**Continuous Cruising**

**A Paper produced by the Committee of the**

**Residential Boat Owners’ Association**

**1. Introduction**

This paper redefines the RBOA policy regarding Continuous Cruising (CC) in the light of current developments. It is in no way a change from our basic position which has always been that we;

*support boaters who comply with current rules and bye-laws relating to Continuous Cruising*

CC has clearly risen in the agenda of Canal & River Trust (CRT) and we believe that an equitable and workable solution must be found for the benefit of all waterways users. We need to consider the real needs of residential boaters; those whose intent is to cruise continuously and those who wish to live afloat but remain predominantly in one place. We recognise that recently with the need to focus on the negative areas, RBOA has perhaps not been sufficiently vocal in supporting and promoting the needs of its members who undertake CC in a compliant and responsible way.

The term *continuous mooring* has recently come into use as a somewhat derisory term for those who declare themselves as CC but do not comply with the requirements. This is a somewhat unhelpful term and in this document we will refer to non-compliant CC.

Coincidentally this paper has been completed at the same time as CRT’s *Towpath Mooring Plan for the Kennet & Avon Canal West of Devizes.* Although it contains relevant comments, the RBOA has not produced its paper to be either supportive or critical of the *Towpath Mooring Plan,* to which it will respond as appropriate.

This paper was formally approved by the RBOA Committee at its meeting on 25th September 2012.

**2. The Situation to Date**

The CRT (BW) document *Guidance for Boaters Without a Home Mooring* is appended to this paper for guidance and includes useful notes on the legal situation appertaining to CC.

CC is dealt with in Section 17 of the British Waterways Act but, as with all statute requires interpretation. They key points are *use of the vessel bona fide for navigation* and *without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances.* CRT considers that is has responsibility to interpret the statute and has produced the above Guidance which is considered to have equal standing.

There is an assumption that all those who continuously cruise are residential boaters. This may be an obvious point although we are aware of leisure boaters without a home mooring who cruise during the weekend and then moor legally or in some cases overstaying, to return to their home and work for the week. It is also worth noting that CC is just one of a wide range of cruising patterns including those who cruise extensively during the summer and pay for a winter mooring. CRT should support all of these; it is a constitutional objective of RBOA to encourage those who live afloat to cruise.

We are pleased that CRT is improving its data input to help identify the extent of the problem. Of the 34,000 (all approximate figures recorded June 2012) boats licenced on their waterways 4,400 are declared as CC. Of these approx. 2,000 have been recorded as, in the opinion of CRT, not moving a minimum distance to justify CC. That is a significant number although it does not justify the ‘nearly all..’ comments that we hear, the 2,400 who follow CC responsibly and legally are entitled to follow their chosen life style without harassment from other waterways users.

**3. Perception**

There is a widely voiced perception by boaters in general that non-compliant CC reduces their experience of the waterways, primarily by making it difficult to moor at popular locations and by producing extended lengths of on-line moorings. There may be some impact here but there are other issues contributing to these concerns. By definition popular moorings e.g. close to amenities will always be limited particularly in the cruising season and boaters have to arrive early to ensure a space. It is our experience that most non-compliant CC boats tend to keep away from such locations as they don’t want to be easily identified.

Similarly long lengths of permanent moorings (e.g. the recent increase in ‘end of farmer’s field’ moorings on the Shropshire Union) contribute to the annoyance factor. It is CRT policy to pro rata reduce on-line moorings as new marinas open but we are not clear how successful this is. Generally moored boats add to the interest and visual aspect of the waterways but it is a matter of extent. We suggest that up to 10 boats on-line is beneficial, many more than that may reduce the visitor’s experience.

The issue as identified has to date been confined to specific parts of the waterways system, not surprisingly to the south of the Country for instance on the approaches to Oxford, Bath and London. The last of these is possibly becoming the main concentration with the demand for people to live near the conurbation and the problems in finding affordable housing there.

However there is clearly a concern from boaters that similar practices are spreading throughout the Country.

**4. Enforcement**

There is a widely held opinion that *“the rules are there, all that CRT needs to do is enforce them”.* That may have been the case 10-20 years ago but enforcement has not been sufficient and we are now in a situation where this alone will not resolve the problem. Recent CRT reports indicate that enforcement requires considerable resources concentrated on problem areas and that the result is very marginal movement by the boats targeted. The issue is probably that many of the boaters targeted actually want or need to stay in one place and will therefore reluctantly move the minimum required. They may settle in another location where there is less pressure or return to their favoured location when the enforcement pressure is taken off. All the debate on how often and how far they must move (including the complications such as return journeys) is largely irrelevant to these boaters; they want to stay in one place.

Enforcement will always be a necessary part of the overall strategy but we suggest that other solutions should be progressed. This will allow the enforcement resources, including legal action to be concentrated on the small number of boaters who refuse to take up any of the alternatives offered.

Until progress can be made in addressing the problem of non-compliance, it is suggested that greater efforts should be made to apply checks on new CC licence applications. Under the Act, applicants have to satisfy CRT that their life style will enable them to comply with the Guidance.

This is recognised as a difficult subject, with possible human rights implications but should be implemented. If nothing else, the indication that strong enforcement action may be taken could discourage those who have no intention of complying. It is suggested that as well as signing to confirm that they accept the CC Guidelines, new applicants should be required to maintain a simple pro-forma log (giving mooring location and dates from…to…) to be submitted with their first annual renewal.

**5. Minimum Cruising Solutions**

There has been considerable discussion with CRT regarding the option of facilitating CC over a specific length of waterway (e.g. the Rivers Lee & Stort or the western end of the Kennet & Avon). Movement would be required every 14 days or other period as determined and could be between defined mooring locations, possibly requiring a charged permit. The benefits are that it could be seen as a minimal compliance with the CC rules and at least there would be a perception by other users that some movement is being enforced. It would also mitigate against boaters taking up residence in one place as evidenced by their belongings spreading over the towpaths or surrounding areas. If a mooring permit has to be obtained this will facilitate control and allow a limitation on allowable numbers to be applied to a waterway or section of waterway.

There is some evidence from previous attempts at a similar solution (e.g. the ‘agenda 21’ moorings on the Oxford Canal) that boaters gradually decide on their favoured location and change moorings less frequently. In the long term they may simply become permanent moorers.

**6. Mooring Solutions.**

**Area mooring permit**- As noted above, this has also been referred to as a roving mooring permit. This would give the holder the right to moor for up to a designated period at any of the specific mooring locations on a waterway or length of waterway. RBOA supports CRT in using this process to deal with existing non-compliant CCs in areas with overstaying problems rather than opening it out generally to others.

**Permanent affordable moorings**- Some of those currently with no home moorings may well consider this if in the right locations. Sites should be relatively small, as an indication less than 12 boats, and with minimum essential services that can be set up at low cost. Sustainable solutions including wind and solar power to minimise infrastructure costs could well be considered. Various options are being investigated on the Lee & Stort under a Social Enterprise initiative, Birmingham Canal (BCNS) and elsewhere. As residential moorings, planning approval would have to be obtained but many Local Authorities are becoming more receptive to this following the statement by the Housing Minister.

**Marina Moorings**- With the changes in the boating market many marinas have vacancies and are becoming more receptive to residential moorings. These would be at considerable additional cost to moorers depending on the location and services offered. There is still some reticence by marina owners to go down this route because of the need to obtain planning approval and the perception that residential boaters may cause management problems. The requirement for residential boaters to register for Council Tax may also mitigate against a take up. RBOA will continue to campaign for a more sensible approach to Council Tax for residential moorings but this appears to require primary legislation.

**Affordability**- One issue is the lack of understanding amongst residential boaters of their rights to obtain housing benefits when applicable, towards their mooring costs. We need to improve information about this, BW always maintained probably rightly that it was not a housing provider and had no obligation to assist boaters with this. Under CRT perhaps this can be reconsidered as the ability to recover mooring charges could result in a valuable income to the waterways.

**Local Authority Support for Residential Moorings**- RBOA to encourage, support and offer to assist CRT in getting out to local authorities and in submitting responses to Local Plans. Work to be done with local authorities to encourage them to look favourably on residential moorings.

**7. Conclusion and Proposed Action for RBOA and CRT**

1. CRT to give greater consideration to new applications for continuous cruising licences possibly with a requirement to maintain a simple pro-forma log.

2. Progress minimum serviced/ low cost residential moorings in suitable locations. RBOA to continue to assist with this and to support applications for residential use.

3. Continue our efforts to encourage all marinas to include a percentage of residential moorings. CRT’s Marina Development Unit to encourage the inclusion of residential berths in Planning Applications for new marinas. RBOA urges CRT to add an Addendum to the MDU document requesting potential developers to seek Planning Approval for some residential berths to be included in any development.

4. Linked to above items 2 & 3, ensure that residential boaters are aware of their rights to obtain housing benefits towards mooring fees and licences where appropriate, even if they don't have a formal residential mooring.

5. RBOA to continue campaigning for a more reasonable approach towards payment of Council Tax through a lower band or conglomerate valuation of a length of moorings.

6. CRT to consider a local mooring permit for specific locations to encourage progressive journeys even if they are only over a relatively small area between designated moorings.

7. Improved enforcement- If a range of cruising or mooring options is offered, CRT could focus enforcement on those who blatantly refuse to comply. Peer pressure may have some influence if alternative options are available.

8. RBOA to work with CRT in encouraging local authorities to look favourably on residential moorings.

9. RBOA to consider ways of increasing promotion and support for the interests of those who choose to continuously cruise in a legitimate and responsible way.

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