

CONSERVATORS OF THE RIVER CAM

Navigation authority for the River Cam, between Cambridge and Bottisham Lock

Minutes of the Quarterly Meeting

Thursday 27TH April 2023, Committee Room 1, Guildhall, Cambridge, at 10.00am.

Agenda Item 1: Welcome and apologies

Attendees

Conservators: Ms Kate Hurst (Chair), Cllr Anna Bradnam (VC and Acting Clerk), Mr Giles Greenfield, Mr Simon Judge, Mr Paul Separovic, Cllr David Levien, Cllr Richard Swift, Dr May Block, Mr Richard Turnill, Mr Tim Wotherspoon, Mr Alistair Storer. (11)

Observers: Mr Bill Key, Dr Christine Heath, Ms Clara Todd, Mr Peter Watson, Father David Goode, Mr Roland Beevor.

Officers: Mrs H Cleary (CEO)

Consultant: Mr Clive Brown.

Apologies had been received from Cllr Katie Thornburrow (C), Mr S Morris (C), Mr James Macnaghten (O), Mr John Leighton (O). & Mr D Partridge (RPO).

Agenda Item 2: Minutes of previous meetings of the full body of Conservators

2.1 26th January 2023 – we approved as an accurate record.

2.2 16th February 2023 – amended to note that a) James Macnaghten had not attended, b) wording at section ii, at the top of page 2 “Mr Brown stated that change was not possible without an expensive review of the Act and Statutes” was revised to “Mr Brown stated that reviewing the Byelaws would be a long and expensive process.” c) bottom of pg 4 – about 14 lines up “Ms Cleary said that Mr Watson’s email had been responded to.”

Decision: *The Minutes were approved by a unanimous vote subject to the required amendments.*

Agenda Item 3: Matters arising (not otherwise on the agenda)

3.1 Conservators Day – The Chair reported that until a new Clerk has been appointed, this was unlikely to be progressed.

3.2.1 Other Cities with Towpaths/ Towpath Working Group

It was noted that that a working group would be set up when Conservators worked through and prioritised the proposals identified in the Business Plan.

Agenda Item 4: Regulatory Committee Report

Conservators noted the Minutes of the Regulatory Committee on 23 March 2023. Items 4.1 & 4.2 required no decision from the Conservators.

Conservators were asked to consider the recommendations made by the Regulatory Committee and decide on the following items:

4.3.1 Commercial Rowing Craft

The Conservators were asked to consider if a registration fee should be charged for two different rowing operations. There is currently no commercial licence category for rowing vessels. If they were charged it would be under Category 51 where the Conservators charge a fee at their discretion.

The Cambridge Rowing Experience offered taster sessions with a view to obtaining new members. The Regulatory Committee had considered the circumstances and suggested that if a future application was made, it would be appropriate to register them under Category 51 and to charge a commercial rate. **Outreach East Youth Rowing** was a not-for-profit organisation and had charitable status. Their intention was to give a wide range of young people an experience of rowing.

Recommendation:

- a. *Cambridge Rowing Experience - That Conservators charge a commercial rate if such an application is made.*
- b. *Outreach East Anglia Youth Rowing – That Conservators offer a lower fee (not commercial) to recognise the charitable status.*
- c. *That Conservators delegate the matter to the Regulatory Committee to resolve.*

Decision: Recommendations a), b) and c) were put to the vote and agreed unanimously.

4.2 Proposed Merger of two Vending Punt companies

Operators of two different companies, each of which is currently registered, had informed the Conservators they wished to merge under one name. The Conservators had been asked if we would have any objection to them merging. Regulatory Committee had considered the request and had made the following recommendation.

Recommendation:

- a. *Provided they have a legally acceptable name and relevant licences, that Conservators grant a licence for both vessels using the same conditions applied to these businesses as before.*
- b. *That this be delegated to the Regulatory Committee to approve the registrations once the required information has been received.*

Decision: Recommendations a), b) and c) were put to the vote and agreed unanimously.

4.3 Code of Practice for Commercial Punt Operators

For some years there has been a Code of Practice for Punt Operators on the website. Following an incident on the Backs, a legal representative for an injured party had submitted a Freedom of Information request asking if the Conservators enforced the Code of Practice. The original matter had been resolved however, the Code of Practice had been temporarily removed from the website to allow time for consideration. The Regulatory Committee had been asked to consider if the Code of Conduct should be retained. The Committee had considered the matter at length and referred the matter to the Quarterly meeting with the following recommendation:

Recommendation:

- a. *That Conservators consider the permanent removal of the current Code of Practice for Punt Operators.*
- b. *That Conservators take a view on what information/guidance should be published, if any, regarding the use of Commercial Punts on the Middle River (Backs). The members recommend a more succinct document, renamed, including river etiquette and other considerations, such as for vulnerable users.*

In a wide-ranging discussion the following aspects were raised:

- CB pointed out that a previous Health and Safety Committee had prepared the Code of Practice for Punt Operators, which they recognised at the time, could not be enforced by the Control Officer, since the Byelaws do not give us the necessary powers. CB and the previous Deputy Chair had re-drafted the Code but had always recognised that operators of all craft on the river were responsible

CONSERVATORS OF THE RIVER CAM
QUARTERLY MEETING OF CONSERVATORS 27TH APRIL 2023 - MINUTES

for their own conduct and insurance. JM (punt operator) had expressed concern in the past that he could not be clear what he needed to comply with.

- It was noted that some aspects are obligatory because they are 'the rules of the river' or part of CoC licence requirements but CoC does not have the resources to enforce. The Code was a mixture of best practice and compulsory aspects.
- The Conservators should not take on inappropriate responsibilities.
- A guide is useful, to set out 'best practice'. Did the document need to be re-named?
- KH pointed out that rowing clubs operate under rules required by their governing bodies, who do enforce. Should the punt operators set up their own governing body to guide them?
- It was agreed that enforcement was not within the remit of the Conservators.
- AS observed that the Highway Code distinguishes between obligations drivers MUST comply with legally and aspects we SHOULD comply with, which form guidance.
- KH noted that International Rules for Preventing Collisions at Sea ('Collision Regs') regulate behaviour in open waters and the spirit of these regulations should inform behaviour in locations like the River Cam Navigation.
- AB asked what rules govern how different user groups should behave towards each other.
- PS noted that the Collision Regulations and SOLAS rules apply. In another navigation different users tended to monitor behaviours through WhatsApp groups. Cameron Maritime Resources had helped them with resources and guidance on accident investigations.
- CB pointed out that Collision Regs apply to seagoing vessels and don't apply above Victoria Bridge except through our Byelaws.
- SJ noted there is scope for (Conservators to provide) advice on advice on etiquette. It was important for different users to understand the needs of other users, e.g. that powered boats must keep under way down the Backs, to maintain steerage, so non-powered vessels must give way.
- AB noted that it was important that user groups understood what other users need to do, such as remain under way but also that there should be a general understanding that it was important to give way to more vulnerable users.
- The Byelaws relate to Conduct and use of a vessel. All licensees have signed up to comply with the Byelaws.
- TW asked if a Code of Conduct was actually necessary? How did the Conservators handle the FOI? Did we seek legal advice? HC confirmed no legal advice was needed.
- Whatever document we publish will lay us open to the accusation that we haven't complied with it.
- RS pointed out that disagreements about responsibilities (e.g. Jubilee Gardens) can take a long time and be expensive to resolve.
- AB noted it would be unwise to duplicate guidance. Could we direct users back to the existing Regulations and the Byelaws.
- GG reminded Conservators that under the 1922 Act the Conservators have no powers to act (or enforce).

Recommendation made by GG:

That the matter be referred back to Regulatory Committee to bring a recommendation back to full Board.

Decision: The recommendation was put to the vote and agreed unanimously.

4.4 Application from a punt company to install CCTV (to improve security)

GG noted that the CCTV camera(s) would be installed on posts in the river bank with the cameras above the water. It had been referred to the Regulatory Committee because it involved works on the river bank.

It was noted that the company would have to comply with the regulations covering recording of images and data in the public realm, which was governed by the Information Commissioner's Office.

Regulatory Committee had made the following recommendation:

- a. *That the Conservators delegate the authority to the Regulatory Committee, to grant permission on their behalf, once all requirements have been met and committee satisfied that the consent may be granted.*

Decision: The recommendation was put to the vote and passed unanimously.

4.5 Restriction to Navigation along the Middle River (Backs) – May Balls 2023

No decision required by the Conservators

Historically the RPO's permission had been requested by Clare College to restrict the use of self-hire punts along Middle River (Backs) during May Ball week for safety reasons. The Regulatory Committee had supported the RPO in agreeing to grant the restriction.

GG asked if the College had been informed of the Conservators' decision. HC confirmed a letter had been sent to the colleges about self-hired punts.

4.6 British Canoeing

A request has been made by British Canoeing that the Conservators of the Cam update their Block Licence agreement with British Canoeing so that it extends to British Canoeing members **and the relevant Home Nation Associations**. (Canoe Wales, Canoe Scotland and Canoe Northern Ireland)

Bill Key raised an issue about charging for vehicles on the towpath during events, charging for towpath use and visiting boat fees. Event organisers used to pay flat fee of £100 for visiting boats. Now the Conservators are requiring the registration numbers of all attending boats a week in advance.

KH said that this matter was discussed at the previous full board meeting. It was not unreasonable to require this information in advance, so the Conservators would know how many vessels would be on the river and where they were from. The matter was being discussed with the colleges.

The following aspects were discussed:

- Visiting vessels are charged at a rate of 1-5 (one fee), 5-10 a higher fee.
- The Byelaws required that all vessels on the navigation must be registered.
- The visiting clubs would have their own registration (so would know who was attending)
- MB agreed with BK that for many events, since the draw for who will attend does not happen until quite close to the event, they may not be in a position to register vessels/ names a week in advance. Vessels would already be licensed under British Rowing or British Canoeing.

Conservators were asked to consider the recommendations made by the Regulatory Committee.

Recommendation:

- a. *That Conservators agree that a revised document is created with the additional wording with no additional fees for this added inclusion.*
- b. *That this task is delegated to the Regulatory Committee to approve once drafted.*

Decision: The recommendations were put to the vote and approved unanimously.

Agenda Item 5: General Purposes Committee Report

Reports were received as in the agenda papers and noted without discussion on 5.1 Permissive Path Agreement, 5.2 Pension Cessation, 5.3 Sale of Baits Bite Properties, 5.4 Various requests from the owners of the Conservators House, 5.5 Recruitment of a Clerk and 5.6 Tree Works. Decisions were not required on these items.

5.7 Jesus Lock

The Chair summarised the work that had been done and the findings which had previously been reported to the Board on 26th January 2023.

Cllr Thornburrow had undertaken a site visit with Tyrone Bowen the Architect and Engineer in March, following which, she and the Chair had made a recommendation for works. This included works to meet current H&S requirements, a below waterline survey, refurbishment or replacement of the lock doors and attention to the brickwork and structures as well as banks, boundaries and pathways. The ownership of the island needed to be checked.

The Conservators were asked to consider the following recommendations:

That the General Purposes Committee are delegated the authority to oversee the fulfilment of the tasks recommended below:

- a) *Request that River and Rural provide a detailed schedule and a price for carrying out the recommended works (Please see the Jesus Green Lock – De-watered Inspection October 2022 sent out to all Conservators in January 2023).*
- b) *Request a quote from River and Rural to carry out an underwater camera survey (if this is not sufficient an underwater diver may be required to carry out the survey) as soon as possible. And that the GPC agree the expenditure for this purpose.*
- c) *Consider prioritising the works, with those not requiring a lengthy lock closure, to take place as soon as possible upon agreement of the costs. Scheduling the works relating to a lock closure will need to be appropriately planned.*
- d) *Research ownership/responsibility for the western side facing the weir and seek any relevant permissions/consents required to carry out the works as necessary.*

Decision: Recommendations including the delegation to GPC as well as a) to d) were put to the vote and agreed unanimously.

5.8 Anglian Water relocation of the Cambridge Wastewater Treatment Plant (Development Consent Order)

Anglian Water had submitted an application to lease or purchase a section of land for the new outflow into the River Cam. Conservators had no objections in principle but wished for reassurance over restriction of the navigation width during construction etc. The previous working group, established to deal with the application, had diminished due to loss of members, so the matter had been referred back to GPC. The Conservators have received a Heads of Terms (HoT) document. AW had been asked but had declined to fund the Conservators' legal representative. The GPC recommended asking Hewitsons to quote to review the HoT.

Recommendation:

To delegate authority to the General Purposes Committee to agree the expenditure which may be required for the review of the Heads of Terms by HCR Hewitsons.

Decision: The recommendation was put to the vote and approved unanimously.

5.9 Audit Review

The level of detail and cost of annual audit of the Conservancy was very expensive, at approximately £20,000 per annum. This seemed out of scale with the size of the organisation, the single source of income and the limited types of expenditure incurred by the Conservancy. The GPC recommended seeking alternative quotes and a simpler annual audit.

Recommendation:

Conservators are asked to consider the above item and approve delegating the authority to the General Purposes Committee to carry out a review of the auditing requirements and tendering for this process for the 2023/24 audit.

Decision: The recommendation was voted on and agreed unanimously.

5.10 Operational Asset Requirements

5.10.1 The silver Mitsubishi pick-up truck owned by the Conservancy but used by River and Rural on Conservancy work needed to be replaced. Officers proposed to replace it with the Toyota Hilux currently used by the Officers and purchase a replacement van for use by the Officers.

Recommendation:

That a maximum budget of £15,000 be approved for a replacement Van for use by the Officers.

5.10.2 New Welder and Generator The current Mosa was over 40 years old and unreliable; during revetment works in 2023 a welder had to be hired to complete the works. The sum of £4,000 for 2023/24 Essential Plant/Tools & Equipment had been authorised as Capital Expenditure but the quote for a new replacement was about £5,500 including VAT. Officers requested that the current limit be increased by £2,000 to £6,000 to enable the replacement of the welder and generator.

Recommendation:

That the 2023/24 budget for Essential Plant/Tools & Equipment be increased from £4,000 to £6,000 for 2023/24 to purchase the replacement welding equipment and generator.

Decision: The recommendation was put to the vote and approved unanimously.

5.11 Business Plan

The Chair reported that non-material editorial changes were being made by the General Purposes Committee in addition to changes agreed at the Extraordinary Meeting of the Conservators. Some further amendments had been suggested including clarification of the colleges as riparian owners, a map of the extent of the navigation, numbering of the index and some other matters. These would be discussed at a future meeting of the GPC, CB, Conservators and Observers, to be arranged before the next GPC meeting, which was on [date].

It was proposed that the GPC discuss final amendment at a meeting to be arranged.

Decision: Conservators voted 10 in favour, none against, one abstention. The proposal was carried.

Agenda Item 6: Officer Reports

6.1 CEO Report

Helen Cleary presented her report briefly but re-iterated her concerns about the cost of audit, explained under 5.9 above. Under 6.1.2 she drew Conservators attention to concerns about silting of the river under the bridges and around the inside of bends, which was limiting the depth in those areas. Silting was increasing due to reduced rainfall and water flow but also because larger vessels had left the navigation. No complaints have been received so far but officers were monitoring the silting. She noted that dredging (if needed) would require permission from the Environment Agency and was likely to be very expensive, especially if the silt was found to be contaminated. The present contract with R&R only includes skimming. In the ensuing discussion the following aspects were raised:

- CB noted that the EA had recommended that we don't dredge.
- Answering a question from KH, PS noted that unless the silting presented an increased risk of flooding, the EA would be unlikely to pay for this.

CONSERVATORS OF THE RIVER CAM
QUARTERLY MEETING OF CONSERVATORS 27TH APRIL 2023 - MINUTES

- KH pointed out the Backs, Jesus Green and Midsummer Common provide functional flood plains.
- There was discussion of possible historic and current sources of contamination in the silt. PS noted that if there were hotspots, samples could be tested.
- SJ said a record should be kept of actual silting problems and asked if we needed a full barometric survey of the navigation.
- HC responded that areas have been identified by observation and a decision would be taken nearer the time if a survey becomes necessary.
- It was noted that Long Reach was getting shallower because east bank (possibly owned by Gonville and Caius) was eroding just north of new footbridge. The riparian owner has no responsibility to maintain bank. PS said EA would refer erosion to the riparian owner to repair. If they don't wish to repair the bank, they cannot be required to do any works.
- It was noted that the Conservancy has sonar equipment.
- KH said we await a report from R&R but survey is not part of their contract. We would need to draw up an agreement with them to do such work.

HC said that work in the 2022/23 Audit would start shortly.

The Conservancy is within budget at present, partly because we have received more income than expected. This will be used towards necessary works at Jesus Lock.

Registrations have started and income was equivalent to this time last year, although some have switched payment method.

Ongoing oversight of the budget would continue to be delegated to the General Purposes Committee.

6.2 River Patrol Officer Report

Due to compassionate leave, the Report was presented by the CEO.

The RPO and officers continue to be available and present on the river. All vessels have been identified.

Over Easter there had been some punting collisions, which were reported to us as incident reports. DP will be attending a court case early May relating to a boat owner as a witness.

Agenda Item 7: AOB

A Conservator asked if there is a list of boats for sale. A number of local brokers were suggested.

Agenda Item 8: Dates of future meetings

Dates were noted but venues were uncertain. Cambridge City Council has changed our (f.o.c.) bookings to Committee Room 2, which we don't think is big enough for up to 30 attendees if the public attend. Members were asked to suggest potential venues for future Quarterly Meetings of the Conservators, ideally with free parking.

Various options were suggested – (CB) St Andrews Hall, Chesterton – limited parking, Milton Road Library - but not good parking, GG Darwin College – time limited on street parking.

Members were asked if they would prefer a City location or outside City location.

Members preferences were City – 8, Outside City - 3

7 Dates of Future Meetings 2023:

27th July 2023, 10 am Committee Rm 2, Guildhall, Cambridge

26th October 2023, 10 am, Committee Rm 2, Guildhall, Cambridge

25th January 2024, 10 am, Committee Rm 2, Guildhall, Cambridge

25th April 2024, 10 am, venue to be confirmed

The meeting ended at 12.55pm



