

What to do if you get a notice under CRT's Improper Mooring Process

Canal & River Trust (CRT) has added yet another layer of enforcement to its already heavy-handed enforcement policy. Inevitably this will impact most severely on Bargee Travellers, who are on the waterways all year round and who will now face the possibility of their boat licences being terminated for mooring in places where CRT has had no issues with them mooring up to now. The Improper Mooring Process has now been rolled out to the whole of CRT waterways and is specifically targeting Bargee Travellers who are mooring for 14 days in the 'no mooring' areas of the so-called 'Safety Zones' in protest against the River Lea restrictions. However it is also being used across the system.

Dave Mendes da Costa, an NBTA activist who is one of the Private Boating representatives on the CRT Council, relayed this information from a meeting between the CRT Council boating representatives and CRT:

A few years ago CRT started trialling its Improper Mooring (IM) process, which it then revised following feedback and criticism from boater representatives. The idea is CRT want to have a standard and consistent approach to mooring practices which create danger or obstruction to the navigation. CRT has always stated to Council representatives that it sees this as an 'education first' process built around communication. CRT defines 'improper mooring' as including mooring on areas marked as 'no mooring', mooring too close to a bridge, mooring on sharp bends and remaining on facility points when not using them.

CRT presented the revised process to boater reps. The process is:

(1) Improper Mooring is spotted by a ranger or other CRT official, 3 photos need to be taken as evidence that the mooring is improper, the ranger on the ground is meant to knock on the boat to have a discussion with the boater and to take other reasonable steps to try and explain the situation to the boater and resolve the situation at this point. A card is left on the boat – this will explain what the issue is. It is likely that a letter or email will be sent separately.

(2) If the issue has not been resolved within 28 days then there is a second warning letter and CRT will move to suspend the licence.

(3) There will then be an investigation to determine next steps including licence termination.

(4) If deemed appropriate, CRT will then terminate the licence. If not, the boater can continue cruising but if they are spotted mooring improperly again CRT may go straight to step 2 and suspend the licence, depending on the severity of the issue. While this process is better than the quick move to termination which the letters sent in error revealed, there remains a significant amount of discretion for CRT rangers and other enforcement staff to determine what they see as improper mooring.

If you find yourself in CRT's Improper Mooring process, it is important to check that the process has been followed properly including asking for copies of the 3 photos and to challenge the application of the process if you think it is being wrongly applied to you, or if the process is being used in a contentious and/or disproportionate way, or if you have moved within the 14 day timescale but CRT is continuing to escalate the process against you. It is also important to have evidence that you have moved in response to an Improper

Mooring notice, such as a dated photograph of your boat in another location, if you have decided to move.

The NBTA is watching the application of this process to Bargee Travellers so please contact the NBTA if you have any concerns about it, especially if you have received Improper Mooring notices for mooring in a place that previously CRT had no issue with.

If you have received an Improper Mooring notice and you are moored on the River Lea in one of the 'No Mooring' areas imposed as part of the so-called 'Safety Zones', please see:

<https://nbtalondon.wordpress.com/2022/01/13/template-complaint-letter-to-safety-zones-enforcement/>

<https://nbtalondon.wordpress.com/resources/river-lea-safety-zones-campaign/>

<https://nbtalondon.wordpress.com/2022/09/13/nbta-londons-position-on-the-water-safety-zones-explained-in-this-handy-pdf/>

<https://nbtalondon.files.wordpress.com/2022/09/nbtal-safety-zones-position-paper-3.pdf>

A Freedom of Information response from CRT in May 2022 showed that the heaviest use of the Improper Mooring Process was on the River Lea in London but that a significant number of notices had also been served in the rest of London and the South East and on the Kennet and Avon Canal. See

https://www.whatdotheyknow.com/request/statistics_relating_to_the_impro#incoming-2046493 and

<https://www.whatdotheyknow.com/request/857108/response/2046493/attach/html/13/FOI%2065%2022%20Response%20Letter.pdf.html>

If you are an NBTA Volunteer Caseworker and you are assisting boaters who are in this process, you may want to advise the boater to check that the process has been followed properly including requests for copies of the 3 photos and to challenge the use of the process where appropriate. Please also let the NBTA know if you see the process being used in a contentious and/or disproportionate way.

Contact the NBTA on 0118 321 4128 or secretariat@bargee-traveller.org.uk or see <https://www.bargee-traveller.org.uk/contacts/>

**National Bargee Travellers Association
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