

Questions for the written statement by SDMHA

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3.54 Against a wider definition of those who aspire to culturally appropriate accommodation but have ceased permanently travelling, the need is identified as 42 pitches in the GTAA (plus 1 additional pitch for undetermined need).

Additionally, the 2016 Housing and Planning Act at Section 124 requires that the needs of assessment of pitches on which caravans can be stationed and moorings for houseboats as part of a robust assessment of the housing needs of those who do not want 'bricks and mortar'. In accordance with NPPF paragraph 61 how would these housing needs be met in Southwark? Would the approach be justified in terms of the Equalities Duty?

In accordance with NPPF paragraph 61, how would these housing needs be met in Southwark? Would the approach be justified in terms of the Equalities Duty?

South Dock Marina is located on the south side of the river Thames and is the only central London marina with an integral boathouse. The marina is spread across two converted docks, South Dock, Greenland Dock and South Dock Boat Yard. Southwark Council has owned and operated the marina since 1996.

The New Southwark Plan is not legally compliant with the statutory duty under section 124 of the Housing and Planning Act 2016 because an assessment of pitches on which caravans can be stationed and moorings for houseboats has not been conducted to provide evidence for the formulation of the local plan.

- For the purposes of this discussion the term "Houseboat" shall follow the definition found in the Housing and Planning Act 2016 Provision 124 Section (1) subsection (4) "houseboat" means a boat or similar structure designed or adapted for use as a place to live."

The New Southwark Plan has not been positively prepared or justified in respect of the needs for those who live on house boats in the Borough of Southwark. The statement plan has not been positively prepared because there has been no assessment of need to underpin any policies relating to house boat dwellers. More specifically there has been no assessment of need to underpin the current position which is that of no policy at all in respect of house boat dwellers, or protection in respect of where our house boats are currently moored with valid residential and leisure licenceslicenses.

We refer to the '*Draft guidance to local housing authorities on the periodical review of housing needs*' which states "*the periodical review of housing needs under section 8 of the Housing Act 1985 is a statutory requirement on local housing authorities. This requires local housing authorities to assess and understand the accommodation needs of people residing or resorting to their district. It includes the duty to consider the needs of people residing in or resorting to a district with respect to sites for caravans and the mooring of houseboats is part of that requirement.*" This draft guidance is at Appendix 1. We are not aware that Southwark Council have ever done an assessment of need for boat dwellers within the municipal authority.

We also refer to the Best Practice Guide for Boat Dweller Accommodation Needs Assessments under Section 124 of the Housing and Planning Act 2016 published by the

National Bargee Travellers Association in March 2019 (which is exhibited at Appendix 2²)

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We submit that there must be **additions made** to the plan, and we would hope to see our site protected as the largest marina and boat yard in the borough, which is home to **over 100** households. We await Southwark Council's policy position in this regard so that we may submit amendments, if necessary. We speak on this issue from the perspective of the Berth Holder Association we run, the details of which have been provided in our consultation response.

As an association, we represent all users of the marina and boat yard. We have year on year annual licenses , but no security of tenure. We would like to investigate the potential to align our tenancy arrangements with more recognised contracts such as assured short hold tenancies (AST's).

3.55 Can the plan be found sound in the absence of a wider caravan/houseboat assessment, having regard to the update paper [EIP78] and the LPAs Local Development Scheme (LDS) which refers to 'annual amendments' (plan review) including specifically in relation to gypsy and travellers now that the latest LDS [document EIP66a (was OCRO0002)] has removed the proposed 'Gypsy and Traveller' DPD?

There is no mention of the needs of house boat dwellers in the aforementioned documents, therefore the plan is not sound.

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Department for
Communities and
Local Government

Draft guidance to local housing authorities on the periodical review of housing needs

Caravans and Houseboats



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March 2016

ISBN: 978-1-4098-4793-9

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Introduction

The Government is keen to see fairness and transparency in housing with all sections of the community treated equally.

The periodical review of housing needs under section 8 of the Housing Act 1985 is a statutory requirement on local housing authorities. This requires local housing authorities to assess and understand the accommodation needs of people residing or resorting to their district. It includes the duty to consider the needs of people residing in or resorting to a district with respect to sites for caravans and the mooring of houseboats is part of that requirement.

This guidance aims to provide advice on how to consider the needs of such people where they differ from those of the settled community. While we recommend that the basic principles outlined here should be followed, the exact approach will need to be adapted to local circumstances.

An understanding of the need for caravan sites and moorings for houseboats is essential to make properly planned provision and avoid the problems associated with ad-hoc or unauthorised provision. A comprehensive consideration of needs and strategy to meet the need identified will greatly strengthen the ability of local authorities to respond swiftly and firmly to inappropriate unauthorised developments and encampments.

Who should use the guidance?

The guidance is provided for those within local housing authorities who have responsibility for undertaking, arranging or commissioning the accommodation needs assessments.

Assessing the need for caravans and houseboats

When considering the need for caravans and houseboats local authorities will need to include the needs of a variety of residents in differing circumstances, for example:

Caravan and houseboat dwelling households:

- who have no authorised site anywhere on which to reside;
- whose existing site accommodation is overcrowded or unsuitable, but who are unable to obtain larger or more suitable accommodation;
- who contain suppressed households who are unable to set up separate family units and
- who are unable to access a place on an authorised site, or obtain or afford land to develop on.

Bricks and mortar dwelling households:

- Whose existing accommodation is overcrowded or unsuitable ('unsuitable' in this context can include unsuitability by virtue of a person's cultural preference not to live in bricks-and-mortar accommodation).

Are there particular groups who have a need for caravans and houseboats?

This guidance is concerned with all those who have a need to live in a caravan or houseboat whatever their race or origin. It includes, but is not restricted to, barges, Romany Gypsies, Irish and Scottish Travellers, new-age travellers and travelling show people.

Romany Gypsies and Scottish and Irish Travellers are recognised ethnic groups who have needs relevant to their ethnicity and culture, and all the duties on public bodies under the Equalities Act 2010, Human Rights Act 1998 and relevant case law apply.

How will assessing the needs of particular groups differ from the needs of the rest of the community?

The needs of those residing in caravans and houseboats may differ from the rest of the population because of:

- their nomadic or semi-nomadic pattern of life;
- their preference for caravan and houseboat-dwelling;
- movement between bricks-and-mortar housing and caravans or houseboats;
- their presence on unauthorised encampments or developments.

Mobility between areas may have implications for carrying out an assessment. Local authorities will need to consider:

- co-operating across boundaries both in carrying out assessments and delivering solutions;
- the timing of the accommodation needs assessment;
- different data sources .

Travelling show people also have different accommodation needs. Account should be taken of the need for storage and maintenance of equipment as well as accommodation. The transient nature of many travelling show people should be considered.

Carrying out the Accommodation Needs Assessment

Engagement

We strongly recommend close engagement with the community throughout the whole process. Many members of these communities are hard to reach and have poor levels of literacy.

It is important therefore that the purpose of the work is fully explained to travelling communities before the assessment begins. A community liaison group could be formed for this purpose, with the help of representatives or a steering group, which could also provide advice on other matters, including the conduct of the assessment itself. They could also help interpret and comment on the results emerging from the assessment, the conduct of a specialist survey where undertaken, and generally help encourage greater trust and community buy-in for the overall process.

Existing data sources

The data available for those residing in caravans and houseboats may not be readily available in other data sources for the rest of the community. The following may assist local housing authorities in identifying caravans and houseboats:

- Caravan count data maintained by the Department for Communities and Local Government – eg number of caravans and the types of site on which they are located
- Site management information – e.g. site waiting lists; pitch turnover; length of licenses; transfer applications; mooring licenses.
- Information on private authorised sites and moorings – numbers permitted on each site; type of planning permission; restrictions on occupancy
- Information from recent applications, whether successful or unsuccessful, or enforcement action
- Data from other service providers – e.g. health and education
- Information gathered by traveller groups or representative bodies e.g. the Showmen's Guild, the Traveller Movement, or National Bargee Travellers Association.
- Data from surveys of accommodation needs.

Conducting a specialist survey

A crucial objective of the survey process is to identify and interpret those aspects of caravan and houseboat accommodation need that are less well understood. This can often manifest itself in the case of unauthorised and private authorised sites and bricks-and-mortar housing. Special effort may be needed to ensure that a similar amount of evidence is available as for local authority owned sites for which more information may already be available. This may imply higher percentage sample size coverage.

We therefore recommend that the local housing authority or partnership conduct a specialist survey and / or qualitative research to obtain further more detailed information.

Making use of the Accommodation Needs Assessment

Current need

The data collected through the accommodation needs assessment process should enable the local housing authority or partnership to derive overall figures by which to identify accurately the current levels of households and the accommodation needs for caravans and houseboats existing in their area.

It should be possible to identify:

- the number of households that have or are likely to have a specific need to be addressed, either immediately, or in the foreseeable future;
- a broad indication of where there is a demand for additional pitches or moorings;
- the level and types of accommodation required for this need to be suitably addressed (e.g. socially rented / private site provision, transit sites or stopping places, bricks-and-mortar housing);
- the level of unauthorised development, which, if planning permission is not approved, is likely to swell the scale of need.

Future Need

It should be possible to identify:

- the intentions of those households planning to move, which may free up spare pitch, mooring or bricks-and-mortar capacity;
- the likely rate of household formation and annual population increase;
- travelling patterns of particular groups within the survey area and in and out of surrounding areas.

How to use the outcome of the assessment

Once the accommodation needs assessment has been completed, the local housing authority will need to begin considering how to meet the accommodation needs identified in the assessment. Needs can be met in a variety of ways, through the socially rented or commercially rented sectors (be it for sites or bricks-and-mortar accommodation), or through private ownership of sites or bricks-and-mortar housing, moorings and houseboats. The assessment will provide the data on which decisions about the appropriate mix of provision can be made.

The local housing authority will need to disseminate the results of the accommodation needs assessment to all relevant people and departments within the local authority (including planning colleagues) and partner organisations (such as other social landlords), and begin the process of facilitating or providing the necessary provision. This could for example require the identification of land for sites, or the allocation of tenancies in existing properties. As with the assessment itself, it will be important to involve the right people at a sufficiently high level to drive the agenda forward.

Best Practice Guide for Boat Dweller Accommodation Needs Assessments under Section 124 of the Housing and Planning Act 2016

March 2019

National Bargee Travellers Association



Peer reviewed by

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***the
community law
partnership***



Executive Summary

An accommodation needs assessment of boat dwellers is now a statutory duty under Section 124 of the Housing and Planning Act 2016 (“HPA 16”). This guidance document is produced by the National Bargee Travellers Association (“NBTA”)¹ for local housing authorities (“LHAs”) in England who are conducting accommodation needs assessments of Bargee Travellers and boat dwellers (Bargee Traveller Accommodation Needs Assessments - “BTAAs”) within their jurisdictions in consequence of their duties under Section 124 HPA 16.

This guidance document amplifies and complements the guidance to local housing authorities published by the Department for Communities and Local Government (“the DCLG Guidance”)².

This guide addresses the needs of Bargee Travellers nationally. Should you have any comments or queries or require any assistance in completing an accommodation needs assessment for your authority, please contact the NBTA at:

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1. The National Bargee Travellers Association is an organisation that seeks to represent the interests of all itinerant live aboard boat dwellers: “Bargee Travellers”. For more information please see page 23 or visit our website www.bargee-traveller.org.uk or contact us as above.

2. *Draft guidance to local housing authorities on the periodical review of housing needs: caravans and houseboats*, DCLG, March 2016: <https://www.gov.uk/government/publications/review-of-housing-needs-for-caravans-and-houseboats-draft-guidance>

List of Abbreviations

BSS	Boat Safety Scheme
BTAA	Bargee Traveller Accommodation Needs Assessment
DCLG	Department for Communities and Local Government (renamed Ministry of Housing, Communities and Local Government in January 2018)
DIY	Do It Yourself
GP	General Practitioner
GTAA	Gypsy and Traveller Accommodation Needs Assessment
HMRC	Her Majesty's Revenue and Customs
HPA 16	Housing and Planning Act 2016
LHA	Local Housing Authority
NBTA	National Bargee Travellers Association
NHS	National Health Service
SMHA	Strategic Housing Market Assessment
VAT	Value Added Tax

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Best practice guide for Boat Dweller accommodation needs assessments under Section 124 of the Housing and Planning Act 2016

Section 124 of HPA 16 amends Section 8 of the Housing Act 1985 to now state that LHAAs in England must consider the needs of people residing in or travelling through ("living in or resorting to") the district of the LHA who use a boat as their residence. This is required in partial fulfilment of the LHA's duty to carry out a Strategic Housing Market Assessment ("SHMA") to inform itself of the accommodation needs of the population within its jurisdiction.

LHAs had a statutory duty under Section 225 of the Housing Act 2004 to conduct accommodation needs assessments of people of a nomadic habit of life; theoretically, Bargee Travellers should have been included in this but were not. The NBTA had been lobbying the DCLG since 2009 for Bargee Travellers to be included in LHA accommodation needs assessments. This objective was achieved in Section 124 of HPA 16. Section 124 states:

'124 Assessment of accommodation needs

(1) In section 8 of the Housing Act 1985 (periodical review of housing needs), after subsection (2) insert—

"(3) In the case of a local housing authority in England, the duty under subsection (1) includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of—

(a) sites on which caravans can be stationed, or

(b) places on inland waterways where houseboats can be moored.

(4) In subsection (3)—

"caravan" has the meaning given by section 29 of the Caravan Sites and Control of Development Act 1960;

"houseboat" means a boat or similar structure designed or adapted for use as a place to live."

(2) In the Housing Act 2004 omit sections 225 and 226 (accommodation needs of gypsies and travellers)."

HPA 16 is therefore the first time LHAs have been required to carry out dedicated housing conditions and needs assessments of Bargee Travellers and boat dwellers. This is new ground for the majority of LHAs.

The DCLG produced draft guidance for LHAs in March 2016 and the DCLG has stated that until the final guidance is published, the draft guidance is current and therefore LHAs must follow it. The DCLG Guidance states that:

'The data available for those residing in caravans and houseboats may not be readily available in other data sources for the rest of the community. The following may assist local housing authorities in identifying caravans and houseboats: ...Information gathered

by traveller groups or representative bodies e.g. the Showmen's Guild, the Traveller Movement, or National Bargee Travellers Association.'

One of the organisations listed is the NBTA; the DCLG thus recommends that LHAs consult the NBTA on how to carry out a BTAA. The conclusions of the LHA must reflect accurately the advice and data provided by the NBTA, otherwise it will be difficult for LHAs to demonstrate compliance with their assessment obligations under Section 8 of the Housing Act 1985 and their duties under the Equality Act 2010 and the Children Act 2004, leaving them open to challenge in the courts. Therefore we have published this best practice guide. We hope that this promotes further positive engagement between LHAs and the NBTA for the benefit of all who reside in or resort to their locality. This guide is a living document and will be updated on a regular basis.



1. Differences in needs between boat dwellers and the housed population

Unlike buildings, boats are mobile and therefore Bargee Travellers' and boat dwellers' use of land and utilities is different from that of people living in buildings. The habits, needs and challenges of Bargee Travellers are significantly different from those of the land-based Gypsy and Traveller community and a study of the Bargee Traveller and boat dweller community is highly nuanced.

Types of Bargee Travellers/ boat dwellers:

In this document we use the term "Bargee Traveller" to describe those who live and travel on boats and "boat dweller" to describe those who live statically on boats on the UK's inland and coastal waterways. They are likely to fall into three categories:

Category 1 Bargee Travellers without a permanent mooring. They travel from one temporary mooring to another and so on. Some may take a winter mooring for a few months. It is a nomadic way of life. Their itinerant way of life means that a certain amount of land on which boats can moor must be kept public for temporary moorings. Therefore there is a need for the provision of temporary moorings. Providing more temporary moorings can include the following methods: the use of dredging near to the river or canal bank to make the water deeper for boats to moor along the bank; installing mooring rings where there is no grass on which to hammer in a mooring pin; and rebuilding the river or canal bank in order to use the space for moorings.

The primary needs of Bargee Travellers are firstly, protection from eviction from temporary moorings on riverside land. If the local authority is the riparian owner, it should consider dropping any policy of eviction from temporary moorings on riverside land and instead establish transit moorings where Bargee Travellers can stay for periods of up to 42 days and longer if their circumstances demand, in order to meet need.

Secondly, Bargee Travellers need a network of the above-mentioned 42 days or longer transit moorings. Bargee Travellers also need protection from enforcement of travel distance requirements that put them out of reach of employment, education for their children, health care and social participation.

Category 2 Bargee Travellers and boat dwellers who live on boats and rent, or sometimes own, a leisure mooring without planning permission for residential use. Some may use their mooring all year round but others will travel, especially in the summer. These moorings may be in a marina, a small boathouse or along the line of the waterway, usually on the non-towpath side.

Fewer than 1% of moorings have planning consent for residential use. Most people who live on boats on non-residential moorings will not want to be identified for fear of attracting planning enforcement action. It will be very difficult for LHAs to reach these boat dwellers and any assessment of their needs must be handled sensitively and in complete confidence, with the assurance that giving information to the local authority will not result in planning enforcement

action. The primary need of these boat dwellers is for planning consent for the residential use of their mooring, and LHAs are reminded of their obligations under human rights, equality and children legislation in this regard.

Category 3 Boat dwellers who rent, or in some cases own, a residential mooring. These boat dwellers are less likely to be in housing need or at risk of eviction, but only the very small minority who have a Canal & River Trust Houseboat Certificate or who own their mooring will have long-term security of tenure. They are slightly more likely to be vulnerable to the loss of their mooring if they encounter financial hardship given that residential mooring fees are higher than fees for leisure moorings.

Legal frameworks

There are more than 21 navigation authorities and many more harbour authorities in the UK and these have different legislative frameworks. In some cases the legislation governs how long boat dwellers without a permanent mooring can remain in any one place.

Most navigation authorities have the power to seize and remove boats under their legislation. This can take place in circumstances where the boat owner has either been unable to pay for the boat licence or registration fee; or is alleged not to have complied with the law regarding boat movement, mooring time limits or permanent moorings.

In addition to the different legislative frameworks of navigation authorities, there are legal differences between rivers (both natural and canalised) and the artificial canals and these differences apply within each navigation authority's jurisdiction. The key differences are that a Public Right of Navigation exists on natural and canalised rivers that includes the right to moor temporarily in the course of navigation for a reasonable time; and that the owner of the river bank also owns the river bed to the centre and thus the navigation authority has no control over whether boats are moored on a riparian owner's river bank. Navigation authorities usually do, however, have powers to control the construction of mooring apparatus such as jetties or pontoons within the waterway. In general, planning consent is not required for non-residential moorings along the line of any waterway or in existing docks or basins, but planning consent is required for the construction of new marinas.

Some 80% of the UK's inland waterways are managed by Canal & River Trust; other navigation authorities include the Environment Agency; the Broads Authority; the Middle Level Commissioners; the National Trust; the Cam Conservancy; some local authorities; and private organisations.

Many navigation authorities have imposed Terms and Conditions and "Guidance" that seeks to extend the powers in the legislation. Boat owners who fall foul of these conditions or "guidance" are subject to enforcement that may result in the seizure and removal of their boat. If enforcement is not taken to this stage, it can result in the boat owner being forced to take a permanent mooring or licence renewal being restricted to a shorter period.

For example, in May 2015 Canal & River Trust introduced a new policy imposing a minimum travel range on Bargee Travellers, even though the relevant legislation does not require a minimum distance or range to be travelled in order to demonstrate compliance with the law.

This has seen a steep increase in the number of Bargee Travellers made homeless; threatened with the loss of their home; or forced to take a permanent mooring that they cannot afford and which in most cases does not have residential planning consent. However, where there is an increase in the number of Bargee Travellers being forced into permanent moorings, there is likely to be a greater need for the provision of permanent moorings.

The duties of local authorities regarding homelessness

People who live on a boat but do not have an authorised place to moor it may be homeless under both Section 175(2) (b) of the Housing Act 1996 and Section 55 (2) (b) of the Housing (Wales) Act 2014. LHAs are reminded of their new and extended obligations under Part 7 of the amended Housing Act 1996 in relation to duties to prevent and relieve homelessness, as well as the new notification requirement on certain other specified public authorities. LHAs must take into account their duties under Section 124 of HPA 16; the Equality Act 2010, the Children Act 2004 and the Human Rights Act 1998 when they are seeking to evict Bargee Travellers from moorings on the authority's riparian land; when applications are made for planning consent for the residential use of moorings or for new marinas; and when local authorities are being pressured to provide moorings, whether temporary or permanent.

Temporary/transit and permanent moorings

Temporary/transit moorings should allow for a reasonable amount of time in any one place to enable Bargee Travellers and boat dwellers to continue to access employment, education and health care. Time limits of between 14 and 56 days are the most helpful, and definitely not less than 7 days. Ideally a network of transit moorings is required, or alternatively the freedom to moor anywhere on the towpath subject to a time limit in any one place, as is the case on Canal & River Trust waterways.

Any provision of additional permanent moorings should not be made by utilising existing temporary mooring sites. The removal of temporary mooring sites forces more Bargee Travellers onto permanent moorings and therefore destroys their nomadic way of life.

Most permanent moorings are in marinas; however these are not very suitable for boat dwellers and especially Bargee Travellers. Marina moorings are very expensive and on the whole do not have residential planning consent. Marina operators impose very strict conditions such as prohibiting children; limiting the number of overnight stays on the boat; prohibiting DIY boat repairs and maintenance; and prohibiting domestic activities such as chopping wood or hanging out washing. It must not be assumed that vacant berths in marinas can meet the needs of Bargee Travellers and boat dwellers. Moorings along the line of the waterway are more suitable.

Domestic facilities and essential boat services

Access to potable water taps; sewage disposal and rubbish disposal is essential for Bargee Travellers and boat dwellers but provision of these and other basic domestic facilities is very scarce in some areas of the waterways. The provision of these services should be measured by LHAs to establish whether there is a need for more facilities. Similarly, dry docks and wet

docks where Bargee Travellers and boat dwellers can carry out essential DIY maintenance and repairs to their homes are scarce.

Potable water

Unlike most people living in buildings, the majority of boats are not connected to mains water. Most Bargee Travellers and boat dwellers share access to potable mains water from a shared tap, which they use to fill the boat's water tank. In most cases they will travel to use this water tap or fill the tank each time they pass a water tap. The adequate provision of shared water taps at intervals along the waterways is therefore necessary. Some permanent moorings have hook ups to mains water or have shared water taps on site.

Sewage disposal

The majority of Bargee Travellers and boat dwellers are not directly connected to the sewage system. Due to the fact that most boats have a sewage tank or container that is below the water line, they cannot be directly connected to a sewer. Therefore, except for some large boats on permanent moorings, all boat dwellers with and without permanent moorings need access to shared sewage disposal facilities.

There are two main types of shared sewage disposal points: chemical toilet disposal and pump out. Boat dwellers can take chemical toilets and other small sewage containers to a chemical toilet disposal facility to empty them, or they can drive the boat to the disposal facility and empty the chemical toilet. Pump outs are for boat sewage storage tanks or containers and require boat dwellers to take the boat to the pump out to have the sewage pumped out. Both types of sewage disposal facilities will be needed in any given area. Some permanent moorings have sewage disposal facilities on site.

The percentage of each type that is needed should be determined by asking Bargee Travellers and boat dwellers who reside in or travel through the LHA area which type of sewage system they use. Compost toilets are also beginning to become more established on boats and some areas may benefit from having community compost site(s).

Refuse disposal

Bargee Travellers and boat dwellers rely on shared rubbish disposal facilities therefore there is a need for the provision of these. It is useful to have recycling points next to the rubbish bins to allow boat dwellers to recycle as there are very few places they can do so. Some permanent moorings have rubbish collections or rubbish disposal facilities on site. Bargee Travellers and boat dwellers also need access to facilities for recycling or disposing of used engine oil and for bulky domestic waste; in some areas they may be denied access to local authority recycling facilities due to not being able to prove they are local residents.

Electricity

Some permanent moorings, especially in marinas, have hook ups to mains (240v) electricity. However, the majority of Bargee Travellers and boat dwellers generate electricity off-grid by

using a petrol or diesel generator or the alternator on the boat's engine to charge a set of 12 volt batteries.

Solar panels and to a lesser extent, wind generators, are becoming more common on boats. Depending on the consumption of electricity, these can replace the use of fossil fuels to generate electricity during the light summer months. In winter, the lack of daylight, overhanging trees, and in urban areas overshadowing by high-rise buildings beside urban waterways means that solar panels cannot be used to generate all the electricity required. The provision of mains electricity at permanent moorings could be increased. However, the use of mains electricity is not usually always possible for moorings along the line of the waterway, and it is very difficult for Bargee Travellers and boat dwellers who rely mainly or wholly on temporary moorings. In addition, not all boats are adapted to use 240v electricity hook-ups.

Heating and cooking

Most boats are heated using a solid fuel stove, sometimes connected via a back boiler to radiators to heat other rooms in the boat and/or to heat water. Solid fuel stoves are used to burn wood, coal or coal substitutes such as compressed wood waste briquettes. Some boats are heated and/or produce hot water with a diesel heater or by using waste heat produced by a running engine. A few boats are heated using electricity or gas. The vast majority of boats use bottled gas for cooking; some boats have a solid fuel appliance for both cooking and heating, and occasionally boats will have a cooker that runs on diesel.

Water is heated either by a boiler that runs on bottled gas; a calorifier that heats the water when the boat's engine is running; a diesel heater or a back boiler on a solid fuel stove. Boats that are homes are classed as private recreational craft by HMRC and the use of red diesel is permitted subject to reduced rates of VAT. Biodiesel is also an option in areas where it can be supplied. The majority of liveaboard boat engines use diesel for propulsion; some use petrol and a few use electricity generated by solar panels and/or a petrol or diesel-powered generator to drive electric motors. Therefore Bargee Travellers and boat dwellers need access to supplies of bottled gas; red diesel; petrol; coal and wood.

Facilities for DIY boat maintenance and repairs

Access to facilities where Bargee Travellers and boat dwellers can carry out major DIY repairs or maintenance to their homes is scarce. The cost of repairs carried out by a boatyard or third-party contractor can be prohibitive and can make a Bargee Travellers or boat dweller's home untenable. In many cases such repairs or maintenance are needed to ensure that the boat remains licensed: this is due to most navigation authorities requiring a Boat Safety Scheme (BSS) certificate before a boat can be licensed. The BSS certificate has to be renewed every four years; the BSS test can cost up to £200. The provision of a community or social enterprise-run DIY dry dock and wet dock in some areas would make a big difference. Alternatively this could be provided by or on behalf of the LHA, which could collect the fees.

2. Assessment of accommodation needs should include assessment of health, education, and family needs of boat dwellers.

The numbers of boats and Bargee Travellers/ boat dwellers must be counted. However in order to capture the socio-economic issues that affect the accommodation needs of boat dwellers, it is important not just to count numbers and categorise boat dwellers but to include socio-economic evaluation in BTAAAs.

This should include the assessment of the physical and mental health of individuals; ease of access to health care; ease of access to education; and whether Bargee Travellers or boat dwellers are at risk of eviction. This is already supported by Public Health England and is also included in the DCLG practice guidance on Gypsy and Traveller Accommodation Assessments. Therefore there is a need for access to and provision of these services to be surveyed and addressed.

Equality issues

Casework by the NBTA has found that many navigation authorities and local authorities are not fully aware of their obligations under the Equality Act 2010 in respect of Bargee Travellers and boat dwellers. Although different legislation may govern how long Bargee Travellers and boat dwellers can moor on different navigation authorities' waterways, there is still a statutory obligation under the Equality Act 2010 to ensure that boat dwellers are protected from discrimination. Typically discrimination occurs when a navigation authority applies enforcement procedures that Bargee Travellers and boat dwellers cannot comply with due to their protected characteristic(s). The most common forms of discrimination against Bargee Travellers and boat dwellers are discrimination on the grounds of disability; age; combined age and disability; pregnancy and maternity.

Access to health care

Bargee Travellers and boat dwellers who have disabilities; who are pregnant; have recently given birth; or who have chronic illnesses, may require adjustments to enforcement procedures so that they can moor near to a hospital or a GP surgery for regular appointments and to receive the health care they are entitled to. Although the NHS has a statutory duty under the Health and Social Care Act 2012 to reduce inequalities between patients, the NHS does not have any power to influence a Bargee Traveller's or boat dweller's housing situation. Therefore it is the duty of the navigation authority or local authority to ensure that a Bargee Traveller's or boat dweller's housing situation does not result in inequality of access to health care.

Access to care at home

Elderly and disabled Bargee Travellers and boat dwellers may need personal or domestic care at home. There are considerable barriers to receiving social care at home for boat dwellers. Social care providers are likely to refuse to provide care if it means visiting a boat. The personal or domestic care needs of Bargee Travellers and boat dwellers differ from the housed

population. They may for example need a carer to empty their toilet or to change a gas bottle if they are unable to carry out such tasks. Access to their boat may be across a gangplank and most care organisations consider this to be too risky.

When Bargee Travellers or boat dwellers do receive adequate paid-for care at home, this is normally only provided through a private arrangement with another Bargee Traveller/boat dweller. When care is provided by family members or friends who do not live with the cared-for Bargee Traveller/boat dweller, the carers may be subject to enforcement action if their boat remains close to the boat of a cared-for person who has 'reasonable adjustments' of reduced movement under the Equality Act 2010.

Access to emergency services

Bargee Travellers and boat dwellers do not have the same access to emergency services as the settled population. When responding to a 999 call, the fire, Police and ambulance services may ask for an address or a postcode which Bargee Travellers and boat dwellers do not often have. When the first responders seek information about the location of an emergency they will not necessarily have details of the locations that Bargee Travellers and boat dwellers do provide, such as lock or bridge numbers or names, or a description of where they are moored on a canal or riverside towpath or a mooring.

If Bargee Travellers and boat dwellers call NHS 111, they will be asked for a postcode. Without a postcode NHS 111 will not proceed with the call, on the grounds that if there is an emergency they will need to send an ambulance and a postcode will be required for that purpose. Therefore Bargee Travellers and boat dwellers may be denied access to the health advice and support provided by NHS 111.

Local authorities need to work with the emergency services to ensure that first responders have the names, numbers and grid references of locks, bridges and other canal or riverside landmarks. This absence of information to locate a boat comes on top of the obvious challenges of reaching an emergency where there is no road access.

Access to education

There should be a provision to assess the educational needs of Bargee Traveller and boat dweller children. For those Bargee Traveller and boat dweller children who attend school, the guidance is the same as that for Gypsy and Traveller children. Due to the nomadic nature of Bargee Travellers, some are home schooled either within one local authority area or travelling between different local authorities. As with all children who are home schooled, there should be a way for them to easily access vaccinations that would ordinarily be given in a school based setting.

LHAs are reminded of their general duties under Sections 10 and 11 of the Children Act 2004 to make arrangements to promote co-operation with a view to improving the well-being of children in the LHA area relating to their physical and mental health and emotional well-being, education, the contribution made by them to society, and their social and economic well-being. Further, in relation to the general and specific needs of households, LHAs must have arrangements for ensuring that their functions are discharged having regard to the need to

safeguard and promote the welfare of children, including any LHA services provided by a third party.

The Equality Act 2010 makes it unlawful for a school to discriminate against a pupil in relation to admissions; to the provision of education; to access to any benefit, facility or service; and to exclusions. It is also unlawful for a school to harass or victimise an applicant or pupil. Under the Public Sector Equality Duty in Section 149 of the Act, schools must take active steps to ensure that discrimination is not occurring in the education or services that they provide.

Section 13 of the Education Act 1996 places local education authorities under a statutory duty to ensure that education is available for all school age children within their jurisdiction, appropriate to their age, ability and aptitude, and to any special educational needs they may have. This duty extends to all children residing in their area, whether permanently or temporarily. It thus embraces in particular Bargee Traveller children.

Proof of address

Many Bargee Travellers and boat dwellers lack the ability to provide proof of a residential address and this can be a barrier to registering for public services such as a GP practice; registering births and deaths; access to maternity services; registering for nursery placements and schooling; and applying for pensioners' bus passes. Therefore there is a need for the provision of signposting services for Bargee Travellers and boat dwellers who may not have proof of address.

Access to transport on land

Many Bargee Travellers and boat dwellers do not drive due to the costs or because finding suitable parking near the canal can be difficult. Lack of access to public transport, especially in rural areas or where Bargee Travellers may be travelling from a different place every two weeks, may be a key barrier to accessing education, health care and employment.

Risk of eviction

Many Bargee Travellers live with the constant threat of enforcement action, including seizure and removal of their homes by the navigation authority or riparian land owner. Most boat dwellers living on permanent moorings have no security of tenure. Therefore assessment of the risk of eviction faced by Bargee Travellers and boat dwellers is an essential factor in determining the level of accommodation need in a specific LHA area. Parallel to the risk of eviction is the removal by navigation or other authorities of temporary or transit moorings and/or the reduction in mooring time limits with enforcement including steep and unaffordable civil penalties and seizure of boats.

3. What information should be obtained

Inquiry into the records and information held by organisations such as navigation authorities and local authorities will be essential but will not be sufficient in itself to establish and assess need. For example, Canal & River Trust statistics on boat numbers do not differentiate between boat dwellers and boat licence holders. An individual may have a boat licence but they may not be living on their boat. LHAs should requisition BTAA surveys to establish how often and how long Bargee Travellers and boat dwellers reside in their area.

A significant number of Bargee Travellers and boat dwellers will not live full time in one LHA area. It is therefore necessary to find out the aggregated length of time that Bargee Travellers or boat dwellers reside in an LHA area. This may be an imprecise amount of time as they travel between two or three localities or further afield, depending on the local geography. However many will have a preference for the most convenient location to access certain services. For example, they may need to stay near a locality for work, school or health reasons. From this aggregate, the information that a survey or surveys should establish is as follows:

- how many boats reside in or resort to the LHA area
- the number of adults and children who reside on those boats
- whether any of these Bargee Travellers and boat dwellers are vulnerable or have protected characteristics such as disability or pregnancy
- how long on average they stay in the area
- how often do Bargee Travellers and boat dwellers need facilities in the LHA area
- the need for basic amenities such as potable water taps; sewage disposal, rubbish disposal and recycling facilities
- the level of need for temporary/transit mooring space in excess of 7 days
- the geographical length and duration of temporary/transit moorings that is needed
- the number of permanent moorings that are needed
- whether there is a need for DIY boat maintenance facilities
- ease of access to supplies of coal, diesel and bottled gas
- the health and well-being of Bargee Travellers and boat dwellers
- level of access to employment
- level of access to education
- level of access to health care, social care at home and emergency services
- level of risk of eviction
- whether temporary/transit moorings are being removed or time limits reduced
- whether there is a need for protection from excessive travel distance requirements or temporary mooring charges
- whether there is a need for car parking near the waterway

Poor levels of literacy, and poor accessibility to both postal mail and to a regular or reliable internet connection should be taken into account when designing the surveys. Surveys should therefore be sent via email and a hard copy delivered to boats due to the relatively high number of Bargee Travellers and boat dwellers without regular access to post or to the internet.

Building trust between the LHA and Bargee Travellers/ boat dwellers will require assurances that the information is only being used in connection with the needs assessment. Those undertaking the assessments need to clearly explain the purpose of the survey and how it affects the Bargee Traveller/ boat dweller. It will also be important to be clear that any provision will take time to be delivered, to ensure more complete and comprehensive responses.



4. What makes a good BTAA: dos, don'ts and lessons from policy and parallel work with Gypsy and Traveller Accommodation Needs Assessments (GTAAAs) on land³

A good assessment: things to do

Recognise that boats are homes in the fullest sense of the word. Boats provide homes not just for single persons, but for households including couples, children, persons with mobility difficulties and those with mental health issues. However, that home may be in a precarious environment. This recognition should be the starting point for any assessment of housing need.

Be clear that in the first few years after the Housing and Planning Act 2016 became law, carrying out accommodation needs assessments of Bargee Travellers and boat dwellers will mean breaking new ground, and therefore best practice will be subject to revision.

Think laterally. Some of the housing needs of Bargee Travellers can be met by engagement and persuasion with navigation or other authorities to change their enforcement policy so that the needs of Bargee Travellers are better met and the enforcement policy is less punitive.

Be aware that there will be cross-boundary issues because Bargee Travellers need to, wish to or may be forced to travel long distances in order to avoid the loss of their homes or to avoid punitive mooring fines. There is scope for cross-LHA working; Bargee Travellers are more aware of waterway and navigation authority boundaries than of LHA boundaries.

Be aware of the needs and rights of those living on a boat without a permanent mooring.

Be aware that boat dwellers who live on permanent leisure moorings will be living under the radar and will be very reluctant to disclose that they live on their boat for fear of planning enforcement action, which can lead to eviction from the mooring as well as prosecution by the local planning authority.

Be aware that moorings usually have no security of tenure, and mooring holders can be evicted at will, such as if the mooring operator finds out that they live on their boat or objects to them taking part in an accommodation needs assessment.

Be aware of the difference between the legal frameworks governing natural or canalised rivers and the artificial canals, even within the same navigation authority; understand the different legal frameworks affecting Bargee Travellers and boat dwellers on different navigation authorities' waterways; and take the trouble to understand the legal rights and entitlements regarding living on boats.

3. We are indebted to Professor Margaret Greenfields et al for some of the ideas and the format in this section: see *Best Practice for assessing the accommodation needs of Gypsies and Travellers*, Greenfields et al, Buckinghamshire New University.

Be aware that the Public Right of Navigation on rivers includes the right to moor for a reasonable time but this is often violated by authorities.

Provide assurances that will win the trust of boat dwellers who fear planning enforcement or Bargee Travellers who fear enforcement action for not travelling far enough or prohibitive fines for staying longer than one or two days in certain areas.

Assess the need for planning consent for existing permanent moorings used by boat dwellers.

Understand the different uses of the term 'houseboat'. This is normally only used by boaters to describe a static moored boat or structure that does not move. It is the land-based population that frequently uses 'houseboat' to mean any boat that is lived on. This is not how most Bargee Travellers and boat dwellers describe their homes: to most of them it is 'a boat' rather than 'a houseboat' and there are fewer 'houseboats' than boats that are lived on. 'Houseboat' also has several specific definitions in different legislation.

Understand that Bargee Travellers and boat dwellers often receive essential services such as potable water, sewage disposal and rubbish disposal from the navigation authority and do not always make use of local authority provision.

Have strong community engagement, whether involved directly in the undertaking of surveys, such as community interviewers, or carrying out support work identifying potentially unknown Bargee Travellers and boat dwellers, including those on moorings that are not accessible or visible from the land. This should involve paid community involvement with all interview or advisory work attracting the same rate as staff employed by the LHA or contracted private company.

Carry out assessments with Bargee Travellers and boat dwellers, not to them. Ensure that their full expertise in their community is core to the exercise. Without their involvement, assessments are likely to be inaccurate and in particular to underestimate numbers and fail to fully understand the practicalities of living on boats, especially since this is new ground for LHAs.

Use resources already available. Seek out those working directly with Bargee Travellers and boat dwellers, such as the NBTA; the Waterways Chaplaincy and any local travelling community support services. They are likely to have some level of access to community networks and may be useful in spreading information on forthcoming assessments as well as allaying any anxieties. As such they should be fully involved in an advisory capacity from the beginning of any assessment exercise.

Build trust and explain purpose. Those undertaking assessments need to clearly explain the purpose of the study and demonstrate honest intent. It will also be important to be clear that any provision will take time to be delivered, to ensure more complete and comprehensive responses. This task demonstrates another advantage of community member engagement in assessments and therefore assists in delivering this information and helps build goodwill.

Use focused, straightforward questionnaires. Ask no more questions than are required to establish key need figures. Use clear understandable language, ideally formulated with community member consultation.

Use checks and balances. Data provided requires the confidence of both the LHA and community members. This is best gained through regular dialogue during the survey period and as the report is produced. Best practice assessments undertaken in the past have typically had access to a community advisory group who help with access to community members as well as offering views on the coverage of interviews and recommendations made to meet accommodation need.

Ask questions about the location of moorings and facilities. One legitimate question to include on a questionnaire regards seeking opinions about the location and design of potential future temporary and permanent moorings and facilities. This directly relates to accommodation and provides the LHA with relevant information about how best to meet need identified within surveys.

Clarify the need. In terms of future planning by LHAs, it is useful not simply to seek to identify a total figure of 'need' but to specify how this can be met: for example a division between temporary and permanent/ public and private moorings. It is also useful to record cases where someone clearly identifies their overall preference for moorings. Access to this data assists the LHA in identifying the clear nature of need in their area.

Include the assessment within the Strategic Housing Market Assessment ("SHMA"). In order to be both cost-effective and avoid the need to duplicate resources and demands on respondents, BTAAAs should be carried out in tandem with SHMAs as part of the same study.

Learn from GTAAAs carried out by the LHA and the criticisms of these. Some of the lessons learned will be transferable to BTAAAs.

Consider including Bargee Travellers and boat dwellers who have moved to bricks and mortar. There is a high turnover but not all those who have moved to bricks and mortar are there by choice. Some have been forced off their boats due to enforcement by navigation or other authorities. In some cases the authority will be pursuing them for the costs of removing their boat.

Carefully consider survey timings. It is recommended that surveys are carried out at times of year when the return rate will be highest and results consequently most representative. Undertaking surveys solely during the summer months is best avoided as Bargee Travellers and boat dwellers tend to travel more in summer, therefore there is a risk of underestimating actual need. Surveys should be carried out over a 9-12 month period to mitigate the risks of misrepresenting need.

In seeking advice and data from the NBTA, LHAs should ensure that advice and data provided by the NBTA either directly or via a consultant is not distorted or ignored. Where the LHA uses a retained consultant, the consultant should be instructed to faithfully reproduce the advice and data provided by the NBTA.

A poor assessment: things to avoid

Don't assume that Bargee Travellers have the same needs as boat dwellers with a permanent mooring.

Don't assume that all accommodation needs of Bargee Travellers can be met by providing permanent residential moorings.

Don't assume that the provision of moorings in offline marinas will meet all identified need. Most existing marinas are geared towards leisure boaters and many boat dwellers and Bargee Travellers are averse to living in marinas.

Don't ignore the draconian enforcement policies that Bargee Travellers are often subjected to by navigation authorities such as Canal & River Trust.

Don't deliberately report or accidentally disclose the locations, boat names or personal details of boat dwellers on moorings, as doing so may trigger planning enforcement action against them.

Don't make assumptions about which boats are lived on based on their appearance. Always take the trouble to find out: inaccurate counting means poorly targeted provision and poor use of resources.

Don't ignore Bargee Travellers. The needs of mobile Bargee Travellers will be under reported if there is a focus exclusively on permanent moorings in well-known marinas and boatyards.

Don't assume that Bargee Travellers, boat dwellers, Gypsies and Travellers, New Travellers and Showmen/women are mutually exclusive. Some Bargee Travellers and boat dwellers are also Gypsies or Travellers, New Travellers or Showmen/women.

Don't rely only on existing data, especially data from navigation authorities. It is critical that assessments are not a desktop exercise alone as this will be insufficient and flawed. There must be field work including the interviewing of community members, to gain an accurate picture of need.

Don't misunderstand low response rates. There is a tendency for some people not to identify as Bargee Travellers or boat dwellers. Just because some need is not easily found does not mean that it is not there. Using community interviewers will lead to higher response rates and a more representative study.

Don't rely on assumptions or projections of turnover to assess the supply of moorings. Turnover is very difficult to assess accurately and in practice does not contribute meaningfully to additional supply. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.

Don't assume that all existing vacant moorings are available. Some navigation authorities have a policy of reducing moorings along the line of the waterway in favour of offline moorings. If

these moorings are to be brought back into use, the navigation or other authority's policy must be challenged and overturned.

Don't make assumptions about whether existing unused canal or river bank space is suitable for mooring. Find out whether it is practically feasible to moor boats on a particular stretch of bank without further construction, dredging or bank maintenance; whether it is prone to flooding; and any other maintenance issues that exist.

Don't ask leading or irrelevant questions. Keep the survey focused and design questions that are effective in eliciting information about accommodation need.

Don't miscalculate migration. When carrying out assessments in areas of high need and high constraint (for example through limited mooring space or harsh enforcement), out-migration can give a false picture leading to the actual need being defined at too low a level. In areas with low identified need and fewer constraints on provision there is a tendency in assessments to ignore the pressures for in-migration.

Lessons from GTAA policy guidance and other good practice

Some core principles that have been of proven value in GTAs are found in *Planning policy for traveller sites* and *Gypsy and Traveller Accommodation Needs Assessments*. Some of these principles are transferable to BTAs:

Early and effective engagement with Bargee Travellers and boat dwellers themselves, their representative bodies and local support groups;

Inclusion of Bargee Traveller and boat dweller representatives on the Steering Group: (paragraphs 49 and 50 of *Gypsy and Traveller Accommodation Needs Assessments* provide helpful guidance on how to approach stakeholder engagement);

Ongoing engagement over the life of the development plan;

Collaborative working on a wider geographic basis than the individual LHA area between LHAs;

How specific challenges of carrying out GTAs were met, including the need to take account of the needs of housed Gypsies and Travellers;

Making full use of existing data sources, but they may not be enough;

Learning from the experience of the pioneering local authorities that have already carried out BTAs or similar surveys, such as Bath & North East Somerset Council; Wiltshire Council; and the Mayor of London's Office.

5. About the NBTA

The National Bargee Travellers Association (NBTA) is a volunteer organisation formed in 2009 that campaigns and provides advice for 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 has over 800 members on all the major navigation authorities' waterways and beyond, and also has a number of local branches.

The NBTA is the only national organisation in Britain dedicated to upholding and defending the rights of itinerant boat dwellers. The NBTA has a team of Volunteer Caseworkers who deal with approximately 200 individual cases each year.

Bargee Travellers are typically either working people on low incomes, or retired people living on State Pension and/or small fixed incomes. There are as yet no accurate figures for the numbers of Bargee Travellers in any area.



