBOAT DISPUTE RESOLUTION

LEVELS OF THE COMPLAINTS PROCEDURE	ACTION OF COMPLAINANT	ACTION OF PLA/ARBITRATOR	TIME SCALE	COMMENT
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.
PLA Complaints Review Procedure	<i>Not satisfied with the immediate response of the PLA. Request the Complaint Review Procedure be invoked. Contact Property Head PLA.</i>			<i>The PLA Review Procedure is progressive through a series of stages, set out below, with the aim to satisfactorily resolve the matter at an early stage.</i>
Level 1	Provide supporting evidence as to why the PLA's response to date has not resolved the problem.	Property Head PLA/Licensing team. Reviews of the Complaint & how it has been dealt with.	Within 28 working days.	The Property Head is the Senior Manager responsible for moorings/Licence.
Level 2	Provide supporting evidence as to why the PLA's response to date has not resolved the problem.	Non-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.	An 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.
Level 4: Independent Arbitration specified in the PLA Act	Provide the Arbitrator the details of the case, with full supporting evidence.	The PLA will provide the Arbitrator the detail 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.