

<https://tinyurl.com/2fxssjmz>

National user group representing 1500 itinerant liveboard boaters with c2000 additional supporters

This consultation response is from the National Barge 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 does not agree with any of the options stated or with the rationale behind each option. We do not agree with higher fees for boats without a home mooring, or with higher fees for widebeams, or with pricing by boat area, or that an equal inflationary increase should be applied to all licences. The questions are divisive and we object to being forced to choose one of these answers.

The NBTA deals with approximately 200 individual cases each year. At least half of the 200 cases concern itinerant boat dwellers who Canal & River Trust (CRT) has accused of not travelling "far enough" to comply with the law regarding use of a boat without a home mooring. For CRT to claim that boats without home moorings use the waterways more extensively and at the same time target hundreds with the accusation of not travelling "far enough" is disingenuous. CRT cannot have it both ways. If boats without a home mooring are not moving "far enough", then they are not using the network more intensively and are not causing greater wear and tear than boats with permanent moorings.

CRT has not produced any evidence to support its assertion that boats without home moorings use the waterways more extensively. It has not presented any evidence to show that boats without a home mooring cause more wear and tear and damage to the waterways. In fact, many boaters without a home mooring, especially liveboards, navigate within a 20-mile range and only move for an hour or so every 14 days: much less than boaters with a home mooring who typically live in a house and use their boat for holidays, travelling long distances and using waterways facilities intensively when they are on the move. Boats without home moorings do not cost the waterways more. Boats with home moorings can use the waterways to the same extent as boats without home moorings.

Boat licences provide all boaters on CRT's water the same access to the waterway network. All boat licence holders can make equal use of facilities, can moor along the same towpaths and have equal access to locks, tunnels and other navigation structures. It is therefore unfair and discriminatory to target boaters without home moorings, or any other group of private boaters, with a higher fee when their access is exactly the same as all other licence holders.

One section of the boating community should not be targeted above others. Raising fees for boats without a home mooring would be pandering to the prejudice of a certain section of boaters who are the most wealthy and influential. If this was implemented it would fuel and exacerbate the already existing prejudice and hatred against boaters without a home mooring.

It is unfair to ask boaters without home moorings to contribute extra to prop up system that they are gradually being excluded from by chargeable/bookable moorings, the proliferation of less than 14 day stay times, and the widening and surfacing of towpaths that prevent them from mooring their boats. It is unfair to ask boaters without a home mooring to pay more when basic facilities such as water taps, sewage disposal facilities and rubbish bins are badly maintained and more facilities every year become permanently closed.

Proposing an extra charge for boaters without home moorings, a group of boaters which includes the poorest demographic, is unfair. Especially during this cost of living crisis, CRT should pursue all other cost solutions, including donations from wealthy stakeholders, before raising licence fees for the poorest. This will only increase bad debts and result in more unlicensed boats. It will cost CRT more in the long term due to the court costs of Section 8 cases against unlicensed boats.

The boat licence is not a luxury for people who live on their boat without a home mooring, it is essential and the cost cannot be avoided without the risk of losing one's home. Most boats without a home mooring are lived on: due to the fact that only about 1% of moorings are residential, it is the only lawful way to live on a boat. To assume that because a boat is lived on that the owner will have more willingness or ability to pay more amounts to extortion.

CRT has not included any figures in the consultation to show how different groups of boaters will be affected by the proposed fee increases. The consultation does not explain how pricing by boat area will affect boats with a smaller or larger area and there is no information about how an area based charge would be calculated. There is no information about how any proposed increase in fees for boats without a home mooring or widebeams will be calculated or the level of increase under consideration. CRT has not provided any clear breakdown of spending or analysis of how different groups will be affected by the different proposals. However, to raise all of the purported shortfall by targeting the 7,000 or so boats without a home mooring would mean a crippling and unaffordable increase of around £800 per year per boat. CRT has not provided any explanation or justification of why licence fees have to rise at all over 10 years, given that over the past year we have already seen two inflation increases in fees totalling over 10%. In failing to include any costings or cost-benefit analysis, the consultation fails to comply with the Government Consultation Principles 2018, which CRT claims it follows.

CRT claims that It costs them more to support boaters without home moorings, in addition to monitoring and enforcing compliance with the licence terms and conditions. However, if there is any additional cost then this is the result of CRT's own unlawful enforcement policy of requiring boats without a home mooring to travel a range of 20 miles in a licence period and to carry out increasingly draconian micro-management of their boat movements. It could reduce this cost significantly by abandoning its unlawful enforcement policy and practice, and revert to enforcing the legislation that Parliament decided, namely the 14-day limit in any one place. This would reduce by a considerable amount the staff time that CRT currently has to spend on logging boat positions, and sending enforcement letters, and would reduce the cost of upholding boaters' rights and agreeing 'reasonable adjustments' under the Equality Act 2010. In any case, the Equality Act applies to all boaters - liveaboard, leisure, with or without a mooring, so to claim that it costs CRT more to support boaters without a home mooring is simply disingenuous. In any event, CRT does not have the legal power to charge a higher fee for boats without a home mooring. The British Waterways Act 1995 states that a licence may be held either with or without a home mooring.

In reality it is lack of maintenance and hire boats that do the most damage to the waterways. This is especially true of stag party hires which are a big part of all hire companies' business. Stag parties regularly navigate drunk, crash into locks and bridges, damage mechanisms, lock gates and brickwork, churn up mud, damage waterway banks by crashing into them, damage other boats by crashing into them, sometimes deliberately, and harass other waterway users, especially boat dwellers.

CRT claims that its increased costs are partly because of the failure of the Toddbrook reservoir and the Reservoirs Act. Boaters without a home mooring and widebeam owners are not responsible for either CRT and BW historic neglect of maintenance of their reservoirs, nor for the existence of the

Reservoirs Act. To charge either group a higher fee because of the expense of maintaining and upgrading reservoirs is grossly unfair.

---

2

The proposal discriminates against the poorest group of boaters and targets the most vulnerable. CRT should re-evaluate its spending priorities and senior staff salaries and pensions. CRT inherited legislation that requires it to offer use of the waterways without a home mooring on an equal footing to use with a home mooring. Charging more to use the waterways without a home mooring conflicts with CRT's charitable objects in that it removes from members of any deprived housed communities the opportunity to go boating as a leisure activity in an affordable way.

---

3

CRT should drop its unlawful enforcement policy of requiring boaters without a home mooring to travel a range of 20 miles in their licence period and simply enforce the legislation that Parliament passed in 1995, namely the 14-day limit in any one place. This would save considerable expense which CRT currently outlays on enforcement staff time, supporting vulnerable boaters who fall foul of its own policy, and the court costs of removing or attempting to remove liveaboard boats that it claims are non compliant with its 20-mile so-called requirement, but who do comply with the clearly lawful 14-day limit.

CRT should stop wasting money on the so called 'safety zones' on the River Lea and on the contract with District Enforcement to harass boaters who moor there. It should stop wasting money on changes to corporate branding and identity. It should stop spending on third party contractors for consultation surveys, maintenance and enforcement. It should reduce costs by bringing back in house the maintenance functions now outsourced to contractors and done badly, with repairs that routinely fail after a year or two. It should not have sold off its plant and equipment because hiring it is wasting money. It should not be selling off heritage property but instead making money from renting it out. It should seek extra funding from Government for the additional costs incurred because of the Reservoirs Act.

CRT should charge a damage premium to all hire boat companies to cover the cost of damage to the waterway infrastructure. It should seek recovery from the Department of Transport of any uninsured costs of repairing its road bridges and other structures that are frequently damaged by vehicle collisions. It should seek additional funding from DEFRA to mitigate the effects of climate change on its waterways, such as the recent and frequent flood damage to the Calder and Hebble navigation and to the Rochdale canal.

CRT has spent the past four years re-positioning itself as a “wellbeing” charity that claims to enhance the wellbeing of the whole population of the UK – some 64 million people. In the course of this re-positioning, the needs of boaters have been downgraded and neglected – for example, the many so-called towpath “improvements” that have surfaced and widened towpaths. This has benefited dangerous speeding cyclists; walkers, and wheelchair/ mobility scooter users, but has been detrimental to boaters due to the removal or narrowing of the towpath edge that they rely on to moor their boats. Therefore, CRT should not propose to rely on some 35,000 boaters, especially not on the poorest minority of boaters, to fill its funding gap. Instead CRT should devise a method of raising money from the millions of people who live within 5 miles of an inland waterway.

-----

4 CRT has not provided any evidence or figures to support its proposals or its allegations about boats without a home mooring, but in any event the NBTA does not agree to any of the proposals. CRT has not carried out an Equality Impact Assessment of these proposals as it is required to do under the Public Sector Equality Duty. This survey should not be used as a referendum as to do so would allow a majority to override a minority in the interests of personal gain rather than in the interests of fairness. It is CRT's legal duty under the Equality Act to support boaters, and that includes all boaters, rather than increased costs being the fault of boaters without a home mooring. The lack of use of the waterways during the Covid lockdowns resulted in siltation and equipment failure, demonstrating that boats constantly moving around is a benefit to CRT.