

CONSERVATORS OF THE RIVER CAM

5

5. Matters for Decision

5.1 Baits Bite and Clayhithe Progress Report:

5.1.1 *Background*

Conservators will know from previous discussions that the piled frontage at both Clayhithe Depot and Baits Bite Lock downstream landing stage are in poor condition and in need of urgent replacement. The decision was taken by Conservators to combine the two projects, thereby gaining some economy of scale, and engage the services of a Consulting Engineer to manage the project, including design, management of the tender process and on-site supervision.

The design was completed in February 2011 and invitations to tender were issued later that month.

Using an informal estimate of construction cost obtained in 2010, plus an estimate of fees and contingencies, Conservators approved a project budget of £145k. The approximate cost of each project element was £115k construction and £30k fees.

5.1.2 *Tenders Received*

Three potential contractors were invited to tender, all with considerable experience of waterways work.

The tender prices were as follows:

- Red7Marine £406,115
- Land and Water £271,649
- Drake Towage £221,800

All of the above prices were significantly higher than our provisional budget estimates, and when combined with fees of £35k plus, the overall project cost would be in excess of £270k, when contingencies are included.

5.1.3 *Current Position and proposed Way Forward*

In March 2011, the Chairman and River Manger met with consulting engineers, George Shuttleworth Ltd, to explore options to reduce costs of both construction and fees.

The current position with regard to costs may be summarised thus:

- In discussion with the lowest tenderer (Drake Towage), provisional savings of approximately £80k have been identified in construction costs. These have been achieved primarily by the proposed use of slightly shorter and lighter gauge piles, and by the use of steel/fibreglass mesh to replace the concrete capping detail on the walkway.
- In addition, George Shuttleworth has identified a further £5k saving on fee invoices already issued.

At this point in time there is an on-going discussion between Consultant and Contractor regarding the suitability of the shorter, lighter piles proposed by the Contractor (who have their own in-house designer).

To resolve this matter it is proposed to carry out a test piling at both sites to ensure that the lighter piles can be successfully driven into the heavy clay subsoil identified in ground condition survey completed in 2010. The cost of this test will be shared between contractor and client, the Chairman approved the expenditure of £1250 for this purpose on behalf of Conservators in April 2011.

Assuming that the piling test is successful, the likely outturn project cost will be £192,500 (£140,000 construction, £35,000 fees and £17,500 [10%] contingency)

The revised project design does represent a compromise of cost verses expected life expectancy of the completed works, but we feel that such a compromise is a practical and acceptable one.

The alternative piles are 5mm thick rather than the 9mm of the original design, therefore assuming corrosion of 1mm in 50 years, life expectancy will be shorter. Similarly, the revised design to replace concrete capping with a steel/fibreglass, will result in a shorter design life. However, steel/fibreglass walkways have been standard on local Environment Agency mooring and landing stages for a number of years and they appear to perform well.

5.1.4 Lessons Learned

There are a number of lesson which can be drawn from this project, which can be summarised:

- Basing project budgets on an informal estimate of construction cost, then adding 15% for fees and 10% for contingency is high risk given the level of uncertainty at early stages of the project
- Fees are always disproportionately high when applied to small construction projects (£200k is a small project in the construction industry)
- Better budget estimates would be developed if professional support were engaged at an earlier stage of the project

- Consider use of a different procurement route, e.g. design and build contract rather than using separate consulting engineers and contractors
- Properly designed civil engineering works, delivered to the construction and safety expected today is a costly undertaking

Conservators are invited to:

- **Comment on this project, the likely costs, the lessons learned and the proposed way forwards**
- **If satisfied that the proposed way forward is an acceptable option, Conservators are asked to approve a revised project budget of £192,500**

5.2 Amendment to licensing ‘interchange agreement’ with the Environment Agency:

Conservators have been circulated with a draft letter for the attention of Paul Woodcock, Regional Director of the Environment Agency, regarding amendments to the existing interchange agreement. The letter meets with the agreement of the Agency’s solicitors.

Conservators are asked to approve the issuing of this letter to the Environment Agency

5.3 River Cam Navigation Benefits’ Assessment: a brief for consultants:

The licensing sub-committee group met on 31 March and prepared a draft consultancy brief. A copy of the brief is attached. It is intended that tenders will be invited on this brief in mid- to late-April and for the contract to be awarded in May 2011.

It will be necessary to convene a Special Meeting before Christmas 2011 to review the findings of the consultation. This meeting will be open to members of the public. The consultant will provide a summary presentation. The results will help Conservators in their setting of registration and licensing fees at the January 2012 meeting.

Conservators are asked to:

- **Approve the brief and delegate the task of issuing tenders to the Chairman and licensing sub-committee group**
- **Agree a date for a Special Meeting in December 2011**

5.3 Declarations of Interest:

Some Conservators have indicated that they should like to see a more formalised code of practice for the declaring of personal and prejudicial interests at meetings. The attached paper (Note 5a) sets out a working document which Conservators may seek to modify further or adopt at this meeting.

Conservators are invited to comment on the annexed paper.

5.4 Punt station, La Galleria:

Mr Dalton (an operator currently licensed to work from the City Council's punt station at La Mimosa, Thompson's Lane) has approached the offices seeking permission to set up a punt station at the set of steps which lead from La Galleria restaurant down to the river, immediately upstream of Magdalene Bridge. The City Council's permission would also be required under its planning regulations. Conservators may be aware that around 1999/2000 there was a protracted dispute with the then owners of La Galleria about the locating of a punt station there. The Conservators refused the application because they deemed that the loading and unloading of punts there would create an obstruction to navigation. There is already significant infrastructure in place at Quayside (Scudamore's) and the area at Magdalene Bridge can become very congested at times.

Conservators are asked to consider the relative merits of this application to set up a new punt station at La Galleria.

5.5 Dragon Boat Regatta, 10th September:

The 7th Cambridge Dragon Boat Festival is to take place on 10th September. Gable Events are hosting the event and they have been advertising in the local media to encourage entries. In previous years the Conservators have charged a fee for this event. Gable Events is a commercial entity. It is recommended that the fee of £500 is charged to the event organisers.

Conservators are asked to approve the event fee

DECLARATION OF INTERESTS CODE OF PRACTICE

1. Purpose

The Declaration of Interests Code of Practice is an internal requirement which applies to employees, Conservators and any other volunteers ('post holders') who may from time-to-time choose to participate in Cam Conservancy meetings and related committee or sub-group work.

The Cam Conservancy starts from the position of trusting the integrity and professionalism of post holders, who are expected to act in the best interests of the Cam Conservators at all times. There will, however, be occasions when an individual has more than one legitimate interest. Such interests may conflict with those of the Cam Conservancy. In order to protect themselves and the Cam Conservancy, a post holder should always declare a conflict of interest.

2. Definitions of conflicts of interest

Conflicts of interest arise when the interests of post holders (their own, their family, friends or other organisations with which they are involved) are incompatible with, likely to benefit directly from, or in competition with, the interests of the Cam Conservancy. Such situations present a risk that post holders could make decisions based on these external influences, rather than the best interests of the Cam Conservancy, or that others, perhaps outside the Cam Conservancy (such as the press), could allege that post holders might have made decisions based on their external interests or influences.

Conflicts of interest may come in a number of different forms:-

- a. Direct financial gain or benefit, such as:
 - i. Payment to a post holder, a member of their family, friend or other organisation with which they are involved, for services provided to the Cam Conservancy, such as professional services, without prior recourse to a competitive tendering process.
 - ii. The award of a contract or benefit to another organisation in which a post holder has an interest.
 - iii. Sale of Cam Conservancy property at below the market value to a post holder, a member of their family, friend or other organisation with which they are involved.
- b. Indirect financial gain, such as employment by the Cam Conservancy of, or awarding a contract to, a partner or relative of a post holder.
- c. Non-financial or personal conflicts where post holders receive no financial benefit but may be influenced by external factors, such as awarding contracts to friends.
- d. Conflict of loyalties, such as:
 - i. where a post holder (or their partner) is also employed, appointed or a member of a local authority or a user group.

- ii. where a friend, partner or relative is employed by the Cam Conservancy.

3. Dangers of Conflicts of Interests

There are circumstances when possible conflicts of interest could arise that might give rise to any of the following:-

- a. Giving the impression that the Cam Conservancy has acted improperly.
- b. Impacting negatively on the reputation of the Cam Conservancy or individuals by attracting adverse publicity.
- c. Prejudicing effective decision-making or inhibiting free discussion.

This Code of Practice is designed to prevent this happening. The most important point to remember is that post holders should always disclose an activity if they are in any doubt whether it represents a conflict of interest.

4. Declaring conflicts of interests

The first point of declaration is via disclosure on the Register of Interests Form on the final page of this Code of Practice. The Form should be completed annually in December and returned to the River Manager within 7 days of issue. The River Manager will maintain a Register of Interests from completed forms, which will be processed in accordance with data protection principles as set out in the Data Protection Act 1998.

The second point of declaration is at the start of each Conservators' Quarterly, Special or Sub-Committee meeting. Each meeting agenda should contain a standing item for the declaration of interests that may be relevant to the business to be discussed at that meeting. Those who are aware there is a conflict of interest should take the opportunity to make known that there is a possible conflict. This will help to ensure transparency and avoid any accusations of impropriety.

If a conflict of interest is declared at a meeting the person, or persons, concerned may take part in discussion relating to the area under consideration providing that:-

- a. attention has been drawn to the post holder's 'other interest' that results in the conflict of interest arising, and;
- b. any information gained during the discussions could not be used to advantage the post holder's 'other interest'. If privileged and preferential information could be gained during the discussions then the post holder must withdraw from the meeting for the duration of the relevant discussion

Additionally, a post holder with a declared conflict of interest must not be part of the decision-making, or any voting, process on the issue concerned and so must withdraw when this is being undertaken. Those who withdraw from the decision-making process cease to count for quorum purposes.

5. Managing Contracts

Post holders may not be involved in managing or monitoring a contract on behalf of, or for, the Cam Conservancy in which they have an interest.

Register of Interests Form

Post holders shall enter in the following Register of Interests any of his or her own or immediate family's interests, current or expired within the past five years, that might be seen as creating a possible conflict of interest with their position within the Cam Conservancy and any pecuniary or business decisions made by the Cam Conservancy.

Self or immediate family member (name)	Name of other organisation	Nature of involvement or interest	Current or expired

If you have no interests to declare please tick the following box:

I confirm I have no interests to declare

Print Name: _____

Signed: _____

Date: _____