

NATIONAL BARGEE TRAVELLERS ASSOCIATION

RESPONSE TO LONDON BOROUGH OF HOUNSLOW DRAFT BYELAWS RELATING TO MOORING

Introduction

This consultation response is submitted by the National Bargee Travellers Association (NBTA). The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice for itinerant boat dwellers on Britain's inland and coastal waterways. This includes anyone whose home is a boat and who does not have a permanent mooring that has planning permission for residential use.

General

The NBTA opposes the introduction of the Draft Byelaws Relating to Mooring by London Borough of Hounslow (LBH) for the following reasons:

1. The draft byelaws subvert the right to moor pursuant to the Public Right of Navigation (PRN) on the River Thames and are thus repugnant to the general law;
2. The draft byelaws fail to address the needs of Bargee Travellers in violation of LBH's obligation under Section 124 of the Housing and Planning Act 2016;
3. The draft byelaws compromise navigational safety; and
4. In seeking to enact the draft byelaws, LBH appears to be pursuing a policy of social division, social cleansing and gentrification that is contrary to Labour Party policy in a way that is wholly objectionable and unbecoming of a public body.

The NBTA notes that LBH is a Labour administration. We draw the attention of LBH to page 112 of the Labour Party Manifesto dated 12th May 2017 which states:

"We will end racism and discrimination against Gypsy, Roma and Traveller communities, and protect the right to lead a nomadic way of life"

The NBTA also observes that Ruth Cadbury MP (Labour: Brentford and Isleworth) has signed a letter to one navigation authority that challenges the institutionalised persecution of Bargee Travellers. LBH should be engaging in supporting its Bargee Traveller population instead of persecuting them. The draft byelaws do the opposite of that and therefore betray the obligation of LBH to members of its constituency.

Public Right of Navigation on the River Thames

LBH is seeking to enact byelaws to limit mooring to one hour on land that the Council owns or manages with water frontage and seeks to prevent what it erroneously describes as "illegal" mooring or "illegal" boats.

A common law Public Right of Navigation (PRN) has existed on all navigable natural and

canalised rivers since Time Immemorial, which was first codified in Article 29 of the Magna Carta of 1215. This includes the River Thames part of which falls within the jurisdiction of LBH.

The PRN includes the right to moor and fix temporary moorings in the waterway, or on the foreshore or to ground for undefined temporary periods on the river banks, including on private land; riparian land owners do not have an automatic right to demand payment (see Halsbury's Laws of England, 5th edition, paragraph 691). The rights of the owner of the soil are subject to the precedent general rights of the public to exercise the PRN (see Edmund Whelan, Marine Law: Public Rights of Navigation, page 77).

The authority of *Crown Estate Commissioners v Fairlie Yacht Slip Ltd* [1978] Scot CS CSIH 3 confirms that while a PRN does not extend to the right to lay permanent mooring structures, where a PRN exists, it includes the right to moor for temporary periods using equipment that is intended to be, and can conveniently be, taken onto and carried on board the vessel in the ordinary course of use. The Court made no ruling on what length of time constitutes "temporary".

Further authority is given in *Tate and Lyle Industries Ltd v Greater London Council* [1983] 2 AC 509 545, *Moore v British Waterways* [2009] EWHC 812 (Ch) and others.

Public quays exist throughout the Thames. On all land that the public has acquired the right of mooring or unloading, by whatever means, vessels may stay as long as they like, provided this right is exercised reasonably (J B Phear Esq: *A Treatise on Rights of Water*, Stevens and Norton 1859).

Therefore, boats may only be prevented from mooring if they remain for longer than a reasonable time. There is no definition in law of what is a reasonable time in this context. The reasonableness of the length of stay depends on factors such as the circumstances of each boat and on river and weather conditions. "Reasonable" is dependent upon the facts and cannot be laid down in advance, and consequently cannot be codified in byelaws (see *Moore v British Waterways* [2013] EWCA Civ 73 [63]).

In seeking to curtail mooring for a reasonable period of time within the jurisdiction of LBH the draft byelaws seek to rescind the PRN and thus seek to rescind Article 29 of the Magna Carta of 1215 and set aside authorities from Courts of Record. Byelaws are neither primary nor secondary legislation and therefore these draft byelaws would be repugnant to the general law if enacted.

The Port of London Authority (PLA) has powers to regulate mooring including byelaw 15 of the Port of London Thames Byelaws 2012. Therefore there is already legislation that addresses the mischief that the draft byelaws seek to remedy.

Under Section 235(3) of the Local Government Act 1972 a byelaw cannot be made if legislation already exists that addresses the nuisance that the proposed byelaw seeks to remedy.

It follows that LBH would be acting *ultra vires* if it enacted the draft byelaws relating to mooring. We note that LBH is not now seeking to enact byelaws concerning mooring on waterways under the jurisdiction of Canal & River Trust (CRT) as originally proposed in the 2017 consultation, where legislation also already exists that addresses the mischief that the proposed byelaw seeks to remedy.

Housing and Planning Act obligations

Section 124 of the Planning and Housing Act 2016 requires LBH to conduct Accommodation Needs Assessments that include boats upon which people live (Bargee Traveller Accommodation Assessments or BTAAAs). The Guidance issued by the Ministry of Housing, Communities and Local Government regarding the periodical review of housing needs for those living in caravans and houseboats requires LBH to consult the NBTA in the conducting of a BTAA.

Section 124 requires LBH to execute BTAAAs at the same time as it assesses the housing requirements of the rest of the population. It is then incumbent on LBH to develop a strategy which addresses the need arising from the BTAA, through public or private provision.

The NBTA is not aware of and has not been consulted by LBH regarding a BTAA. and LBH is therefore in breach of its obligations under Section 124.

Elected members have a duty to represent the interests of Bargee Travellers within their jurisdiction as well as the settled community. In proposing this byelaw, LBH is acting in direct opposition to the interests of Bargee Travellers. This is unlawful.

At the very least, LBH should be working with CRT and PLA to ensure an adequate provision of temporary moorings (the Bargee Traveller equivalent of a transit site) rather than preventing mooring.

It is in LBH's interests to address these concerns, because preventing boats from mooring and introducing criminal sanctions will result in boat dwellers presenting as homeless and becoming dependent on local authority services and welfare benefits, whereas at present they are self sufficient.

Navigational safety

LBH stated in its November 2017 consultation that the proposed byelaw “...will either fully restrict mooring in these areas or limit this to a temporary period over 24 hours...”

The draft byelaws published in May 2018 restrict mooring to a period of one hour, not 24 hours. This is a draconian step that will make navigation on the Thames Tideway much more unsafe. This will be the case even with the provision for an extension to 24 hours in an emergency.

The nature of a navigational emergency means that it is not possible to predict how long a boat may need to be moored in order to take safe haven to repair damage, wait for safer conditions, or wait for an ill or injured crew member to recover. This is especially true for boat dwellers, who do not have the choice to return to a house elsewhere in order to recover.

The master of a vessel is on responsibility for the conduct and safe passage of his crew, passengers, other crews and passengers, his vessel, other vessels, the public, public property and himself. LBH is at all times subordinate to this essential objective.

The tidal range at Teddington is substantial and, because of the specific characteristics of the river, as the tide flows the current can be severe. Boats wishing to transit between Teddington and Thames Lock at Brentford (onto the Grand Union Canal) (i.e. downstream) or Thames Lock to Teddington (i.e. upstream) are admitted by the Environment Agency or by CRT just before the peak tide and as soon as the rising tide is deep enough respectively. This permits the vessel to ride the flowing tide downstream or ride the incoming tide upstream respectively.

This is because it is dangerous to “buck” the tide especially in low-powered vessels such as narrowboats. These transits are also arranged by liaison between the duty CRT lock keeper at Thames Lock and the EA lock keeper at Teddington (both of whom are on 24-hour call-out).

The transit takes approximately the same time as the tide itself and therefore a small window exists with which to execute the vessel movement. If this goes wrong for whatever reason then the master is obliged to seek safe haven until the appropriate conditions return with the next tide. If a vessel fails to reach its objective before the respective tide is complete, and is obliged to seek safe haven, this has to be executed without recourse to LBH.

In a nutshell navigation between Teddington and Thames Lock is sophisticated. In any event the Master has a difficult task to keep his crew, his passengers, members of the public his vessel and himself safe. LBH therefore has no place seeking to intervene through controlling mooring time limits.

In relation to seeking "safe haven", within other jurisdictions this means a suspension of any mooring restrictions until the danger has passed. While this is technically unnecessary (noting the sovereignty of the Master of a vessel and the PRN) it remains the case that inexperienced skippers may feel obliged to execute dangerous manoeuvres even in the presence of danger if compelled to do so by an authority. The NBT A holds records of accidents that have taken place in such an instance.

The suspension of mooring restrictions therefore makes it clear to such a Master that marine safety is paramount. LBH appears to be oblivious of this objective and is therefore acting irrationally.

It is not for LBH to dictate how or where a master can seek safe haven for his vessel on these waters. Therefore if the byelaw were to have force it would be a valid (and compelling) defence for a master to assert his jurisdiction (to which the byelaw would be subordinate) in relation to navigational safety. Given this it is nonsensical (and unenforceable) to preclude mooring at certain locations under any circumstances.

The draft byelaws show an alarming lack of understanding of safety on the water and will endanger boaters, potentially leading to the sinking of vessels; collisions between vessels, and loss of life.

Notwithstanding the safety implications, to restrict mooring to one hour on a tidal river known to have a substantial tidal range and very strong tidal currents will lead to absurdity. A boat may need to stop on LBH land on the riverside at a time when the ebbing tide would prevent it from leaving the mooring to continue in the same direction for another 12 hours.

Towpath Safety

The presence on the riverside of residential boats within the jurisdiction of LBH provides passive security for other users such as walkers and joggers. The riverside should be used for mooring boats, not left as a no-go area for most of the day where anti-social behaviour can flourish due to a lack of neighbourly scrutiny. Many users of riverside paths and parks path, especially lone women, report feeling safer when residential boats are present, especially in urban areas. If LBH wishes to attract more visitors to its riverside land, it must recognise the invaluable contribution to safety made by Bargee Travellers, in stark contrast to the draft byelaws.

Equality

The Public Sector Equality Duty in Section 149 of the Equality Act 2010 places a duty on public bodies to prevent discrimination and promote equality. The proposed byelaw discriminates against people who live on boats without permanent moorings and will have a disproportionate adverse impact on boat dwellers without permanent moorings. The proposed byelaw therefore amounts to a breach of the Equality Act.

There is a correlation between people who are Bargee Travellers and the incidence of poor mental health. Although no formalised study has yet been conducted on this effect the NBTAs has considerable evidence within its caseworker workload records of a high preponderance of mental ill-health among Bargee Travellers. This circumstantial evidence is compelling as several influential academics hold the same view.

Mental ill-health is a Protected Characteristic for the purposes of the Equality Act. It follows that the proposed byelaw will adversely affect these people and is thus discriminatory. The Equality and Human Rights Commission has, when confronted with similar discrimination exhibited by certain navigation authority, examined the prospect of engaging in a conviction of that body, this being a live issue. LBH would be subject to similar scrutiny if the draft byelaws were enacted.

LBH has failed to identify the demographic grouping to which the proposed byelaw relates; has failed to identify whether the demographic grouping exhibits protected characteristics within the meaning of the Equality Act; has failed to identify whether the byelaw would have adverse impacts on the demographic grouping and has failed to amend or withdraw the draft byelaws accordingly.

It is obvious that the Equality Impact Assessment that has been carried out regarding the effect of the proposed byelaws has been cursory and uninformed. This is unlawful. Section 149 of the Equality Act requires a public body to conduct a genuine Equality Impact Assessment before bringing into force a new provision such as this.

The draft byelaws also discriminate on grounds of age, contrary to the Equality Act. There will be a disproportionate adverse impact on families with children of school age who live on boats without permanent moorings, for the reasons stated above.

The draft byelaws will also create discrimination contrary to Sections 13, 17 and 19 of the Equality Act. There will be a disproportionate adverse impact on the ability of pregnant women and new mothers who live on boats without permanent moorings to gain access to the maternity health care they and their babies are entitled to.

LBH also asserts that the proposed byelaw will allow it to "... grant extended mooring allowances in exceptional circumstances and where prior written consent is provided". Sections 20 and 21 of the Equality Act entitle a disabled person to requisition Reasonable Adjustments. The public body to whom the requisition is made is usually only entitled to object to the requisitioned Reasonable Adjustments in exceptional circumstances. The public body is expected to accede to their requirements unless there are compelling reasons not to.

In the case of a disabled boater, Reasonable Adjustments usually imply extended mooring arrangements and access to and use of mooring space with a hard edge for boarding especially if the disabled boater uses a mobility scooter. If the draft byelaws are enacted they will have a disproportionate adverse impact on disabled boaters, who will be put at substantial disadvantage compared to able bodied boaters. Disabled boaters are more likely to need to moor for longer than one hour, and removing places where boats can moor for longer than one hour will put them at substantial disadvantage due to the safety implications of not being able to stop for as long as they need to.

As Protected Characteristics are typically addressed in retrospect the proposition that LBH will (1) permit extended mooring only in exceptional circumstances and (b) this will only be valid if agreed by LBH in advance, gives rise to violation of the Equality Act.

Criminalisation of the Demographic

The draft byelaws, if promulgated, would make it a criminal offence to moor within restricted zones and enable LBH to bring criminal prosecutions against those who violate the byelaws, resulting in fines or imprisonment. People will be criminalised for the simple and necessary act of living in their homes.

The draft byelaws will result in homelessness for Bargee Travellers. A person is homeless if they live on a boat but have nowhere to moor it. This would be a violation of their right to respect for their homes under Article 8 of the European Convention on Human Rights.

Following *Kay v UK* [2010] ECHR 37341/06 the European Court of Human Rights determined that "home" was one of the most important aspects of life in a democratic society. While the State is not required to provide a home, once a citizen has established a home then the State is required to respect that home pursuant to Article 8.

The consequence of this is that the State is required to demonstrate proportionality in its actions that affect someone's home (see *Canal & River Trust -v- Jones* [2017] EWCA Civ 135). In this context the State is afforded a narrow margin of appreciation in the execution of such actions.

Through the proposed byelaw LBH is, in effect, seeking to purge its jurisdiction of Bargee Travellers and this is neither respectful of a boat dwellers' homes nor proportionate when considering its declared essential objective of managing its land.

The proposed byelaw also contravenes Arts 8 and 14 ECHR in that the effect of the byelaw will compel Bargee Travellers to travel in a way that makes it difficult or impossible for them to remain in employment and maintain access to healthcare. This would breach their right to respect for their private and family life under Article 8 and would contravene Article 14 by discriminating against this demographic group by disrespecting their Article 8 rights in comparison to other residents of LBH.

The sanction of a criminal penalty will breach the right to respect for one's home due to the consequent criminalisation and potential imprisonment of a person for merely living in a particular way and possible forced removal of the boat. This also contravenes Article 14 by discriminating against this demographic group by disrespecting their Article 8 rights in comparison to other residents.

Interference with peaceful enjoyment of one's possessions

The draft byelaws would contravene Protocol 1, Article 1 of the European Convention on Human Rights. By subjecting Bargee Travellers to such criminal penalties interferes with their right to peaceful enjoyment of their possessions. The discriminatory nature of this effect also breaches Article 14.

Disregard for the needs of children and their right to education

The proposals contravene Protocol 1, Article 2 of the European Convention on Human Rights. Subjecting Bargee Travellers who have children in school to this draconian draft byelaw would breach their children's right to education. Parents will be forced to withdraw their children from school if this byelaw comes into force and they comply with it. The discriminatory nature of this effect also breaches Article 14.

Disregard for the duty of care

Local authorities have a duty of care towards all citizens within their boundaries. To deliberately cause homelessness to a group of people is a breach of the duty of care that constitutes gross negligence.

LBH has provided no evidence with this consultation that the nuisances that are cited to justify the proposed byelaw either exist or were committed by BTs. In the circumstances the NBTA can only conclude that this proposed byelaw is driven by prejudice and a lack of understanding of the rights of BTs.

Unfairness

The proposed byelaw is unfair in that it proposes to penalise all BTs for the alleged actions of a few. To lose the right to moor on the towpath or on public riparian land for a "reasonable time" is a very great loss to Bargee Travellers.

It is an example of the extreme lack of understanding of LBH of the rights and needs of Bargee Travellers and that the solution proposed to a perceived problem is to restrict mooring for all Bargee Travellers regardless of whether they have themselves caused a nuisance or not.

In enacting the draft byelaws LBH would be acting contrary to the requirement on public bodies to exercise power reasonably following the authority of *Associated Provincial Picture Houses v Wednesbury Corporation* [1947] 1KB 223.

The proposed byelaw amounts to collective punishment; in other contexts collective punishment would be a crime. This is fundamentally unjust. Adequate remedies already exist to deal with the type of nuisance that the draft byelaws are purported to prevent. There is no need for any additional legislation.

Response to consultation reports: Regulation 6c report

The Regulation 6c report misleads regarding the purpose and need for the draft byelaws. The report only refers to Watermans park, but the draft byelaws cover a much larger area. As a consequence, no justification has been provided regarding the purpose and need for byelaws affecting the rest of the riverside land identified on the published maps, as is required by Regulation 6(2)(c) of the Byelaws (Alternative Procedure) (England) Regulations 2016 (the 2016 Regulations). The procedure for making the byelaws is therefore non-compliant with the 2016 Regulations.

To use the draft byelaws to attempt to regulate against the “unsightly appearance” of boats is draconian and excessive. In addition it would discriminate against Bargee Travellers, contrary to Article 14 of the European Convention on Human Rights taken with Article 8 of the Convention. It is discriminatory because LBH does not enforce against “unsightly” houses or industrial buildings.

The Regulation 6c report states that neither the Human Rights Act nor the Equality Act are engaged by the draft byelaws. This is patently wrong as we explain elsewhere in this consultation response.

Response to consultation reports: Report to DCLG

Bargee Travellers and other boaters are lawful users of LBH parks and open space by virtue of the PRN. The draft byelaws put an extreme burden on them to the extent of risking loss of life.

“Residents” are not just housed people. Bargee Travellers are resident within LBH when they are within its boundaries. These byelaws do not therefore make open space available to the widest possible range of residents, excluding Bargee Travellers as they do.

If there is anti-social behaviour or nuisance on the part of Bargee Travellers, adequate powers exist already to address this. If anti-social behaviour or nuisance have occurred and known perpetrators have not been apprehended, then LBH has neglected its duty to address these and the draft byelaws are designed to cover up such neglect. If LBH has taken no action because there has been no anti-social behaviour or nuisance, then LBH has manufactured an entirely false problem to attempt to justify its draft byelaws.

The byelaws will not create safer mooring areas. To force boaters to leave a mooring after one hour will make boating a very unsafe activity and will decrease their enjoyment as members of the public of LBH parks and open spaces.

There is no evidence provided of any correlation between the draft byelaws and the provision of managed moorings. LBH has not carried out a BTAA and has not put forward any plans for managed moorings with this consultation. The draft byelaws do not provide a mechanism for regulating the quality or safety of boats moored on LBH land; the only provision in the draft byelaws is for the criminalisation of mooring for longer than one hour.

In any event, it is inappropriate to monitor the “quality” of boats on moorings; this implies gentrification and exclusion of the poorer members of the boating community. The only evidence that it is appropriate to require in this context is evidence of compliance with

safety standards as set out in the Boat Safety Scheme.

The proposal to create 26 new moorings in Brentford will not replace the mooring space lost to these draft byelaws. We estimate that at least 120 new moorings will be required to replace the mooring space lost to byelaw enforcement.

LBH claims that boaters are mooring “illegally” on the River Brent, including at Boston Manor and Clitheroe Island, and that the byelaws will ensure that “the council can properly legislate against unlawful occupation”; however, the River Brent, Boston Manor and Clitheroe Island are not included in the draft byelaws. In making this statement, LBH is overstating its case by exaggerating the alleged mischief that the draft byelaws are intended to address.

LBH claims that licensed boaters on both sides of Watermans Park have complained; but Watermans Park is under the jurisdiction of the PLA, where boats are not required to be licensed.

LBH asserts that “those affected by the bye law will be required to move from council owned or managed land onto legal regulated moorings”; however, there is an acute shortage of such moorings within the Borough and demand vastly outstrips supply. Furthermore, only about 1% of moorings have planning consent for residential use, meaning that Bargee Travellers will be forced into a well known cycle of taking a leisure mooring which they are then evicted from because they live on their boats. There is no security of tenure for moorings, even for residential moorings, and mooring agreements can be terminated on a whim by the mooring operator. Bargee Travellers moor their homes on LBH land because they have nowhere else to go. These draft byelaws will not change this unhappy cycle of events, they will only exacerbate the shortage of safe places to moor.

Response to consultation reports: Impact analysis

The impact analysis states that byelaw 4 would have a positive impact; this is patently untrue. It would have a significant negative impact on all boaters but especially Bargee Travellers, by depriving them of their rights to moor for a reasonable time pursuant to the PRN.

Similarly the impact analysis states that byelaw 8 would have a positive impact, including to “ensure open vistas”, presumably from the absence of moored boats. This is contrary to one of the fundamental principles of planning law, that ownership or occupation of property conveys no right to preservation of the view from that property. In any case, the concept of ensuring “open vistas” applies to permanent structures such as tall buildings, and not to moveable chattels such as boats.

Propagation of Untruths

The NBTA is extremely concerned about the biased nature of this consultation and the untrue and unfair allegations, which are not supported by any evidence, that are being made in such a public document about a sector of the local population.

The consultation documents contain multiple and obviously untrue allegations that boats are “illegally moored” or that boats and/ or moorings are “illegal”. The boats are not “illegal”. The act of mooring a boat on LBH land is not illegal, nor is it a criminal offence.

Boats are not illegally moored, because no such criminal offence exists. If criminal offences had been committed, there would be no perceived need for the draft byelaws which are the subject of this consultation. Indeed, LBH states on page 2 of its report to DCLG that it has no ability to impose criminal sanctions. The moorings themselves are not illegal, because they are riverworks that are licensed by the PLA.

The consultation also contains multiple and obviously untrue allegations that the boats in question are unlicensed and unsafe. Boats used on the Thames Tideway under the jurisdiction of the PLA do not need a licence, and consequently they do not need to comply with the safety standards set out by the Boat Safety Scheme.

The consultation document contains multiple allegations, with no evidence whatsoever to validate the claim, that Bargee Travellers pollute the river by disposing of their sewage. The vast majority of Bargee Travellers understand the antisocial nature of doing such a thing. From opinions gleaned by the NBTA from its membership, the majority of Bargee Travellers are acutely aware of the environment and do not pollute it. It follows that the proposition of LBH that Bargee Travellers pollute the waterways with sewage is highly offensive. Indeed it is a notable feature of prejudice and discrimination throughout the history of the 20th and 21st centuries that all groups that have been the subject of prejudice (such as Gypsies and Travellers; Black and Minority Ethnic people; Jewish people; squatters etc) have been targeted with unfounded allegations of fouling the environment.

The consultation document also contains multiple allegations of anti-social and "illegal" behaviour by Bargee Travellers, with no further information and no evidence whatsoever to validate the claim.

One of the properties of a divisive, overbearing, bullying and non-democratic administration is to target a vulnerable demographic, propagate lies as to its habits or description, stir up hatred towards that demographic and then seek to legislate on the strength of adverse feedback from the majority. This is precisely what LBH appears to be doing in this instance, contrary to Labour Party policy.

Conduct of consultation

The Government's Consultation Principles emphasise that interested parties should be identified early in the process so that consultation exercises can be designed and targeted accordingly. Otherwise key groups can be excluded. LBH has provided no evidence that it has effectively targeted this consultation document at the main group affected by the proposals, namely Bargee Travellers.

As far as the NBTA is aware, no special measures have been taken to ensure that those most affected by the proposals are included in this consultation. Indeed as the chief representative group of itinerant boat dwellers we were not invited to respond, even though we had responded to the 2017 consultation, and we only found out about this consultation by chance very near to the end of the consultation period.

In the absence of evidence that the group most likely to be directly affected has had a proper opportunity to comment in line with the Consultation Principles, we believe that the outcome of the consultation will constitute prejudice against a minority group and will contravene the authority of *R v Brent London Borough Council ex parte Gunning* [1985] 84 LGR 168. To be proper, consultation must allow those affected by the proposals to give

intelligent consideration and an intelligent response. This clearly has not happened.

Alternative proposal

Rather than enacting these draconian byelaws, LBH should use the mooring space at Watermans Park and the riverside land between Chiswick Quay and Chiswick Pier that would otherwise be covered by the draft byelaws to create a network of transit or temporary residential moorings with stay times of between 14 days and 56 days; provide potable water, sewage disposal and rubbish disposal facilities associated with these moorings, and issue affordable annual temporary residential mooring permits for these moorings to Bargee Travellers whose boat is their sole home. A comparable moorings scheme has been operated by Cambridge City Council since 1995.

In addition, LBH should provide a written Undertaking to the Secretary of State for Housing, Communities and Local Government that in the exercise of its statutory functions or its property rights LBH will to have regard to the interests of people who use boats as their sole residence, including people who do not own or have access to a permanent mooring.

National Bargee Travellers Association
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