

**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 23 SEPTEMBER 2004 AT 9.30am

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

Conservators: Mr J Adams, Mr L Anderson, Cllr B Bradnack, Dr P Convey, Cllr R Driver, Mr R C Hardingham, Mr R Ingersent, Dr R Laws, Cllr I Nimmo Smith, Mr L Philips and Dr R D Walker.

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

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 21 members of the general public.

Action Required

By

1. Apologies for absence had been received from Mr R Wakeford. The Chairman welcomed Cllr Hazel Smith as an observer from South Cambs District Council.
2. Minutes of the meeting held on 1<sup>st</sup> July 2004 were approved and the Chairman authorised to sign them.
3. Matters Arising from those minutes (not dealt with elsewhere on the agenda):
  - 7.1.2 Payment now received from South Cambs District Council.
4. Chairman's Report: The Chairman stated that apart from mooring matters which had monopolised his time since the last meeting and which would be dealt with under the next item, he had nothing to report.
5. Mooring Policy:
  - 5.1.1 Copies of correspondence received by the officers had been circulated to all Conservators with an extract from the Council Agenda of 9<sup>th</sup> September 2004. Two other letters received more recently were tabled.
  - 5.1.2 The Chairman referred to the historical background of the Conservators founded on the 1702, 1851 and 1922 Acts of Parliament. He also reminded the Conservators that their responsibilities were limited to navigation aspects.
  - 5.1.3 The Chairman drew attention to the Clerks' note about the declaration of interests and asked Conservators to declare any interests they may

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have whether they were personal or prejudicial. To avoid embarrassment, he started with himself and then went round the table:-  
The Chairman had no interest to declare.

Dr R Laws who was appointed by the City Council mentioned that his house was 100m from the river, he owned a pleasure boat which was moored on the river and his son lived in a boat on the river.

Dr P Convey was University appointed but never employed by them. He was Chairman of the Combined Universities (Rowing) Boat Club and in that context he felt that he had a personal interest.

Cllr I Nimmo Smith was a City Councillor for the West Chesterton riparian Ward. He owned no boat but had rowed in the distant past and he stressed that as people would be aware of his involvement with the resolution of the City Council to which he was a co-signatory, he felt he should speak on the matter in view of a possible conflict he would not vote on any matter.

Mr J Adams was employed by the Environment Agency as the Regional Waterway Manager. He declared that he had no personal interest.

Cllr R Driver was a County Council employee confirmed that he had no personal interests.

Mr L Phillips appointed by the City Council explained that he had personal interests in that he lived on the river and was taking up rowing. He felt that he possibly had a prejudicial interest because of his interest in Cam Boaters and the "Anti Ban" campaign. He felt in the best interests of those he represented he should remain at the meeting but would not vote on any direct matter concerning the ban.

Mr R Ingersent appointed by the City Council, he was General Manager of Scudamore's, he did not row and he did not own a boat and therefore he felt that he had no personal interests to declare.

Mr R Hardingham indicated that he had lived in Cambridge for 40 years and been a member of the CMBC for 34 years, he had a boat on the river; but away from Midsummer Common and for many years he had been very interested in the work of the Conservancy. Otherwise he did not think he had any other personal interests to declare.

Mr L Anderson appointed by the City Council said he did not have a boat, he was only interested from an angling point of view and he felt he had no interest to declare.

Cllr B Bradnack was nominated by the City Council and in view of his connection with Council proceedings in the past on the questions of mooring, he would not be voting on this matter. He had owned a boat at one time but he lived on Riverside.

Dr R Walker indicated that he was appointed by the University but not employed by them and he had been an amateur supporter of rowing at his College since 1958 but he felt that he had no personal interest otherwise to declare.

- 5.1.4 The Chairman then set out how he was proposing to conduct the discussion on the basis that Cambridge City Council had requested the Conservators to reconsider their decision about mooring along Midsummer Common which had been decided upon carefully following reports from their Engineer. He was quite content to

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recommend to the Conservators that they should defer the operation of the seasonal ban until 1<sup>st</sup> October 2005 on condition that the leader of the City Council undertook to use his best endeavours to have a mooring policy in place by that date following a review which should be completed by 1<sup>st</sup> April 2005. Such a review would encompass discussions with the Conservators so that a proper strategy for the river could be in place by this time next year. He went on to suggest that there were other matters which should be considered once that decision had been taken. He had in mind whether or not the Conservators should review their mooring policy in the light of the developments of the City proposals and the question of off-river mooring. There might be other matters which Conservators would wish to raise.

5.1.5 He asked Cllr Nimmo Smith, as the leader of the City Council, to speak on the subject on the basis of what had been suggested. Cllr Nimmo Smith recited the history and the intention of his Council and he was happy to give the undertaking required in respect of the conditions applying to this temporary lifting of the ban.

5.1.6 The Chairman then put the matter to the Conservators for their comments, Cllr Bradnack commented that probably the Conservators were going down the wrong road in limiting navigation at this point but was happy to support, if not vote for, the motion. Mr Adams indicated that he supported the proposition and hoped that the City Council would be able to prepare a vision for the whole of the river within the City and to adopt some form of compromise between the rowers and the houseboats where there must be considerable middle ground. His particular concern was that the number of boats which could possibly visit Cambridge if only there was somewhere for them to moor temporarily. Mr L Phillips said that he would support the deferment, that he would like to see a committee formed between the Conservators, the City, the rowers and Cam boaters to thrash out the problems. Cllr Driver indicated that the July decision had been a democratic decision, so far as he was aware and under the circumstances he would be hesitant about trying to amend it. However he had read the papers and in view of the undertaking given he would be happy to support the proposals. He was a little unsure and very concerned about the apparent lack of action that had occurred from the City Council over the last months on this subject. He was now hopeful that something would happen.

5.1.7 A vote was then taken on the resolution that the seasonal ban on mooring on Midsummer Common referred to in the mooring policy of the Conservators approved at the July meeting should be temporarily amended so that it be deferred until the 1<sup>st</sup> October 2005 on the basis of the undertaking given by Cllr Nimmo Smith that he would use his best endeavours to see that a review of the of the river as envisaged by the resolution of the City Council's Community Development and Leisure Scrutiny Committee dated 22<sup>nd</sup> January 2004 was carried out by 1<sup>st</sup> April 2004 with a view to a mooring policy for the City being in place by 1<sup>st</sup> October 2005. This was proposed from the Chair and seconded

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by Mr Adams, there were 7 votes in favour, none against and 5 abstentions.

- 5.2.1 Then followed a discussion on the question, posed by the Chairman: in the light of evolution of the City Council policy should the Conservancy review their own mooring policy?
- 5.2.2 Cllr Driver said it would be unforgivable if we did not do so. Cllr Bradnack was not entirely convinced that the decision taken by the Conservators was the correct decision in the first place. He went on to describe how he felt that the Conservators had acted in response to pressure from the City Council in 2001. He described his view of those pressures and indicated that in his view the City Council had made life difficult for both the Conservators and the City Council's own officers in the steps which had and had not been taken by the Council. He would support the view that a review should take place. Councillor Driver made light of the political point but agreed that it was imperative to review this policy on a regular basis.
- 5.2.3 Cllr Nimmo Smith agreed that the Conservators needed to review whatever is decided upon. He deliberately tried to avoid party political points and alleged some inaccuracies in those comments; but felt it was a retrograde step to introduce party politics at this stage. His view was that we needed to keep the mooring policy under constant review. Dr Convey indicated that politicising the issue would make it more difficult for everyone to deal with. He would support the Conservancy reviewing their policy during the year subject to the City Council providing a suitable review from their aspect. A review was appropriate but not just to deal with a tit-for-tat between user groups. It was essential for the Conservancy to understand exactly what navigation meant and he was pleased to be able to think that perhaps Camboaters and the rowing community would be able to discuss matters to find middle ground which was acceptable to all parties. Dr Laws was of the view that there had to be a review whether or not the City did anything. Mr Hardingham asked whether a report on any planning permissions which might be required in respect of permanent moorings should the City Council advocate such arrangements would become available.
- 5.2.4 Dr Walker indicated that the very question of a review was otiose because we should always be reviewing all our policies at all times and not be trying just to attempt to satisfy any social pressures; as these were outside the limits of our responsibility, which was limited to navigation. He stressed that we could not complain about too many boats being on the river nor could we complain about whether boats which were moored were pretty or a nuisance. We were presented with a problem of navigation proportions and this is why we placed the ban. Any review must be on a navigational basis only. Mr L Phillips supported the proposals and he felt that at the next Conservators' meetings this matter should be referred to in full. The Chairman felt that it was only appropriate to provide an update and that, hopefully, at

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the April meeting it might be possible to provide a fully informed picture from what might have been received from the City Council.

- 5.2.4 This proposition was then passed nem con with a view to it being further discussed at the April meeting.
- 5.3.1 The Chairman then raised the question of off-river mooring. He referred to the decision taken in January 2004 to request both the City Council and South Cambridgeshire to accept the need for off-river mooring and to identify one or more possible sites. One possibility which had then been identified was the land owned by the Conservators in Chesterton, but the site is not ideal because there would have to be a cut through the Halingway and a bridge over that cut.
- 5.3.2 The second possibility in mind in January had been the CamToo project, which would, if implemented, provide some 500m of mooring adjacent to Stourbridge Common.
- 5.3.3 A third possibility, not raised in January, was the widening of the river at Midsummer Common if the City were so minded. The Engineer provided a costing to remove a 2m width of bank with the breaking up of the present edging and putting new edging at something in the region of £250,000.
- 5.3.4 The Chairman asked the Conservators to indicate whether or not they wished this matter of “off-river” mooring to be progressed. Dr Convey said that he was worried that it had ever been off the agenda. Cllr Bradnack confirmed that we ought to be taking the matter forward if only as proposed, earlier. Mr Phillips indicated his support for the proposals and Dr Laws indicated his support for the idea although he accepted that it was probably not for the Conservators to be heavily involved in it. Cllr Bradnack came back because the Conservators owned property they might want to become involved. Mr Anderson asked the question as to whether it was to attract more boats or to relieve congestion and whether or not the widening could be applied to Stourbridge Common or elsewhere. Mr Darbyshire asked whether the Clayhithe area could be used for mooring and whether or not we should be capping a maximum number of boats available for the space. Otherwise, he said, with all the boats likely to come into the area, we were going to be in difficulty even in the next 12 months.
- 5.3.5 A gentleman from the public then asked if flood and flood control matters would be considered by any off-river mooring. The Chairman indicated that it would not be possible to carry out such work without the approval of the Environment Agency, who were responsible for flood matters.
- 5.3.6 The question of mooring between Baitsbite and Clayhithe was discussed even if these areas were used only for short residential periods. Dr Walker indicated that more provision for mooring was

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needed. He understood the three possible schemes. There would be difficulties in each case and, because of the costings in each particular item, it would be sensible to await the outcome of a City Mooring Policy which might indicate charges which would discourage other boats coming to the Cambridge area in great numbers. The Chairman indicated that all he was interested in at this stage was just making sure that the planning departments of both the City and South Cambridgeshire were aware of the problem of providing extra moorings.

5.3.7 Cllr Rosenstiel indicated that perhaps the Conservators could seek a planning permission, perhaps jointly with a developer or otherwise, to see what feelings, if any, the Planning Department were to produce. Cllr Bradnack then asked what was the next step which was clearly a vision statement but that was going to pose a management problem and it would not come free. Mr Adams indicated that a strategy would support a wide range of users of the Cam including those who enjoyed its visual aspects. However with the number of boats known to be likely to appear in Cambridge it would be imperative to have a bottom line of where and how the boats could be accommodated. At present it would appear to be the Council's view that if "you get your boat to Cambridge the Council will allow you to stay" and that could not continue on the limited space available. He likened the position to a caravan being parked on the roadway or on a common where one would be moved-on, immediately. Further discussion centred around whether user groups should have the opportunity to input into any of these matters, which was clearly agreed.

5.3.8 The Conservators agreed nem con that the off-river proposals should be promoted as a matter of some importance.

5.4 Mr Phillips raised the possibility of discussions involving resident boat owners and the rowers. Such discussions were welcomed as a way of resolving some of the differences and agreeing what might be acceptable to both parties.

Cllr Driver left the meeting at this point as did several members of the public.

## 6. Interchange Agreement:

6.1 The Clerks reported that they had received the formal exchange of letters for increasing the percentage due under this agreement to the Conservators to 33% of the EA's fee for a Class 36 boat for 2004/05. There were 249 boats counted in this year's boat count. The relevant payment from the EA should now be £26,820.29 (an increase of £7,848).

6.2 Conservators confirmed nem con:-

1. The suggestion that for 2005/06, gold licence holders' boats should be counted only in the boat count and that they would not require any other licence from the Conservators.

2. That their officers should prepare and where possible, agree with the EA to enable the scheme, as outlined in July, to commence on 1.4.05; provided that if in the Conservators' officers' opinion it is unlikely to be finalised and the EA agree that no change should occur for next year.

7. Engineer's Report:

The Conservators confirmed nem con:

7.1 Storage of Captured Boats - That in future any craft recovered from the river should be stored along the bank of the Conservators' field at Clayhithe.

7.2 Clayhithe House - With the Chairman's and Clerks' approval the lowest quotation for external painting of the windows and woodwork of the Foreman's house would be accepted.

7.3 Boat Count - Conservators noted that the Interchange agreement boat count had been carried out in conjunction with the EA on the 2<sup>nd</sup> September. A total of 249 motorised craft were on our waters as follows :-

Jesus Lock to Victoria Bridge	21	
Midsummer Common	27	(7 above
the Fort		St George Bridge)
Riverside	37	
Stourbridge Common	41	
Fen Ditton	15	
Baits Bite	4	
Horningsea	19	
Clayhithe	5	
CMBC	30	
CSC	32	
Boats on the move	8	
Boats in sheds	7	

7.4 Access through Baits Bite Lock - The operating control gear cabinet at Baits Bite lock is locked with an EA key. All boaters registering with the EA are eligible to obtain a key which would open this lock and all others on the EA system. However craft that registered with the Conservancy did not have access to such a key and this anomaly had been brought to the Engineer's notice by one such registrant. The

Clerks/  
hopefully  
Engineer

Clerks and Engineer were discussing this with the EA and the problem would be resolved as a matter of urgency.

7.5 Rubbish Collection / Disposal - The Engineer reported that he was having ongoing constructive discussions with the City about the

manner of collection and disposal of rubbish from the river within the City area and the various initiatives that had been introduced / were

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proposed for riverside businesses to take control of their litter before it can find its way into the river.

Also the cost effectiveness of the City providing a large skip at Clayhithe for rubbish disposal was being investigated.

7.6 Work Programme - The updated programme was tabled.

7.7 Towpath Surfacing - The County Council had stated that it was very likely that funding would be available to upgrade the towpath between Chesterton and Clayhithe – providing it was spent during this financial year.

The initial intention was that the surface would be bitumen between Chesterton and Baits Bite and a lower standard, rolled carriageway planings or similar, for the remainder.

The Engineer had made both the County and EDF (the people proposing to lay the electricity cable) aware of each other's intentions and apparently EDF had up to six possible routing options. The proposed surfacing works plus the high water table appeared to be leading them away from the towpath, albeit nothing had been finally decided as yet. Obviously if both did ultimately wish to work on the towpath, the Engineer would insist that the works were coordinated in such a way that the Conservators did not have two periods of disruption over the same length.

Conservators agreed to:-

- 1) the upgrading proposals subject to concern which was expressed about motorbikes using the paved surface and the speed of cyclists. The Engineer was to discuss with the County possible speed restricting proposals.
- 2) the surface should be appropriate to a Conservation Area. It was expressed that the proposed surface would meet this requirement.
- 3) delegate to the Engineer and the Clerks in conjunction with the Chairman the approval of the terms, conditions, and method statements for the construction and future maintenance of the towpath, and to draw up an agreement accordingly.

7.8 Mooring Policy - This had been discussed earlier in the meeting but apart from Midsummer Common the Engineer drew attention to the letter received from Mr Godfrey, and apologised for the somewhat blinkered approach he took when making his recommendation regarding mooring along the Riverside Walkway. The Engineer believed that mooring of powered craft in this heavily punted area



would be inappropriate. However he was aware that a number of the 'independent' punters, and others, did currently tie up their punts

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overnight alongside or under the walkway and he did not see any navigational reason why this should not continue.

After some general discussion it was agreed that the wording of paragraph 2 c) of the policy be changed from 'prohibit mooring along both banks apart from the punt station at the public house' to 'prohibit mooring along both banks by all boats save those in registration categories 1-12 and at the punt station at the public house' and that this would be reviewed in the light of experience.

7.9 River Safety and Congestion Along The Backs - Appended to the papers was a self explanatory letter from Dr John MacGinnis who was a punt operator.

The number of ferry punts was increasing and it was understood from one operator that they intended bringing on more next year, but at the same time reducing the number of ordinary punts. Last year (March 04) there were 40 ferries registered, but in a count carried out on 11 August along the Backs there were :-

Punts	192	
Ferries	47	
Canoes		5
Ticket Offices	5	
Pontoons	7	

It was also noticeable that many ferry punts were going out with only a couple or so passengers on board whilst normal punts, which could be used, remain at the station.

Obviously some of the operators had invested very heavily in the provision of the ferries and the Engineer would not propose banning them because for large parties they were far preferable to the old, now outlawed, practice of tying punts together.

The Conservators agreed that neither on congestion nor safety grounds had they any power to limit the number of ferries which they were prepared to register in the future. Conservators asked their officers to enforce the requirements of the Safety Code that where breaches occurred no registration would be granted in future years.

Engineer In addition, an accident report would be produced for future meetings, when further consideration would be given to the ongoing problems, including perhaps a greater registration fee for ferry punts in future years.

- 7.10 Safety Policy - An outside safety consultant had produced not only a report but also a Safety Policy which was before the meeting. Such policies were a necessity for everyday life.

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Conservators approved the Safety Policy Statement and delegated to the Engineer in conjunction with the Clerks the approval of the Risk Assessments as and when they were prepared.

8. (a) Environmental Policy:

The Clerks presented an Environment Policy which was approved by the Conservators.

8.(b) Policy on Equal Opportunities:

Similarly, a Policy on Equal Opportunities was placed before the meeting which was approved by Conservators.

9. Finance Report:

It was reported by the Clerks that:-

- 9.1 they had been able to retain £250,000 on Barclay's Treasurer's Deposit providing 3.765% until 15<sup>th</sup> September when it would be reinvested at a higher rate which was then available for a further month (3.795%). This sum was held in addition to £250,000 on Cambridge Building Society Hallmark Account earning 3.9%. (NB This time last year we were receiving 2.64% and 2.65% respectively.)
- 9.2 Registration income had been received just below budget predictions but there was more to come, which would bring the figures into line with the budget.
- 9.3 A budget comparison sheet was tabled on which no questions were raised as it was broadly in line with expectations.
- 9.4 The computer system was up and running with only a small overspend (of £380.41) on the software budget, so far.

Clerks

The Clerks were authorised to obtain further software to allow template letters to be prepared on the new system at a further cost of £375 excluding VAT; plus, perhaps, a further half day's training. In addition, more work was required to produce adequate summary reports.

10. Clerks' Report:

- 10.1 Registration: Registration cash receipts were above the level they were at this time last year at £99,295 (£94,407). A schedule was tabled showing the various categories of boats so registered. As always there were still a number of registrations being chased so that there would be

more to come which should bring in the budget figure of £110,052. A number of punt operators had not produced their insurance details and a larger number were not complying with the safety code so far as notices on their punts. These had all received sharp reminders. If no action was taken then we would discuss the possibility of court action

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with the Chairman, although because of cost, Court action is to be avoided, if possible, it would have to be considered. Next year, compliance with the Safety Code this year, would be a pre-requisite to registration.

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|---------------------|------|---|
| Clerks              | 10.2 | <u>Employment Act 2002:</u> The Clerks were authorised to look at and bring up-to-date the Conservators' Disciplinary and Grievance Procedure insofar as it might be necessary. There would be a cost at approximately £145 per hour plus VAT.  |
| Clerks              | 10.3 | <u>Jesus Lockkeepers Cottage:</u> Carter Jonas' buildings team had advised that a fire door between the kitchen and the rest of the house was required and a new main alarm system fitted. The Clerks' actions for ordering the work were approved; but in the meantime the rent currently of £15,000 pa would not be received. Our insurers had been told that the building would be vacant from 23 <sup>rd</sup> September, the expiration of the current lease. Conservators suggested that Carter Jonas should consider letting the house to five individuals, as joint tenants (if a College does not come forward). |
| Engineer/<br>Clerks | 10.4 | <u>Dog Litter Bin on Halingway at Clayhithe:</u> Waterbeach Parish Council had asked to place a dog litter bin on the Halingway. The Conservators agreed that their officers should approve its position subject to the usual provisions on maintenance/emptying etc.   |
| Clerks              | 10.5 | <u>Review of the Conservators' Powers</u> (in particular to increase the level of fines at the Courts): The Clerks were instructed to follow through the EA's initiative for an order under the Transport & Works Act with a view to uprating the Conservators' powers of control of the river traffic.   |
|                     | 10.6 | <u>Grazing:</u> Mrs Barton's 1.74 acre tenancy had been signed on an RPI increased rent.  |
|                     | 10.7 | <u>No 1 Baitsbite Cottages:</u> The tenants had had some trouble with the toilet; but Carter Jonas seemed to have arranged for it to be fixed.  |
|                     | 10.8 | <u>No 2 Baitsbite Cottages:</u> The existing tenants had renewed their tenancy to expire on 01.06.2005 at a monthly rent of £875.   |
|                     | 10.9 | <u>Cam Too:</u> Richard Moseley had been keeping the Clerks posted. The Public Enquiry started this month. Network Rail had agreed that the guided bus route could run alongside the railway.   |

- 10.10 Miscellaneous Application: The Clerks had had a number of applications to use the river for filming. Conservators confirmed that the arrangements described to them were in order. One College wanted to construct a bank tub, which would be set into the bank. W S Atkins for the Highways Agency had asked for consent to work under  
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the A14 Bridge at night for the Highways Agency. They agreed a fee of £530 and legal costs of £250 plus VAT but as yet had not paid. They were being chased.

- 10.11 Pontoons. The licences for these were being renewed in March. The Clerks were authorised to use RPI increases for the relevant fees over the next 5 year period.

Clerks

- 10.12 Possible Marina on land owned by the Conservators in Fen Road: the Clerks were encouraged to follow up their earlier representations to ensure that this suggestion was kept in the public eye. It was agreed that representations be made at any Public Enquiry.

11. Dates of Next Meetings:

The meetings for Thursday 13<sup>th</sup> January 2005, Thursday 14<sup>th</sup> April 2005 and Thursday 7<sup>th</sup> July 2005 were confirmed and Thursday 22<sup>nd</sup> September 2005 was agreed.

12. There being no further business the meeting closed at 12.05pm.