

CONSERVATORS OF THE RIVER CAM

MINUTES OF A SPECIAL MEETING OF THE CONSERVATORS, HELD IN THE COUNCIL CHAMBER OF THE GUILDHALL, CAMBRIDGE ON WEDNESDAY 16 FEBRUARY 2011 AT 9.30 am

Present: Mr J A Adams (in the chair)

Conservators: Dr G Brighty, Mr A C G Brown, Mr R C Hardingham, Mr R Ingersent, Mr L Phillips, Mr J R Pryce-Jones, Prof K Richards, Cllr R M Williamson and Cllr T Ward.

In Attendance: Dr P E Noon (River Manager) and Mr J Wakefield (Deputy River Manager).

And of the general public who signed the attendance record: Ms J Baker (Cambridge News), Ms C Reed (Environment Agency), Mr J Barnes (boat owner), Ms C Synge (boat owner), Ms A Tillson (boat owner/Camboaters), Mr M Nash (boat owner/Camboaters).

Action RequiredBy

The Chairman opened the meeting at 9.35am and thanked everyone for finding the time to attend this Special Meeting.

1. Apologies for absence had been received from the Deputy Chairman, Dr R Walker, and Cllr Lucy Walker.

2. Declarations of interest: Mr Phillips, Mr Hardingham, Mr Brown and Dr Brighty declared interests in item 3 of the Agenda. The Chairman agreed to hold by the protocol allowing those members to speak but not vote. Dr Brighty qualified that his interest was specific to the interchange agreement.

3. Powered craft licence fee options: Conservators had received a paper entitled 'Consultation on powered craft licence fee options' which summarised the responses from a consultation circulated to Environment Agency-registered powered craft owners in late December/January. There had been 72 responses. The River Manager was thanked for producing the summary report. The paper set-out the decisions taken from 2009 onwards prior to the release of the consultation document. Conservators had given consideration to licensing options previously (Minutes, 14 January 2010) and these had been refined according to restricted criteria by the sub-committee group (appointed January 2010). The Inland Waterways (Environment Agency) Order 2010 had delayed the Conservators' intention to consult over options in the summer of 2010. Both authorities had taken legal advice on the validity of the interchange agreement under the new legislation. Counsel Opinion received in late October confirmed that the agreement was still active. The sub-committee group had chosen to proceed with the consultation to allow sufficient time implement any new arrangements as of 1st April 2011. The Agency had provided the contact details for their registered craft owners on the Cam for the consultation mailing list. The document had been posted out 23rd

Mr Ingersent
entered the room

December. Before the consultation had closed, Conservator Mr Philips attended a stakeholder meeting with Camboaters; the Chairman and River Manager likewise, had met with representatives of the Cambridge Motor Boat Club and Cam Sailing Club.

The Chairman invited Conservators to comment on the paper, indicating that members of the public present would have an opportunity to speak later in the meeting.

Cllr Ward informed Conservators that the City Council had just taken possession of a 'playboat' and for convenience it had been registered with the Agency. The public response had shown ignorance of the Conservators' activities and the Conservators needed to give greater consideration to publishing information on the website. The Chairman noted that this had been raised at a previous meeting and he intended to improve the availability of information vested in the public domain with the River Manager.

Chairman /
River
Manager
Dr Davies
entered the
room

Dr Brighty reminded Conservators of the general financial climate and their need to think more strategically about their financial position and governance over the next 5 years. This consultation had elicited strong criticism. A Cam waterspace strategy could be used as a consultative planning tool involving all stakeholders. Mr Pryce-Jones was unhappy with the timing of the consultation given the formation of the new waterways charity from British Waterways.

The Chairman thanked Conservators for this feedback. He presented two options: make a decision today or accept that under the current licensing arrangement, Conservators would lose £25-28k of income for the year ahead.

Dr Brighty recommended that the fairness issue of licence fees and their distribution across the running of the navigation would be best addressed by conducting a study on the economic value of the Cam, but this was beyond the current administrative capacity and an additional member of staff, or a student, might need to perform this task. Cllr Ward reminded Conservators that the public feedback had been mixed; some believed that bureaucratic costs should be cut. Mr Ingersent note that the public had unrealistic expectations of the body corporate; the handling of this consultation had illustrated the need for an additional administrator. Also, many people had no awareness of the interchange agreement before this consultation exercise and they needed to be given an opportunity to catch up and digest the information. In slowing the pace, the Conservators could consolidate their position and argue a balanced method for setting their licensing fees. Mr Brown felt that many of the criticisms related to areas where the City Council had primary responsibility. The City Council needed to be more involved in navigational issues and there needed to be a public discussion forum.

Cllr Williamson believed that the consultation should have been handled by professionals, citing the example of the County Council, or by using graduate students. Mr Phillips reminded Conservators that the government's Big Society agenda encouraged greater involvement and there should be a voluntary or apprentice administrator or someone to work alongside the river crew. Conservators might consider asking the boating public how monies should be raised. There needed to be a financial inducement to encourage craft owners to register with the Conservancy and not the Agency.

Dr Brighty reminded Conservators that there was more than just the interchange agreement binding the two authorities. The Agency was involved in other transactions which supported the Conservancy such as work-in-kind.

He urged the Conservators to undertake a transparent, evidence-based study on their cost base, income streams and fund-raising opportunities.

The Chairman reminded Conservators that such a study would have to be contracted-out and the end result might not be to the public's satisfaction in terms of fairness.

On the basis that the consultation feedback had revealed a considerable degree of public ignorance and mis-information about the Conservators, Mr Pryce-Jones suggested that a more meaningful consultation needed to be carried-out. Mr Ingersent added that a document summarising the evolution of the Conservators' finances from lock tolls to craft registrations, and how the interchange agreement came into being, might help to enlighten people. Conservators agreed that boaters should pay a fair price for unimpeded navigation. Cllr Ward appreciated that boaters wanted to pay one fee and cross administrative boundaries without incurring extra charges. If monitoring was to take place at a lock, then the system had to be practical.

Option 3 – to abandon the interchange agreement – would allow the Conservators to start drawing-up a new agreement with the Agency, said Mr Brown. It was common for craft owners elsewhere in the country to pay additional fees for accessing another authority's navigable waterway for example, accessing the River Wey from the Thames. The prime example of this was the Gold licence where craft owners paid a 25% premium to use both BW and Agency waters.

Prof Richards said that the public responses reflected the high degree of conflict on the navigation between a diverse spread of different users and significant density of users. Prof Richards did not feel that the strategic consultation could be conducted by students; professional consultants were required, costing more time and money at a time when the Conservators' finances were stretched. Conservators needed to focus on the primary objective of raising money. Cllr Williamson proposed approaching the Judge Institute; their students had suitable backgrounds and experience in these type of projects.

At this stage in the discussion, the Chairman invited comments from members of the public.

Mr Barnes, owner of an historic wooden boat, said that the demands to pay more fees to the Conservancy had been ill-thought out and irresponsible. He had, as a result, lost confidence in the Conservancy. One user group had been targeted without giving consideration to other classes of boat. The Conservators' accounts were not in dire straits. He criticised the expenditure on the landing stage at Baits Bite Lock.

Ms Synge, a liveaboard boat owner, said that she had not received the letter and requests for further information had not been answered. Until this consultation, she had known nothing about the Conservancy's business portfolio. Licence fees were for maintaining the navigation, not ancillary properties. The Chairman apologised for the document failing to reach her. There had been difficulties accessing the Agency's craft owner details. Ms Tillson said that other means of communication could have been used to circulate the consultation (noticeboards, hand-deliveries). She believed that 20% of Cam-resident boaters had not received the document.

Mr Harris of Cam Sailing Club believed that greater consideration needed to be given to those Agency-registered craft which visited Cam waters and

enjoyed the benefits of the navigational infrastructure such as locks. A ticket machine could be installed at Baits Bite. There was confusion over which craft categories were covered by the interchange agreement. He proposed that an Act of Parliament needed to bring the authorities together into one body; this would be the best money-saving scheme in the long-term. The Chairman said that the Conservators had to enact their legislation; they did not have powers to dissolve the Conservancy. Also, there were no byelaw powers to charge lock tolls.

Mr Nash of Camboaters did not believe it was fair to single-out powered craft owners without giving consideration to the fees paid by rowers and punters.

Mr Barnes encouraged Conservators to advertise for a volunteer to help them with this scoping work; it would not take up much of the River Manager's time.

Cllr Ward gave a warning about using car park-type ticket machines; there were ongoing repair and maintenance costs. He suggested that Option 1 should be brought into effect on 1 April 2012.

The Chairman recognised that the pace of the consultation had caused great dissatisfaction and he therefore suggested that Conservators should defer this Option's implementation for 12 months. Mr Barnes complained that to levy 25% on one craft category was not fair; the options had to be fair to everyone.

Conservators were in agreement that an outside consultant would be required to conduct the economic value and benefits study and the committee members would also have to put time aside to assist their officers between the quarterly meetings.

The Chairman reminded Conservators of the projected decline in their reserves; to defer for one year was palatable, any longer was not. Mr Pryce-Jones believed that deferral was imperative to retain customer confidence.

The Chairman asked the five Conservators who were eligible to vote for their suggestions. Mr Hardingham had expressed his views early on and the debate had not changed his mind. The income raised, he believed, would be lost to administration costs. The Chairman said that Mr Wakefield issued the registration documents and Options 1 or 2 would only require a further 200 notices to be issued at minimal cost.

Conservators were minded to avoid letting the matter drift but a research report would help to educate people about the real costs of running the navigation. Mr Brown conceded that it had been perhaps unfair to target the powerboats foremost. The Chairman outlined a provisional timetable for this exercise so that a decision could be taken in January 2012. The licensing sub-committee group could commence the work and bring a paper to the April meeting.

The Chairman invited a quorum without prejudicial interests to vote on this motion: that there had been no decision on the Options presented, that the work should move forwards with the licensing sub-committee group to prepare a consultancy brief on a benefits' evaluation by the April meeting. A public consultation would probably take place between September 2011 to January 2012, and a decision taken on the licensing strategy by January 2012.

On the proposition of Mr Ingersent, seconded by Prof Richards, four Conservators supported this motion and the Chairman added his vote to make up the quorum.

Chairman /
River
Manager

Ms Tillson asked the Chairman if the Conservators would consult with the river users and ensure a two-way movement of communication. The Chairman gave a commitment to do so.

4. Powered craft licensing fees:

Conservators had received a paper outlining the Conservancy's own licensing fees for powered craft (categories 30 to 39) for the 2011/12 licensing year (matter deferred from January 2011 meeting). Manually propelled craft categories were to be subject to a +5% increase on the previous year's fees as of 1 April 2011. Historically the conservancy's powered craft fees had tracked the Agency's. The Agency had announced a 0% increase for the year ahead. Direct sales of Conservancy powered craft licences amounted to approx. £17k p.a. Any percentage increase risked the fees attaining or exceeding parity, the predicted effects being a migration of powered craft owners adopting Agency registrations instead of the Conservancy's given the extended cruising range offered by the Agency's licence. If this happened, there would be a detrimental effect on the Conservators' income. The paper recommended that the Conservancy's fees should remain static for the year ahead in line with the Agency's position.

Mr Phillips and Mr Brown declared interests as powered craft owners. Dr Brighty said that his involvement in the interchange agreement did not affect this decision item. The Chairman put the matter to the vote.

On the proposition of Cllr Williamson, seconded by Mr Ingersent, all eligible Conservators were in favour of a 0% increase in powered craft registration fees for the 2011/12 year.

5. Relocation of aggressive swan:

A paper was tabled about an aggressive mute swan, nick-named 'Mr Asbo', which had been discussed at a previous meeting (see Minutes, 8th July 2010). An application to Natural England to relocate the breeding pair for H&S reasons had been deferred until further options had been considered about managing the relationship between river wildlife and traffic. The swans had been hand-fed and it was believed that this had heightened levels of aggression. The cob was prone to making random attacks on all types of river craft during the nesting and breeding season (March to April). Dr Brighty foresaw two potential outcomes of this behaviour: firstly, that a river user would be attacked and sustain personal injuries, and possibly drown; secondly, that the swan might be injured, or even killed, by someone defending themselves from an attack. Opinions had been sought from conservation bodies including Natural England, the Wildfowl and Wetlands Trust and the Royal Society for the Protection of Birds. For the welfare of the swan, it was recommended that the licence application to Natural England should be re-initiated before the next breeding season.

Mr Phillips thanked Dr Brighty and the River Manager for preparing the paper. He was concerned that this was a concession to one group of river users – the rowers - and the public reaction to the removal of the swan would be negative. Cllr Williamson noted that if over-feeding was the root cause, the swan would benefit from being relocated and given the chance to settle down in a more peaceful environment. Mr Ingersent criticised the media circus; it was likely to occur again this year. There were other breeding pairs of swans

on the river; another pair might fill the niche but it was impossible to second-guess their behaviour. Dr Brighty said that if a further decline in numbers or recurrence in this pattern of behaviour took place following the pair's relocation, then the intensity of rowing use should be brought into question. Mr Pryce-Jones felt that the rowers needed to adopt a Code of Practice regarding environmental sensitivity. Mr Davies, a member of the public, said that he had been rowing on the Cam since 1957 and no oarsman wanted to injure a bird. Most birds would move aside. The population of swans had increased over the last 20 years following the banning of lead fishing weights. Rowers did not use their oars like clubs. The bird attacked the boats and the blades. A rowing eight moving at 25mph had potential to injure 'Mr Asbo' if he made an approach, which was unfortunate. If a sculler tried to use an oar as a weapon they would capsize.

The Chairman drew the discussion to a close and asked Conservators if they would support the recommendation.

On the proposition of Mr Ingersent, seconded by Dr Brighty, seven Conservators were in favour of re-activating the licence application with Natural England to relocate the swans and there was one abstention.

River
Manager

The Chairman thanked people for their attendance today and reminded them of the date of the next meeting in April.

There being no other business the meeting closed at 11.28am.