

National Bargee Travellers Association

Response to CRT Consultation on Review of Elections to Council

The National Bargee Travellers Association (NBTA) has a number of concerns regarding the existing system and the proposed changes for CRT Council elections, in particular the election to the private boater seats on CRT Council. These concerns are representation; eligibility to vote, exclusions and on-line elections. Taken together these proposed changes will disproportionately disenfranchise boat dwellers without home moorings (and consequently also impact on leisure boaters without home moorings).

Issue 1 Nominations and representation

Boat dwellers without home moorings are a minority of boat owners, owning around two thirds of all boats licensed without home moorings and around 10% of all licensed boats on CRT waterways. Consequently as a minority group, there is no prospect of this group gaining representation on the CRT Council through a majority vote for a representative if such a candidate were to stand for election. Boat dwellers without home moorings should have a dedicated seat on CRT Council with a separate election.

Whatever other measures are adopted regarding nominations and representation, there is a need to avoid the current situation of one organisation and its policies dominating the private boater seats. This has led to CRT adopting policies which have discredited it as a charity and a to lack of faith in the CRT Council among private boat owners. Following any future election, there should be a clear published process for all boat owners that informs them how to contact members of the CRT Council and what the Council members' remit is regarding raising and addressing the concerns of boat owners. There should also be clear published performance targets and an assessment process for Council members, so that their performance can be taken into account in the event that they stand for re-election.

Issue 5 On-line election and canvassing

Given that many boat dwellers without home moorings do not have regular or reliable access to the internet or to postal mail, there should be a facility to vote by SMS or by telephone. The paper and postal election should be retained in order to avoid excluding those who do not use the internet and to maximise turnout. Given that a majority of boat owners are older people, and older people use the internet less than younger people, to move to an online-only election would disenfranchise older boat owners, amounting to age discrimination contrary to Section 19 of the Equality Act 2010. To encourage participation, particularly among boat dwellers, information about the election and how to participate in it should be posted on all CRT notice boards on the waterways at the earliest date possible.

Issue 7 Eligibility to vote in more than one election

It is unfair for some people to have more than one vote and thus greater influence over the outcome of an election. This is especially unfair if the reason that they may be allocated more than one vote is because they own more, such as owning a boating business and also a private boat. Plural voting, including plural voting based on property ownership, was abolished in the UK in 1948. It has no place in a democratic society. CRT should follow the advice of the Electoral Reform Society on this issue and restrict eligibility to vote to one election per voter.

Issue 8 Multiple boats registered to the same owner

It is not fair to give greater enfranchisement to those who own more. This practice was abolished in the UK in 1948. It is unjust and outdated to give more votes to those who own more boats.

Issue 9 Boats in joint ownership

Joint owners of a boat should be able to vote even if they are not named on the licence. To exclude boat dwellers and boat owners who are not named on the licence or who are not the first person named on the licence disproportionately excludes women whose jointly-owned boats are licensed in the name of the male partner only or whose name appears second on the licence. This amounts to indirect sex discrimination, contrary to Section 19 of the Equality Act 2010. CRT has not demonstrated that this would be a proportionate means of achieving a legitimate aim. The NBTA will bring such discrimination to the attention of the Electoral Reform Society if this measure is adopted.

Similarly this measure would also amount to indirect age discrimination, contrary to Section 19 of the Equality Act 2010, by excluding adult children who live with their parents on boats owned by their parents and by excluding elderly parents who live with a son or daughter on boats owned by their son or daughter.

Some boat dwellers live on boats that are owned and licensed by a non-resident family member such as a parent or sibling. These boat dwellers should also be entitled to vote.

Issue 12 Exclusions

To exclude from voting, standing for election and serving on Council those boat owners who are "in arrears or otherwise in breach of their contract with the Trust on the date when nominations for the election close" will disproportionately disenfranchise boat dwellers without home moorings (and consequently have a disproportionate effect on leisure boaters without home moorings). Given that the vast majority of allegations of breach of licence conditions are made against boaters without home moorings, this will exclude a significant proportion of this group, who are already a minority in terms of being able to influence the election in terms of numbers. No boat owner should be excluded on the basis that they are in arrears or in breach of their contract. The test should be simply whether they hold a boat licence. To apply any further qualification risks excluding boat owners on an arbitrary and imprecise basis.

CRT has not clarified what it means by "in arrears" nor whether this refers to arrears of licence fees or other arrears such as arrears of mooring fees. In any event, a boat licence holder who is in arrears is still licensed until the licence is terminated and a Section 8 notice served. Many boaters who fall behind with licence payments come to an agreement to pay, without the licence being terminated.

In addition, CRT has not clarified what it means by "in breach of their contract with the Trust on the date when nominations to the election close". It is not clear whether this refers to boaters who have been served with enforcement notices in the continuous cruising process. CRT should clarify this.

However, if the above is the case, CRT has not explained the process for deciding whether the boater is in breach of their licence conditions or what standard of proof is

required. It has not stated whether an allegation by CRT such as those contained in the Pre-CC1, CC1 and CC2 enforcement notices is sufficient to disenfranchise a boat owner. It has not clarified whether service of a Pre-CC1 counts as being in breach of the licence conditions, given that CRT requires no action by the boater as a result of the Pre-CC1. Nor has it clarified what the boater's eligibility would be if the allegation is erroneous because it is based on incomplete information about the boat's movements, or whether an allegation that is being contested by a boat owner is deemed to be a breach of contract.

In addition, CRT has not clarified whether the service of a Patrol Notice amounts to being held in breach of the licence conditions, nor has it clarified whether being served with a Patrol Notice still amounts to being in breach of the contract when the boater has remedied the fault.

Boat dwellers without home moorings are entitled to a Court hearing to determine whether they are in breach of their licence conditions. CRT has not clarified whether it will wait until the Court process has concluded in its favour before disenfranchising the boat owner.

Given that CRT does not inform boaters without home moorings when their boat is no longer in the enforcement process, boaters without home moorings who have received enforcement notices will not be able to tell whether they are in breach of their contract "on the date when nominations to the election close" and consequently will not know whether they are eligible to stand for election or not. To adopt this measure would be unjust.

National Bargee Travellers Association
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