

NATIONAL BARGEE TRAVELLERS ASSOCIATION

RESPONSE TO ENVIRONMENT AGENCY CONSULTATION ON NAVIGATION CHARGE PROPOSALS 2019 TO 2021

Section 1: About you

To help us analyse the responses we receive we'd like to understand more about you and the boat/s you own, operate or represent.

Q1. Please tell us if you're responding as an individual or on behalf of a group or organisation.

This consultation response is from the National Bargee Travellers Association (NBTA). The NBTA is a volunteer organisation formed in 2009 that campaigns and provides advice for Bargee Travellers: 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. The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has members on all the major navigation authorities' waterways and beyond. The NBTA deals with approximately 200 individual cases each year.

Q2. Please tell us on which waterway you or those you represent keep or use your/their boat/s most often.

NBTA members navigate on all of the UK's inland and coastal waterways; the majority of members navigate on Canal & River Trust; Environment Agency (Thames); Environment Agency (Anglian: Nene/ Great Ouse); Cam Conservancy; and Environment Agency (Medway) waterways.

Q3. What is the main reason you or those you represent use your/their boat/s?

NBTA members use their boats as their homes.

Q4. What type of boat/s do you own, operate or represent?

NBTA members typically live in narrowboats; motor cruisers; widebeam narrowboats; Dutch barges; Thames barges; freight barges; lifeboats; workboats; yachts; and additionally use canoes/kayaks and outboard-powered or rowing dinghies.

Q5. Please tell us if you would like to receive an email acknowledging your response and/or email to let you know that the summary of responses has been published.

Yes

Q6. Can we publish your response? We will not publish any personal information or parts of your response that will reveal your identity.

Yes

Q7. Please tell us how you found out about this consultation?

Environment Agency web site

Section 2: Your views

Q8. Do you agree with the need to increase Environment Agency boat registration charges in order to maintain the navigation service?

No. To enable NBTA members to continue to afford to live in their homes, it is important that charges do not rise any faster than the rate of inflation as defined by the Consumer Price Index.

The NBTA opposes all boat registration and licence fee increases except those genuinely in line with inflation. If these increases are implemented they will result in more boat dwellers struggling to pay the registration fee, more boats becoming unregistered and more people losing their homes. Boaters should not be expected to carry the full load of making up the shortfall in funding; this is unfair and unjust.

The existence of the Public Right of Navigation on navigable rivers means that “maintaining the navigation service” is not an optional activity that the Environment Agency can choose to abandon. The Environment Agency is bound by Common Law and Statute to maintain the navigations that it manages. The Environment Agency should adopt a more robust approach to obtaining Government funding to maintain navigation.

Q9a. We are proposing to increase charges for the River Thames by 5.7%. What is your opinion of this proposal?

The only increase in charges should be an annual increase in line with the rate of inflation as defined by the Consumer Price Index. The percentage increase should be the same for Thames, Anglian and Upper Medway waterways. The proposal to continue the differential figures for the three waterway regions is not acceptable.

Q9b. We are proposing to increase charges for the Anglian Waterways by 7.5%. What is your opinion of this proposal?

The only increase in charges should be an annual increase in line with the rate of inflation as defined by the Consumer Price Index. The percentage increase should be the same for Thames, Anglian and Upper Medway waterways. The proposal to continue the differential figures for the three waterway regions is not acceptable.

Q9c. We are proposing to increase charges for the Upper Medway by 10%. What is your opinion of this proposal?

The only increase in charges should be an annual increase in line with the rate of inflation as defined by the Consumer Price Index. The percentage increase should be the same for Thames, Anglian and Upper Medway waterways. The proposal to continue the differential figures for the three waterway regions is not acceptable.

Q9d. We are proposing to increase changes for unpowered boats and those boats (powered or unpowered) which are part of joint registration agreements (British Rowing, British Canoeing, Canal & River Trust Gold Licence) by 7.7%? What is your

opinion of this proposal?

The only increase in charges for unpowered boats and joint registration agreements should be an annual increase in line with the rate of inflation as defined by the Consumer Price Index.

Q10. To what extent do you agree that the boat registration charge is important in the overall cost of owning or operating your boat/s?

The annual cost of registration is one of the largest annual costs that NBTA members are required to pay for their homes.

Q11. If introduced, would the proposed increases make you consider either leaving Environment Agency waterways or giving up boating?

Boat dwellers will suffer the greatest negative impact of these proposed fee increases, because they depend on the waterways for their home and unlike a leisure boater cannot simply decide to give up a hobby.

The fee rises will have a disproportionate adverse impact on the most vulnerable boat dwellers, putting them at greater risk of losing their homes through an inability to pay the higher registration fees.

The majority of boat dwellers are working people on low incomes and retired people on modest, fixed incomes. If they cannot afford the increased fees, the majority will not be able to afford to move off their boats into bricks and mortar, whether rented or bought. Most will end up living in caravans, vehicles, sofa-surfing or on the streets.

The fee increases will be counter-productive, leading to more unregistered boats and more loss of income as boaters, especially boat dwellers, find the increased fees progressively harder to afford over the three years of implementation.

Q12. If we were not to increase charges, some services may have to reduce or stop. We would like to understand what's important to you to help us prioritise the service we provide on our waterways.

NBTA members consider the following services and facilities to have the greatest importance:

Channel dredging and dredging of moorings
Tree and vegetation clearance
Navigational safety advice and assistance
Refuge in flood conditions
Provision of potable water, sewage disposal and rubbish disposal facilities
Lock operation

Q13. Please tell us if you have any ideas on alternative or additional ways that we could/should fund the navigation service we provide?

To keep costs down the Environment Agency should take the following action:

- Restrict its enforcement activities to simply ensuring that boats are registered.

- Discontinue its contract with Thames Visitor Moorings.
- Review outsourcing of repairs and maintenance and bring sub-contracted work back in-house.
- Increase all sources of income identified in Table 2.2 by the same amount, not just registration fees.
- Review central costs in comparison to other similar government agencies to ensure that the Environment Agency is working in the most cost-effective way.
- Adopt a more robust approach to obtaining Government funding to maintain navigation.

In addition, the Environment Agency should employ a Welfare Officer on a similar basis to the Canal & River Trust Welfare Officer to mitigate the impact of the fee increases on the most financially vulnerable boat dwellers who depend on the Environment Agency waterways for their home. This would be beneficial to both the Environment Agency in obtaining registration fee income from boat dwellers who would receive assistance with claims for welfare benefits and related matters; and to boat dwellers who would receive assistance aimed at preventing them from becoming homeless.

Section 3: Any other comments

Q14. Do you feel confident that the Environment Agency is working to secure a sustainable funding future for the waterways we manage?

No. There is a continuing decline in the leisure use of boats and a corresponding growth in the residential use of boats. Some 35% of inland waterway boats are now used as the owner's only, primary, secondary or temporary home according to the 2017 Canal & River Trust survey of boat owners. The same survey demonstrates that the leisure boating population is largely aged over 50 and is thus dwindling, whilst younger generations cannot afford to own boats for leisure. The only way that some younger people can afford to go boating is to live aboard.

The Environment Agency needs to adapt and respond to the demographic change in boat use in order to secure a sustainable future for the waterways it manages. This should include the provision of transit moorings, available for between 14 and 56 days, for Bargee Travellers.

The Environment Agency also needs to ensure that its registration system takes account of the rights of boat dwellers under Article 8 of the European Convention on Human Rights, which have been clarified by the recent Court of Appeal judgment *Canal & River Trust v Matthew Jones* [2017] EWCA Civ 135.

Q15. We really value your feedback on our proposals. Please tell us if you have any further comments and provide as much information as possible to support your answer.

The NBTA notes with concern that boat dwellers are not even mentioned in the consultation. It appears that the Environment Agency has not considered the impact of the steep increases on people whose boats are their homes. Any increase in the cost of boat registration will have a detrimental impact on boat dwellers, some of whom will be unable to afford the increased fees and will lose their homes as a result.

In addition, no Equality Impact Assessment has been carried out on these proposals. The

Environment Agency is a public body that exercises statutory functions as a navigation authority. In respect of these statutory functions, which include boat registration, it is subject to the General Public Sector Equality Duty under Section 149(1) of the Equality Act 2010 to:

- "a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

The Environment Agency has not demonstrated in the consultation how the proposals meet the requirements of the General Public Sector Equality Duty and it has not carried out an assessment of the impact of these proposals on people with the protected characteristics (such as disabled or elderly boaters) defined in the Equality Act. The Environment Agency is therefore in breach of the Equality Act.

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