

National Bargee Travellers Association

Part response to Cambridge City Council consultation: boats moored at Riverside

Are there any other options you think we should consider?

1. The Council has stated that it owns the subsoil of the land at Riverside. This suggests some doubt as to whether the Council is the legal owner of the entire site. For example, who owns the top-soil and who owns any mooring rights that might exist on that stretch of river bank? Can the Council prove good title, which it must do before it can carry out an eviction? Does the Council have the right to carry out the works that it describes in these proposals? I draw the Council's attention to the recent Court of Appeal judgement in *Moore v British Waterways* [2013] EWCA Civ 73.

2. The NBTA has concerns that there are significant defects in the procedure for the Council's waiting list for residential moorings and in its system for policing whether each residential mooring is in fact someone's residence. The NBTA is extremely concerned about the harassment of a past residential mooring holder who was wrongfully accused of not living on the mooring and was wrongly pressurised into giving up the mooring and licence. The Council appeared to accept unsupported claims that the boater was not resident on the mooring as evidence that they were in breach of the licence conditions. The Council also appeared to condone spying on and harassment of this individual. On the other hand, many of the residential moorings are currently not lived on or used as second homes and yet these mooring holders have not been required to give up their licence and mooring. The decisions about each applicant's ranking and priority on the waiting list appears to be arbitrary and lacks transparency. Resolving these issues would result in more residential moorings becoming available for those who genuinely need them.

3. A creative resolution to the situation at Riverside would be to establish a Community Land Trust and gift the land to it. The Trust - or a Co-operative that held a tenancy from the Community Land Trust - could be managed by the moorers in which the moorings would be managed and maintained by those resident there and some safety improvements made without having to reduce the number of boats. The Council would not need to grant licences to individual boat dwellers but could grant a licence to the Trust or to a Co-operative that held the tenancy to the entire site. Funding may be available for such developments; the Council should seek advice from Co-operatives UK in the first instance.

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