

**NBTA challenge unfair enforcement**

# Advice clinics train boaters' advocates

**M**ore than any other waterways organisation the National Barge Travellers Association is a militant defender of boaters' rights and consistently challenges the more draconian powers assumed by the Canal & River Trust.

It is currently running a series of seminars for volunteers who want to be able to advise boaters who fall foul of C&RT's beefed-up enforcement regime. The Association takes as its starting point the last piece of specific legislation setting out British Waterways, and subsequently C&RT's powers over boaters without a home mooring, pointing out that the act enshrines in law the right to use and live on a boat without a home mooring. Specifically Section 17(3)(c)(ii) of the British Waterways Act 1995 The NBTA says; "Essentially, this means that, in order to be granted a licence for a boat that does not have a home mooring, the boater must satisfy C&RT that they: ♦ use the boat for genuine navigation... ♦ ...without mooring in one place for more than 14 continuous days... ♦ ...unless they have a good reason." It goes on to argue that the Act does NOT: ♦ set a minimum distance that boats must travel during their licence period, or... ♦ ...require boaters to travel progressively in one



**Keep moving is the NBTA's core advice to boaters and, even in London, busy and quiet moorings are often only an hour apart by water direction.**

The Association argues that C&RT's claim that, as well as the 14 day limit, the boat must be on a progressive journey is wrong. C&RT is basing this on the judgement BW vs. Davies in March 2011, but the NBTA argues that the case was heard in a County Court so it did not set a legal precedent. It also argues that boaters who live permanently on their boat have rights under European Convention on Human Rights. Article 8 is the right to have our homes respected and protected from interference. The most recent, revised enforcement process means that boaters may



not discover that C&RT is unsatisfied with their movements until it is too late to change their cruising pattern, according to the NBTA. This is despite an undertaking to Parliament made by Waterways Minister Richard Benyon during the 2012 transfer from BW to C&RT: "C&RT will not

exercise its powers to remove a vessel that is thought to be someone's home without first taking the matter to the county court and obtaining a declaration from the court that the removal is lawful."


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## No rise in licence fee for boats

**After decades of inflation plus increases in the boat licence fee, under both British Waterways and the Canal & River Trust it seems the relentless upwards movement has reached a plateau.**

After a commitment three years ago to only increase fees by inflation, as measured by the Consumer Price Index, the stagnation of the economy has produced a close to zero inflation figure. That led to a brief announcement from C&RT that: "There will be no change to Canal & River Trust boat licences in 2016." The organisation went on to say that it was "good news for boaters" and was in line with the Trust's three-year commitment to limit boat licence fee increases to inflation only until 2016 (based on the August 2015 Consumer Price Index) It is applicable to all private and business boats and Mike Grimes, the newly appointed head of boating, said: "Boats bring life and colour to our canals and rivers and we are committed to offering fair prices to boaters who chose to cruise on our waterways. "Licence fees won't be changing in 2016, and this means boaters' budgets will be able to stretch further. "We hope it will help those who explore our canals and rivers, as well as those who live and work afloat." There is no commitment on prices beyond 2016 and, given the relatively poor economic performance, especially in charity fundraising, some would advise boaters to brace themselves for further inflation plus rises in 2017 and beyond. The new price lists for craft licences from 1 April 2016 will be uploaded to the Trust's website on 1 November 2015.



**Business boats are included in the freeze on licence fees for next year**

## New moorings site is mostly 'buy-it-now'

**T**he Canal & River Trust has launched a new website for the sale of its long-term moorings. The new Waterside Mooring website will show all current vacancies on a map or list and provide photos and details of over 300 mooring sites managed by the Trust. In time the Trust promises, there will be videos of locations to give people a better

feel for the sites. People will be able to add sites to a personalised 'watch list' so that they will be automatically notified if vacancies arise.

**Fixed Price**

As well as giving boaters more information about the moorings available, there will now be a fixed-price Buy-It-Now option for many of the Trust's moorings.

Currently prices seem fixed at close to the old auction guide prices which have been rising steadily for years. In high demand areas there will still be a two-week auction facility for some moorings. It seems likely that sought-after residential moorings will feature heavily in the auctions with many liveaboard boaters concerned

that finding a proper liveaboard mooring will become increasingly expensive. Jenny Whitehall, head of the Canal & River Trust's Directly Managed Moorings, said: "It's a big change from the old site and we hope that boaters will find it much easier to navigate." The new website can be found at: [www.watersidemoorings.com](http://www.watersidemoorings.com).



# Canal & River Trust Council elections?

**T**he Canal & River Trust is a curious and complicated organisation that likes to present itself as a charity with a semblance of democracy – but is there really any point in boaters attempting to get elected to its Council?

Although it has charitable status, the Trust is a not-for-profit company run by its senior management. There is a board of appointed Trustees acting, in effect, as the board of a commercial business and the Council, which is mostly appointed, with a minority of elected positions, has the job of appointing new Trustees and “helping to shape policy, raising and debating issues, providing guidance, perspective and be a sounding board for Trustees,” as C&RT puts it.

### Endorsing

A careful perusal of a report on the first four years of its operation by its Chair, Tony Hales, the man who chaired British Waterways before the switch to C&RT, shows the Council doing a lot of “endorsing Trust policy” and giving a “steer” towards visions and strategies. There is no mention of the Council taking a strong stand against any of the ideas of either the Trustees or C&RT’s senior management and one is left with the very strong impression that, so far at least, the Council has been happy to rubber-stamp the decisions of others. Yet it is not difficult to find lots of boaters unhappy with so many things about the Canal & River Trust, from the lack of maintenance to the frequency of major breaches and stoppages in the holiday season; from an inadequate system of moni-



Tony Hales and Richard Parry with current Council members.

toring the movements of boats to some legally dubious regulations imposed at national and local level. Perhaps it is simply because their voices on the Council have been drowned out? The 40-strong council this time around will have just nine elected members (with an option to elect another from three other, as yet unidentified, constituencies. Just four are elected by boaters, two are elected by boating businesses and one each elected by volunteers, friends of the Trust and employees.

### Special provision

The remainder are appointed, with 13 chairs of the regional Waterways Partnerships, another four representing walkers, anglers and cyclists and the rest going to people representing the historic and natural environment, local councils and others C&RT decides to co-opt. Interestingly, these elections see a special provision made for the Inland Waterways Association or one appointed Council member. During the first elections, four years ago, the IWA used its block vote to swamp the process and all four boater Council members have been IWA sponsored or approved since

then. That has been bitterly described as a ‘hijack’ by a number of boaters who do not believe their interests are accurately or fairly represented by the IWA, especially liveaboard and continuously cruising boaters who are convinced of that organisation’s hostility to their way of life.

### Non-elected

Yet, even if the IWA sponsored boater members of the Council were constantly challenging Trustees and management, it would not necessarily be obvious and their voices would be easily overwhelmed by the non-elected council members. Looking at the structure of the Canal & River Trust it seems a Byzantine organisation, responsible only to the people it chooses. Whilst it has certain obligations to Government if it wants funding to continue, there is no democratic oversight through a minister. Instead there are Trustees, but they are appointed, initially by an internal committee, and later by the Council, acting on recommendations from other Trustees. And the council itself is not democratic as most would understand it, with a majority of appointees. The concept of a member-

ship-based system, similar to the National Trust, with annual meetings where members can hold officers to account and set policy has been rejected by C&RT. Instead power circulates in small circles at the top of the organisation, with one group of unelected people selecting another group of unelected people to oversee the running of the organisation by a management which often goes unchallenged by those set over it. The next Council, with its handful of elected independent boaters – assuming the IWA doesn’t use its block vote now it has a permanent presence on the Council – is really there to present a semblance of democracy, rather than real accountability to the people who fund nearly a third of C&RT’s spending.

### Speaking publicly

As far as I can see there is only one way elected boater representatives have any point on the C&RT council and that is by speaking publicly and often about their concerns and not becoming part of a cosy twice-a-year gathering that spends its time rubber-stamping C&RT’s initiatives. As I read the rules there is no principle of joint responsibility that might gag boater councillors, as Cabinet

responsibility does Government ministers. My vote would go to candidates who promise to report directly back to all boaters, not through the filter of C&RT’s spin doctors but online and through boating

organisations, spelling out what they’ve been doing and their opinions about all the issues that concern boaters. Elect people like that and there might be a point to the Council elections.

## Runners and Riders

**Candidates for the Canal & River Trust’s governing Council have been announced with online voting from mid November to mid December.**

The candidates are standing to represent a number of interest groups. In the Boating section there are eight candidates for four places.

**Steven John Wickes**, a member of Rammey Marsh Cruising Club, says: “I strongly believe that co-operation between CRT and users is essential to maintain our waterways for future generations.

**Stella Ridgway** continuously cruises on NB Gracie. She wants more maintenance and to get boaters views heard on cycling, facilities, moorings and consistent enforcement. She says: “I would encourage CRT not to affect the enjoyment of the vast majority when trying to manage the irresponsible behaviour of the few.”

**Ruth McCabe** has been a CC’er for two years and travel around the south east. She says: “The boating community is welcoming and friendly and the waterways have become my home. Therefore I would love to help in protecting them and the way of life enjoyed by a fantastic group of people.”

**Richard Phasey** tells voters he served as Commodore of St. Pancras Cruising Club for seven years, and is on National Executive Committee of the Association of Waterways Cruising Clubs; as well as the Technical Committee of the Boat Safety Scheme.

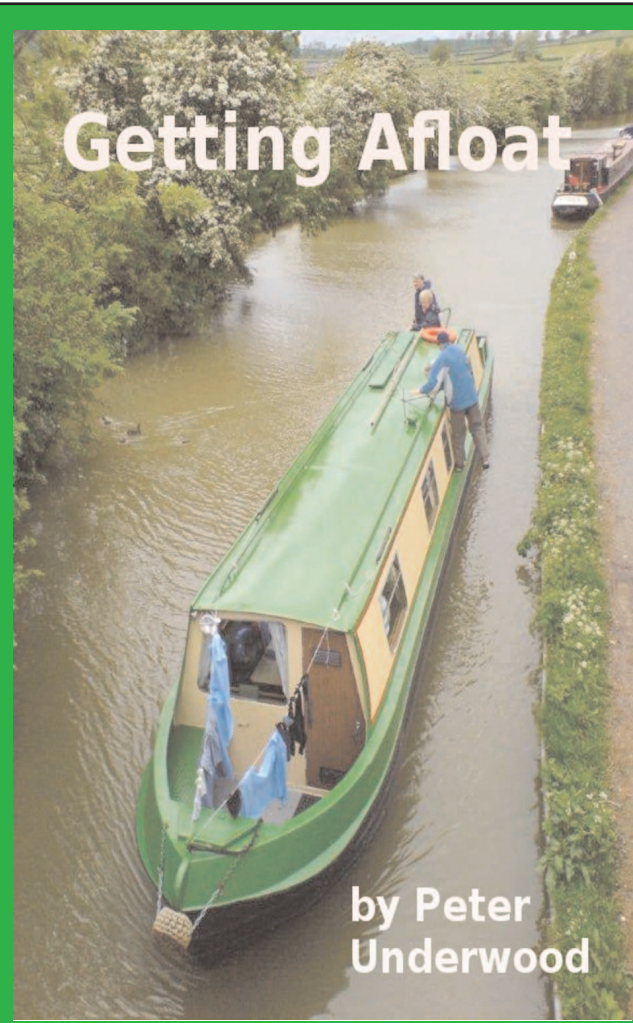
**Vaughan Welch** is a surprise candidate as the Inland Waterways Association now nominates a member of the C&RT council after complaints that the IWA swamped the election four years ago. He is a very active IWA man and chairs their restoration committee. He is likely to get their support.

**Phil Prettyman** comes from the Historic Narrowboat Club and has been an active IWA man, serving on the Central Shires Partnership. He says: “I believe CRT Council must represent the whole waterways community, with boaters’ members striving to ensure that waterways remain fit for navigation, including depth, original features and vegetation management.”

**Jim Owen**, ex-Chairman of the RBOA and Benefits and Legal advisor in the RBOA for three years. says: “I would like to see and fully support ANY motion that would bring a fairer and more commonsense approach to the way CRT is connecting with boaters.”

He adds: “We need the scrapping of the distance regs for CC’ers as it is obviously unenforceable without a proper way of logging movements.

**Roger Stocker** is a boater based on the Slough Arm. He says: “Unfortunately these facilities have yet to catch up with demand and CRT needs to look at different ways of delivering services to all communities and ensuring general maintenance is not forgotten.”



## Starting a boating life?

Getting Afloat is written by author and journalist Peter Underwood who has owned boats for 20 years and lived on board his 58ft narrowboat for the past dozen years.

He takes you through all the basics you need to know when buying your first vessel to cruise the magical inland waterways of Britain.

From affordable GRP boats to expensive wide beams the choice is bewildering, but this simple e-book makes sure you think about all the basics.

“It is really more about you than the boat,” says the author.

**Getting Afloat** is only available in e-format and you can buy it here:

<http://www.amazon.co.uk/dp/B00IWVDN80>

## The Floater

Written designed and published by News Afloat - a unique boat-based publisher travelling on the British inland waterways.

The Editor is Peter Underwood and all contributions, suggestions and questions should be directed to him at: [peterunderwood2@gmail.com](mailto:peterunderwood2@gmail.com)

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# NBTA advice tells boaters how to keep their homes

Continued from page one

The NBTA has some general advice for boaters wanting to avoid enforcement action and it is worth repeating it:

## Tips

It is important for boaters to be aware of the steps they can take to avoid overzealous enforcement. The following are useful tips for all liveaboard boaters, even if they are not currently being targeted by C&RT.

## Keep moving

The only things that boaters without a home mooring have to do to comply with the law is have a valid licence and move every 14 days. If a boater needs to stay in a place for longer than 14 days then it is vital that they let C&RT know to avoid getting a reminder. Boaters that receive three reminders in three months will not be able to renew their full licence when it expires. They would find it more difficult to defend themselves from enforcement, as they would not be able to prove that they had complied with the law. This would reflect negatively on the boater if it went to court.

## Keep a log

The accuracy of C&RT's data collection can't be relied upon, therefore it is a good idea for boaters to keep a log of their boat's movements, with dates and as much supporting evidence as possible. Some boaters take photographs of their boat with a



**Keep a log and take pictures of your boat wherever you go - this is central Birmingham.**

digital camera or their phone every time they arrive in a new place, which is useful because these devices record the date automatically. Other evidence can include:

- ◆ receipts from a boatyard that prove the boat was at a particular place
- ◆ GPS log
- ◆ letter from someone who witnessed the boat in a particular place
- ◆ temporary licence or mooring permit from another navigation authority such as the Environment Agency,
- ◆ other proof that the boat was not on C&RT waterways

## Keep in touch

However tempting it may be, ignoring letters, texts or emails from C&RT causes more trouble in the long run. If a boater receives a reminder or C&RT refuses to renew their licence for

12 months, it is usually safest to comply with their requirements for the time being if possible and make a separate formal complaint.

## Keep correspondence

The best way to communicate with C&RT is in writing. This applies to anything, from informing them of a need to overstay to replying to a text, letter or email. It doesn't matter whether a boater uses post or email, although email is most effective as it automatically provides an electronic record. Boaters should also keep all correspondence from C&RT, including texts if possible. If a boater has to discuss something over the phone or in person, they should follow up with an email repeating what was said or agreed, and ask C&RT to respond. That way both the boater and C&RT have a firm record of what was said,

who said it and when it was sent.

This is useful if the boater needs to defend themselves against enforcement in the future. Make sure C&RT know you live on your boat. If a boater receives any enforcement communications from C&RT, it is important that they immediately inform C&RT that they live on their boat. Otherwise there is a possibility that if the enforcement process escalates, the boat may be seized without going to Court. C&RT has an internal checklist before serving a Section 8 that includes checking whether the boat is lived on, but C&RT has occasionally seized boats "believing" them not to be lived on.

**Next month:** What to do if it happens to you.

## Lots of Voles?

Six months ago, the Canal & River Trust asked the public to join the battle to stop one of the country's best loved and most threatened species, the water vole, from becoming extinct.

Analysis of water vole sightings by the Trust, dating back to 1970, had highlighted an inexorable decline in the species over the last 45 years.

The British public responded and took to the country's waterways to spot and submit sightings of water voles, among other species, as part of the Great Nature Watch campaign.

Water voles were the most spotted species, with 428 recorded sightings across the country, demonstrating that these waterways provide excellent opportunities to see these shy and elusive species of conservation concern. Keen spotters also submitted 196 sightings across the region of species such as butterflies, herons and kingfishers.



**The Water Vole - there were 428 sightings in six months around the waterways**

Mark Robinson, ecologist for the Canal & River Trust, says: "This was a fantastic citizen science experiment. The high number of people who took part and the extensive number of species from such a variety of habitats spotted, demonstrates what a diverse and accessible place our waterways are to experience nature up close."

Mark continues: 'Having received such a high number of water vole sightings is really good news and knowing where they are distributed is fundamental in helping the Trust's experts monitor them, and maintain and protect their habitats to help halt their decline.'

"That's why these records are so important to the Trust for all species, and we want people to continue to submit sightings.'

The campaign received nearly 4000 sightings from 866 individuals in total, of 163 different species on the canals and rivers across the country, between May and October 2015.

Other significant sightings included the number of Little Egret recorded. This small white heron is a new phenomenon; it is a new coloniser to the UK from the continent, only arriving in the late 1990s largely due to the warmer weather because of climate change.


The survey also showed sightings of several species of bird that are of conservation concern, such as the Red List Bittern, Common Scoter, Reed Bunting, Starling, Yellow Wagtail, Dunlin, Lapwing, Lesser Spotted Woodpecker, Linnets and Marsh Tit, demonstrating the value of the waterways to species that are suffering severe declines.

The Trust's Great Nature Watch asked people to visit their local canal, river, reservoir or lake and record sightings of all the other wildlife they see.

A fun activity to do with the family, the Trust says it really helps them to monitor the wide variety of precious wildlife that the waterways are home to.

The six month campaign is now closed, however people can continue to submit sightings via the eNatureWatch app for Android and iPhones for the Trust to use.

# Living Afloat



By Peter Underwood

## Full-time afloat?

Living Afloat is another guide by author and journalist Peter Underwood that draws upon his experience of living on his narrowboat for the past 12 years.

Whether you plan a liveaboard life in a marina or constantly travelling the 2,000 miles of canals and waterways, this book will help you become an old hand. An unromantic look at the realities of living in a steel box just 60 feet long and seven across should help the novice discover whether they are yet ready for a 1950s lifestyle. With five new liveaboard boaters entering London every weekday this book could help a lot of people come to terms with a life afloat.

**Living Afloat** is only available in e-format and you can buy it here:

<http://www.amazon.co.uk/dp/B006Z57LUQ>



# Winter is best for boating but what about the leaves?

Boating Basics - this month - dealing with leaves in the cut



**O**ne thing that makes winter cruising that little more difficult is the autumn leaves. November is the start of the best part of the year for boating for many – not a green and summery experience, granted, but a different type of beauty as the leaves change and fall and new views open up beside the canal. But those leaves clog the boat’s propeller - brought into the vortex under the stern as the water is sucked past the boat. Inexperienced boaters will often be slow to realise what’s happening and when they check the weedhatch they will find it

strangely clean. What’s more the boat will run perfectly well again for a few hundred yards. Along with Canal & River Trust’s extensive closure of locks the leaves cause even experienced boaters considerable frustration. Simon Jenkins, who runs Norbury Wharf, a boatyard on the Shropshire Union, has been a boater for decades and he, too, is in no doubt that it is one of the best times of the year. “What a bloody shame we have a cruising season, winter boating is the best,” he insisted.

**Operational**

In fact he is so convinced that he keeps some of his hire fleet operational

through the winter so that hirers can get the feel of winter aboard. “We still hire some of our hire boats out throughout the winter months, mainly those fitted with solid fuel stoves, the prices are cheaper, there are less people around, and the stoppages this year are pretty good until after Christmas,” he explained. But what about those leaves? Simon explained: “The Shroppie, is one of the worst canals for this because there are so many deep cuttings and the trees grow so thickly that they meet in the middle in many places. “It is a bit like leaves on



Autumn leaves love gathering around your propellor and slowing the boat

the railway track - it slows progress down and if unchecked can make your engine overheat and use more fuel. “The solution is fairly easy, though, as you feel the boat slowing down, just take it out of gear and let it coast for a while. Without the propeller turning the leaves will usually just fall away and when you put it back into gear give it a bit

of throttle to clear any remaining. If it is very stubborn, put the engine in reverse briefly before going forward with a burst of power. “It’s a bit of a nuisance,” said Simon, “but all those trees are a magnificent sight in every season of the year and there is nothing to match their autumn colours.”

## More mooring confusion

Canal & River Trust’s strategy of creating loads of new winter mooring sites, substantially increasing the cost, while shortening the time they are available seems unlikely to bring in lots of income, but it won’t be aided by choosing some odd locations and not understanding whether boats can actually moor there.

The West Midlands is a prime example with winter mooring sites in areas where boats rarely choose to moor, on the BCN backwaters and in spots like the Old Main Line west of Factory Locks, which they describe as Bloomfield Visitor Mooring but which has not been a popular spot ever, as it is surrounded by derelict industry and the estates of Tipton.

Then there is the only usable stretch at Caggy’s Yard on the New Mainline - between the yard and the bridge to the east, the edge is too shallow anywhere else – where the whole stretch was labelled winter mooring permit holders only. When queried with C&RT they initially insisted they had only taken 50%, but swiftly realised their mistake and moved the signs.

At the same time the signage says “Winter Permit Holders only” whilst the national policy on winter moorings clearly says anyone can use the sites but those paying for a permit have priority.

There may not be many of those as not only has the cost risen from just over £10 a metre and month in so-called prime spots to £13.50 but those prime spots in urban areas are often less than welcoming with sites like Merry Hill placing boats on an exposed embankment with views of a shopping mall.

It will be interesting to see the financial results of what looks like an exercise in greed.

# Happy 200th birthday L&L

**T**he bicentenary of the completion of Britain’s longest single man-made waterway, the Leeds & Liverpool Canal, a key element in the original Northern Powerhouse, is under way.

The canal was finally complete in October 1816 and local organisations are ready for a year of celebration.

There is a heritage mile marker project, a new choral symphony, the pioneering Desmond Family Coast to Coast Canoe Trail, the Super Slow Way arts project and dozens of festivals and events along the canal’s 127 mile route.

The Canal & River Trust, the Leeds & Liverpool Canal Society, the Inland Waterways Association and the 12 boroughs through which it travels are all contributing.

The events will culminate in October 2016, with heritage education boat, Kennet, run by the Leeds & Liverpool Canal Society, re-creating the first complete trans-Pennine journey along the canal by the merchants of Yorkshire and Lancashire 200 years ago.

The original five day journey in 1816 represented a triumph of grit and determination after numerous debates about the exact route of the canal.

Construction began in 1770 at either end and by 1777 the canal was open from Leeds to Gargrave and from Liverpool to Parbold.

At this stage the money ran out and worked stopped until 1790. The route was then altered to take in the growing industrial towns of East Lancashire but it was not until 1816 that the last section between Wigan and Johnson’s Hillock,



Old black and white photo showing a celebratory boat trip in Blackburn

near Chorley, was finished, finally creating a trans-Pennine link between the two great cities.

In its heyday, the canal carried cotton, coal, wool, limestone, sugar and other vital commodities through the rapidly expanding industrial communities of Lancashire and Yorkshire. From the Second World War onwards, it suffered declining cargo traffic and narrowly escaped closure in the 1970s.

Chantelle Seaborn, local waterway manager with the Canal & River Trust, said: “To leave a lasting legacy, we will be

launching a major project EveryMile-Counts in November to replace the missing or severely damaged mile markers which have been lost from the canalside over the last two centuries.

“We are very excited to work with local communities who want to be involved with refurbishing or replacing mile markers, and are looking for sponsors who would give £200, in our 200th year, to help with this important legacy project.”

Mike Clarke, Leeds & Liverpool Canal Society president and canal historian, is publishing an updated version of his book

“The History of The Leeds & Liverpool Canal” and will be giving several illustrated talks during the year.

He said: “It was the opening of the Leeds & Liverpool Canal which encouraged the development of the textile industries in Lancashire and West Yorkshire. For many years, they were the mainstay of Britain’s economic development so the Leeds & Liverpool can rightly be said to be the most historically significant canal in the country.”