

NATIONAL BARGEE TRAVELLERS ASSOCIATION

EVIDENCE SUBMITTED TO ALL-PARTY PARLIAMENTARY WATERWAYS GROUP

INQUIRY INTO CRT LOCAL WATERWAY PARTNERSHIPS

EXECUTIVE SUMMARY

The local waterway partnerships have been tasked with developing local mooring rules that are specifically targeted at boat dwellers without home moorings and will have a disproportionate adverse effect on them including the possible seizure of their boats and consequent homelessness and loss of assets.

These local mooring rules are aimed at preventing boat dwellers without home moorings being based in a particular local area.

There is no provision for the representation of boat dwellers without home moorings on the local waterway partnerships.

The local waterway partnerships' terms of reference specifically exclude from membership anyone who is not locally based, therefore the majority of boat dwellers without home moorings are by definition excluded because they are not based in a particular locality.

Local waterway partnerships are tasked with developing local mooring rules that will prevent the remaining boat dwellers without home moorings from basing themselves in a local area.

CRT senior management has sought to reverse the decisions and recommendations of the only local waterway partnership that does have a member who is a boat dweller without a home mooring.

This is fundamentally unjust.

1. INTRODUCTION

1.1 The National Bargee Travellers Association (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 for their boat with planning permission for residential use.

2. THE NBTA'S CONCERNS

2.1 The NBTA has the following concerns regarding the Canal & River Trust Local Waterway Partnerships.

2.2 In December 2012 there were 4,498 boats licensed by CRT without home moorings out of a total of 33,112 licensed boats. There are no reliable statistics for the number of boats without home moorings that are someone's only or main home, but the NBTA estimates that around two thirds of the 4,498 are lived on. Boat dwellers without home moorings are therefore a minority group, who make up less than 10% of boat licence holders.

2.3 The NBTA considers it a matter of great concern that there is no specific provision for the representation of boat dwellers without home moorings on the local waterway partnerships or for

the consideration of their needs and interests.. This group does not have a voice in the provision of advice to CRT regarding local planning, management and operation of the waterways nor in the action taken by local waterway partnerships.

2.4 The terms of reference of the Local Waterway Partnerships state that their role is to "support and develop waterway planning, management and operations" and is "advisory and action-orientated". In addition, they have been tasked with agreeing a 10-year vision for the waterway. The CRT partnerships are therefore engaged in making recommendations, giving advice and presenting long-term plans to CRT that may have been developed in the absence of any representation of or consultation with these boat dwellers. The opinions formed and the decisions made by CRT on the basis of advice provided and action taken by the local waterway partnerships that will have a disproportionate adverse impact on the homes of boat dwellers without home moorings because there is no mechanism for them to participate in decision making at the local level.

2.5 CRT has declared its intention to "reduce the numbers" of live aboard boats without home moorings (for example, in its Briefing on Non Compliant Continuous Cruising of 27 September 2012 and in the Boaters Update of March 2013). As stated in the 27 September 2012 briefing, this is to be achieved by establishing local mooring rules for boaters without home moorings. The lack of representation on the local waterway partnerships will therefore have disastrous consequences for boat dwellers without home moorings, since non-compliance with such local rules will lead to the boat licence being terminated under s. 17 (4) of the 1995 British Waterways Act and the boat being seized and destroyed or sold by CRT under s. 8 (5) of the 1983 British Waterways Act. This renders the boat dweller homeless and deprives them of their only significant asset. With such serious and damaging consequences, boat dwellers without home moorings are the group that most needs to be represented on the CRT local waterway partnerships.

2.6 To our knowledge, the only local waterway partnership that includes a boat dweller without a home mooring in its membership is the Kennet and Avon Local Waterway Partnership, and CRT has recently ought to have this member removed from the partnership (see Appendix 1, email from Sally Ash, CRT Head of Boating).

2.7 The membership criteria of the local waterway partnerships states that all members will be based in the locality. This specifically excludes any boat dwellers without home moorings who are not permanently based in a particular locality. CRT has declared its intention to prevent boat dwellers without home moorings from basing themselves in any particular locality (see, for example the Briefing on Non Compliant Continuous Cruising of 27 September 2012) by means of local mooring plans developed by the local waterway partnerships. This is a defect in the CRT governance structure of the greatest magnitude and is a fundamental injustice that should not be allowed to continue.

2.8 The terms of reference state that the local waterway partnerships are accountable to the Trustees of CRT. However, there is evidence that senior management has sought to influence and interfere with the independent decision making of the Kennet and Avon Local Waterway Partnership contrary to the terms of reference. This interference has specifically consisted of seeking to reverse decisions and recommendations regarding the development of a local mooring plan aimed primarily at boat dwellers without home moorings. The decisions and recommendations that CRT sought to reverse were formulated by a sub-committee that included one boat dweller without a home mooring.

2.9 In particular, having sent the email at Appendix 1 which demonstrates an attempt to influence and interfere with the decision making of the Partnership, the CRT Head of Boating unexpectedly attended the Kennet and Avon Local Waterway Partnership meeting the following day, despite not

being a formal member of the Partnership; the official CRT members of the local waterway partnerships are the local waterway managers.

3. CONCLUSION AND RECOMMENDATIONS

3.1 The terms of reference of the CRT local waterway partnerships should be amended to facilitate the appointment of at least one boat dweller without a home mooring to each of the partnerships.

3.2 The local waterway partnerships should examine the lawfulness and proportionality of any local mooring rules that they are tasked with developing.

3.3 The local waterway partnerships' terms of reference should include an undertaking not to recommend any measures that could result in the seizure of boats that are people's homes thus rendering them homeless.

Pamela Smith
National Bargee Travellers Association
16 March 2013

APPENDIX 1

From: "Sally Ash" <Sally.Ash@canalrivertrust.org.uk>
To: "robdean100@btinternet.com" <robdean100@btinternet.com>, "tamsin.phipps@bcu.org.uk" <tamsin.phipps@bcu.org.uk>, "alistair.millington@sustrans.org.uk" <alistair.millington@sustrans.org.uk>, "canalian.williamson@gmail.com" <canalian.williamson@gmail.com>, "alanaldous@btinternet.com" <alanaldous@btinternet.com>, "terry.w.fell@talktalk.net" <terry.w.fell@talktalk.net>, "jan@jangannaway.wanadoo.co.uk" <jan@jangannaway.wanadoo.co.uk>, "billfisher40@btinternet.com" <billfisher40@btinternet.com>, "enquiries@newburyboatco.co.uk" <enquiries@newburyboatco.co.uk>, "polharryty@gmail.com" <polharryty@gmail.com>, "Mark Stephens" <Mark.Stephens@canalrivertrust.org.uk>, "Roger Hanbury" <Roger.Hanbury@canalrivertrust.org.uk>
Cc: "Damian Kemp" <Damian.Kemp@canalrivertrust.org.uk>
Subject: K&A mooring plan - tomorrow's Partnership meeting
Date: Wed, Jan 30, 2013 1:40 pm

Dear All

Mark has asked me to circulate a response to your sub-group's draft plan. As you know, we were briefed on this by Emma and the facilitator in December, but we felt that it would be inappropriate for us to make a formal response in advance of it being discussed by the partnership. Mark feels however that it would be helpful for you to hear our initial thoughts.

First to be clear that we are extremely appreciative of the work put in by the group and are very keen to continue moving forward in cooperative partnership with local representatives of the boaters and other people with an interest in the plan. There are some good, constructive new ideas but also several aspects of the group's proposals that cause us some difficulties.

1. There appears to be no provisions to deter continued growth in the number of boaters arriving to take up long term residence along the towpath in the area
2. The proposed movement requirements for continuous cruisers are not fully clear to us but appear to be very modest and would be unlikely to result in much of a change to the status quo. The proposed new concept of 'range' does not make clear how frequently this range needs to be travelled. The implication is that just one journey all the way from Bath to Devizes in a year would be sufficient and for the rest of the time, as long as the boat moved between the neighbourhoods – maybe just to and fro between a couple of

them – this would be sufficient. This movement pattern would not be consistent with the judgement made in Bristol County Court in 2010 which referred to movement to and fro along a 10 mile stretch as not being bona fide navigation.

3. It includes no amnesty provision for established boaters who find it difficult to maintain a genuine continuously cruising lifestyle

4. It would generate little income to contribute to potential improvement in facilities for boaters or to offset the additional costs of monitoring. The people most likely to pay more as a result of the group's proposals would be leisure boaters, who, through their mooring fees, already contribute more to the costs of maintaining the waterway than continuous cruisers. This appears somewhat unfair.

We would be pleased if the sub group, with some changes to its composition to give it the best chance of success, would be willing to meet once more to try and bottom out these and any other issues raised by the Partnership. We are uncomfortable that one member of the sub group has such a clear personal interest in making the definition of continuous cruising in the Bath Valley as un-demanding as possible. Perhaps he could be replaced by a more independent residential boater, possibly nominated by the Residential Boat Owners Association which represents large numbers of continuous cruisers nationwide. We also think that it might be helpful if Paul Griffin, our national enforcement manager and former customer operations manager on the K&A were to join the group as an advisor. The Partnership might like to consider whether the sub group should appoint a Chairperson with the role of championing the revised proposals during whatever final consultation the Partnership might recommend.

Most of you will know that this matter has been a cause of great concern to many generations of BW/CRT managers as well as to the wide boating community. I do feel we are as close as we've ever been to a fair and workable plan for sharing towpath space fairly. The Partnership is in an unprecedented position to help bring a successful conclusion to this difficult chapter in the canal's history.

With best wishes

Sally

Sally Ash

Head of Boating

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