

**CONSERVATORS OF THE RIVER CAM**

MINUTES OF A MEETING OF THE CONSERVATORS HELD IN COMMITTEE ROOM 1 (THE HEIDELBERG ROOM) AT THE GUILDHALL, CAMBRIDGE ON THURSDAY 1 JULY 2004 AT 9.30am

Present: Professor M D I Chisholm (in the chair)

Conservators: Mr J Adams, Mr L Anderson, Dr P Convey, Mr R C Hardingham, Mr R Ingersent, Dr R Laws, and Dr R D Walker.

Observers: Mr R T Bryant, Mr D Bradley, and Mr W Key.

In Attendance: Mr R B Bamford and Mr J R Wakefield (from Archer and Archer - the Clerks), Mr G Facer (Engineer and Control Officer) and Mr C Sparkes (River Foreman).

And 14 members of the general public.

Prior to the meeting commencing, the Chairman presented the draw prizes for the responses to the questionnaire on the Interchange Agreement to Sarah Woodall, a representative of Tom Smith and the third prize was to be delivered to Mr Peter Ray by the Hon Engineer.

Action Required

By

1. Apologies for absence had been received from Cllr B Bradnack, Cllr R Driver, Cllr I Nimmo Smith, Mr L Phillips and Mr R Wakeford.
2. Minutes of the meeting held on 15<sup>th</sup> April 2004 were approved and the Chairman authorised to sign them.
3. Matters Arising from those minutes (not dealt with elsewhere on the agenda): The question of boat safety was left to the end of the meeting.
4. Chairman's Report: The Chairman reported that he had attended a second meeting called by the City Council in connection with the problem of touting by punt operators and other street traders which was having an adverse impact on the economy of certain resident traders. It was likely that the City would want to tighten up on the byelaws relating to such matters.

*(Item 6 was then taken here, to assist those who wished to leave early.)*

5. Changes to the Interchange Agreement:

- 5.1 The Clerks explained that the "Interchange Agreement" was a formal arrangement between the Conservators and the EA to permit powered boats registered with the EA to navigate our waters without further registration for which we receive 25% of the EA's tariff for a boat in their Class 36 (10m to 12.5m in length) for every mechanically powered boat on our waters at the time of a boat count (usually around July/August each year).

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- 5.2 It was reported that in 2003/04 we had received £18,972.22 under this arrangement from a total of 243 boats.
- 5.3 It was felt that with so many boats almost permanently on our water that this 25% share of the registration tariff was not compensating the Conservators sufficiently for the problems which they faced. It was agreed at an earlier meeting that discussions be started with the EA towards negotiating an increase.
- 5.4 As a consequence of these negotiations the EA had agreed to increase the percentage refunded, from 25% to 33% for the current year while a new formula was being calculated for introduction in 2005/06. This percentage should produce approximately £6,000 more income if the boat numbers remain static. Conservators confirmed that this increase be accepted on their behalf. The Chairman expressed the meeting's thanks to Mr Adams.
- 5.5 In order to help both the Conservators and the EA know what the boat users themselves considered to be their usage of the two navigations a questionnaire had been sent out/delivered to all boats/boat users on the Cam, in April. A report on the results of this was attached to the papers for the meeting.
- 5.6 At the last meeting, a suggested formula was discarded because, inter alia, it had the effect of increasing registration fees for boat owners. As this exercise was primarily to seek a fairer division of their payment a new scheme had been agreed, in principle, between the officers and Mr Adams (as an officer of the EA), in a series of meetings, on the following lines:-
- 5.7 There should be two forms of registration on the Cam for boats in the relevant motorised categories: "Cam Only" and "Cam Plus".
- 5.7.1 "Cam Only" would be set at a percentage of the EA figure but permit such a registered boat to navigate only on Conservators' waters. At present, that % is 95% and it was likely to remain at that figure. About 10 boats registered on this tariff in 2003/04.
- 5.7.2 "Cam Plus", which in effect would be an EA licence plus a Cam licence, would cost the same as an EA licence; but obtained only through the Conservators.

These licences would be on two separate discs which would need to be displayed side by side in the relevant boat. Payment would be made by each applicant to the EA but submitted to the Clerks. The Conservators would then receive 60% of all such payments for Cam Plus registrations from the EA.

- 5.7.3 Visitors would be permitted for 28 days on Cam waters (when registered with the EA or BW) but if not registered with them would need to register with us under Cam Only or Cam Plus within 14 days of their arrival.)
- 5.7.4 Any visitor who stays over 28 days whether registered with the EA or not, would be expected to pay “Cam only” licence charges on top of what they may have paid for their present licence. The Clerks would be able to use their discretion in deciding what proportion of the “Cam only” licence fee might be charged on the basis of time since the stay commenced.
- 5.7.5 Those holding Gold and Silver licences would be covered by the Boat Count which would still be necessary for which we would receive an increased percentage of the agreed tariff, but which would exclude boats having Cam licences from the calculation.
- 5.8 The above arrangements had been discussed with the EA and their acceptance was currently awaited. Conservators’ approval in principle was given.
- 5.9 As was seen from this no boater would be paying an amount greater than under the present arrangement. Therefore there was no reason for this to go out to further consultation. There remained a great deal of “behind the scenes” agreement on the forms to be completed etc - full details of which will be presented to the September meeting.

Mr L Anderson left the meeting at 11.30am.

- 6. Engineer’s Report: *(taken before item 5 above)*
- 6.1 Baitsbite Lock - The Engineer reported that the lock had been closed for three days on 9, 10 and 11 June when the defective gearbox was replaced by the Environment Agency and our staff in conjunction with a specialist hydraulics contractor replaced all of the pipework to the downstream doors.
- 6.2.1 Mooring Policy - The Engineer reported that 200 copies of the consultative document had been sent out / hand delivered at the beginning of the month and 50 returns had been received by the due date.

Mr R Ingersent arrived.

He had appraised the returns and after consultation with the Chairman had sent his amended recommendations in the form of a report to all Conservators so that they had the time to consider it prior to the meeting.

The Hon Engineer then went on through each of the recommendations to give the Conservators the opportunity to discuss each one in turn using the numbering in his original recommendations with a view to obtaining conditional consent for each proposal, with the whole package then to be reviewed.

4.1 Above Jesus Lock - After discussion it was agreed conditionally that his recommendations with his latest amendments should stand.

4.2 Referred to Jesus Lock and the byelaw requirement of no mooring within 36m of lock, sluice and weir.

4.3 Jesus Lock to Victoria Bridge - The fact that no restrictions were to be imposed save for 40m by the “pump-out” site, raised concerns from a number of Conservators about lack of visitor mooring. The Engineer pointed out that that was the responsibility of the City Council as riparian owners and was not a navigation issue. However it was argued that if visitors could not find anywhere to moor they became a navigation hazard in themselves. It was agreed that the City Council should be advised that there should be a sufficient provision for short-term visitors up to 48 hours. The fact that boats could “double park” was agreed to an overall width of 4.3m (2x a narrow boat width) rather than the 4m in the report.

Mr R Hardingham arrived.

4.4 Victoria Bridge to Eights Marina - The recommendation for a prohibition of all mooring for 80m downstream of Fort St George was approved; provision of mooring, even limited to 2.15m in width for this length, caused considerable argument for and against. These arguments included the comments of a cox who implied that more space might encourage some boats to overtake causing even more chaos. After considerable discussion a compromise was reached in that no mooring should be permitted between 1<sup>st</sup> October and the 31<sup>st</sup> March. (Cllr Ian Nimmo Smith had submitted some comments about the changes to the mooring policy which were circulated during the discussion on this matter.)

4.5 Eights Marina - No change was envisaged here.

4.6 Eights Marina to Priory Road - The extension to the restriction on the right bank to Priory Road was approved.

4.7 Priory Road to Green Dragon Bridge - This recommendation was agreed; but with a strong reference to the trimming of trees and that no boats wider than 2.15m to moor on Stourbridge Common.

4.8 Green Dragon Bridge - No change, ie no mooring be permitted.

4.9 Green Dragon Bridge to the Upstream End of the Towpath - The change in the initial recommendations was approved after considerable discussion.

4.10 Upstream End of Towpath to Baitsbite Lock - The recommendations were approved with the absolute ban on the right bank by the Railway Bridge and with a concession subject to the discretion of the Control Officer for 48 hour mooring on the towpath.

4.11 Baitsbite Lock to Bottisham Lock - The recommendations were all accepted.

6.2.2 The comments on trees and double mooring were noted.

6.2.3 On completion of these discussions the Conservators confirmed their conditional views with the intent that rather than delay implementation to 1.4.05 they should commence on 1.10.04 with suitable advertising in the press and on the web site. At this point a lady pointed out that the Conservators appeared to have taken no notice of the Consultation, that all the boat owners on Midsummer Common had written in but their views had been totally ignored. The Chairman pointed out that in fact their views had been taken into consideration but these had to be balanced against other responses and the safety and importance of navigation on the river, which had been in the forefront of the mind of the Conservators.

6.3 EDF Proposed Cable along the Towpath - As a consultee of the EA on flood defence consent applications, the Engineer had been consulted on a proposal by EDF energy to lay 6 nr 33 kv electricity cables along the towpath from Fen Ditton to Water Street in Chesterton, approx 2 km in length. The cables were to be in a bank of 12 nr 150mm dia ducts in a trench width of 1.5 metres with cover of 750 mm – making the trench approx 1.25m deep. It was proposed that the works commence in September 2004 but might extend to 2005.

It was agreed that the Engineer keep pressing the applicant, who was operating under statutory powers, to provide and agree a method statement with the contractors and where appropriate to agree times of commencement to avoid the maximum congestion on the towpath and, in particular, to avoid the two national fishing events due to take place on this stretch in early autumn. He was authorised to consult Carter Jonas on agreeing terms.

6.4 Works Programme - The works programme for the year was noted. The Engineer said that he intended to bring this along to each meeting showing under or over achievement. Conservators approved the programme.

6.5 Horses on the Halingway - The Engineer reported that a Mr Parker was considering setting up an equestrian centre at Clayhithe and had asked whether he may take horses onto the tow path. The Engineer said that to the best of his knowledge this was the first request of this nature that had been received.

Horse riding was generally prohibited under the Byelaws although consent may be afforded by the Control Officer.

Given that towpath is leased to the CFPAS, and that the surface, which is far from brilliant at present, may well suffer from horse traffic he believe the request should be declined. Conservators considered this and agreed that such consent should be withheld.

At this point Dr Walker left the meeting.

7. Finance Report:

7.1 Income and Expenditure:

- Clerks 7.1.1 Accounts for the year to 31.3.2004 had been prepared and had been audited. The Conservators approved these accounts and authorised the Chairman and Dr Convey to sign the three top copies. In addition, the Conservators authorised the Clerks to sign the auditor's letter of representation on their behalf.
- Clerks 7.1.2 In the letter of representation attention was drawn to the lack of payment by SCDC for rubbish clearance in the river and on the Halingway. Their officer in charge had changed and what with their change of offices to Cambourne it had not been easy to contact them to discuss the figures. The figure had been agreed at £3,500 for 2003/04.
- Clerks 7.1.3 The EA had not paid their annual rent for 2003 and 2004 for use of the Baitsbite Lock Keeper's hut for electronic equipment. The Clerks were in the course of chasing them for these payments which amount to £250 pa + RPI - totalling £562.06 (*paid 7.7.04*).
- 7.1.4 These accounts show a marked improvement over the original budget due largely to the changes agreed in depreciation rates last year.
- 7.2.1 Registration Income had been forthcoming and £40,000 had been added to the London Treasurer's Deposit where it could earn at least 1.5% more interest than in the business account until such time as it was needed for running expenses.
- 7.2.2 All but one of the Colleges (Darwin) had paid up by the Mays (after reminders to half a dozen on what had been invoiced to them).
- 7.2.3 Details of current registrations were tabled.
- 7.2.4 No abnormal payments had been made in the first quarter.
- 7.3 Capital: £250,000 was invested with Barclays London Treasurers providing 3.55% until 15.7.04 when new rates would be given and £250,000 on a Hallmark Account at Cambridge Building Society bringing in 3.4%, at present.
- 7.4.1 Grant: In the usual way, the Clerks made application for grant from the City Council. This fell under their heading of Sustainable City Core Funding Grant 2004/05. They had offered £1,790 down from £2,000, last year.

7.4.2 In accepting this the Conservators were asked to sign a formal agreement to their terms and conditions which the Chairman agreed to after discussion with the Clerks. Copies of these terms were set out on the papers attached to the Agenda. These would require for example, if our accounts, when presented to the City, show that the Conservators had balanced their books that they may have to refund any grant received.

7.4.3 The Clerks reported that the grant had been received and the Clerks would be looking to introduce or re-confirm the policies on the environment and equal opportunities at the September meeting.

8. Clerks' Report:

Clerks 8.1 Arrangements for credits on prompt payment of Registration Fees: The Clerks were asked to contact British Waterways about their system. As yet we have had no reply from them; but we have not had time to chase them up.

Clerks 8.2 Computer: This had arrived, was insured and was connected up with additional wiring and one desk being required. The first training session had taken place and it was clear that more training days than budgeted for would be required. These additions were approved.

8.3 Use of Visa Barclaycard for Registrations: While about 40% of replies to the recent questionnaire indicated that they would be prepared to pay this way, if EA require the 100% of their tariff without any deduction it would not be worth the Conservators' while considering this. It would be considered with other matters when agreeing the technicalities of the new registration arrangements.

Clerks 8.4 Jesus Lock Keeper's Cottage: The lease expires in September. Emmanuel have indicated that they would be interested in renewing. Carter Jonas had tried to contact the Bursar, without a great deal of success; but would keep on trying or start to relet, shortly, the Conservators instructed the Clerks to tell Carter Jonas to advertise it to put some pressure on Emmanuel.

Engineer 8.5 Asbestos Inspections: The Engineer and Control Officer had been in contact with the surveyors who gave the best quote: but due to pressure of business they have not yet carried out the work.

8.6 Insurance: The insurers had excluded subsidence problems on the Conservators' house at Clayhithe. Because underpinning had been carried out we asked them to reconsider. They were proposing to survey the house shortly so that they can consider our request. As the cost of the survey was not going to be the Conservators' responsibility, directly, the Clerks had welcomed this approach.

Clerks

- 8.7 Observers: Conservators asked the Clerks to write to thank Mr W H Saberton on his retirement as an observer on behalf of South Cambridgeshire District Council for his interest over the last few years. The Conservators asked the Clerks to ask the Council to nominate someone whom they could appoint to be as an observer to these meetings (preferably a Councillor from a riverside parish).
- 8.8 Sunken Boats: The Conservators had held at Clayhithe, "Calico Jack" a boat whose owner died last year. At long last the boat had been sold and after payment of an agreed figure the boat was released.
- 8.9 Safety Risks: The punt operators' Code of Practice was being signed by applicants but there seemed to be resistance to obtaining signage from Scudamores who had offered it. The Conservators hoped that the problems would soon be resolved.
- 8.10.1 Registration: The Clerks reported that there was a continual stream of applications for registrations coming in. They had started chasing those unregistered, prior to prosecutions, to try to encourage some of the slower ones to finalise their paperwork.
- 8.10.2 The Clerks' litigation department attended court in May to deal with outstanding cases left over from last year. Of those cases:-
- One had sold the boat and sent arrears of cash but no paperwork for BSSC. This was adjourned to cover costs which had not been received.
- One had changed address so papers could not be served.
- One person appeared promising to produce BSSC in a few days. The case had been adjourned to later this month.
- Three cases were proved in their absence and orders made. All were fined the maximum £200 with £82.25 and compensation orders made for the outstanding registration fees. The court will collect these.
- Two were withdrawn on full payment and production of papers prior to the hearing and finally one had totally disappeared and the process server had been unable to trace him.
- 8.11 Dangerous Boats: The EA had contacted the Clerks about two boats which apparently visited our waters for Strawberry Fair. These were unregistered and one was an open lifeboat filled with old car batteries and gas cylinders. By the time the Clerks received details the boats had left our waters.



8.12 River Incidents:

(a) Mr Middleton duly appeared in court at the end of April and was found guilty of one offence and given a discharge conditional for two years which meant that if he had another offence proved against him he would have to have a further punishment for this. At the time this was considered a good result. The magistrates can fine him up to £200 each offence. In April he was ordered to pay £200 towards the costs, linked to the case for which he was found guilty (about 10% of actual costs for the two summons which were made). As yet we have not seen that. The overall costs of running that case amounted to £5,196.25 inc process server's fee and VAT. The bulk of the time being taken up with trying to obtain witness statements from persons who were unwilling to proceed in respect of another incident.

(b) Mr Middleton or his family and friends had been reported as being involved in a series of other incidents including near swamping of single sculls and what appears to be a deliberate attempt to ram an VIII belonging to Magdalene College which luckily had some very experienced oarsmen on board. The Police had been notified of this incident in the hope that they would invoke the criminal laws which might have better penalties.

(c) A letter from Mr Mayo wrote complaining about a rowing VIII was noted.

8.13 Review of our powers: Following the recent incidents being reported at 9.12(b) above it had been suggested that the Conservators should contact other navigation bodies to see if the penalties could be increased (Level 1, at present, on the standard scale provided by Section 37 of the Criminal Justice Act 1982 as amended). The EA is limited to Level 2 (£500). In addition, there might be an opportunity to look at a total ban on some size of boats, or those permanently unregistered, with the equivalent of a car pound, and to obtain the power to refuse registration to individuals who persistently flaunt our byelaws providing some practical procedure for removing boats and/or banning individuals can be found. All these matters raise technical problems as well as legal ones. The Conservators approved further action especially as Mr John Adams indicated that the Agency were changing their rules to increase penalties. He agreed to forward copies of the drafts to the Clerks.

8.14 The Clerks reported that they had received a letter from Richard Moseley keeping them informed of what was happening with CamToo and also the Cambridge Sustainable City newsletter.

9. Dates of Next Meetings:

The meetings for Thursday 23<sup>rd</sup> September 2004, 13<sup>th</sup> January 2005, Thursday 14<sup>th</sup> April 2005 were confirmed and Thursday 7<sup>th</sup> July 2005 was agreed.

10. Any Other Business:

- 10.1 Mr R Ingersent reported on the meeting called by the Maritime Coastguard Agency (MCA) which had taken place on 6<sup>th</sup> May, which he had attended on behalf of the Conservators. This had followed the publication of a report on an accident on the Broads. He indicated that there would be little to concern the Conservators.
- 10.2 Mr Laws reported on the meeting with AINA which had taken place highlighting the changes in the law on dumping of wet dredgings and indicated that he would be unable to attend all their meetings. Conservators agreed he should remain as their representative.

The meeting closed at 12 noon.