

**CONSERVATORS OF THE RIVER CAM**

MINUTES OF A MEETING OF THE CONSERVATORS HELD IN THE COUNCIL CHAMBER AT THE GUILDHALL, CAMBRIDGE ON THURSDAY 12 JANUARY 2006 AT 9.30am

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

Conservators: Mr J Adams, Mr L Anderson, Dr N H M Chancellor, Mr R C Hardingham, Mr J R Pryce-Jones, Mr R Ingersent, Cllr I Nimmo-Smith, Dr R Laws, Mr L I Phillips, and Dr R D H Walker.

Observers: Mr R T Bryant and Mr D Bradley.

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 of the general public (who signed the attendance record): Mr John Leader, Mr James Macnaghten, Mr A C G Brown, Mr R How, Mr S Duncan and Mr M Smith.

Action Required

By

Clerks

1. The Clerks reported on the re-appointment of Dr R Walker and the appointments of Dr Nigel Chancellor and Mr D Pryce-Jones as representing the University. The two new Conservators had made the appropriate declarations and were welcomed to the meeting. The Chairman formally thanked Dr Convey and Mr Wakeford for their help and asked the Clerks to write appropriately.
2. **Apologies for absence** had been given by Councillor R Smith, and two observers, Mr W Key from the CRA and Cllr H Smith from South Cambs District Council.
3. **Election of Chairman:** On the nomination of Cllr I Nimmo Smith seconded by Mr R Hardingham, Professor M D I Chisholm was re-appointed Chairman for the ensuing year, unanimously.
4. **Minutes of the Meeting held on 22<sup>nd</sup> September 2005:** These were approved and the Chairman authorised to sign the same.
5. **Matters Arising from those minutes as reported (not dealt with elsewhere on the agenda):**
  6. **The Future of the Administration:** The Chairman indicated that the Conservators "in Committee", had taken the view that they should amalgamate the work of the Clerks and the Engineer in a River Manager and a Deputy River Manager and that the finer details would be resolved at the later meeting, again, taken "in Committee".

- 8.3 The Environment Agency's SLA: Payments were now in order.
- 9.1.2 The Licensing Hours: Those for the Bridge at Clayhithe had been extended, but not as far as the applicants had expected (midnight instead of 02.30).
- 9.4 Baitsbite Lock: The temporary lock keeper had been thanked formally for his help while the lock system needed attention.
- 9.6 Interchange Agreement: Payment had been received from the EA. The Clerks have the written approval of the EA confirming similar arrangements for 2006/07.
- 9.7 The Fishing Lease: The rent for the next 3 years from 1.6.06 had been agreed, with an increase of £100.
- 9.9 Grazing Land: No new tenant had been found.
- 9.10 Jesus Lock Keeper's House: The House of Multiple Occupation (HMO) Registration application has been submitted to the City Council and the City's HMO Officer had visited the premises yesterday, with Carter Jonas, as yet no report was available.
- 9.11 Cambridge City Plan - Local Plan Enquiry: As it turned out, because the City accepted the Conservators' proposals there was no need for the Chairman to attend the hearing.
- 6. Appointment of Deputy Chairman, Clerks and Engineer and Control Officer and his Deputy:
  - 6.1 On the proposition of the Chairman seconded by Mr John Adams, Cllr I Nimmo Smith was appointed Deputy Chairman nem con.
  - 6.2 Conservators re-appointed their Engineer and Control Officer, Mr G Facer, on the terms of the Service Level Agreement dated 9<sup>th</sup> March 2004 subject to an increase in the annual charge payable to him to the sum of £15,914 (+ 3% over last year).
  - 6.3 Conservators also appointed the River Foreman or when relevant his deputy as Deputy to the Engineer and Control Officer for any decision when Mr Facer was away or indisposed giving him or the Deputy the powers of the Control Officer vested in them in the Control Officer's absence, for all matters concerned with, inter alia, the Byelaws and the statutes affecting the Conservancy Area.
  - 6.4 The Conservators re-appointed their Clerks, Archer & Archer, on similar terms to previous years, wef 1.4.2005, subject to an increase in salary from £30,900 to £31,827 + VAT (ie +3%). They agreed that the Chairman should sign an acknowledgement of their standard terms

letter, when it is issued in the format previously approved. This letter will make it clear that in addition to the charges set out above, Archer & Archer expect to charge for all matters of a legal nature, not within the normal Clerkship duties, with the approval of the Chairman: where appropriate an additional terms' letter will be issued, for specific instructions. It was understood by all parties that this would operate only until one month after the new River Manager had taken up his full duties.

6.5 The Conservators agreed to delegate their powers to their officers and on the proposition of the Councillor I Nimmo Smith seconded by Mr Roy Hardingham it was resolved nem con that:-

(a) the Chairman, the Clerks and the Engineer and Control Officer be authorised to carry out all such matters requiring the authority of the Conservators in the event of any emergency works or works consequential on works approved by the Conservators being required and to take any decisions normally requiring to be given by the Conservators (including under the Licensing Act 2003) where the obtaining of such approval might delay any matters to the detriment of the Conservators or any third party.

(b) the Clerks be authorised and directed to collect the registration fees, any arrears and all other charges due to the Conservators and to take such steps as may be necessary (through Court action, including power to agree to and to sign proxy for the Conservators in respect of any voluntary arrangements of creditors, bankruptcy or liquidation proceedings in respect of the Conservators' debtors or otherwise) on behalf of the Conservators to complete such collection or to enforce the Byelaws and statutes and to defend actions on behalf of the Conservators. The Clerks be appointed to appear on behalf of the Conservators before any Court of competent jurisdiction for these purposes and the powers of the Conservators for this purpose be delegated formally to Mr J R Wakefield.

(c) The Engineer (or the Clerks, where appropriate) be authorised to issue such notices as may be necessary in respect of all work to be undertaken on the Conservancy Area and the Upper River and to take appropriate steps to maintain the same in conformity with the current statutes and the Byelaws affecting the same.

(d) the Clerks after consultation with the Engineer be given power to agree special terms for payment, to compromise or otherwise to amend any claim in respect of registration fees due to the Conservators and to agree terms for and to issue (with or without such conditions as they deemed appropriate) licences for work to be carried out in or over the navigation or on the banks to applicants and to refuse such applications and those for registration of boats, for any reason for which the Conservators have that power and without limiting the generality of this authority, particularly if they have any concern as to the safety of the navigation or any boats concerned or their effect on

the safety of others to implement such powers; provided that details of all such licences granted or refused shall be reported to the next ensuing meeting of the Conservators.

- 6.6 It was understood that the appointments made at 6.2 and 6.4 above and the consequential issues would have to be reconsidered formally once a River Manager and his Deputy were appointed.

7. Chairman's Report:

- 7.1 The Chairman reported that he had been invited by Castleton Women's Guild on 1<sup>st</sup> November when he had spoken on navigation matters affecting the river to a very interested audience.

- 7.2 He had attended a meeting of the Cleaner River Cam for which a report from the group had been annexed to the papers. He had two questions to pose.

The first, was that Mr Macnaghten had very kindly offered to produce punts for a clear-up exercise and he wondered whether that had occurred. Mr Macnaghten said that it had not yet; but was expected shortly.

The second was that it was noted that a skip for rubbish was used by the Conservators at Clayhithe and that the City were to provide skips at other points adjacent to the river. Mr L Phillips indicated that this had occurred; but the City's Mooring Policy proposals included re-examining the rubbish collection arrangements.

8. Hon Engineer's Report:

**The following matters were noted :-**

- 8.1 **Bishops Mill Sluice** The City had indicated that it was now unlikely to fully automate the sluice within the next 15-20 years but may carry out some lesser improvements. These would entail overhauling the existing gates, provision of actuators to operate them in lieu of the current manual handles, and constructing concrete nosings on the upstream side to improve passage through the sluice. These works may slightly reduce the Conservators' work load and hence income received under the SLA, but would not have a substantial effect.

- 8.2 **Baitsbite Lock** The work to replace the chains on the guillotine door, paint the structure, provide a thrust bearing to support the vertical drive shaft and install a delay in the gate opening had been carried out with no undue problems. The contractors over ran by half a week due to inclement weather whilst painting.

During the work it was pointed-out by both the EA and the contracting engineers that the guard rails on top of the structure did not meet the current safety standards. Also there was no safe working platform to

carry out regular maintenance and greasing of the top gearbox. The Engineer had instructed that these be uprated whilst the scaffolding was still in place.

The final total cost was £18500 + VAT, the cost of replacing the hand railing and providing a permanent working platform for the gearbox being £5900 + VAT.

Engineer Mr Leader drew attention to the service and maintenance of both the vee doors and the guillotine. Mr Facer indicated, as set out in the Clerks' Report that he was negotiating with the Environment Agency to take on this work.

- 8.3 **Sheeps Green Bridge** The County had advised that the existing bridge would not now be replaced with a new structure. Instead it is to be re-decked with new approach ramps being built on both sides.

Engineer The Engineer had reasserted his wish that everything possible was done to stop the bridge being used as a jumping platform.

James Macnaghten raised the aggressive aspects of the jumpers and the County are not taking any steps to prevent this.

Engineer The Engineer also mentioned Jesus Green footbridge which was to be redecked between 11-19 February.

- 8.4 **Baitsbite Lock House** A planning submission for conversion into an office for the River Manager was to be submitted after the meeting, when a cheque for the fees would be provided.

- 8.5 **Clayhithe Messroom and Drainage** A drawing showing a reduction in size of the previously approved mess room extension to the Workshop, together with drainage, had been prepared and following agreement by the Chairman had been submitted to South Cambs as an amendment to the current planning permission.

(Copies of each of the above were available at the meeting)

- 8.6 **Clayhithe Electrical Inspection** An inspection of the house and workshops had shown that whilst safe, some of the electrical installation is in need of uprating to meet current standards. This was mainly due to the existing workshop being on the end of a long and tortuous supply from the main house. The Engineer intended that a new supply be brought into the workshop as part of the mess room contract and that the above uprating should also be included within the building works.

**The following matters required decisions being taken:-**

- 8.7 **Cyril C** The staff had been looking on the internet for an alternative craft but so far without success. There were however many boats in the £10 - £15 k price range and he believed it was just a matter of time before the right one became available.

Engineer

The Foreman had been in touch with a manufacturer who had had a work boat for sale at £12K. This has gone but he was willing to build a work boat within the budget. Once the specification was produced the Engineer and Foreman would visit him to check things out.

Word had circulated that we may be replacing the Cyril C and three persons had expressed a very keen interest in purchasing it as a do-it-yourself project to refurbish as a private cruiser. Because the staff were not using the craft at present ( it had no BSSC ) and following discussions with the workforce, and given the above, it was agreed that the craft be sold with the 'Cyril C' name being retained (insofar as it was possible) for transfer to its future replacement with a reserve figure of £2500 or possibly sold on e-bay.

#### 8.8 **Navigation along the Backs**

Engineer and Clerks

Following the arguments set out in the report it was agreed nem con that the punt operators' Code of Practice be revised

- 1) to approve the addition of 'and through the right hand arch of all bridges' after 'on the right' in paragraph 11 of the Code
- 2) to include an additional requirement in paragraph 13 of the Code that operators 'make self hirers aware of these navigational rules and of their obligation to abide by them as far as possible, consistent with their punting ability'.

- 8.9 **Willow Pollarding** Over the years the willows between Fen Road Milton and Clayhithe have received less attention in favour of those along the much more heavily trafficked section of towpath between Chesterton and Baitsbite.

In line with the comments in the Engineer's report it was agreed to

- 1) To approve expenditure of £12000 + VAT for pollarding by external contractors during this financial year.
- 2) But to defer the approval of a rolling external pollarding programme of £10k+ VAT per annum ( subject to possible review ) for both 2006/7 and 2007/08 until a full report from the Engineer as to the number of trees requiring attention, so that all the willow trees could be pollarded on a rolling programme of work undertaken by the Conservators' own workforce.

9. Finance Report:

9.1 The Clerks reported that everything was on course to provide, at the end of the year, the figures shown in the Draft Proposed Budget for 2006/07 with the meeting papers. Dr Walker drew attention to the fact that depreciation would necessarily be higher, next year.

9.2 Registration Fees: Conservators mindful of the Chairman's Paper of December 2001 agreed increases for normal charges to the top limit, so that the multiplier for owner categories should be for 2006:-

4	Colleges for their own members and non-paying guests:	2.25
5	As above AND/OR for hire to the general public:	5
6	For commercial operators for punts etc:	5
7	Hire of all other boats	5

The last item being increased in line with all others as there were no boats currently affected.

9.3 Conservators noted the Clerks' comments and the fact that the Environment Agency was to increase its registration charges by 6.9% and after discussion which highlighted that with the increase in the multiplier above the punt charges would be approximately 7% on the proposition of Mr R Ingersent seconded by Cllr I Nimmo Smith agreed an increase in registration fees of 5% as shown in the papers before them with those for motorised boats being set at 95% of those set by the Environment Agency and adopted the budget laid before them unanimously subject to the consequential changes.

10. Agreement for River Lowering (Middle River - along the Backs):

10.1 The Conservators agreed that some change was needed to the charging regime for the closure/lowering of the river to encourage shorter periods of lowering. After considerable discussion, during which Dr Walker indicated a desire on the part of some riparian owners to minimise any lowering it was agreed that for the next lowering period, 2006/07, the standard lowering period would be 14 days and that for any week or part of week thereafter a variable rate would apply as follows:-

Any such extension in:

December or January twice the rate set out below:

In November or February three times the rate, and

In March five times the rate.

The officers were asked to try to discourage closure over the Christmas and New year holiday period possibly making arrangements to raise the level for that period when no work would be carried out.

10.2 The fees for 2006/07 were agreed as follows

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|---|------|
| (a) For lowering middle river for 14 days   | £993 |
| (b) For any obstruction where scaffolding up to 1 ½ m in from bank lasting up to 14 days                  | £495 |
| (c) With per week or part week thereafter in (a) or (b) above but subject to the multiplier in 10.1 above | £204 |
| (d) Approval of plans, without obstruction  | £104 |

10.3 The Conservators agreed the right to waive the fee where appropriate and to set a different fee where obstruction is more than 1 ½ m into the river. The powers of the Conservators being dealt with by the Engineer and Clerks in consultation with the Chairman under the standard power of delegation.

10.4 The current window commenced on 1.11.05 and ends on 14.3.05 (a longer gap - agreed every 3 years) and the next two years were agreed as:

1.12.2006 to 14.2.2007  
1.12.2007 to 14.2.2008

It was further agreed that the following closure period would be followed, the following year should be 1.11.2008 to 14.3.2009.

Clerks/  
Engineer

10.5 The Clerks were asked to notify the Secretary to the College Bursars of these changes. The Engineer was asked to provide advice on the feasibility of insisting on using coffer dams for carrying out the repair work normally entailing lowering of the river, in the future.

11. Clerks' Report:

It was reported:-

11.1 A.I.N.A. had requested confirmation of the Conservators' contact details for inclusion in the 2006 Waterways World Annual. The Conservators' web-site details were furnished for inclusion in this publication.

11.2 Baitsbite Cottage No. 2 Compensation of 7 days rental had been paid to the tenants following flooding of the premises to cover their costs of being in hotel accommodation. This would be recovered under insurance.



The tenants had complained of a rat infestation in the front garden. The Public Health Authority had been notified.

Hon Engineer

- 11.3 Baitsbite Lock Maintenance work has been completed on the Lock doors and these have been painted up. The invoice for this work has been paid.

The Control Officer was in the process of negotiating a maintenance contract with the Environment Agency to cover both the electrical mechanical aspects of the mechanism.

- 11.4 Bishop's Mill SLA with the City Council Invoices have been met appropriately.

- 11.5 Boat Standards The Boat Safety Scheme had invited a representative of the Conservators to attend a general meeting 10.01.06. No representative from the Conservators could attend.

- 11.6 Cambridge (Sports) Rowing Lake South Cambridgeshire District Council notified the Clerks, on 25<sup>th</sup> October, that the planning application originally made in 1993 for this project had been refused on the basis that the environmental statement was now out of date and the terms of the Section 106 Agreement had not been complied with. A further application had now been submitted.

- 11.7 CamToo Richard Moseley had notified the Clerks that there was now a 'Statement of Common Ground' between the City Council and the CamToo organisers which has been approved by the City Development Plan Steering Group. This was submitted to the Local Plan public enquiry. Mr Moseley had proposed to hold a meeting between interested parties, one of which was the Conservators. The Clerks were awaiting details of the agenda for this meeting. Mr Moseley's latest update was tabled.

- 11.8 Computer Instructions had been given to the consultants, used before, to provide hard and software for the River Manager's computer to run in parallel with that used by Jonathan Wakefield so that it would be up and running in the Clerks' offices and could be transferred to Baitsbite on the change-over.

- 11.9 Congestion on the River 'Rosie' a motorised trip boat, registered with the EA, had been navigating the River upstream as far as the Bridge of Sighs since the winter timings permitted motorised access above Jesus Lock. This has caused some concern to punt operators.

- 11.10 Access from Fen Road to the Halingway at Grassy Corner The driveway gate had been vandalised. The Control Officer has proposed erecting concrete posts here in order to prevent vehicles gaining access to the Halingway; ambulances can gain access from both Chesterton end and at Baitsbite, if necessary.

- 11.11 Jesus Lock Keeper's Cottage Some of the tenants have changed here. Carter Jonas have this in hand.
- 11.12 Insurance The stonemasons have inspected the damage to the ornamental stone ball at the Clayhithe property. Their quotation of £1,040 plus VAT for the repairs had been sent to insurers so that the claims can be finalised. Also, we had agreed the repairs quotation at Baitsbite No.2 Cottage so that the claim can be finalised.
- 11.13 Licensing Act 2003 An application had been made to Cambridge City Council by the operator of 'Georgina' for a licence to provide musical entertainment. The Clerks had indicated to Georgina's owner that Byelaw 15.11 gives the Conservators powers to forbid music where it caused a nuisance but that no objection would be raised at this time. The Conservators retained their right to act at any future date, under their Byelaws.
- 11.14 Miscellaneous Applications CCRC Christmas Head Race was scheduled for 21/01/06 and was advertised on the Conservators' website.

KTF Group was granted a licence to erect scaffolding at 31 Magdalene Street. The requisite fee has been paid by KTF Group.

Cambridge Writers Guild (CWG) had enquired whether a licence would be required in order to erect permanent plaques, bearing poetry, along the River walls. They have been advised to seek permission from the riparian landowners.

The Clerks also advised CWG that planning permission might be required from Cambridge City Council. If permission was granted by these bodies, the Conservators would then consider an application for this, under their statutes.

- 11.15 Mooring Arrangements with Cambridge City Council The officers had met representatives of the City Council. Draft licence terms had been seen and commented on and a final version had been provided, the previous day, on which further comments had been submitted. The City Council's Steering Group were meeting on 19.1.06 to finalise matters for applications to be submitted.

Mr L Phillips raised the question of providing additional mooring for unsuccessful applicants, possibly below Baitsbite Lock: it was decided that no action was needed.

On the subject of moorings, the Office of the Deputy Prime Minister had issued a consultation exercise to cover the possibility of giving long-term moorings security of tenure (see [www.odpm.gov.uk/index.asp?id=1161848](http://www.odpm.gov.uk/index.asp?id=1161848)). The Clerks had asked Mr John Adams to help them liaise with the Agency, or make

any comments; but as the Conservators do not own any moorings, as such, they have no direct input into the argument save that relating to navigation.

- 11.16 Registrations The Amateur Rowing Association (ARA) required all boats which participate in events on the Tideway of the Thames to be identified with a six-digit alpha-numeric code. The Clerks had been notified by Dr P Convey that the Cambridge Rowing Association (CRA) required all boats participating in events on the River Cam to comply with this.

Because this necessitated updating of a substantial number of records held by the Clerks, it had been decided that each rowing club should be requested to make a payment of £20 upon notifying the Clerks of these changes. A number of Clubs have already attended to this.

Prosecutions were in progress against a number of owners whose boats remain unregistered.

The Environment Agency's Transport & Works Act Order, which was necessary before finalisation of the Natural Waterways Harmonisation Project, would not be ready before April. The Conservators noted the bulletins with the papers and tabled.

- 11.17 Removal of Sunken Boats 'Mr Digges' was being held at Clayhithe. The boat had sunk, after which the necessary notice had been affixed to it. The identity of the owner is uncertain. If the boat is not claimed, and the outstanding fees paid, the boat will be either sold (if a satisfactory tender is received) or else destroyed.
- 11.18 River Incidents There had been numerous boats which had taken up illegal moorings on the River. The River Bailiff had issued notices against these boats, whereupon they had moved.
- 11.19 River Work The Conservators' staff removed a tree from the River at Chesterton w/e 17.10.05. An invoice was raised and payment had been made. Other trees came down across the Halingway in November. The ownership of these appeared to be the Conservators.
- 11.20 Tree Pollarding The riparian colleges had been requested by the Control Officer to trim all overhanging trees along the Backs. Professor Briscoe had been asked to trim his tree which extends more than halfway over the river near the Green Dragon Bridge. The Clerks and Engineer are in discussion with the Trees Officer as the best way forward, following his refusal.

### **Matter Agreed**

- 11.21 The Lease for the Halingway Sustrans track with the County Council. This was originally to be granted for 25 years. The County had asked for an option to renew for a further 25 years (without that

right being included, to prevent a never-ending arrangement). The Conservators agreed to this, subject to formal agreement on maintenance and clearance of the surface being the County's responsibility. The rent was £1 pa. The relevance of "clearance" being that due to the Sustrans surface the part of the Halingway to the North of Baitsbite was more used by cyclists than before. They complained more readily about trees being down and required greater clearance overhead than for pedestrians. Thus, the Conservators believed that the County should be asked to contribute to this expense.

12. Appointment of Observers:

The following observers were appointed:-

Mr R J Bryant, Sailing  
Mr D Bradley, IAW  
Mr W Key, CRA  
Cllr H Smith, SCDC

13. Dates of Next Meetings:

The meetings for Thursdays 13<sup>th</sup> April 2006, 6<sup>th</sup> July 2006, 21<sup>st</sup> September were confirmed and 11<sup>th</sup> January 2007 was agreed.