

National Barge Travellers Association (NBTA)

Comments on Draft guidance to local housing authorities on the periodical review of housing needs: Caravans and Houseboats

1. Use of the term 'Houseboat'

'Houseboat' has a very specific meaning under the waterways legislation (see Section 3 of the British Waterways Act 1971). Obviously the guidance is intended to address those who live on boats but the majority of those live on 'pleasure boats' (see the same section of the 1971 Act). A houseboat as defined by the legislation may not be lived on at all and in fact there are only around 80 Houseboat Certificates issued by Canal & River Trust (CRT) out of around 32,000 licensed boats. In addition, the definition of 'Houseboat' in the 1971 Act implies that the vessel is static and not used for navigation, which is not the case for most boat dwellers, who navigate for all or part of the year. We propose that an alternative term such as 'boat dwellers' is used.

2. Distinction between boat dwellers and caravan dwellers

There is a marked difference between needs of caravan dwellers and boat dwellers. The two communities have very different characteristics and it should not be assumed that what is appropriate for one community will meet the needs of the other. Boat dwellers have a 150 year history of being a marginalised and dispossessed itinerant population who have no land-based housing needs whatsoever.

3. Recognition of the right to live on a boat without a permanent or 'home' mooring

There is a right to use and live on a boat without a home mooring on CRT waterways conferred by Section 17 of the British Waterways Act 1995. On rivers under the jurisdiction of other navigation authorities the Public Right of Navigation on all navigable rivers confers the right to moor temporarily in the course of navigation. The protection and upholding of the right to moor temporarily on rivers and canals is a key housing need amongst boat dwellers.

It cannot and must not be assumed that the needs of boat dwellers will be met by providing permanent moorings for all. Unlike Travellers, itinerant boat dwellers already have an authorised place to stay: the towpath. They already have an authorised transit site which is at least 2,200 miles long. Their needs will be met by ensuring the continued provision of such temporary mooring space and by the protection of boat dwellers from excessive enforcement by CRT and other navigation or local authorities against those living on their boats without a permanent mooring.

The inclusion of a duty to carry out assessments of the accommodation needs of boat dwellers must not be allowed to simply underpin the development of new commercialised permanent moorings which will pressurise those who do not want or cannot obtain a mooring with increased enforcement based on the assumption that greater provision of permanent moorings is coming forward.

4. Assessment of need must include assessment of health and education needs

In order to capture the real social issues and not just to count numbers and categorise, regional surveys and needs assessments of the health and well-being of boat dwellers

including the assessment of the the mental health issues of the community are vital. This is already supported by Public Health England and is also included in the DCLG practice guidance on Gypsy and Traveller Accommodation Assessments. In addition regional surveys and needs assessments of the ease of access to education for the school age children of boat dwellers are also vital to capture these social issues.

5. Obtaining information

Inquiries into the records and information held by organisations such as navigation authorities and local authorities will not be sufficient in itself to establish and assess need. For example, CRT statistics do not differentiate between boat dwellers who want a permanent mooring and those who do not.

Information needs to be obtained from individual boat dwellers or communities of boat dwellers, such as their needs, now and in the foreseeable future; the types of boats; the location of permanent and temporary moorings and the length of time they have spent at specific mooring sites. The methods by which this information is obtained from boat dwellers would need to be handled carefully since such information could be used for other purposes apart from assessing needs, such as to take enforcement action or to carry out an eviction.

6. Canal & River Trust and other navigation authorities and riparian local authorities

There is no reference to CRT in the draft guidance even though it would not only be a possible source of information but, more importantly, a body which ought to considering how to meet the need for temporary and permanent moorings that would be demonstrated by the assessment. This is especially pertinent given that its recent enforcement activities look completely insensitive to such needs. This is also true of certain local authorities such as Cambridge and Oxford City Councils and the London Boroughs of Richmond and Kingston upon Thames.

Guidance is required that is aimed at the bodies that directly manage the waterways, in particular CRT. If CRT continues its present enforcement policies, this draft guidance will not help at all because it will have no real effect on CRT.

7. Methodology and ethics

The methodology used in the assessment of the accommodation needs of boat dwellers must include qualitative as well as quantitative assessment and meaningful assessment of social needs especially health and educational needs.

The methodology must conform to the good practice guidance endorsed by the EHRC and FRA in Europe and must utilise full ethical practice and community advisory boards etc. Such good practice must include using boat dweller enumerators. We welcome the proposal to utilise the expertise of the NBTA and this must include oversight of any questionnaires and recommendations on best practice and content.

8. Access to facilities

Assessment of need must include assessment of the availability of and distances/ travel times between facilities such as water taps, rubbish disposal, chemical toilet sewage disposal and pump-out sewage disposal.

9. Assessment of threat of eviction

Assessment of need must include assessment of the level of threat of or actual eviction experienced by individual Bargee Travellers. This means that any survey must include questions about current enforcement or eviction action that is being taken against them; over what time period and for Bargee Travellers on Canal & River Trust waterways, whether their licence renewal has been restricted to less than 12 months.

10. Access to temporary off-side moorings

Assessment of need on Canal & River Trust waterways must include assessment of access to temporary off-side moorings (ie moorings that are not on the towpath and thus not included in the right to moor for 14 days in any one place conferred by s.17(3)(c)(ii) of the British Waterways Act 1995) and whether such moorings are required for periods of longer than 14 days.

**National Bargee Travellers Association
July 2016**