

PE1693/C

Royal Yachting Association Scotland's submission of 25 October 2018

Introduction

The Royal Yachting Association Scotland (RYA Scotland) is the Secretariat for the Cross Party Group on Recreational Boating and Marine Tourism, is a founding organisation of Scotland's Marine Tourism Development Strategy, 'Awakening the Giant' and has positive and constructive working relationships with many key bodies across Scotland including, *inter alia*; Crown Estate Scotland, Marine Scotland, Scottish Natural Heritage, British Marine Scotland and Scottish Canals.

RYA Scotland is the recognised governing body in Scotland for all forms of dinghy and yacht racing, motor and sail cruising, RIBs and sports boats, windsurfing, canal boats, and personal watercraft. We refer to these disciplines collectively as 'boating'. Boating takes place wherever people take to the water in boats. This can be on purpose built facilities and reservoirs, inland waterways or canals, natural fresh water lochs, rivers, estuaries, coastal areas and on the open sea.

Our purpose is '**to promote and protect safe, successful and rewarding boating in Scotland**'. We represent a community of about 70,000 people actively engaged in boating activity in Scotland, over 20,000 of whom are members of our affiliated clubs. We support nearly 300 local clubs and training centres, the majority of which are within Scotland's coastal communities and inland waterways and work with a diverse range of partners to achieve the outcomes described in our Strategic Plan.

RYA Scotland is volunteer-led, with up to 30 volunteers engaged in our committee structure at any one time and has a professional staff of 12.

The community we represent draws interest from people of all social and economic backgrounds for whom boating is their sport, recreation or business, whether this be a large motor yacht in a marina, a small sailing dinghy maintained in the garden or a canal boat based in one of Scotland's inland waterways.

Recreational boating and marine tourism in Scotland is recognised as a significant contributor to the leisure economy of Scotland adding some £130M on an annual basis.

Our members across the United Kingdom, value greatly the warm welcome from local communities across Scottish marine and inland waters and are great ambassadors for our waters as an accessible cruising destination and experience.

In this response we represent the interests of a body of individual RYA Members and RYA Affiliated organisations based on and around Scotland's lowland canals, the Forth and Clyde and Union canals specifically, and the interests of the wider Scottish boating community who regularly make use of Scotland's canals and waterways for sport, leisure, recreation, tourism and business.

Summary Position

RYA Scotland has had concerns over the strategic direction of Scottish Canals, the decision making processes within the organisation and its engagement with stakeholders and customers.

RYA Scotland believes there is an argument for the establishment of an independent water ombudsman but on the basis of a remit broader than that proposed in Petition PE1693.

However, we are greatly encouraged by the recent engagement of the new Chief Executive Officer at Scottish Canals and believe this change should be given time to embed before further action on the establishment of an ombudsman is pursued.

We believe the fundamental issue for Scotland's canals is the lack of sufficient Government funding for Scottish Canals to execute their remit in full and to meet the statutory requirements referred to in Petition PE1693.

Background

In 2012, RYA Scotland supported the Scottish Government's decision that waterways in Scotland would not be transferred to the Canal and River Trust and that British Waterways Scotland would remain a state-owned entity, operating as [Scottish Canals](#). The rationale for this being that Scotland's inland waterways and canals are fundamentally different in nature from most canals in England and Wales in that they are sea-to-sea transit canals designed originally for small ships, whereas in England and Wales most canals are narrow-boat canals for inland goods transport.

RYA Scotland has always worked with and supported British Waterways Scotland, providing input and offering constructive criticism where appropriate. Since 2012 we have continued to do so with Scottish Canals, where communication with stakeholders and users initially continued on a similar basis as before.

Our interest is in the ongoing provision of a vibrant series of canals and waterways that provide for the interests of the boating community we represent and others who may benefit from Scotland's canals. We believe water based boating activity is a fundamental necessity for the sustainability of Scotland's Canals. Moreover, a well-managed canal system contributes to all five of the Scottish Government strategic objectives.

As was known at the time of the instigation of the Millennium Link Project, unused canals are cluttered, overgrown and unattractive places that are detrimental on the local areas in terms of visual, social and economic impact as well as being attractive to instances of anti-social behaviour, fly tipping and in some cases more serious criminal activity. Conversely canals with a vibrant core of on water activity are seen as safe places of healthy recreation, naturally attracting canal side activity such as walking, running, cycling and spectating as well as boosting surrounding property values and supporting local business and employment through additional trade.

We firmly believe recreational boating and the associated SME industry is a vital component of the economy both on and around a canal and the continued and unrestricted movement of recreational boating is critical to the vitality of the immediate vicinity to a canal and the surrounding community.

Our partner organisations and affiliates, who are based on the lowland canals (Forth and Clyde and Union canals), record over 10,000 individual boat movements each year that undertake all or part of the journey through the Forth and Clyde Canal. The charitable organisations based on the canal deliver further boating experiences for over 35,000 people many of whom are young people with disabilities.

In the past 6 years we have observed worsening and reducing communication and consultation between the management of Scottish Canals and stakeholders. We have also been aware of increasing acrimony between the Chairman of the Scottish Canals Board, the Chief Executive Officer of Scottish Canals and the representatives of several leading voluntary providers based on and around the lowland canals, reaching a point where the defensive approach of Scottish Canals has made the opportunity to explore or question decisions and the processes of reaching them, difficult and often impossible.

We find now that many sections of the Forth and Clyde Canal are not (and have never been) maintained to the statutory 1.8m depth meaning boat movements are at best challenging. The lack of dredging and poor maintenance schedule mean algal and weed growth are increasingly restricting movement on the water and presenting health hazards by preventing adequate water flow or trapping detritus. In addition the restricted depth or width risks forcing canal boats into conflict with kayakers and rowers as they must pass much closer to each other than is advisable.

We are also aware of the growing visual evidence indicating an increased need for maintenance on the Crinan and Caledonian Canals and were dismayed at the recent failure of the bridges at both Twechar and Bonnybridge leading to the effective closure to transits and a large proportion of the operations of our partners on the Forth and Clyde Canal.

We have previously publicly stated our concerns that the strategic direction of Scottish Canals is diverging from their statutory obligations given they cite the *“changing nature of our business from a canal body to an increasingly leisure related business.”* Further, their consultation with key stakeholders and in particular those based on the waters of the lowland canals, has fallen short of the National Standards for Community Engagement, standards developed by the Scottish Community Development Centre and supported by the Scottish Government and COSLA.

RYA Scotland has, however, continued to seek constructive dialogue with representatives of Scottish Canals through this time and have maintained an open channel of communication through which our observations were made known. The Chairman of Scottish Canals has attended one of our committee meetings and we have been in regular communication with amenable managers within the organisation in an effort to bring some positive influence, albeit with limited success.

It is our opinion that Scotland's Canals are close to the tipping point at which the successful regeneration achieved over many years is at risk of collapse and the £98M of public money invested in the Millennium Link Project, wasted. We observe that the failing communication of Scottish Canals Board and senior management has

created a lack of transparency around the decision making processes, acutely eroded trust and has ultimately led stakeholders to this position of petitioning.

RYA Scotland's position on an ombudsman

RYA Scotland is minded to support the establishment of an independent ombudsman with a focus on inland waters.

The lack of a place or person to which or whom groups or individuals can direct their complaint beyond any internal process of Scottish Canals is evident, leaving the Board only accountable to Scottish Ministers and individuals dealing with a faceless process on their own. It has taken the formation of the pressure group 'Keep Canals Alive!' to which RYA Scotland is a contributing partner, to elevate the long standing issues past the Board of Scottish Canals and bring them to the attention of local MSPs and thereafter to Ministers.

In considering the petition and the case for an ombudsman, we feel that there may already be scope for the Scottish Public Services Ombudsman to fulfil the desired role given Scottish Canals is a publicly owned entity. Further, we feel the position of Petition PE1693 is too limited in scope in that there are more waterways and canals than those described in the petition and problems may arise for any navigable inland waters.

We would therefore recommend that any remit for an independent ombudsman service or an extension to the remit of the SPSO, should cover all canals, navigable rivers and lochs, including those where national park authorities have responsibility.

There is however a need to consider current relations and the improving position between Scottish Canals and their stakeholders.

Recent Changes

The appointment of a new Chief Executive Officer at Scottish Canals has seen a most welcome improvement in stakeholder engagement in recent weeks.

While acting as interim CEO and since her full appointment, Catherine Topley has made extensive efforts to engage with the varied stakeholders. RYA Scotland has met her and her team directly for frank and honest discussions on the situation and we are greatly encouraged by the real potential to improve overall relations.

Similar conversations with the individual partners of Keep Canals Alive! and with the group as a whole do indicate a considerable change in the attitude presented by Scottish Canals.

This has occurred through the process of Petition PE1693 and, we would suggest, has significantly warmed relations since the meeting of the Public Petitions Committee in September 2018.

While RYA Scotland is minded to support the establishment of an independent ombudsman for inland waters, the current change in leadership at Scottish Canals gives good reason to allow more time for improved relations to recover the good levels of stakeholder engagement of previous years and for a fruitful working

relationship to be re-established. There may still be need for the role of ombudsman for some concerns, particularly for individual boat owners.

Addressing the fundamental issue

The work of Keep Canals Alive! has exposed deep concerns around the strategic direction of Scottish Canals and the investment options the Board have pursued.

Nonetheless, the facts remain that Scottish Canals inherited a £30M maintenance deficit from day one as the Millennium Link Project was not funded to the full budget. This deficit has only grown with time and is now estimated to exceed £50M and possibly be as much as £75M.

The current investment levels from the Scottish Government and the self-generated income of Scottish Canals are wholly insufficient to address the maintenance needs of a national asset which is approaching 250 years old.

An independent ombudsman cannot compel the Government to increase funding or generate any other forms of support for public services and while it may provide a platform for issues to be investigated the options to influence change are likely to be limited until this fundamental lack of funding can be addressed.