

Safety Management Statement - Public Activity

1 Introduction

This statement outlines how the Conservators will manage the health and safety of people that use or visit the Cam Conservancy Area. It is one of six documents¹ which collectively describe how the Conservators' safety policy is to be implemented across their range of responsibilities and activities.

The public activities on and around the Conservancy Area can be characterised by:

- A broad range of activities undertaken by the public.
- A wide variety of organisations with stakeholder interests and responsibilities
- Differences of view and priorities between user groups which need to be managed against a background of the Conservancy's limited resources.

The river provides the common link between these activities and interests. The Conservators have duties and powers in respect of public activities as expressed in statute and common law.

Notwithstanding the complex mix of activities, locations and geographical spread, the Conservancy seeks to encourage visitors but recognises that they and any associates in their activities have responsibilities which they must exercise to ensure acceptable levels of safety. The Conservators will use their powers should acceptable standards not be achieved.

2 Conservators' Approach to Public Risk

This section gives an overview of how the Conservators manage public risk: the types of risks faced, principles applied, powers and responsibilities, stakeholder participation, risk assessment, monitoring and review.

a) General

The Conservators' duties to manage the navigation, associated assets, and the people that use or may be affected by them, bring a range of responsibilities which must be discharged in a reasonable and justifiable way consistent with its aims, legislative powers and the resources available.

The complex nature of many of the activities and inter-actions which occur in and around the navigation mean that achieving acceptable risk requires a balance of responsibilities between all the stakeholders in the activity. These include:

- The visitors including boaters (*powered, unpowered, residential and commercially operated*), walkers, cyclists, anglers, special events, educational visits.

¹ Employees, Public, Fixed Assets, Third parties, Contractors, Contracting.

- Stakeholder organisations (*including local authorities, government agencies, clubs and associations, and sports governing bodies, schools, and riparian owners*)
- Partner organisations with an interest in efficient and effective management of the Conservancy (*including the city council, county council, district councils, emergency services, and environmental agencies*)

At the heart of the Conservancy's health and safety arrangements is the assessment of risk. This relies on the participation and co-operation of all parties to achieve a solution which has an acceptable level of risk whilst at the same time achieving the aims and benefits being sought by the visitor. The Conservators will maintain a register of risks which will summarise the visitor risks, rank their significance and identify the principal risk control measures.

b) Principles of Visitor Safety Management

The Conservators have adopted the principles for visitor safety management developed by the Visitor Safety in the Countryside Group². The VSCG is an association of organisations with substantial property holdings receiving large numbers of visitors and includes navigation authorities amongst its members. The Principles recognise the importance of the individual visitor's responsibilities for self-reliance, that risk cannot be eliminated, and the benefits in terms of health and well-being of visiting countryside and waterside locations.

The HSE have now accepted the VSCG Principles as the basis for determining their inspection and enforcement activities. The Principles also form the basis of the *Principles for Water Safety* produced by the National Water Safety Forum.

c) Consultation and Communications

The Conservancy will consult with relevant stakeholders on any safety-related proposal which may affect their activities.

The Conservancy communicates with its stakeholders through:

- Postings on the website
- Signs and Notices
- Written communications (with well defined groups such as boating clubs or local authorities)
- Regular meetings with stakeholder groups including club safety officers

Where a need is indicated by risk assessment, signs - temporary and permanent - will be used for warnings of specific hazards. An example of a temporary sign would be a strong stream warning.

d) Monitoring and Review

The Conservators and their staff will monitor and record incidents which occur involving members of the public so far as it is practicable to do so, given the extent of the navigation and the numbers of staff available. Reports from members of the

² www.vscg.org.uk

public, businesses and event organisers are also encouraged. The information is collated and analysed by the River Manager and reported quarterly to the Conservators. They will use this information to inform their continuing monitoring of the volume of use of the river and the acceptability of risk.

There is currently a high population growth within the Cambridge area and this is reflected in increased intensity of use of the navigation and its environs. Regional plans for boating may also put upwards pressure on boat numbers. The Conservators monitor and comment on specific development proposals, such as the proposed link to Cambridge Sports Lakes, and the 'CamToo' rowing circuit where they consider necessary on public safety and other grounds.

Plans will be reviewed regularly at the Conservators' meetings.

3 Responsibilities

This section outlines the powers and responsibilities of all stakeholders and what can be reasonably expected of them.

a) Cam Conservators

The Conservancy has duties under the Health and Safety at Work (HSW) Act to ensure that persons not in their employment are not exposed to risks to their health and safety, so far as is reasonably practicable. Breaches of the HSW Act are a criminal offence. The Conservancy will also be liable under the civil law³ if their negligence results in an injury to a person to whom they owe a duty of care. Responsibilities and powers are conferred on the Conservators under the enabling acts (see section 4a)

b) Partner Organisations

The Conservancy co-operates with other statutory organisations with interests in the management of the river. These include:

- *Cambridge City Council*. Principal interests are the management of moorings so as to avoid disturbance and the obstruction of the navigation. The City Council are riparian owners and have ownership responsibilities for riverbank maintenance, including safe moorings, and for Bishop's Mill Sluices. The City Council are also the planning authority for any development proposals which may affect the Conservancy's undertaking, for environmental health (e.g. noise and waste) and also alcohol licensing for riverboat cruises.
- *Cambridgeshire County Council*. The County Council have responsibilities for maintenance of the public highway adjacent to the river and road and footbridge crossings. Under a lease agreement with the Conservators, the County Council maintains the surface of, and is responsible for the removal of obstacles from the cycleway, to keep the public right of way open along the Halingway between Chesterton and Clayhithe.

³ Principally the Occupiers Liability Acts

- *South Cambridgeshire District Council*. The District Council has interests in the management of watercourses adjacent to the river and provides a contribution towards the collection of waste from the towpath.
- *Environment Agency*. The Agency has responsibilities for flood control and water resource management as well as pollution control. They are responsible for a number of major assets within the navigation, including river control structures at Byron’s Pool, Jesus Green Weir and Sluices, Baits Bite Weir and Sluices and Bottisham Lock and Sluices.
- *Natural England*. The organisation has a remit to conserve and enhance the natural environment, for its intrinsic value, and for the wellbeing and enjoyment of people.

c) Event promoters and organisers

There are many events of different types held along the river. The promoters and organisers are responsible for ensuring that these events are safely organised and managed. Licensing and oversight of these events by the Conservancy is further discussed in section 5f.

d) River corridor users

These include private and hire boaters, rowing and canoe/kayak club members, towpath users, and residential boaters. These all have responsibilities to themselves and their charges, their passengers, and to other users of the navigation and its facilities. Companies hiring out boats also have duties^{4,5} to ensure that the boat is in satisfactory condition, and that the crews are sufficiently competent to navigate.

e) Riparian owners

The Conservators have no direct powers over riparian owners in respect of the access they provide to the river banks. Where the Conservancy staff see actions or activities they consider unacceptably dangerous they will endeavour to draw these to the attention of the riparian owners.

The Conservators will maintain a list of relevant stakeholders.

4 Powers and their Use

a) Legislation

The Conservancy is a statutory body established under the 1702 Act. The principal acts under which it operates are:

1. Commissioners Clauses Act 1847
2. River Cam Navigation Act 1851

⁴ Hire Boat Code, published on the websites of AINA, MCA and BMF.

⁵ Code of Conduct for Commercial Punt Operators, Cam Conservators, January 2011

3. River Cam Conservancy Act 1922. Extends the jurisdiction of the Conservators and gives powers to amend the provisions of the 1851 Act. Its scope includes:
 - Constitution
 - Licensing
 - Tolls
 - Power to make bye-laws (Section 25)
 - Imposition of Penalties

As well as these statutory powers the Conservators have a duty under the HSW act to ensure the health and safety to people not in their employment (visitors) and who may be affected by their undertaking.

The Conservancy uses its available powers to discharge its duties to its visitors to whom it has a duty of care.

b) Powers of Officers

The current byelaws came into force on the 1st December 1996. Their scope is summarised in Annex 1. These are the principal vehicle for setting the limits of acceptable behaviour and offenders will be liable on conviction to a fine not exceeding level 1 on the standard scale.

Section 42 of the 1851 Act is used to declare suspensions (closures) of the navigation with 14 days notice. Sections 15 and 16 of the 1922 Act are used for licensing works and obstructions, for example, pontoons and bank works.

Enforcement powers under the legislation are formally delegated each year by the Conservators. The River Bailiff is the principal enforcement officer for boat registration fees.

The Byelaw powers relevant to public safety in most common use include:

- Byelaw 3. Use of the navigation and moorings.
- Byelaw 5.1. No motorised vessels on the upper river.
- Byelaw 6.5. Moving vessels for works.
- Byelaw 6.9. Power to move vessels.
- Byelaws 7.2 and 7.3. Approval of events.
- Byelaw 10.5. Traffic regulation through Jesus Lock.
- Byelaw 15.6. Approval of diving operations.

5 Specific Activity Areas

This section outlines the public activities which occur on and around the navigation, the measures put in place by the Conservators and what it expects of other stakeholders.

a) Boating

This includes rowing, canoeing, kayaking and powered boating. Punting is considered separately below. There are approximately 260 licensed motorboats and 1000 licensed unpowered craft on the river. Up to four hire boats from Ely visit daily from March to September. A restaurant boat ('Georgina') also plies. Some night-time cruising takes place. Conservancy staff monitor boat numbers through Baits Bite Lock (weekdays only) and visiting boats using moorings in the Conservancy area

These activities range from organised rowing clubs to casual day visitors. Events (section 5f) range up to major regattas. The increasing levels of rowing/canoe/kayak activity combined with increase in demand for moorings, and hence greater congestion tends to increase the level of incidents occurring and require regular review of assessments and management arrangements by the Conservators and stakeholders.

A statutory right of navigation is in place on the Cam but the Conservators will review periodically the number of craft on the navigation against safety and enjoyment criteria and consider appropriate measures where necessary. Major stakeholders include the Cambridgeshire Rowing Association (CRA) and the Cambridge University Combined Boat Clubs (CUCBC).

The Conservators use the 'Row Safe' guidance published by British Rowing as good practice guidance.

All craft are required to be registered and powered craft must comply with the Boat Safety Scheme (BSS) standards. As far as is possible consistent with their other duties, Conservancy staff are vigilant for non-compliant changes made to boats between examinations. Hazardous Boat Notifications are communicated by the BSS Office to the Conservancy who then contact the owner to agree actions for repair/removal and timescales. Licensing compliance is regularly monitored by the River Bailiff and enforcement action taken where necessary.

The Conservancy, the City Council and Cambridge Canoe Club have an agreement whereby the club has access to Bishop's Mill sluices via a key control to provide training conditions for their members through the use of flow deflectors. The Club carries out its own risk assessments for this activity which are made available to Conservancy staff.

Refer to section 5g for management of interactions between anglers and rowers.

b) Punts

The Cam is subject to extensive use by punts and congestion can occur at peak periods. The ownership of the punts is approximately equally divided between private and hire, but the hire operations account for around 80% of total punt use.

In conjunction with the hire companies and Cambridge City Council, the Conservancy has produced a Code of Practice for Commercial Punt Operators⁶. Compliance with the Code has been a condition of receiving a licence since 2004.

Conservancy staff use the patrol punt at weekends to monitor use of the river and liaise with operators as necessary.

⁶ Code of Practice for Commercial Punt Operators, Cam Conservators, January 2011.

Punt operations and management are currently under review by a sub-group of Conservators.

c) Lock Operation

Jesus Lock is operated by Conservancy staff under an appointments system. Monthly visual inspections are carried out and defects recorded and rectified.

Baits Bite Lock is under user operation. Monthly visual inspections are carried out and defects recorded and rectified.

Bottisham Lock including its upstream landing stage are an Environment Agency responsibility under user operation.

Reports of defects with lock operating equipment or user-operated controls are forwarded to the Conservancy's retained mechanical/electrical engineering contractors⁷.

d) Navigation through Colleges (Jesus lock to Mill Pond)

Use of motorised vessels is seasonally prohibited along the College Backs with the exception of residential vessels requiring access to the City Council's moorings at Jubilee Gardens. The Conservators use their powers under byelaw 3 to restrict movements taking into account the volume of traffic and any temporary works (such as scaffolding erection) that may have caused a hazard to navigation. Navigation can be suspended using powers under section 42 of the 1851 Act. Appropriate seasonal signs are installed at the locks.

e) Mooring Policy

The Conservators have established zones where mooring is permitted and prohibited on navigational grounds.

The City Council controls moorings⁸ and issues residential mooring licences for up to 70 boats. Fifteen of these licences are allocated to wide-beam vessels.

The Conservancy works closely with the City Council to monitor and control the interaction between moored and other craft.

f) Events

A substantial and rising number of events, mostly regattas are held on and alongside the River Cam⁹. Section 7 of the byelaws requires that organisers of events on and alongside the river obtain consent from the Conservators. The Conservators' principal means of managing these risks is through:

- Exchanging emergency contact details with event organisers.
- Ensuring that 'event in progress' signs are installed both ends of the rowing course.
- Publishing the dates and times of events on the Conservancy's website.

⁷ Safety Management Statement – Fixed Assets.

⁸ Cambridge City Council moorings policy. www.cambridge.gov.uk

⁹ Rising from 150 events in 2008, to 181 events to September 2009, mostly rowing

Where appropriate, river users are notified of events by email to encourage compliance with marshals' instructions.

In granting consent the Conservators may add conditions with which the organiser must comply.

As part of their risk assessment the Conservancy will determine the extent of any monitoring they will carry out. Should the required resources not be available from within the Conservancy, then conditions will require the organisers to make them available to the Conservators' satisfaction.

At present the Conservators do not levy a charge for oversight of events.

In licensing boating events the Conservators require responsibilities to be clarified consistent with the 'Row Safe' document.

g) Fishing

The fishing rights between the Penny Ferry and Clayhithe Bridge are leased to the Cambridge Fish Preservation and Angling Society Ltd (CFPAS) who in turn issue day tickets and permits.

A code of conduct for anglers and rowers¹⁰ has been agreed between the CUCBC and CFPAS Ltd for minimising the mutual interference from each other's activities.

The Conservators, as a navigation authority, maintain within the limits of their resources, oversight of the traffic on the river and any problems which occur, and act within their powers should this become necessary.

The Conservancy carries out general maintenance of the river banks and provides fishing platforms at Clayhithe and Milton.

h) Towpaths

The towpath under the Conservators' jurisdiction is the Halingway between the Penny Ferry and Clayhithe Bridge. The Halingway incorporates a Sustrans cycleway, the surface of which is subject to a lease agreement, the County Council having responsibility for surface condition and clearance of obstructions. Other users include fishermen, walkers, cyclists and people mooring boats. The Conservancy controls access of motor vehicles to the Halingway. Principal issues concern the various stakeholder relations, fishing leases and mooring restrictions, and their interactions.

i) Water Safety

The Conservancy follows the principals and guidance issued periodically by the Visitor Safety in the Countryside Group and the National Water Safety Forum¹¹ to ensure that water's edges, life saving equipment installation, and use of signs conform to good practice. Life rings are currently provided at Jesus Green and Baits Bite Locks.

General warnings regarding water-borne diseases are included on the Conservators' website.

j) Tree Safety

¹⁰ Code of Conduct for Anglers and Rowers using the River Cam. CRC, CUCBC and CFPAS
September 2003

¹¹ www.nationalwatersafety.org.uk

The Conservator's arrangements are included as part of the safety management statement on asset risks.

6 Record keeping

A list of items¹² required to be kept for health and safety management reasons will be maintained by the River Manager. This will be common to all safety management areas. The schedule of items will be included in the Conservators' annual reviews.

Authorised by:

Date:

Chairman

¹² Cam Conservancy Management Manual

Annex 1

Scope of 1996 Bye-laws.

- 1 Definitions
- 2 Notices
- 3 Control of Traffic on the River
- 4 Navigation
- 5 Prohibition on mechanically propelled vessels
- 6 Moorings
- 7 Regattas, Races and Similar Events
- 8 Registration of Boats
- 9 Registration of Ferries
- 10 Locks
- 11 Prohibition against Abandonment
- 12 Prohibition on obstruction
- 13 Prohibition on litter and limiting navigation
- 14 Prohibition of vehicles on the towpath
- 15 General
- 16 Prohibition on advertisement
- 17 Requirement to identify persons
- 18 Enforcement and Penalties
- 19 Revocation