



NBTA London

Autumn newsletter 2016

For the community and rights of boat dwellers



Neighbours not neighbourhoods. The last London Mooring Strategy...

The Canal & River Trust (CRT) is currently in the process of drafting a Local Mooring Strategy for the London area. Some of you may remember that 5 years ago British Waterways (BW), CRTs predecessor, initiated a series of local mooring strategies including parts of the London waterways and the Kennet & Avon (K&A).

In late 2010 noises started emerging that BW was looking to place significant restrictions on the Rivers Lee and Stort as well as the Hertford Union Canal.

According to internal documents, BW felt that there were "more boats moored along the Lee than are desirable" (sound familiar?). Despite the plans still being in their early stages the documents show that BW already had a clear view of what the strategy would look like and that it would involve 'neighbourhoods'. There was no consultation with liveaboard boaters.

If history repeats
itself, I am so
getting ~~a~~ dinosaur.
more mooring rings!

By law, boaters cannot spend more than 14 days moored in one 'place' unless there is a good reason. BW wanted to give an interpretation of 'place' by splitting the waterways into 6 neighbourhoods with boaters not being allowed to spend more than 14 days continuously in a single neighbourhood. The Stort was to be split into two neighbourhoods, all waterways south of the North circular were a single neighbourhood (including the Limehouse cut and the Hertford Union) and the Lee to the north was split into three neighbourhoods separated at

Fielde's Weir and the M25. On top of this, BW also planned to designate long stretches (including the whole of the Stort!) as 7 day mooring zones.

BW also wanted to enforce patterns of movement expecting boaters not only to spend time in all of the neighbourhoods but for that to be evenly distributed. Over the course of a year, boaters were expected to spend *no more than 61 days in any one neighbourhood* unless a £20 a day fee was paid. This increased to £40 a day if not paid in advance or on the day. There was also a minimum cruising range of 20km

When this strategy was shared with the boating community there was widespread anger. Many thought the proposals were draconian and had been developed without liveaboard boaters having a chance to voice their opinion. In February 2011 BW launched a consultation but tried to rush it through, giving boaters little time to respond. Of course, our community wasn't going to stand for that.

Turnout at public meetings organised by BW was dominated by hundreds of boaters who expressed their concern at the impact the new rules would have on their lives and the lack of research BW had done. The community rallied and local groups, including London Boaters, worked to debunk the assumptions which BW had made by talking to local residents and waterway users including rowers, canoers and cyclists. The London Boaters group also conducted surveys of boaters and towpath users. This work showed that the assumptions made by BW were wrong and made clear the damaging impact the proposals would have on the liveaboard community. They also highlighted that boaters were seen by



National Demo 16.04.16

many to have a positive impact on the waterways.

In September 2011, against a wave of opposition, BW realised the game was up and announced that it was dropping its plans.

While neighbourhoods were never put into place in London, they were implemented as part of a 12 month trial in 2014 on the K&A. Seeing how BW backed down in London but pressed on with the K&A should remind us that threats to our community spread beyond London. We must work together for all boaters, wherever they may be.

At the end of the K&A trial the strategy was dropped but it was replaced by the current enforcement policy. A policy which has created uncertainty, stress and difficulty in the lives of many boaters.

Many of the arguments used against the Lee and Stort mooring policy (which led to it being successfully rejected by London's boaters) are just as true in the context of the current enforcement policy which applies to us all. The NBTA opposes this policy. By organising and pulling together as a community, as well as building working relationships with other waterway and towpath users, groups such as London Boaters showed that we can make our voice heard and successfully challenge policies where they are unfounded and unfair. **So when CRT publishes the plans for the new London Mooring Strategy, let us remember the strength of our community and the power of our voice.**

Bookable Moorings and Reduced Duration of Stay on Casual Moorings

Does a move from the Canal & River Trust (CRT) to create more opportunities for visitors to the London Waterways come with a caveat that spaces for boat dwellers without a home mooring will be further eroded?

When the subject was presented by CRT in their proposed London Mooring Strategy some of us in the NBTA London (L) branch wondered whether to accept the idea is to sanction the further reduction of mooring space for bargee travellers.

Having requested quarterly meetings with CRT about the London Mooring

Strategy, and having attended our first on 3 August we are still asking this question.

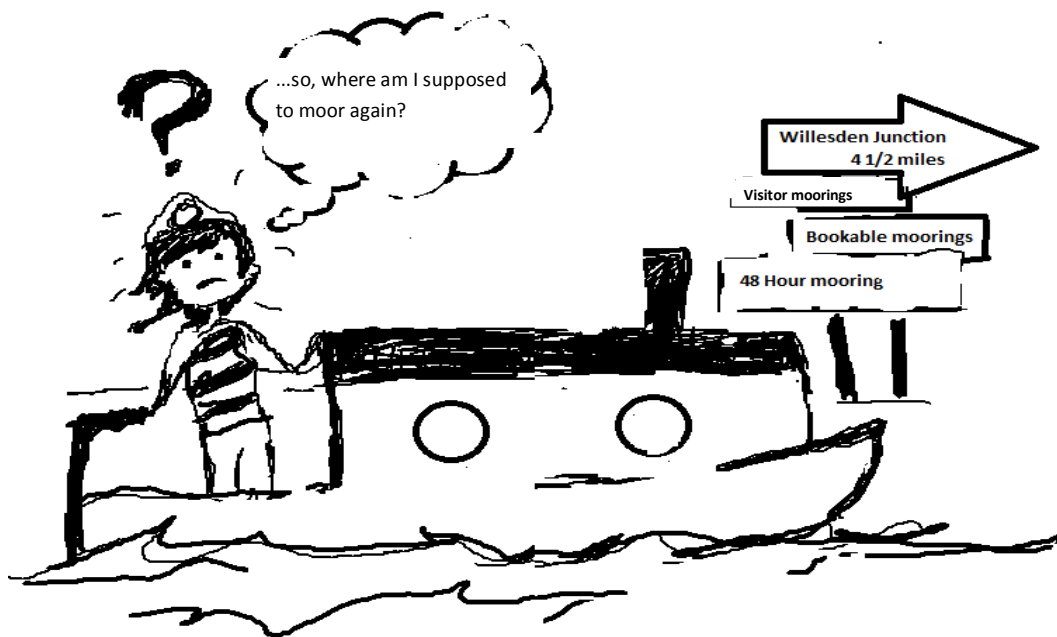
CRT told us which locations they were considering for the bookable moorings. They cited the following: Kings Cross, opposite Granary Square; Rembrandt Gardens (where the current bookable moorings are); Paddington Basin; Rammy Marsh (on the towpath); Limehouse Cut on the towpath or part of new moorings.

NBTA (L) is vehement in its view that if more bookable moorings are to be created, then they would need to be on the offside rather than removing current mooring space on the towpath. We have made it repeatedly and abundantly clear that **under no circumstances do we condone reduction of towpath**

moorings in place of bookable moorings.

It seems likely that CRT will be charging for the bookable moorings. NBTA (L) has stated and will continue to state its opposition to removing spaces from the towpath and then charging for people to moor there. Undoubtedly there will be many bargee travellers who would not be happy with this. Perhaps in reaching a synthesis with CRT, we might propose that new off-side moorings should only be bookable during summer (tourist season) months, leaving the rest of the year with extra moorings for bargee travellers. Furthermore,

NBTA (L) has made it clear that we do not condone under any circumstances the reduction of mooring time, i.e. anything less than 14 days, on existing towpath moorings.



NBTA London Survey. For boaters by boaters.

This survey differs from CRT's survey as we wish to see what improvements can be made on the waterways, specifically for boaters without a home mooring. This survey may be completed by anyone who is using, has used or is intending to use the following waterways for navigation:

Limehouse Cut, Hertford Union Canal, Lee Navigation, River Stort; Regent's

Canal and Grand Union Paddington Arm; Grand Union up to Rickmansworth, Slough Arm.

The results will be used to campaign for improvement of London boat dwellers' needs.



A big thanks to all those who take the time to complete our survey <https://marcus122.typeform.com/to/SrAhJi>

Local housing authorities in England must now consider the necessary provisions needed by boaters.

Since 2009, the NBTA has been lobbying the Department of Communities and Local Government (DCLG) for the inclusion of Bargee Travellers in the statutory requirement of local authorities to assess the accommodation needs of Gypsies and Travellers. Back in April 2009, the DCLG agreed that there was no reason why Bargee Travellers should not fall within the definition of 'Traveller' for the purposes of Section 225 of the Housing Act 2004, which required local authorities to assess the accommodation needs of Gypsies and Travellers. Over the last seven years the NBTA has highlighted the policy vacuum at both central and local government level regarding itinerant boat dwellers.

The Housing and Planning Act 2016 addresses this policy vacuum for the first

time in Section 124. This states that local housing authorities in England must, in their periodical reviews of housing need, consider the needs of people "residing in or resorting to their district with respect to the provision of... places on inland waterways where houseboats can be moored".

This is a significant step forward for Bargee Travellers, bringing them into the orbit of the accommodation needs assessments relating to land-based travellers for the first time and going part of the way to fill the policy vacuum. Unfortunately the provisions of the Housing and Planning Act 2016 are detrimental to the vast majority of people, especially Gypsies and Travellers and people needing or currently housed in social housing. The effect of the Act will dismantle social housing provision, force many Gypsies and Travellers who live on permanent sites back onto the road, and extend the private rented sector and owner occupied housing, benefiting landlords and property owners. NBTA is opposed to attacks from the Housing and



Planning Act 2016 on people's homes. We believe it's important we stand together in the fight for secure homes for all and we have been involved in campaigns for this.

Subsequently we have been in communication with the government over how boat dwellers needs can be accessed. We are seeking to talk to councils to try and get them to help provide for boat dwellers needs. This is one reason why its very important that you fill in the survey shared in this newsletter. The survey will be used to get more of boat dwellers needs met.

Brexit, boat dwellers, evictions and Article 8

HUMAN RIGHTS

The European Convention on Human Rights (ECHR) is one of the few protections that boat dwellers have against eviction. Even though the Convention is separate from the EU, government is likely to try and use the vote to leave the European Union (EU) to try to withdraw from the Convention as well.

A proposal to replace the Human Rights Act 1998, which incorporates the Convention into UK law, with a British "Bill of Rights" and to reform the UK's relationship with the European Court of Human Rights was first mooted by Conservative MPs in 2010.

Articles 6 and 8 of the Convention taken together are the only protection that boat dwellers have against summary eviction without an appeal mechanism. This applies to both Canal & River Trust and Environment Agency waterways in

cases where the route to eviction is through termination of or failure to obtain a licence or registration, under either Sections 8 and 13 of the British Waterways Acts of 1983 and 1971 or under Section 16 of the Environment Agency (Inland Waterways) Order 2010. Without the Convention, this legislation as it is written would enable Canal & River Trust and the Environment Agency to seize and remove boats without any court process whatsoever and with only 28 days' notice.

Article 6 entitles us to a fair trial and to due process; Article 8 entitles us to respect for our homes. This means that boat dwellers are entitled to have the proportionality of removing our homes evaluated by a court and to put a defence. These rights have been reinforced by case law in both the European Court of Human Rights and in the UK courts.

It is vitally important that these protections against summary eviction continue to be available to boat dwellers.

On 30th June, [Rights Info](#) said that leaving the EU "...could have a significant knock-on effect on our human rights laws. And although no-one is talking about it now, it is inevitable that the ECHR and the Human Rights Act will be in play again once the debate turns to the details of an agreement to join the Common Market. If the EU does not offer a deal which would allow the UK to control free movement of people, it would not be surprising if ECHR withdrawal was mooted as a means of reducing immigration instead".

It is vitally important that we act to protect the few rights that our community does have.

CRT state standard 'reasonable adjustment' for boater families expecting children.

CRT has made a public statement on what it considers to be a 'reasonable adjustment' to the cruising pattern of boat families expecting children.

Following a question from an NBTA London representative at a recent CRT User Group Forum, Denise Yelland, Head of Enforcement, said that 'the standard adjustment was now one month before and after the birth with no movement at all and then "reduced movement" up to 26 weeks after the birth. The statement has followed NBTA campaigning on the issue.

The CRT 'reasonable adjustment' policy derives from Equalities law – particularly the Equalities Act 2010 – and CRT have to make 'reasonable adjustments' to the cruising pattern of disabled, chronically ill and pregnant boaters.



We have caseworkers here to help you on matters of licensing, equalities adjustment, the complaints procedure and housing benefits.

Call us on **07974 298 958** or email on nbta.london.caseworker@gmail.com

Available 6-9pm daily (out of hours please do leave us a voice mail and we will give you a call)

Family

MP adopts NBTA policy on itinerant boater families with children

Michelle Donnellan, the MP for Chippenham, has backed the NBTA proposal for reduced cruising patterns for boater families with children. The NBTA and Donnellan met with CRT to discuss. The proposal states that boaters with school age children have a reduced cruising pattern during term time. The expected range is then made up over the school holidays.

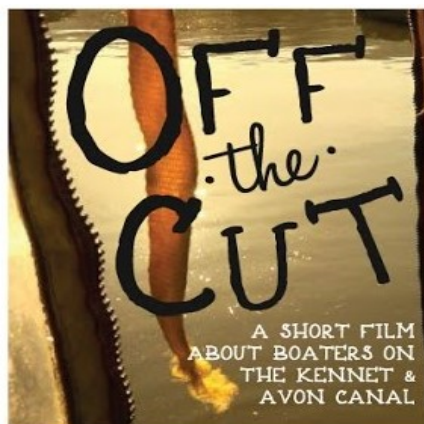
In their most recent statement on the proposal, CRT said that "they had not ruled it out, but that it must be considered carefully to ensure fairness for other user groups."

Fury over 'Neanderthal throwback' article

City Metric, an online news service and part of The New Statesman group, has allowed a right of reply following NBTA London (L) complaint about an article claiming that London boaters carted seriously ill women around in wheelbarrows rather than calling an ambulance and that you can't walk down the towpath without tripping over somebody's belongings, or being knocked over by a boat dwelling cyclist.

A spokesperson for the NBTA (L) called the article "a load of old bollocks" and said that "it makes London boaters look like Neanderthal throwbacks." The NBTA (L) contacted the editor of City Life and agreed a further article as a right to reply. The article, by NBTA (L) member and journalist Michelle Madsen, was published in City Life three weeks later.

National Bargee Travellers Association London, NBTA (L), is hosting a warm winter meal with a film screening of 'Off the Cut'.



The film provides unique insight into a community of boaters living on the Kennet and Avon canal. It follows a family on their pedal powered boat as they embark on a journey in which their way of life, and that of the whole

community, comes under threat. At the event there will be someone from the making of the film to talk about issues shown and there will be a discussion afterwards.

All are welcome to come along and cook with us at 5pm, or you can bring your own dishes. This will be a great event for itinerant boaters to eat together, socialise and openly talk about defending our homes in a warm and friendly environment.

Thursday December 1st at 7pm London Action Resource Centre, 62 Fieldgate St, London E1 1ES

Please book a ticket here: <https://www.eventbrite.com/e/winter-warmer-tickets-27757528515>

