



CONSERVATORS OF THE RIVER CAM

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

Business Review and Business Plan for 2023 to 2028

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Section 1

Summary of Recommendations

Section	Recommendations
3.1 Pg 11	Retain the Mission Statement and uphold it in the amended form as set out in Section 3.1
3.3.4 Pg 14	<p>Byelaws</p> <ul style="list-style-type: none"> (i) Appoint a small group of Officers and Conservators with a mandate to revise the Byelaws so that they are more suited to current needs for controlling navigation on the river and to take steps to have revised byelaws promulgated. (ii) Adopt a Prosecution Code. (iii) Adopt an Enforcement Policy. (iv) Continue wherever possible to use debt collectors and civil proceedings to secure the recovery of unpaid registration fees.
3.4.4 Pg 16	<p>The Conservators</p> <ul style="list-style-type: none"> (i) Set out written criteria for appointment as a Conservator for the guidance of appointing bodies. (ii) Improve communication with the appointing bodies. (iii) Improve the induction for new Conservators. (iv) Provide annual refresher training for existing Conservators.
3.5.2 Pg 17	<p>Committees</p> <ul style="list-style-type: none"> (i) Make greater use of committees for specific projects. (ii) Encourage a wider spread of membership of committees to increase Conservator participation.
3.6.2 Pg 17 - 18	<p>Observers</p> <ul style="list-style-type: none"> (i) Limit the number of Observer appointments to an agreed number of people. (ii) Invite aspirant Observers to apply for appointment before the January meeting of Conservators.
3.7.3 Pg 19	<p>Staff Structure</p> <p>Review the new staff structure in three years to consider whether any changes are desirable.</p>
3.8.3 Pg 21	<p>Governance</p> <ul style="list-style-type: none"> (i) Conduct a comprehensive review of all necessary policies and enact additional policies that are required or desirable (e.g.

	<p>data protection, Conservators' conflicts of interest, and enforcement and prosecution policies).</p> <ul style="list-style-type: none"> (ii) Establish a central register of policies and codes and make them available on the website. (iii) Establish a system for the regular review of policies and codes. (iv) Establish an index of all effective contracts and agreements and collate them in a single database. (v) Establish a diary system for important dates in contracts and agreements.
<p>4.2.3 Pg 24</p>	<p>River Maintenance Make regular quarterly reports to the GPC and six-monthly reports to the Board on performance under the River Maintenance Contract and its efficacy with recommendations for any changes to improve performance.</p>
<p>4.3.3 Pg 26</p>	<p>Tree Management</p> <ul style="list-style-type: none"> (i) Ensure that there are regular reports to the GPC (six monthly) and to the Board (annually) on tree management. (ii) Before the end of the current tree management programme, provide for its continuation or replacement.
<p>4.4.3 Pg 28</p>	<p>Environmental Issues</p> <ul style="list-style-type: none"> (i) Continue to keep invasive species, in particular floating pennywort, under control and, so far as possible, eliminate it. (ii) Conservancy officers should remain aware of, and up to date about the organisation's environmental duties which are, in the main, non-delegable, so that compliance can be efficiently monitored. (iii) So far as reasonable possible, the Conservancy should monitor vessels using the river, through the Byelaws and the vessel registration system, and by engaging and reporting to other authorities, to ensure that proper environmental standards are maintained. (iv) Adopt a climate change policy
<p>5.3 Pg 31</p>	<p>Moorings</p> <ul style="list-style-type: none"> (i) Conduct a comprehensive review of the Conservancy mooring policy. (ii) Engage in discussions with the City Council to ascertain its current policy with regard to residential moorings, and seek to have the existing moorings fully utilised. (iii) Ask Conservators who are City Councillors to use their influence for the improvement of moorings and facilities for visiting boats.

	<p>(iv) Give consideration to introducing a contract system at the Clayhithe visitors' mooring to discourage abuse of the 48 hour mooring rule.</p>
<p>6.12 Pg 51 - 52</p>	<p>Finance</p> <p>(i) Make annual transfers of surplus funds from the General Fund to the Capital Asset Maintenance Fund.</p> <p>(ii) Continue to credit investment income to the Capital Asset Maintenance Fund.</p> <p>(iii) Set a goal to build up the Capital Asset Maintenance Fund to £300,000 by the end of the business plan period, and retain it at that level.</p> <p>(iv) Initially retain £200,000 of designated investment funds on short-term deposit as a resource in case of emergency.</p> <p>(v) Revalue the remaining freehold property owned by the Conservancy, including the Halingway.</p> <p>(vi) Complete the sale of Baits Bite Cottages and the Lock Office.</p> <p>(vii) Sell the small field off Fen Road, Chesterton, possibly in conjunction with the marina development</p> <p>(viii) As part of an overall review of the mooring policy, identify sites for permanent moorings on the Halingway, and establish those moorings.</p> <p>(ix) Take immediate steps to develop the large field off Fen Road, Chesterton as a marina.</p> <p>(x) Let the river bank along the field owned by the Conservators at Clayhithe as permanent moorings.</p> <p>(xi) Review the Conservancy's banking arrangements with a view to holding cash on short term deposit, and splitting cash holdings between two or more independent banking institutions.</p> <p>(xii) Adopt a written investment policy which is regularly reviewed.</p>
<p>7.1.6 Pg 56</p>	<p>Inter-institutional Relationships</p> <p>(i) Negotiate an extension of the Anglian Pass Agreement beyond its termination date on 31st March 2024.</p> <p>(ii) In conjunction with the Middle Level Commissioners, seek to negotiate the inclusion of the Conservancy and the Middle Level in the Gold Licence Agreement.</p> <p>(iii) Meet annually with the County Council to review delivery by the Council of the latter's maintenance obligations under the Permissive Path Agreement.</p> <p>(iv) Appoint a Conservancy officer to be the Conservancy representative on the Association of Inland Waterways Navigation Authorities (AINA).</p> <p>(v) Establish a permanent liaison group with the City to be a forum for discussion of matters relating Council to the river, and monitoring agreed action.</p>

<p>7.2.4 Pg 58</p>	<p>River Users, Riparian Owners, and the General Public</p> <ul style="list-style-type: none">(i) Increase informal engagement with stakeholders.(ii) Engage with and meet local boat clubs and river user groups.(iii) Use user group newsletters, in particular GOBA.(iv) Support the revival of the Cam River Users Group (CRUG).(v) Establish a directory of riparian owners.(vi) Support the establishment of a charitable trust.
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Section 2

Introduction

2.1 The River and its Management

The Conservancy is a navigation authority governed by statute. Its primary functions and responsibilities are to maintain the river in a navigable state, and to regulate river traffic.

The main jurisdiction of the Conservancy is “the Cam Conservancy Area”, which is the River Cam between the Mill Pond and Bottisham Lock, a distance of approximately seven and a half miles. The Conservancy also has some limited jurisdiction upstream to Byron’s Pool.¹

The statutes which govern the Conservancy’s activities (the Acts of 1851 and 1922; see Section 3.2) were formulated at times when the use of the river was very different from today, with an emphasis on commercial traffic.² The navigational activity on the River Cam is now recreational. It involves punting (much of it commercially-operated) on the Middle River from the Mill Pond to Jesus Lock, rowing on the Lower River (mainly between Jesus Lock and Baits Bite Lock), sailing (below Clayhithe), canoeing and paddle-boarding. There is also a substantial number and variety of powered craft registered on the river, some used for pleasure, while a large number are moored “live-aboard” craft. The river, for which the Conservancy is responsible, probably has the greatest density and diversity of craft per mile of any inland waterway in the UK.³

Besides being a navigation, the river is a cardinaly important amenity for the people of Cambridge and the surrounding area, and for visitors to the City. The Middle River enhances the riparian Colleges and the “Backs”, and the public green spaces (Jesus Green, Midsummer Common, Stourbridge Common and Ditton Meadows) give access to most of the Lower River below Jesus Lock. The Halingway (towpath), which runs from Chesterton to Clayhithe, and which is owned by the Conservators, provides a much-used pedestrian and cycle path

¹ Byelaws made under Section 25 of the River Cam Conservancy Act 1922, permit the Conservators to regulate the river up to Byron’s Pool in certain respects. Under the current Byelaws, navigation by power-driven vessels between Jesus Lock and Byron’s Pool is restricted (Byelaw 5.1), and certain activities (including bathing) in or near the river up to Byron’s Pool are restricted or prohibited (Byelaw 15). Also, under Section 14 of the Cambridge City Council Act 1985, the Conservancy is deemed a navigation authority for the river between Newnham Mill/King’s Mill and Byron’s Pool/Grantchester Mill for the purpose of entering into and carrying out any agreement with a water authority under the Land Drainage Acts.

² Mr. James Macnaghten has provided the information that commercial traffic had dropped dramatically in the latter part of the 19th Century, and was negligible by the time the 1922 Act was passed. This period corresponds with the development of the railway which reached Cambridge in 1845.

³ An approximate breakdown of craft registered on the River during 2022/23 is as follows: 871 rowing vessels; 187 Hire Punts; 61 canoes, kayaks and punts which are owned privately or by Colleges; 29 sailing vessels; and 191 powered vessels. The above numbers do not include craft covered by block licences, in particular sailing dinghies and vessels owned by members of British Canoeing

along the river bank. Without the river, Cambridge would be a poorer and far less attractive city.

The river managed by the Conservators is thus a unique waterway, and the demands of maintaining and regulating it are extremely high. The challenge of meeting those demands is discussed below.

2.2 Background to the Review and Business Plan

Historically, the Conservancy has produced a series of 5-year Business Plans (2003-2008, 2008-2013, 2013-2018). Since 2013 there have been four changes in the River Managers, and the lack of continuity in leadership meant that forward planning temporarily lapsed, although elements of the 2013-2018 Plan have continued to govern its activities. The current Plan (2023 – 2028) restores historical practice and will guide the Conservancy's business for the 5 years ending on 31 March 2028.

The General Purposes Committee (GPC) intended to start work on a new Business Plan in early 2020, but the disruption caused by the coronavirus pandemic, and the need to deal with its exigencies, meant that this had to be put on hold. The pandemic put the financial dependence of the Conservancy on boat registration fees into stark relief. The initial suspension, and then restricted activity of, in particular, commercial punting, and both town and University rowing, had a marked impact on the income of the organisation, and it was necessary to cut back expenditure to a minimum.

At the end of 2020, a Business Planning Group was appointed, chaired by Professor Keith Richards, and that made some progress towards identifying and addressing the issues. Indeed, Professor Richards produced a lengthy draft plan before he retired as a Conservator at the end of 2020.

Three major issues remained unresolved at that stage. These were the possibility of outsourcing the maintenance of the river, the structure of the Conservancy staff, and, finally, how to deal with the substantial pension deficit which the Conservancy was facing. In 2021, a newly-constituted Business Planning Group decided that these issues needed to be addressed separately first, before attempting to produce a fully-fledged business plan. An interim report was presented to Conservators on 11th May 2021 making a number of proposals which, because of their nature, had to be dealt with in confidence. Conservators accepted the proposals which entailed outsourcing all maintenance of the river, the restructuring of the Conservancy officers and staff (including the appointment of a part-time Clerk, and a Patrol Officer/Control Officer), and the termination of the old pension scheme, thus triggering the liability for payment of the accrued deficit. These decisions have been implemented, and are all matters which are discussed in more detail below.

Accordingly, this plan starts on the basis that a number of important strategic decisions have recently been made and implemented, and seeks to build on that.

2.3 Purpose of the Review and Business Plan

The intention of this document is twofold. First of all, it endeavours to set out a comprehensive description of the Conservancy, how it is managed, and how it is financed. It is hoped that this will provide readers with a better understanding of the organisation, and lead to more informed debate in the future.

Secondly, it sets out a Business Plan which covers the period 1 April 2023 to 31 March 2028. The purpose of the Plan is to describe the current status of the Conservancy as a business; to identify various business risks and liabilities associated with the business; and to consider how to manage those risks and liabilities in the future within the Business Plan period. Recommendations are made which are intended to result both in beneficial development of the Conservancy's objectives, finances and management, and improvement in the experience of navigation and the river environment for all those who benefit from the river.

Where deficiencies or business risks are identified, recommendations are, so far as possible, made to address them, although in some instances it is recognised that there may not be the resources, particularly financial, to deal with them all within the life of this Business Plan. The recommendations are summarised in Section 1.

There is no proposed timetable for implementing the recommendations. Some recommendations are already being implemented, while others are for the continuation of an existing state of affairs with regular reviews. If the Business Plan is adopted, the practical way forward will be for the General Purposes Committee to review the recommendations and set the timetable. Thus, for instance, where it is recommended that there be a group to manage a particular project (for example, the byelaw revision), the group should be formed as soon as possible, and given dates on which to report back on progress.

Section 3

Structure and Governance

3.1 Mission Statement

The existing Mission Statement has remained unchanged in the last two business plans. It, in fact, does not accurately describe the Conservancy Area as defined in the 1922 Act (see Section 3.2 below), and the first paragraph should be amended to correct that. Otherwise, it continues to be an adequate formulation. The Mission Statement, with the proposed amendment, states that the Conservators:

- *Will maintain the River Cam between (a) Newnham Mill, (b) the sluice gates by Sheep's Green, and (c) King' Mill respectively, and Bottisham Lock in a navigable state to suit the size and number of boats legally entitled to use this stretch of the river.*
- *Will aim to strike a balance between the needs of the various river users, and between them and riparian owners.*
- *Will seek to manage the river in a manner sensitive to environmental interests, and ensure compliance with relevant legislation.*

It is recommended that the Mission Statement should be amended as above and upheld in this form.

3.2 Statutory Framework

The main statutory provisions governing the Cam Conservancy are the River Cam Navigation Act 1851 and the River Cam Conservancy Act 1922. The latter statute repealed much of the 1851 Act, but there are important provisions that continue to apply. Also, the 1922 Act incorporated many provisions of the Commissioners Clauses Act 1847 which are of significance. The 1922 Act also empowers the Conservators to make Byelaws for the better regulation of the river. (The current Byelaws were made in 1996 and are discussed in more detail in Section 3.3 below.) Finally, there are other general laws and regulations which now apply to the Conservancy and which need to be taken into account; for example, the Health and Safety at Work Acts, the Data Protection Act (GDPR), the complexities of employment legislation, and various environmental regulations.

The Acts and the Byelaws empower the Conservancy to issue licences for which fees may be charged. A boat on the River Cam in the Conservancy Area must be registered annually, and is subject to such reasonable conditions as the Conservators may stipulate for such registration. Also, a licence is required for work done by riparian owners or occupiers on the bed and banks where this may impede navigation, and for the products of that work (e.g., pontoons) which project into the river and interfere with navigation. The fees for boat

registrations, and these licences, form the major part of the income of the Conservancy enabling it to carry out its statutory functions.

Because the statutes were designed to meet very different circumstances from those which now exist, problems arise concerning their interpretation, and the governing legal provisions frequently have to be strained to fit current needs. Defining the powers of the Conservators, and the extent to which they can be delegated, are significant issues, which have led to legal challenges. They were the subject of a judgement of the High Court in 2014 (*Noon v Matthews and Ors*) which set out important limitations on the extent to which the Conservators' powers can be delegated. While a modern statute which is tailored to current needs is desirable, it is a vain hope to expect such an aim to be achieved within the foreseeable future.

3.3 Byelaws and Enforcement

3.3.1 The Current Position

Section 25 of the 1922 Act empowers the Conservators to make Byelaws. The Act is prescriptive in that it lists the purposes for which the Byelaws can be made. This list includes the registration of vessels, and the power to prescribe fees and set conditions for such registration. The Act also provides that the Conservators may impose penalties for offending against the Byelaws. While breach of the Byelaws is a criminal offence, a penalty imposed for a conviction cannot exceed £200, an amount that does not prove a sufficient deterrent.

Registration of vessels is governed by Byelaw 8. This provides only for the *annual* registration of vessels, thus preventing the Conservators from issuing short-term visitor's licences. The power to require registration is limited to "any pleasure boat", a term which has a rather quaint definition, applying to a list of vessel types which are "not being used solely for the carriage of goods"⁴. Byelaw 8.4 empowers the Conservators to impose "reasonable requirements" for the registration of vessels, and this power is exercised by Conditions of Registration which are agreed by the Conservators at the quarterly meeting in January of each year.

The current Byelaws were made in 1996. They are deficient in many respects, no longer meet the needs of the Conservancy, and do not give effective powers to the Control Officer for the management of the river. For example, the power to remove vessels in breach of the Byelaws is extremely limited. The Byelaws also deal with circumstances that no longer apply, such as lock tolls and the licensing of ferries. The need to revise the Byelaws was recognised in the Business Plan for 2013–2018 but was not pursued during the currency of the Plan, although a first draft of new Byelaws was made. Under the 1922 Act, new Byelaws must be "confirmed" by the Minister of Transport, and this involves an expensive and time-consuming process. A further difficulty is that the limit on the penalty which can be imposed for a breach of the Byelaws is enshrined in the 1922 Act, not the Byelaws themselves.

⁴ This definition is embodied in the 1922 Act

The most common breach of the Byelaws is the failure to register a vessel or to pay the registration fee. In the past, offenders have been prosecuted, but this has proved an unsatisfactory and costly process. In addition to the small fines which are imposed (which are not paid to the Conservators), court officers have proved inefficient in enforcing payment of costs and damages awards. In recent years, the Conservancy has employed a debt collection agency, and has pursued civil rather than criminal proceedings to collect unpaid registration fees, and this has proved far more effective. The problem is that this method can only be employed where the only default is the failure to pay the registration fee. Where other breaches exist, such as the failure to meet the Conditions of Registration by lack of insurance or a boat safety certificate, no registration can be issued until those failures are cured, whether a fee is paid or not, and prosecution is the only recourse. Accordingly, civil proceedings have so far only been used to recover registration fees outstanding from previous registration years.

3.3.2 Business Risks

The unsatisfactory state of the Byelaws is a major concern. It inhibits effective control and management of the river. Even if the level of penalty cannot be increased, the power to remove vessels or to impose spot fines would provide the Control Officer with "teeth" which would improve compliance. It may only be necessary to use those powers *in extremis*, and their existence would make a warning to an offender more effective.

The weakness of the Byelaws also creates a financial risk to the Conservancy, particularly when it comes to enforcing the registration of vessels, and compliance with the conditions of registration. This has been the cause of considerable frustration to Conservancy staff in the past. While the majority of river users are law-abiding, there are always a minority prepared to flout the rules at the expense of those who comply.

As a body which can prosecute offenders, the Conservators should have a policy which sets out the basis on which that power will be used, to ensure transparency and fairness. There also needs to be a clear statement on the extent to which such powers are delegated to the Officers. This is to an extent dealt with in the annual delegation of powers at the January meeting, but could be more comprehensive. The judgement in *Noon v Matthew and Ors*, referred to in Section 3.2, arose out of challenge to the delegated power of a former River Manager to initiate prosecutions.

3.3.3 The Way Forward

Despite the hurdles to be overcome, the revision of the Byelaws is something which should be taken forward during the period under review, by building on the work which has already been started. This will mean finding the resource to do the work. From preliminary enquiries the cost of having new byelaws approved is not inconsiderable and budgetary restraints may mean that it cannot be fully achieved in the review period, but the project should be taken forward as far as finances allow.

It is suggested that a small working group of Officers and Conservators be established as soon as possible, with the task of managing the project. It should

make regular progress reports to Conservators. In the first instance, it is suggested that the group carry out a feasibility study to establish the likely time and cost of the project, in order to establish the steps to be taken and an approximate budget, and report back to Conservators with their findings. To this end, guidance should be sought directly from the appropriate government department (Defra, or the Department for Transport), and contacts established within those departments. As an initial step, the working group would be strongly advised to seek advice from the Middle Level Commissioners, who have recently been through a similar exercise, and also from the Environment Agency which also has experience in these matters.

A Prosecution Code should be adopted. The Conservators have a discretion whether or not to prosecute for a breach of the byelaws in any particular case. In the interests of transparency and fairness, there need to be principles which determine when and whether a prosecution should be brought, and the extent to which the decision is delegated to officers. There are models available on which to base a code, in particular those used by local authorities and other navigation authorities with similar powers. The Clerk should be requested to produce a draft Code for consideration by Conservators.

The Control Officer is given the task of enforcing the byelaws and is given a range of powers. Enforcement action does not necessarily lead to a prosecution, and, in any event, there are steps to be taken before a prosecution can be brought. As enforcement is discretionary, it would be useful to have a policy for guidance of the Control Officer in the exercise of his or her powers in addition to the prosecution code referred to above.

3.3.4 Summary of Recommendations

The main Recommendations in this Section of the Business Plan are:

- (i) Appoint a small group of Officers and Conservators with a mandate to revise the Byelaws so that they are more suited to current needs for controlling navigation on the river and to take steps to have revised byelaws promulgated.
- (ii) Adopt a Prosecution Code.
- (iii) Adopt an Enforcement Policy.
- (iv) Continue wherever possible to use debt collectors and civil proceedings to secure the recovery of unpaid registration fees.

3.4 The Conservators

3.4.1 The Current Position

The 1922 Act provides for a governing body of 13 Conservators (who are now generally referred to as "the Board"), seven of whom are appointed by Cambridge City Council, one by Cambridgeshire County Council, three by the Council of the University of Cambridge, and two by the Environment Agency. Appointments are for three years and may be renewed. By statute, the Conservators meet quarterly, and in addition special meetings may be called. The meetings are sometimes poorly attended, and in the past this has caused problems in obtaining a quorum for decisions.

The heavy representation of the City Council reflects the former need to provide democratic oversight because contributions were made from the rates to support the Conservancy. This support no longer exists. It has been customary for three of the Council appointees to be Councillors, and the remaining four to be members of the public living in Cambridge with an interest in the river.

The Board is required to elect one of its members as Chairman, and it is customary to elect a Deputy Chairman also. The Chairmanship is potentially a demanding role. Some former Chairs have become almost Executive Officers, but it is difficult today for most (volunteer) members to commit this much time, and the lack of anyone on the Board with an executive role has in the past led to a disconnect between the Board on the one hand, and the officers and employed staff on the other. There are therefore several risks involved in the Board structure and membership (see Section 3.4.2).

3.4.2 Business Risks

There has tended to be a relatively high turnover of Conservators, especially amongst the Council appointees who are Councillors. This has resulted in periods when membership is depleted, and in a lack of collective memory. Also, attendance at Board meetings by some appointees has been patchy, with the result that it has sometimes been difficult to establish a quorum. It is in fact questionable whether it remains necessary for City Council appointees to be Councillors; the 1922 Act does not require it, and the Council can instead appoint other persons with appropriate expertise and experience (including, for example, Council officers). Councillor appointments have often been for short periods because electoral changes have been assumed to necessitate their replacement (something which is not in fact required under the 1922 Act). Also, because of the pressure on Councillors' time, their contribution has frequently, of necessity, been limited.

There has been a lack of connection and communication between the Board and the Conservancy officers and employees. Conservators have often suffered from a lack of detailed knowledge of the affairs of the Conservancy and how it is being run – although this is ameliorated to some extent by the committee structure.

The appointing bodies seem unclear of what is required of a Conservator, and in some cases are not properly conversant with the requirements of the 1922 Act, which has resulted in irregularity in appointments, or a failure to appoint.

The effectiveness of the Board is considerably enhanced if members have an interest in, and special knowledge of the River, and some of the most useful Conservator appointments in the past have been of people with such interest and knowledge. Inevitably, it gives rise to conflicts of interest from time to time. Conservators may also face a conflict of interest because of other appointments, such as City or County Councillors. The Conservators' Code of Conduct (adopted on the 30th April 2019) deals specifically with conflicts of

interest, and Conservators' duties in that regard.⁵ While conflicts of interest can be considered a business risk (and in the past have created difficulty in finding a quorum for certain decisions), experience has shown that such conflicts are diligently disclosed and acted upon.

3.4.3 The Way Forward

Board membership could be made more stable by reducing the proportion of political appointments. In making appointments to the Board, people should be chosen who are willing and able to do more than just attend quarterly meetings. They need to be people who have an interest in the river, and who can give time and expertise to support the officers and staff. It would be of value if one or more Board members could assume specific executive roles.

It would be useful to have written criteria for Conservator appointees to be used by the appointing bodies. These could include matters such as their interest in, and knowledge of the river, and particular skillsets which are of value to the Conservancy. There should also be a commitment not only to attend Conservator meetings regularly, but to participate in the work of committees or specific projects.

There should be better communication with the responsible officers in the appointing bodies to ensure that they understand the statutory requirements for the appointment of Conservators, and what is expected of the persons they appoint. The recruitment of a Clerk should enable this to occur.

Recently, Conservancy officers have provided induction for new Conservators. This needs to be built upon and standardised. In addition, it would be useful for there to be annual refresher training for existing Conservators. These are matters which the Clerk can facilitate.

3.4.4 Summary of Recommendations

The main recommendations in this Section of the Business Plan are:

- (i) Set out written criteria for appointment as a Conservator for the guidance of appointing bodies.
- (ii) Improve communication with the appointing bodies.
- (iii) Improve the induction for new Conservators.
- (iv) Provide annual refresher training for existing Conservators.

3.5 Committees

3.5.1 Commentary

The Conservators' power to appoint committees is defined in the Commissioners Clauses Act. There are currently two committees: the General Purposes Committee (GPC) which deals with financial oversight and matters of Conservancy business which need decisions between Board meetings, and the

⁵ It lacks specific written rules on how conflicts of interest should be handled. These need to be drafted – See Clause 6.2 of the Code, and Section 3.8.1 below.

Regulatory Committee, which considers, and makes recommendations to the Board, on regulatory matters, including the licensing of vessels. The members of the committees are appointed at the January Board meeting, with any vacancies being filled during the course of the year.

The committee structure works reasonably well, and particularly proved its worth during the pandemic, and for managing the staff restructuring and outsourcing or river maintenance. The committees go some way towards bridging the gap between the Board and officers.

Consideration should be given to greater use of committees, particularly for specific projects, such as producing new byelaws. Membership of committees also needs to be more widely spread across the Conservators, with rotation to enable participation by a larger number of Conservators.

The current Terms of Reference of the committees are contained in Annexure 1

3.5.2 Summary of Recommendations

- (i) Make greater use of committees for specific projects.
- (ii) Encourage a wider spread of membership of committees to increase Conservator participation.

3.6 Observers

3.6.1 Commentary

It has become customary in recent years for Conservators to appoint "Observers" at the quarterly meeting in January. Observers have no statutory role or powers, but their position is recognised by them being sent papers for meetings, and usually asked to speak at meetings after Conservators but before other members of the public. Observers are also elected to the Regulatory Committee, but do not have a vote.

Observers are appointed from people with an interest in the river, and who represent various user groups (for example, commercial punt businesses, town and university rowers, canoeists, live-aboards, power boat owners, and sailors). The value in the appointments is that they provide a useful channel of views and information to Conservators and Officers.

In the past, anyone who has expressed an interest in being an Observer has usually been appointed. It is recommended that the position be formalised, with the number of Observers limited to a number agreed by the Conservators, and aspirant Observers invited to apply for appointment beforehand. Observers can then be elected by Conservators from the applicants at the January meeting. This will enable there to be a more even spread of representation than there has been in the past.

3.6.2 Summary of Recommendations

- (i) Limit the number of Observer appointments to an agreed number of people.

- (ii) Invite aspirant Observers to apply for appointment before the January meeting of Conservators.

3.7 Officers and Staff

3.7.1 *The Position before the Restructuring*

The Commissioners Clauses Act gives the Conservators power to appoint a Clerk, and the statutes refer to certain specific powers and duties of the Clerk. While the statutes contain no general description of the role of the Clerk, by custom and practice it includes general responsibility for managing the business of the Conservators and their meetings, and providing advice to the Conservators and the Chairman on matters of governance and compliance. In addition, the Conservators' Byelaws define a Control Officer, to whom power is given "to oversee the fulfilment of the Byelaws" and who is thus responsible for the day to day management of navigation on the river and associated matters.

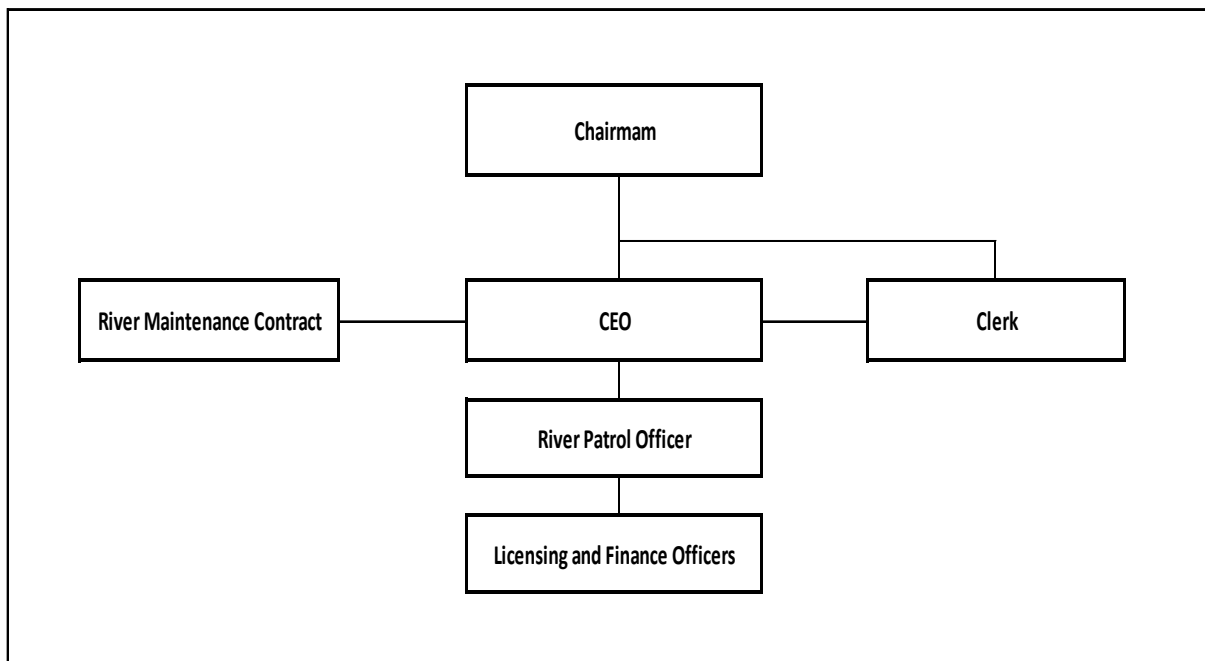
In 2006, the Conservators decided to appoint a "River Manager". This appointment followed the retirement of a partner in an Ely firm of solicitors who had acted as Clerk and Control Officer, and whose staff had managed the Conservancy's affairs. "River Manager" was a portfolio title which embodied the roles of Clerk and Control Officer, and also responsibility, with the assistance of a small staff, for managing the finances and all the affairs of the Conservancy, including river maintenance. It became increasingly clear, however, that the role of River Manager was not sustainable. Frequent turnover in appointments to the role in recent years could be taken as evidence of this. The workload was considerable, and the demands could be stressful. Also, the post demanded a range and variety of skills (quasi-legal, organisational, diplomatic, strategic, practical, and engineering) that were difficult to find in one person. Because of the small staff, effective delegation was also a difficulty, although, recently the Business Manager undertook several tasks previously done by River Managers. Finally, concentrating so many functions in one person created a significant business risk for the Conservancy, and in the past led to expensive consultancy arrangements to bridge the gap between one River Manager leaving, and a new one being appointed.

A particular problem was the need for the officers and staff to service the Board and the Committees, in particular by arranging the meetings, preparing agendas and papers, and writing minutes. These activities imposed a significant workload, often when other demands on time were high. There were also other governance tasks which were not done effectively because of a lack of skills and time.

Staffing reached a crisis point during the pandemic. The former post of bailiff fell vacant, and was not filled immediately in order to save costs. The River Manager was spending an increasing amount of time supporting the river crew in river maintenance. This placed a severe and unsustainable load on office staff.

3.7.2 The Current Position

The decision to outsource the river maintenance work provided an opportunity to design a new staff structure for the Conservancy and this was put in place during the course 2021 and the early part of 2022. The post of River Manager was removed, and a new role of Chief Executive Officer (CEO) created. While the latter is the senior employed officer in the Conservancy, the role does not include the functions of Clerk or Control Officer. A Clerk (which is a part-time role) has been appointed⁶, as has a Patrol Officer, who is also the Control Officer, and who will be the visible face of the Conservancy on the river. Two Licensing and Finance Officers have also been appointed, one full time and one part time. They report to the Patrol Officer, and assist the CEO in managing the finances of the Conservancy, handling boat registrations, and general administration. The CEO is also primarily responsible for oversight of the river maintenance contract. A diagram of the new structure is the following:



The job descriptions of the CEO, the Clerk, and the Patrol Officer are Annexures 2, 3, and 4.

While the structure appears to be a considerable improvement, it needs time to settle, and for the new appointees to develop their roles. There will undoubtedly be adjustments that need to be made. It would, however seem sensible to have a general review of the structure after three years in consultation with the officers, to consider whether and if so in which ways it can be improved.

3.7.3 Summary of Recommendations

Review the new structure in three years to consider whether any changes are desirable.

⁶ The post is currently vacant (June 2023) and a replacement is being recruited

3.8 Specific Governance Issues

3.8.1. Policies and Codes

In common with other organisations, the Conservancy has an increasing need to comply with regulatory requirements. This includes adopting policies and codes of practice which need to be adequately recorded and reviewed on a regular basis. At present, this is a haphazard process. Policy making is the province of Conservators. Policy decisions made by Conservators are recorded in minutes, but it is difficult to keep track of them, particularly with changes to the composition of the Board and staff. Policies made in the past tend to be overlooked and are not regularly reviewed. There are also certain policies which the Board should have which are not in place (for example, more needs to be done to ensure the Conservancy is compliant with GDPR), and a policy to address the risks of climate change to the Conservancy is also advisable.

The same applies to codes. The principle of these is the code of conduct which applies to Conservators. This was revised in 2019, but still requires a set of written rules governing conflicts of interest. The need for a prosecution code and enforcement policy has been discussed above (Section 3.3).

There needs to be a comprehensive review of all policies and codes of practice, including areas in which new policies are required. This review has already been started by the Chairman, CEO and Clerk with a view to bringing recommendations to Conservators.

All existing policies and codes should be recorded in a single register which is easily accessible on the Conservancy website. These should be part of the "pack" provided to new Conservators. There should be a system in place for the regular review of all policies and codes.

3.8.2 Management of Contracts and other Important Documents

The Conservancy regularly enters into legal contracts, some of which are quite complex, and which have continuing obligations on both parties, sometimes for years ahead. Examples are the various agreements entered into with Cambridgeshire County Council relating to the new Chesterton Bridge and the Halingway; agreements for licenses under Section 15 of the 1922 Act, in particular for pontoons which have fee review clauses; block licences; the Anglian Pass Agreement; the agreement with contractors for the maintenance of the river; and sales of properties which contain covenants. It is necessary for these to be kept under review insofar as they remain in force, so that compliance with their terms can be monitored, and the Conservancy's interests protected. In the past this has sometimes been a haphazard process with the result, for example, that reviews of pontoon fees have been missed with consequent loss of revenue to the Conservators.

The appointment of a Clerk is an opportunity to institute proper control in this area. There should be an index of all contracts and agreements which remain in force, and they should be retained in a form which is easily accessible. Part of the Clerk's responsibility is to ensure that the terms of agreements are adhered to. There should be a diary system in which all dates, such as review dates,

termination dates, and dates by which notice has to be given are entered, so that action can be taken in good time to protect the interests of the Conservancy.

3.8.3 Summary of Recommendations

The principal recommendations in this section are:

- (i) Conduct a comprehensive review of all necessary policies and enact additional policies that are required or desirable (e.g. data protection, Conservators' conflicts of interest, and enforcement and prosecution policies).
- (ii) Establish a central register of policies and codes and make them available on the website.
- (iii) Establish a system for the regular review of policies and codes.
- (iv) Establish an index of all effective contracts and agreements and collate them in a single database.
- (v) Establish a diary system for important dates in contracts and agreements.

Section 4

River Maintenance and the River Environment

4.1 The Position before Outsourcing River Maintenance

The Conservancy is responsible for maintaining the river between the Mill Pit and Bottisham Lock, a distance of approximately 7 ½ miles, which includes two locks. In addition the Conservancy owns the Halingway which runs from Chesterton to Clayhithe. Maintenance work includes tree works along the Halingway, where it is the riparian owner; other vegetation cutting along the Halingway; tree management where branches overhang the river and impede navigation; removal of obstructions in the river (sunken boats, shopping trolleys, abandoned bicycles, fallen branches etc.); bank revêtment works along the Halingway (frequently in the form of piling); lock maintenance and repair; aquatic weed control; and some dredging of areas of silt deposit.

Historically, the Conservancy carried out its own maintenance work with an employed river crew and its own plant. Until October 2021 (when the outsourcing contract was entered into) there were two part-time employees engaged on river maintenance, both of whom had been employed by the Conservancy for a considerable number of years. They worked with the assistance of the River Manager who spent an extensive amount of his time on river maintenance work.

While the Conservancy is responsible for a relatively short stretch of navigable waterway, it needs a higher level of maintenance than some other rivers because of the intensity of its use by a multiplicity of different craft. It is also necessary to employ a range of mechanical plant, both floating and land-based, which is expensive to maintain.

The previous system had a number of disadvantages and risks, including:

- (a) The river crew was under-resourced and was not able to function effectively without the River Manager working as a member of the team. The small number of available staff created problems in rostering, particularly to cover holidays, sickness, 24 hour call out, and the need for two-man working in many situations.
- (b) The two employed river maintenance officers were both nearing retirement age. There was a risk that either or both would wish to cease in the lifetime of this Business Plan, or could be prevented from working by incapacity or sickness. There was, therefore, an urgent need to train up replacements.
- (c) The work demands were seasonal, which meant that plant was under-utilised at certain times.
- (d) Management of health and safety for an operational team is onerous for a small organisation such as the Conservators, and had been a considerable issue in the past. Maintaining an effective and compliant health and safety regime had a significant cost, both in terms of expense and management resources.

- (e) The cost of employing staff has increased over the years, particularly because of indirect on-costs, for example for meeting the requirements of training, and health and safety.

Overall, the former structure for river maintenance carried some high risks, was inefficient, and was expensive.

4.2. The River Maintenance Contract

4.2.1 Background

When the former River Manager, Mr Larnach, was first appointed, he was asked to explore whether it would be feasible to outsource the river maintenance. From enquiries he made of outside contractors at that time, there was no-one prepared to offer services of a range, and at a price, which made this a feasible option. In 2020, Mr Larnach made a proposal that the work then undertaken by the Conservancy river crew be outsourced to a company which he would form and which would carry out a comprehensive schedule of work under a detailed Service Level Agreement (SLA).

Mr Larnach subsequently formed a private limited company, River and Rural Limited, and produced a business plan for the company based on the outsourcing proposal. From separate enquiries made by the Chairman, it was established that there were no outside contractors who were prepared to match the River and Rural Ltd proposal, either on cost or on the extent of the services to be provided. By way of due diligence, details of the company's business plan were provided to the Conservators' accountants with instructions to examine it. The conclusion to their report stated that "the River and Rural Limited Business Plan presents a sound, viable and sustainable solution to the current issues regarding succession planning and the escalating employment costs of maintaining an internal operational team for navigation and maintenance. If the solution is implemented then robust contracts should be created at the outset so that each party is fully informed as to their respective responsibilities under the outsourced arrangement."

It was evident that the outsourcing proposal carried its own business risk and possible disadvantages. These had to be balanced against the business risk of retaining river maintenance in-house. The advantages and disadvantages were debated rigorously and at length by the GPC, and two financial models were developed, showing the forecast position over five years, the one assuming outsourcing, and the other the retention of river maintenance in-house. The former showed a positive cost saving over the latter.

The GPC decided to recommend to Conservators that they accept the outsourcing proposal, and a detailed paper was presented to the Board on 11th May 2021. At that meeting, Conservators agreed to adopt the outsourcing model subject to further due diligence recommended in the paper. It was also agreed at the same meeting to appoint a person to act as Clerk to the Conservators, in a salaried part-time role, reporting to the Chairman.

The Conservators' solicitors were instructed to draft the outsourcing contract and SLA, and the agreement with River and Rural Ltd (who are hereinafter referred to as "the maintenance contractor") was finally concluded in October 2021.

4.2.2 The Contract

The Agreement and SLA is a lengthy and detailed document, but its main terms can be summarised as follows:

- (i) The maintenance contract is for a period of 20 years, but there is a break clause providing for termination after ten or fifteen years, and also a right to terminate "with cause".
- (ii) The services to be provided are set out in a detailed SLA annexed to the Agreement and which essentially covers the work previously undertaken by the river maintenance team in-house, including 24 hour call-out. It is a "labour only" contract using the Conservators' plant and equipment.
- (iii) The contract is at a fixed price with set annual increases linked to RPI.
- (iv) The Conservators' workshop and yard are leased to the maintenance contractor.
- (v) The vessels, vehicles and equipment remain the property of the Conservators, but the maintenance contractor is responsible for maintenance. The Conservators will be responsible for providing replacements when necessary.
- (vi) The Agreement sets out the terms on which vessels, vehicles and equipment are made available for use by the maintenance contractor, including the terms (including charges to be paid to the Conservators) on which they can be used by the maintenance contract on other contracts.
- (vii) Oversight of performance is by monthly meetings between the CEO and the maintenance contractor. There will be quarterly inspections which may be attended by members of the GPC. Further inspections can be required by the CEO if required.
- (viii) There are extensive provisions for rectification of defective work which can lead ultimately to termination of the contract if not satisfactorily rectified.

While the contract has only been in operation for less than two years, it appears to be running satisfactorily, and no recommendations for change are made at this stage. Clearly, it needs to be kept under review with regular reports to the GPC and Conservators.

4.2.3 Summary of Recommendations

Make regular quarterly reports to the GPC and six-monthly reports to the Board on performance under the River Maintenance Contract and its efficacy with recommendations for any changes to improve performance.

4.3 Tree Maintenance

4.3.1 Background

As landowner, the Conservancy is responsible for the maintenance of the trees along the Halingway. There are nearly 1000 trees which need to be maintained and kept safe so that they do not present a danger to the public. In the past,

while Conservancy staff carried out minor tree maintenance, they were not equipped or qualified to carry out major tree work and this was contracted out to tree surgeons. This position is reflected in the contract with the maintenance contractor, and the latter's obligations relating to trees exclude removing large branches or trees (over 380 mm), or work which requires climbing.

In recent years, the Conservancy has been operating its tree management programme on a pared down budget because of financial pressures. As a result, a backlog developed, with many of the Conservancy trees (the majority of which line the Halingway) requiring significant work, first to make them safe by felling dead trees, and secondly to manage the remainder to prevent them from becoming a danger in the future.

In July 2021, the Conservancy commissioned a tree report to identify which trees were dead and dangerous (requiring felling), and which required pollarding or minor maintenance. A total of 95 trees were identified in the report as dead and dangerous. Remedial action was taken, and over 25 trees (which were regarded as the most dangerous) were felled in December 2021/January 2022 by Hudson Timber, who had carried out the survey, and produced the most competitive quote for the work. There remained an urgent need to fell and remove the remaining 72 dangerous trees before the end of the felling season (end of Feb 2022), the urgency being underlined by the fact that during high winds early in the year, nine trees fell during a two week period. It was also clearly necessary to put a robust annual tree management programme in place.

A number of tree surgery businesses were approached, but there was a lack of enthusiasm to quote for a long term contract, partly because of the difficulty of access, and partly because it entailed working next to water. A proposal was, however, received from the maintenance contractor both to do the emergency felling, and to undertake a five year tree management programme. The company was only able to make this proposal by employing trained tree surgeons to extend its existing capabilities which it was prepared to do if the proposal was accepted. Conservators agreed to accept this proposal which includes felling trees where necessary, coppicing, removal of arisings (which will be done by barge), and replanting.

The tree management agreement has been incorporated into the existing river maintenance contract with the maintenance contractor. It is for a period of five years, and while it can be terminated earlier, there are financial penalties for doing so.

4.3.2 Business Risk

There is a significant business risk to the Conservators if trees on land which it owns, and for which it is responsible, are not properly maintained. The Halingway is heavily used, and injury or damage caused by falling trees or branches could expose the Conservancy to substantial legal liability, and potentially open the Conservators themselves to criminal penalties. The new tree maintenance programme should meet the Conservators' obligations in this regard. This is not an exposure which Conservators can afford to ignore and it is important that it is kept under review by regular reports to the GPC and the

Board. At present, the tree maintenance programme is being monitored quarterly by the CEO and the Chairman.

4.3.3 Summary of Recommendations

- (i) Make regular reports to the GPC (six monthly) and to the Board (annually) on tree management.
- (ii) Before the end of the current tree management programme, provide for its continuation or replacement.

4.4 Environmental Issues

4.4.1 Commentary

While the Conservancy has obligations to protect the river environment, it is important to determine, given its role as a navigation authority, what the limits on those obligations are. It has, for example, no responsibilities for water quality and flood control, although these are important issues. In the main, the Conservancy's obligations arise from its activities in river maintenance, and human interaction with the environment as a result of river-borne activities. Some issues are briefly discussed below.

(a) Invasive species

Floating pennywort (*hydrocotyle ranunculoides*) has been a major challenge in recent years. Its rapid growth means that a navigation can soon become overwhelmed by plant growth. The Conservancy has largely been successful in combating pennywort, with considerable volunteer assistance from Cam Valley Forum. The battle has by no means been won, however, and while the river within the Conservancy area is largely free of pennywort, there is an ever-present danger of it being spread from elsewhere. The maintenance contractor has now assumed responsibility for pennywort control as well as general weed control.

(b) Wildlife

In carrying out its activities, the Conservancy must have regard for wildlife which could be affected, and must comply with the legislative and regulatory framework governing this area (see for example, the Wildlife and Countryside Act 1981). In particular, water voles, otters, kingfishers, and ground- and bank-side nesting birds require protection and avoidance of disturbance, especially at critical times of the year. Under the Natural Environment and Rural Communities Act (2006), public authorities are expected to be pro-active in the implementation of Biodiversity Action Plans (BAPs) to preserve and enhance species and habitats that are at risk in the UK.

In the past, there have been concerns about conflict between river users (particularly rowers) and wildlife. Rowing activity is particularly intense in the early summer when young birds are vulnerable. It is not unknown for wildlife to fight back, and several years ago it was necessary to rehome an aggressive swan ("Mr Asbo") which was attacking river-craft. In the past these conflicts have led to protests from the public, but in recent years there has been greater awareness and greater care taken. The Conservancy has a role to play in ensuring that river-users behave responsibly.

(c) Water Quality

As stated above, the Conservators have no statutory responsibility for water quality of the river. Poor quality is often associated with relatively low water levels, when navigation may also be to some degree affected. The main continuing pressures and impacts on the status of the River Cam are phosphate pollution from Water Recycling Centres, and abstraction rates particularly in the upper catchment.

The Conservancy has no control over these impacts, and no powers to influence them except as a stakeholder. But navigation on the Cam is essentially recreational and involves a risk of (largely) involuntary immersion, so good water quality is essential for the health of all river users. There have also been proposals for swimming events on the Cam through Cambridge, and people regularly swim in the Upper River (above the Mill Pond). It is therefore important that Conservators remain aware of issues relating to water quality, and lend their support to those endeavouring to improve it.

Considerable investigatory work on water quality and water resources has been carried out by Cam Valley Forum (CVF), and that organisation has been active in publicising the current threats to the river, and lobbying for improvement. More information on this can be found on their website <https://camvalleyforum.uk/>

(d) Pollution

Pollution is a responsibility of the Environment Agency, not the Conservancy. By its presence on the river, however, the Conservancy is in a position to observe and report on pollution incidents, and in certain circumstances to take steps to limit the effects of pollution, in particular when recovering a sunken vessel. In addition, environmental standards must be maintained throughout the Conservancy's business itself, in relation to the potential pollution impact of its vessels and working practices (waste disposal etc.), and in relation to the standards required of the vessels registered by it (notably the powered craft with fuel and oil, and with on-board pump-out toilet facilities).

(e) Climate Change

The threat of climate change also presents a risk to the Conservators, and as a responsible public organisation, the Conservancy should have a policy in place to do whatever it can to mitigate the effects of climate change.

4.4.2 Business Risks

Compliance with many of the environmental obligations of the Conservancy outlined above have been outsourced to the maintenance contractor under the river maintenance contract, but the Conservancy nevertheless retains the residual responsibility to ensure that the obligations are fulfilled. Conservancy staff need to remain conversant with these obligations in order to maintain effective oversight of the contract.

On the wider view, the Conservancy needs to be seen publicly as a good custodian of the river, and thus engaged with, and concerned about other environmental issues such as protection of wildlife, water quality and pollution. There is often, however, a misconception about the role of the Conservancy in

relation to environmental matters, and the limits on the Conservancy powers and responsibilities could be more widely understood. It is also particularly important that river users and the public are made aware of the considerable financial cost to the Conservancy in environmental protection. An example is the need for protection of water voles whenever bank repairs are carried out. This can substantially increase the costs of those works. The battle against pennywort is also a considerable expense in terms of labour and use of machinery.

4.4.3 Summary of Recommendations

- (i) Continue to keep invasive species, in particular floating pennywort under control and, so far as possible, eliminate it. The river maintenance contract contains specific provisions setting out the maintenance contractor's obligations in this respect.
- (ii) Despite the outsourcing of responsibilities, Conservancy officers should remain aware and up to date about the organisation's duties which are, in the main, non-delegable, so that compliance can be efficiently monitored.
- (iii) So far as reasonable possible, the Conservancy should monitor vessels using the river, through the Byelaws and the vessel registration system, and by engaging and reporting to other authorities, to ensure that proper environmental standards are maintained.
- (iv) Adopt a climate change policy.

Section 5

Moorings⁷

5.1 Introduction

As Cambridge is at the end of the navigation, its attraction to boaters is as a place to visit, or a base on which to keep a boat permanently, either as a home, or for visiting other parts of the network. The demand for moorings in the Conservancy Area has always, and continues to exceed demand.

Moorings can be classified under the headings of residential moorings provided by the City Council, visitors' moorings, and private moorings.

- (a) City Council Residential Moorings: The principal residential moorings are on Jesus Green, Midsummer Common, and Stourbridge Common. The City Council is the riparian owner of all these moorings. Permission to moor is given under licences issued by the Council. The Council's policy with regard to these moorings is at present unclear because, while there is said to be a long waiting list for moorings, gaps caused by boats leaving the area have not been filled. This is a financial disadvantage to the Conservancy, because it has reduced the number of vessels paying registration fees. It is recommended that discussions be opened with the City Council to ascertain their policy, and to press for the residential moorings to be used to their full capacity.

As discussed below, there is scope for additional long-term moorings along the Halingway and at Clayhithe, and this should be actively explored.

- (b) Visitors' Moorings: There is a visitors' mooring at the end of the Halingway at Clayhithe Bridge which is managed by the Conservators. The Great Ouse Boating Association (GOBA) have visitors' moorings on a meadow just above Bottisham Lock, and on a small stretch of the Halingway between Horningsea and Clayhithe.

Within Cambridge itself, there are limited moorings for visitors at Jubilee Gardens below Jesus Lock and at the Fort St George pub. These moorings are not well maintained, and, generally speaking, Cambridge is not attractive or welcoming to visiting boats. While this is a matter for the City Council, which is the riparian owner, it causes reputational damage to both the Conservancy and the City. This is a matter which Conservators, who are City Councillors, could take in hand.

Boats on visitors' moorings are limited to a stay of 48 hours, but this is frequently abused by boats overstaying. It is to be noted that in Ely, where visitors' moorings are in particular demand, this problem has been successfully overcome by introducing a contract system similar to that used in public car parks, which gives a right to impose a substantial

⁷ This discussion mainly relates to the mooring of powered vessels. The prohibition on mooring in the mooring policy and byelaws applies to all vessels, however. Most unpowered vessels, other than commercial punts, are generally kept ashore when not in use.

penalty on vessels which overstay. This could usefully be considered by the Conservators at their visitors' mooring at Clayhithe, which is a popular mooring.

- (c) Private moorings: Riparian landowners have a right to moor on the banks of their property, and this right is extensively used. There are also numbers of moorings "offline", that is in private basins off the river, such as at the Cambridge Motor Boat Club, and just above Bottisham Lock.

5.2 Mooring Policy

The Conservators have a mooring policy which sets out where boats may or may not moor. The decision to ban mooring from certain areas is taken purely on navigational grounds, namely whether moored boats would cause a hazard or an unacceptable restriction to navigation. As a navigation authority, those are the only grounds on which the Conservancy can legitimately restrict mooring on land which it does not own. Where the Conservancy is the riparian owner, such as the Halingway, mooring can only be by consent of the Conservancy as it will otherwise constitute a trespass. There are also provisions in the Byelaws which restrict mooring, or which give the Control Officer the power to control mooring.

The existing mooring policy was formulated following a consultation over twenty years ago. There has been some piecemeal reconsideration since then, for example regarding the stretch along Riverside⁸. While generally speaking, the mooring policy works well and has stood the test of time, a full review is long overdue.

There are recommendations in this Business Plan that the Conservancy should obtain much needed additional revenue by letting moorings along stretches of bank which it owns, more particularly along the Halingway and on Conservators' land at Clayhithe. (See Sections 6.8.3 and 6.10 below) These would be permanent moorings which could either be for residential boats, or to accommodate vessels which are owned by people who live elsewhere in Cambridge. There is also a recommendation for the development of a marina on Conservancy land behind the Halingway along Long Reach (See Section 6.9 below).

It is recommended that there be a full review of the mooring policy. This should include the existing online moorings, and should also determine where new moorings can be located on Conservancy land, particularly along stretches of the Halingway, and at Clayhithe. There would need to be an initial study of where the additional moorings can be located, and of implications such as cost and any planning requirements. A report should then be brought to Conservators and a consultation held on the recommendations.

⁸ This was a debate whether mooring along Riverside should be restricted or prohibited on navigational grounds. In fact, no changes were made. The discussion took place before the City Council acknowledged that it was the riparian owner at Riverside, and tried to regulate moorings in that capacity.

5.3 Summary of Recommendations

- (i) Conduct a comprehensive review of the Conservancy mooring policy, particularly to define areas of additional online mooring on Conservancy owned land along the Halingway and at Clayhithe.
- (ii) Engage in discussions with the City Council to ascertain its current policy with regard to residential moorings, and seek to have the existing mooring fully utilised.
- (iii) Ask Conservators who are City Councillors to use their influence for the improvement of moorings and facilities for visiting boats provided by the City Council.
- (iv) Consider the introduction of a contract system at the Clayhithe visitors' mooring to discourage abuse of the 48 hour mooring rule.

Section 6 Finance

6.1 Introduction

The Audited Accounts for the last complete financial year, 1st April 2021 to 31st March 2022, are Annexure 5.

The accounts have been set out in a somewhat different way from previous years in an endeavour to make them easier to comprehend, and to show more clearly how the Conservancy's assets are held. There are now six funds set out in the balance sheet, namely:

	£
General Fund	277,340
Designated Pension Fund	(535,000)
Permissive Path Fund	80,000
Capital Asset Fund	873,814
Capital Asset Maintenance Fund	92,915
Investment Fund	<u>2,060,001</u>
Total Net Assets	<u>2,849,070</u>

The *General Fund* includes all retained profits and losses for the current and prior periods.

The *Designated Pension Fund* is the accumulated deficit on cessation of the LGPS Pension Fund discussed in Section 6.4 below.

The *Permissive Path Fund* represents a lump sum payment by the County Council towards the maintenance of the Halingway for a period of ten years. The amount of £8,000 will be drawn down annually to be used for that purpose.

The *Capital Asset Fund* shows the current book value of fixed assets, including freehold property (other than two properties which are investment fixed assets) and operational assets, after depreciation, acquisitions and disposals. Capital Assets are discussed in Section 6.7 below.

The *Capital Asset Maintenance Fund* is a reserve maintained for capital expenditure on major repairs and replacement of operational assets. This is discussed in Section 6.5 below.

The *Investment Fund* consists of:

- (a) long term investments (£1,000,000⁹) (see Section 6.11.2 below);
- (b) two cottages let to tenants, previously included in the Capital Asset Fund, which were recently revalued and are now classed as investment assets (£725,000);
- (c) Money derived from the sale of real property and easements granted which is set aside for long term investments (£335,001).

⁹ Shown in the Balance Sheet as £991,736 which was the market value at 31st March 2022.

6.2 Income

6.2.1 Income Summary

A summary of Conservancy operational income¹⁰ over the past five years is shown in Table A below:

Table A

	2017-18	2018-19	2019-20	2020-21	2021-22
	£	£	£	£	£
Boat Registration Fees	415,784	428,641	478,704	348,999	478,287
Rents and pontoon licences	96,664	83,716	60,768	79,601	72,812
Event Fees	13,949	10,463	11,413	1,208	12,001
Contract Work	2,160	4,920	42,318	40,602	40,488
Consent Fees	0	37,390	61,415	73,961	25,782
Interest	180	903	1,567	1,488	169
Other income	12,567	13,442	10,403	14,004	588
Totals	541,304	579,475	666,588	559,863	630,127
Boat Licence fees as %	77%	74%	72%	62%	76%

Registration Fees: There is a heavy dependence on fees derived from the registration of boats. This percentage increases if other boat related income such as pontoon fees and event fees is included. Approximately 60% of boat registration fees come from commercial vessels, principally commercial punts. The Conservancy therefore depends on a narrow sector for a large proportion of its income.

Registration fees are charged according to the size and class of vessel. In the past, the fees charged for private motorised vessels have followed the Environment Agency charges. This was dictated by the terms of the Interchange Agreement which enabled vessels to move between Conservancy and Environment Agency waters without paying additional fees. Since the introduction of the Anglian Pass in 2021, this linkage has become unnecessary.

In 2021, there was a review of registration fees charged for private un-motorised craft as it was clear that there were anomalies in the charges made to different classes. The new registration fees were based on a length per metre which was considered fairer. The effect on Conservancy income of this change was broadly neutral.

Block Licences are issued to certain organisations to cover vessels owned by their members, examples being the Cam Sailing Club, British Canoeing, and the

¹⁰ This is regular, operational income as shown as General Funds in the audited accounts. Extraordinary receipts, such as from the sale of properties, or lump sum receipts, such as long term licences and easements, are not included.

Cambridge Canoe Club. The purpose of such licences is not to give preferential rates, but to make administration more efficient. Some of these licences have been reviewed and renegotiated recently, but further work needs to be done in this area, and is being undertaken by the Regulatory Committee. The Committee is also undertaking a review of event fees.

Contract Work: During the pandemic, the Conservancy was able to augment its income with contract work for the Environment Agency, such as dredging at Denver. The negative side of that activity was that river maintenance work was cut to a minimum in order to save costs. With the outsourcing of river maintenance work to the maintenance contractor, there will no longer be any direct contract work income, but there will be indirect income where the maintenance contractor uses Conservancy equipment for work for other customers, for which the company will pay a charge, and any contract work which the company undertakes for the Environment Agency via the Conservancy, for which the maintenance contractor will pay a commission.

Consent Fees: These are earned from licences under Section 15 of the 1922 Act and are volatile in the sense that they are dependent on the works which riparian landowners wish to undertake. In recent years, the Conservators have adopted a robust policy for charging these fees, and there is a fixed scale of fees depending on the size of the work. Charging for Section 15 work is now more efficient than it has been historically. The relatively high recent income, however, was mainly due to the Chesterton Bridge project by the County Council which has come to an end. While income from licences under Section 15 will undoubtedly continue, the level of income is impossible to predict.

Interest and Investments: The relatively high level of interest earned in 2019/20 and 2020/21, despite almost nominal interest rates, reflects the cash held on deposit by Conservators following the sale of properties which realised £1.3 million. Of that, £1 million has now been invested and will produce a considerably higher return. The GPC has agreed that income from investments will be credited to the Capital Asset Maintenance Fund. Investment policy is discussed in more detail below.

6.2.2 Business Risk

The Conservancy does not receive any public grant, and so its only sources of income are those summarised above. The heavy dependence on registration fees is a real risk, which manifested itself during the coronavirus pandemic when there was a significant reduction in the number of boats registered, in particular commercial punts and rowing craft. This risk was accentuated by the fact that a large proportion of registration income is derived from commercial punting.

Other income sources, such as Section 15 licence fees and contract work, cannot be depended upon to produce a reliable, regular income. Income from the money invested from property sales should provide a new income stream, which will be credited to the Capital Asset Maintenance Fund.

There is a pressing need to diversify and find other sources of income. First, as is explained in Section 6.5 below, the Conservancy is not at present generating

sufficient income to pay for anticipated capital expenditure in the years ahead. Secondly, a disproportionate part of the burden of financing the Conservancy at present falls on those who pay vessel registration fees.

While there are no easy answers as to how income can be increased and diversified, one solution is the better use of fixed assets, in particular the Halingway and fields owned by the Conservators. This can be done by providing online moorings which can be let by Conservators, and by the development of a marina offline in one of the fields at Fen Road. The Conservators would obtain additional income, not just from the leasing of the moorings, but also additional registration income. These proposals are discussed in more detail below. (See Sections 6.8 to 6.10)

The river, and its maintenance, does not just benefit users of the river, but is an asset of enormous value to the City of Cambridge, its citizens, and its visitors. It enhances the College buildings and is a major tourist attraction, helping to bring revenue into the City. While the commercial punting industry derives much income from tourists, and some of this feeds through to the Conservancy by means of registration fees, there are a great number of people who benefit from the river without making any financial contribution to it. The cost of maintaining the river can therefore be said to weigh unfairly on those who actually use it. This is becoming an increasingly heavy burden, and inflation is likely to exacerbate that. There is, therefore, a strong argument for a contribution to be made by the City Council, but efforts in this direction have, in the past, been rebuffed.

6.2.3 The Way Forward

The Conservancy needs to find ways to increase and diversify the sources of its income. The only immediate way of doing so is by making better use of its existing assets. A start has already been made by the sale of properties and the investment of the proceeds. There is also a potentially substantial source of income from moorings on Conservancy land.

6.3 Operational Expenditure

6.3.1 Summary of Operational Expenditure

Operational Expenditure covers the normal annual expenditure of the Conservancy which is debited to the General Fund. It therefore does not cover charges to the Capital Asset Fund (which includes depreciation) or, more importantly the Capital Asset Maintenance Fund, which was established to provide for the repair and replacement of capital assets such as locks, vessels and operational plant. A budget for Operational Expenditure is presented to Conservators each year for agreement.

A summary of Operational Expenditure over the past five years is shown in Table B below:

Table B

	2017-18	2018-19	2019-20	2020-21	2021-22
	£	£	£	£	
Employment Costs	282,692	321,017	347,287	290,095	316,759
Repairs and Maintenance	34,141	59,695	67,937	20,645	157,317
Vehicle Costs¹¹	6,264	7,479	10,082	12,882	14,301
Other Running Costs	27,159	51,145	65,253	46,423	54,237
Legal and Professional Fees	36,863	35,683	65,596	52,491	92,867
Establishment and Finance Costs	32,826	27,343	38,866	37,506	63,821 ¹²
Total	419,945	502,362	595,021	460,042	699,302

The employment costs for 2021/22 included certain one-off costs relating to the restructuring. Apart from increases resulting from inflation, employment costs should remain relatively stable, although managing the new moorings which are recommended will incur some additional staff costs. If the restructuring had not taken place, there would have been substantial increases because of the need to recruit and train new river staff.

Repairs and maintenance costs include the fees paid to the maintenance contractor for the upkeep of the river and the Halingway, in particular tree maintenance. Legal and professional fees were high in 2021/22 because of advice and assistance needed in relation to the restructuring. These were one-off costs and it is anticipated that fees will reduce in the future. Employment of a Clerk should also lead to a reduction in professional fees.

6.3.2 Business Risks

The most obvious business risk at present is inflation. This is something over which the Conservancy has, of course, no control and which is not easy to predict. It is, however, inevitable that inflation will cause operational costs to rise for the foreseeable future. A significant element is the increased cost of fuel for the vessels and machinery. Apart from this factor, operational costs are expected to remain relatively stable.

A further risk is an increase in regulatory requirements. The Conservancy's auditors have warned that new auditing standards which will be introduced next year will lead to an increase in audit fees of between 20% and 25%. The

¹¹ The figure for 2021-22 includes vessel costs which were allocated in repairs and maintenance in earlier years.

¹² This figure includes £17,000 which is an element of the pension cessation figure.

requirements will also impose an additional burden on Conservancy accounting staff which may require additional resources in consequence.

A major source of operational expenditure is the maintenance of the Halingway. This is discussed in Section 6.8 below.

6.4 The Pension Deficit

6.4.1 Background

In the past, Conservancy staff were enrolled in the Local Government Pension Scheme (LGPS) which was a final salary scheme. More recently appointed staff have been enrolled in the National Employment Savings Trust (NEST) pension scheme and all current staff are in that scheme.

The LGPS is in deficit, and before the restructuring, there were two employees remaining in the scheme. For several years, Conservators had faced the problem that when the last employee who was a member retired or left, a substantial lump sum payment would become due from the Conservancy to cover the Conservancy's share of the deficit under the LGPS pension scheme. That deficit was tending to increase year on year, and employer contributions to the scheme were extremely high. The deficit was actuarially calculated each year, and the increase debited to the General Fund in the annual accounts. It has been necessary to retain reserves against the deficit, as it was a potential current liability, which meant that it was not possible to make transfers to the Capital Asset Maintenance Fund to provide for future capital expenditure (see Section 6.5 below).

This was a considerable business risk to the Conservancy. The outsourcing of the river maintenance work, and restructuring of the Conservancy staff, provided an opportunity to grasp the nettle and resolve the pension deficit problem, rather than allow an ever-worsening position to continue.

6.4.2 Cessation

A decision was taken to terminate the employment of the remaining employees who were members of the LGPS, thus triggering a cessation and payment of the lump sum deficit. Prior to the cessation, in the accounts to 31st March 2021, the deficit stood at £282,000. That valuation, however, was based on the Conservancy remaining in the pension scheme and continuing to make contributions for employees who were members. It was known that a final cessation deficit would be far higher. From discussions with officers of the pension fund, however, it was apparent that the repayment could be structured over a number of years. The cessation occurred in October 2021, and the deficit was crystallised at £535,000.

The Conservators intend to enter into a Debt Spreading Arrangement (DSA) with the pension fund, in terms of which a lump sum of £107,000 (20%) will be paid using part of the proceeds of property sales, and the balance will be paid over ten years commencing in 2023. The annual amount payable, with interest, will be £47,112. This will have to be paid from income to the General Fund. The Conservancy has formally proposed the above terms to the pension fund, and

while the DSA is yet to be completed, it is anticipated that an agreement will be reached in those terms, and financial forecasts have been prepared on that basis.

6.5 Capital Expenditure

6.5.1 Background

The purpose of the Capital Asset Maintenance Fund (which was previously known as the Repairs and Renewals Fund) is to provide for capital expenditure which becomes necessary in future years, in particular repairs to locks and other structures, and the replacement or major repair of plant. In the last business plan, it was recommended that reserves should be maintained at £600,000, being twice the likely cost of a major capital project. In recent years this has been an aspiration, rather than reality, as can be seen from the following year end balances in Table C below:

Table C

	Capital Asset Maintenance Year-end balance ¹³	General Fund Year-end balance	Surplus (Deficit) on operational funds ¹⁴
	£	£	£
2017 - 18	50,224	32,058	121,359
2018 - 19	50,224	9,191	77,113
2019 - 20	207,024	64,863	71,567
2020 - 21	207,024	31,279	99,821
2021 - 22	92,915	(257,660) ¹⁵	(69,175)

The Capital Asset Maintenance Fund increased from £50,224 to £207,024 in 2019-20 by virtue of the capital sum received from the County Council for the Chesterton Bridge and the jetty under it. It needs, however, to be regularly replenished by transfers from the General Fund, but the surpluses have not been available for this to be done. Part of the problem has been that the increasing deficit on the pension fund and the need to make provision for it. As explained, the cessation led to a substantial increase in the pension liability and this increase has been debited to General Fund, resulting in the large negative balance in the accounts for 2021 -22. Once the DSA with the old pension fund has been concluded, the deficit will cease to be a current liability, and it will be possible to use the deficit provision as funds available for capital repairs and renewals.

The tables below show calculations of the amounts needed to pay for future capital repairs and renewals. Table D is calculated on the basis of the life of each asset and its eventual replacement cost, or in the case of locks, the requirement for a major refurbishment. For example, the Table adopts a policy of the EA

¹³ This was the first year that a Repairs and Renewals Fund was established

¹⁴ This is the gain or loss on General Fund before debiting the increase in pension fund liability for the year

¹⁵ This is the figure shown in the Income and Expenditure Account. The Balance Sheet shows a positive balance of £277,340 a result of crediting the pension deficit reserve which is shown separately as a negative balance of £535,000

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which has a rolling ten year cycle for major refurbishment of its locks. The estimate for such a refurbishment is £250,000 at current prices, which means that £50,000 per annum (adjusted for inflation) should be set aside for that purpose for the Conservancy's two locks. In the case of the Berky Harvester, replacement cost at current prices is £500,000, and the lifespan of the vessel is estimated at 40 years, so that the annual reserve for replacement should be £12,500. The figures in the Table have been adjusted for anticipated inflation.

Table D¹⁶

Estimate of Annual Reserves Required to Provide for Future Capital Repairs and Renewals

Category	2022 - 23	2023 - 24	2024 - 25	2025 - 26	2026 - 27	TOTALS
	£	£	£	£	£	£
Locks	52,300	57,530	61,845	64,937	68,184	304,796
Banks and Moorings	31,350	34,485	37,071	38,925	40,871	182,703
Buildings and Land	15,900	7,810	8,396	8,816	9,256	50,178
Vessels	30,467	33,514	36,027	37,829	39,720	177,557
Vehicles and Plant	16,134	17,747	19,078	20,032	21,034	94,026
IT and Communications	5,133	5,646	6,070	6,373	6,692	29,914
TOTALS	151,284	156,732	168,487	176,912	185,757	839,173

Actual capital expenditure is, however, unevenly spread, and Table G below shows the amount of capital expenditure which it is forecast will actually be required during the current year, and over the following five years.

On the basis of Tables D and G, the Conservancy should be setting aside approximately £165,000 to £170,000 per annum to meet future capital expenditure. Additional income is needed to achieve that.

6.5.2 Business Risk

The failure to make sufficient provision for capital costs has created a considerable business risk to the Conservancy. It means that asset maintenance in the past has been inadequate, and there are insufficient reserves to provide for the future.

Cutting back on asset maintenance and replacement means that the risk of major and expensive breakdowns and failures become much more likely. This is illustrated by the recent major costs of repairing the Berky Harvester, which is the principal workhorse used in river maintenance. Those costs amounted to approximately £125,000. Ideally, the vessel should have been replaced but the funds were not available to do so. Another example, in early 2022, was the need to replace the mud barge, which is also an essential item used in river and tree maintenance. The failure to do lock inspections regularly increases the risk of a lock failure, with consequent interruption of the navigation and a major cost

¹⁶ This table makes no provision for the extra capital costs which will be incurred for providing additional moorings on Conservators' land. See Table G which shows the forecast additional costs.

of repair. If there was a major lock failure, it might be necessary to use investment capital to meet the emergency, or to close a lock to navigation until funds become available.

6.5.3 The Way Forward

There is little room for increasing income from existing sources, and operational costs can only be reduced with a corresponding reduction in efficiency and service levels. The only possible solution is to generate income from efficient use of capital assets as discussed and recommended below, and that should be taken forward as a matter of urgency with a view to starting to provide additional income from Years 2 and 3 of this Business Plan.

On the basis of the calculations in Section 6.4.1 above, the Capital Asset Maintenance Fund should receive around £165,000 to £170,000 per annum. Clearly this is not achievable initially, but it is recommended that each year Conservators consider and approve a transfer of funds from General Fund. The forecast of the funds which could be available for transfer are shown in the cash flow forecasts in Tables H and I in Section 6.6.3 below, and are based on the operational surplus generated in the previous financial year. It is also recommended that the income received from investments be credited to the Capital Asset Maintenance Fund.

The previous recommended goal that the Capital Asset Maintenance Fund be maintained at £600,000 was made at a time of high interest rates, and such a reserve seems excessive particularly as, in an extreme emergency, the Conservancy could realise investment funds. It is therefore recommended that the goal should be to build up the Capital Asset Maintenance Fund to £300,000 and seek to maintain it at that level.

It is recommended that, initially, £200,000 of designated investment funds be retained in cash on short term deposit to be available to meet emergencies.

6.6 Forecast Income and Expenditure

The tables in this section show summary figures based on detailed forecast work carried out by the officers with assistance from the maintenance contractor. They are, nevertheless, forecasts, and based on assumptions which may prove to be inaccurate. They do, however, provide the best available picture of the future finances of the Conservancy.

6.6.1 Operational Income and Expenditure

The provision of additional moorings on Conservancy land, as recommended below, will entail some additional capital expenditure. Tables E and F provide a comparison of the forecast operational income and expenditure first without, and then with providing the proposed additional moorings.

As can be seen, if the proposal for new moorings is implemented speedily, there should be a striking increase in surplus funds generated from year 2 of the Business Plan onwards.

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Table E

Operational Income and Expenditure (assuming no additional moorings)

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
Assumed RPI	4.6%	10%	7.5%	5%	5%	5%
	£	£	£	£	£	£
Total Ops Income	678,581	739,166	808,951	884,367	937,112	983,944
Total Ops Expenditure	617,530	725,413	802,238	847,364	890,688	936,725
Surplus/(Deficit)	61,051	13,753	6,713	37,003	46,424	47,219

Table F

Operational Income and Expenditure (assuming additional moorings)

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
Assumed RPI	4.6%	10%	7.5%	5%	5%	5%
	£	£	£	£	£	£
Total Ops Income	678,581	739,166	911,917	993,555	1,052,915	1,105,537
Total Ops Expenditure	617,530	725,413	819,364	869,364	913,348	960,065
Surplus/(Deficit)	61,051	13,753	92,553	124,191	139,567	145,472

6.6.2 Capital Expenditure

Table G shows a similar comparison for forecast capital expenditure.

Table G

Capital Expenditure

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
Assumed RPI	4.6%	10%	7.5%	5%	5%	5%
	£	£	£	£	£	£
Without added moorings	135,800	357,210	109,943	133,495	49,842	143,204
With added moorings	135,800	462,210	109,943	133,495	49,842	143,204

Total for six years without moorings: £929,494. Average spend per year: £154,916. Total for six years with moorings: £1,034,497. Average spend per year: £172,416.

The additional capital cost is forecast to be borne in 2023/24. That financial year is already expected to bear heavy costs because of repairs to Jesus Lock, and it may be necessary to spread some capital works forward to the following year if the resources to pay for it are not available.

6.6.3 Cash Flow

The following two tables endeavour to show the cash available for the maintenance of capital assets, Table H assuming that no additional moorings are provided on Conservancy Land, and Table I assuming that such moorings are provided.

Agreement to pay the pension deficit over ten years will mean that the deficit will no longer be a *current* liability (although it will continue to feature as a liability in the balance sheet, the amount being reduced annually as it is paid off). This means that the cash which has been retained against that liability can be made available for the maintenance of capital assets.

As can be seen from the tables below, on the assumption that the additional moorings are brought on-stream, the fund to maintain capital assets will increase over the business plan period until it reaches an amount slightly in excess of the £300,000 balance recommended above. If there is no income generated from additional moorings, the fund will not achieve that target, and will slowly decline.

Table H

Cash Flow for Capital Repairs and Renewals – with no additional moorings

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
	£	£	£	£	£	£
Brought Forward	92,915	(7,885)	284,405	243,962	175,964	215,622
Investment income	35,000	59,500	59,500	59,500	59,500	59,500
Surplus transfer from Gen Fund	0	55,000	10,000	6,000	30,000	40,000
Pension Deficit Reserve Fund	0	535,000	0	0	0	0
Sub-total	127,915	641,615	353,905	309,642	265,464	315,122
Less: est. spend	(135,800)	(357,210)	(109,943)	(133,498)	(49,842)	(143,204)
Total Carried Forward	(7,885)	284,405	243,962	175,964	215,622	171,918

Table I

Cash Flow for Capital Asset Maintenance – with additional moorings

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
	£	£	£	£	£	£
Brought Forward	92,915	(7,885)	179,405	138,962	154,964	284,622
Investment income	35,000	59,500	59,500	59,500	59,500	59,500
Surplus transfer from Gen Fund	0	55,000	10,000	90,000	120,000	135,000
Release of Pension Deficit Reserve	0	535,000	0	0	0	0
Sub-total	127,915	641,615	248,905	288,462	334,464	479,122
Less: est. spend	(135,800)	(462,210)	(109,943)	(133,498)	(49,842)	(143,204)
Total Carried Forward	(7,885)	179,405	103,963	154,964	284,622	335,918

6.7 Capital Assets

6.7.1 Categories of Capital Assets

The capital assets of the Conservancy can be categorised as follows:

- (a) Tangible Assets, which include freehold properties owned by the Conservancy and improvements to them, the two locks (Jesus Lock and Baits Bite Lock), plant and equipment which includes the working vessels, motor vehicles, and fixtures and fittings.¹⁷
- (b) Investments in open ended property funds which are held by the Conservancy.
- (c) Designated investment funds which are held in cash.

Tangible capital assets can be divided into operational assets and non-operational assets. The former include the two locks, the plant, equipment, vessels and vehicles needed for the Conservancy to carry out its functions, and the office and workshop at Clayhithe. Non-operational assets encompass any freehold property owned by the Conservancy which is not used for the business of the Conservancy. Such property should be considered as an investment, and, as such, produce the maximum possible return for the Conservancy. Finally there is the Halingway, which is the towpath which runs from Chesterton to

¹⁷ In the Balance Sheet, two properties which are currently let, and which were recently revalued, are now separately included as investment properties.

Clayhithe, and which is owned by the Conservancy, This is considered separately in Section 6.8 below.

6.7.2 Valuation of Capital Assets

The Capital Asset Fund in the Balance Sheet (which was formerly called the "Capital Expenditure Fund"), represents the book value of tangible assets as reduced by depreciation and disposals each year, or increased by additions. The value as shown in the accounts at 31st March 2022 is £873,814 to which should be added the investment properties valued at £725,000. The freehold property has previously been considerably undervalued, and it was recommended by the auditors in 2021 that it be revalued. That has been done in respect of the investment properties, but there are other properties that require revaluation.

It is recommended such revaluation be carried out as soon as possible, so that the accounts present a realistic view of current market value.

6.7.3 Operational Assets

The book value of the two locks shown in the accounts is £77,102. This is a notional value as it is not realisable. It is the duty of the Conservancy to maintain the locks and keep them open to navigation. As stated above, this is major financial cost to the Conservancy and the locks produce no revenue.

The plant and equipment, including vessels and vehicles, are valued at a total of £211,269.

The freehold property at Clayhithe includes the office, workshop and yard with associated land. The workshop and yard are leased to the maintenance contractor to enable that company to carry out its functions under the river maintenance contract.

6.7.4 Non-operational Assets

The investment powers of the Conservancy are set out in the 1851 Act, and, essentially, are restricted to cash, gilts and real property. Historically, the Conservancy has held its non-operational assets either in cash, or in land and buildings, most of which were let to tenants. It was becoming increasingly apparent that direct ownership of land and buildings by the Conservancy was not a sensible policy. Management of the properties took up a lot of officers' time, was expensive, and produced a poor return. Also, because many of the buildings were old, the maintenance costs were high.

Accordingly a policy has been adopted of selling real property owned by the Conservancy and investing the proceeds. The Conservators house at Clayhithe was sold, as was the Lock Cottage at Jesus Lock, realising £1,290,000. The money realised from the sale of properties has been set aside for investment. An additional sum of £45,000 was earned by the grant of three easements to the County Council over the Halingway. As this sum represents the sale of an interest in land, it has been included in the money allocated for investment, giving an overall sum of £1,335,000 available for that purpose.

The remaining land and buildings owned by the Conservators, other than the office, workshop and yard at Clayhithe, are as follows:

- (a) Two cottages at Baits Bite Lock. A decision has been taken to sell these properties, and that decision is being implemented.
- (b) The Lock Office at Baits Bite Lock. This is likely to be sold in conjunction with the two cottages in (a) above.
- (c) A large field off Fen Road in Chesterton, adjacent to the Halingway. This is not let at present, but is used by locals as a paddock for horses. It has for a long time been earmarked to be developed into a marina. This is discussed in more detail in Section 6.9 below.
- (d) A small field off Fen Road in Chesterton adjacent to the Halingway. This does not produce income and it is recommended that Conservators consider selling it. It could be usefully packaged with the marina development, and could be used as storage and parking during construction.
- (e) A large field at Clayhithe. This would be suitable for moorings (See Section 6.10 below)
- (f) The Halingway, which is discussed separately in Section 6.8 below.

Because of the restrictions on the Conservators' powers contained in the 1851 Act, it was decided to invest the money realised from the sale of properties in open-ended property funds. By doing so, the Conservancy retains a beneficial interest in real property which is held in trust and managed by such funds. The other form of property investment which is available, is in real estate investment trusts (REIT's), but these had to be excluded because investors in such instruments hold shares in a company owning property. While the value of such an investment reflects the underlying property holdings, it is an investment in equities rather than owning a beneficial interest in the property itself.

Of the £1,335,000 raised so far from property sales, £1 million has been invested, £650,000 in the Local Authority Property Fund, and £350,000 in a range of other funds through an investment platform managed by AJ Bell. These are intended as long-term investments to provide income for the Conservancy and, over time, capital growth. The balance has been retained as cash for future investment, although it has been decided to use £107,000 towards payment of the pension deficit (see Section 6.4.2 above).

The policy adopted has been to ring-fence proceeds of property sales for investment. It is recognised, however, that until sufficient capital reserves have been built up in the Capital Asset Maintenance Fund, sufficient liquidity must be retained to provide against unforeseen contingencies, and thus guard against the danger of having to make a forced sale of investments should such a contingency arise. As recommended in Section 6.5.3 above, this retention should initially be £200,000 (It can be reduced as the balance on the Capital Asset Maintenance Fund is built up.) Excess cash in the Investment Fund, above this retention, should be invested.

6.8 The Halingway

6.8.1 Background

The Halingway is a towpath which runs from the carpark just downstream of the former Pike and Eel public house in Chesterton to the bridge at Clayhithe. The freehold land is owned by the Conservancy. Originally, it was an adjunct to navigation on the river, as it was used by boat crews and their horses towing commercial vessels. It is a public right of way for pedestrians, and a permissive path for cyclists (under a Permissive Path Agreement with the County Council) and has a multiplicity of uses.

An important use which is connected with navigation on the river, is that by rowing coaches and others accompanying rowing crews. It is heavily used for this purpose, particularly when there is racing. Without the Halingway, coaches would have to accompany crews in other boats (which is the case, for example, on the River Great Ouse at Ely), but given the narrowness of the river, and the density of traffic, that would not be feasible in the Conservancy Area. Racing by rowing crews would not be possible in its current form if it were not for the Halingway.

The Halingway is also heavily used by pedestrians and cyclists for purposes not connected to navigation on the river, in particular leisure and commuting. A short stretch, from the new bridge over the river (from Ditton Meadows to Chesterton) upstream to where there is access to Fen Road, is part of the so-called "Chisholm Trail".

The bankside of the Halingway is also used by fishermen, and the fishing rights along the bank (with a few exclusions) are let to the Cambridge Fish Preservation and Angling Society.

In March 2003, the Conservancy leased the Halingway to the Cambridgeshire County Council at a nominal rent. In terms of the Lease, the Council undertook to surface the whole of the path, and a right of way was granted to the Council for use by pedestrians and pedal cycles along the path. The Lease was terminated by a Deed of Surrender on the 8th February 2022, and on the same date it was replaced by a Permissive Path Agreement which permits the use of the path by cyclists. Some of the detailed provisions of this Agreement are important, and are discussed below.

6.8.2 Financial Implications of the Halingway

As landowner, the Conservancy has the ultimate responsibility for maintenance of the Halingway. This includes:

- (a) Maintenance of the surface of the path and grass-cutting the verges
- (b) Tree maintenance. There are approximately 1000 trees along the Halingway on Conservancy land, which have to be maintained and kept safe.
- (c) Bank maintenance. The revêtements which hold up the bank and prevent it from collapsing into the river need constant repair and renewal.

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Before 2003, the Halingway was an unmade track and the source of constant complaint, particularly from rowing coaches. The Lease to the County Council was seen as a means to have that track made into a laid path suitable for wheeled traffic. The Lease contained provisions obliging the County Council to maintain the surface of the path, and to clear obstructions, but those obligations were never satisfactorily performed, with the consequent gradual deterioration of the path.

The Permissive Path Agreement provides for a lump sum payment of £80,000 by the County Council as a Licence Fee, the intention being that this will provide a contribution to maintenance costs of £8,000 per annum for the next ten years. The Agreement is for a period of twenty-five years, and the obligation to pay the Licence Fee continues after the first ten years, with the amount being uplifted in accordance with CPI every five years thereafter. The maintenance obligations on the Council have also been strengthened and its obligations in summary are now:

- (a) to maintain the surface of the path in a good and safe condition, free from rutting and ponding, fit for the use by cycles, to a minimum width of 1800 millimetres;
- (b) To provide two vegetation cuts per annum of the land adjoining the path and to cut back and mow (if grass) all vegetation in a clear 'box' around the path with dimensions 3 metres in height and 500 millimetres either side of the towpath with one flail cut to be performed in January in each year, and another vegetation cut to be performed in July in each year;
- (c) To keep the path free of rubbish and debris.

It remains to be seen whether the County Council performs its obligations under the new Agreement, and it is recommended that this is carefully monitored by Conservancy officers. In particular, the path needs to be brought up to the required standard free of rutting and ponding to cure the defects which have built up over past years of neglect.

Despite the increased obligations accepted by the County Council, the Halingway remains a heavy financial burden on the Conservancy, particularly because of tree maintenance and revêtment repairs and replacement. The projected direct costs (without any allocation of overheads) are set out below.

Table J
Projected Direct Costs of Halingway Maintenance

	Budget 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26	Forecast 2026/27	Forecast 2027/28
	£,	£	£	£	£	£
Operational Expenditure	118,800	130,680	140,482	147,505	154,880	162,623
Capital Expenditure	27,600	30,360	32,638	34,269	35,983	37,781
Total	146,400	161,040	173,120	181,774	190,863	200,404

The average projected costs during the business plan period are thus £175,000 per annum. The current year budgeted costs of £146,400 amount to 21.5% of the Conservancy's total budgeted operational income for the year.¹⁸. This is a financial burden which is borne primarily by river users, despite the much wider benefit that the Halingway provides to people who do not use the river or contribute towards the maintenance costs.

The question arises as to whether the Halingway should be regarded as an operational or non-operational asset as described in Section 6.7.1 above. Its original purpose, as a towpath, was clearly operational. It is arguable that because one of its current functions, namely as an adjunct to competitive rowing, it is still, in part, an operational asset as it is a clear benefit to one class of river user. That, however, is not its sole purpose, and it can therefore be best described as being quasi-operational.

6.8.3 *The Way Forward*

It is strongly recommended that ways be found to make the Halingway financially productive to the Conservancy, or to reduce the maintenance burden, or a combination of both. How this is to be achieved is a matter which will require future discussion by Conservators, but it should be considered as a priority.

Matters for consideration are:

(a) Moorings

There is a shortage of available moorings in Cambridge, particularly for those who wish to live aboard their boats. The City Council has a long waiting list for its moorings. Provision of moorings would be a double advantage to the Conservancy, both by providing rental for the moorings, and additional registration income. The income from the moorings would provide a new income stream which would reduce the present reliance of the Conservancy on registration fees, as well as providing the much-needed additional income for capital asset maintenance and replacement.

An exercise should therefore be undertaken to consider lengths of the Halingway which are suitable for boat mooring. It should be noted that the Canal and River Trust has turned its ownership of the towpath along canals to its financial advantage by letting considerable stretches for permanent mooring, particularly in or close to towns.

Certain stretches of the Halingway have previously been proposed as possible mooring sites, including the stretch at the upstream end of the Halingway. The river is relatively wide at this point and mooring would not impede navigation.

Other stretches of the Halingway above Baits Bite Lock should be considered, and also stretches below the lock. There are already moorings on the opposite bank in many places, particularly near the Plough in Fen Ditton, just below Baits

¹⁸ The income from the registration of rowing is budgeted to be approximately £78,000 in the current financial year

Bite Lock, and near Horningsea. GOBA already have a licence from Conservators for a visitors' mooring, and the whole of the Halingway is within commuting distance of Cambridge.

There are, of course, planning considerations. Mooring a boat on the river does not, in itself, require planning permission, and the terms of any lease or licence for mooring will determine whether such permission is needed. For example, the City Council mooring licences are not granted for specific spaces, but stretches of river bank are allocated to boaters who have a licence from the Council.

It is strongly recommended that, as part of the overall review of the Conservancy's mooring policy, permanent mooring sites along the Halingway are identified. This is an exercise that probably falls within the remit of the Regulatory Committee, but may need to be delegated to a small group set up for the purpose. There will need to be a public consultation on the proposals, and these should be brought to Conservators at the earliest opportunity.

(b) Sale

It has been suggested that the Halingway be sold, either in its entirety or in lots. That would of course relieve the Conservancy of its responsibilities as owner of the land and the consequent cost. One consideration could be the sale of parcels of land down to the river to house owners. This would, of course, have to be subject to the right of way and permissive path, but it would provide the houses with mooring rights. This arrangement exists on other waterways where houses are separated from the navigation by a road or a footpath.

6.9 Marina and Offline Moorings

One of the fields owned by the Conservancy between Fen Road and the Halingway has long been considered a possible site for the construction of a marina. The Cambridge Local Plan 2018 states as follows at paragraph 6.53:

Given the extensive use of the river by other river users, including anglers and rowers, and the potential for further moorings on the river itself to have a detrimental effect on navigation, the delivery of further residential moorings within off-river basins or marinas will be considered favourably. If developed together with the adjacent allocation for residential moorings within South Cambridgeshire District Council's administrative boundary, Site RM1 at Fen Road could provide off-river moorings for residential and leisure boating purposes. The Council will continue to work with the Conservators of the River Cam, boaters, landowners, and other stakeholders to increase the supply of residential moorings in Cambridge.

It is recommended that the development of this field be taken forward as a priority during the currency of this business plan. The project would provide valuable and much needed additional income for the Conservancy. It is not suggested that the Conservancy undertake the development on its own. There are many property developers with experience of such projects, and so an experienced partner should to be sought. The development could be a combination of housing and a marina basin. A certain amount of work on this

concept was carried out in 2018/9 by the former River Manager, and this can be used as a basis.

A concept CGI was prepared at the time by Gardner Stewart Architects, and is reproduced below. As can be seen, it gives a graphic picture of what could be achieved.¹⁹



CGI prepared by Gardner Stewart Architects

Again, the marina development would be a project which should be undertaken by a small combined group of Conservators and Officers. Additional resource could be obtained by seconding Observers, or others with an interest in the river, to such a group. Consideration should be given to appointing a project manager either from within the group, or appointed from outside. The initial task would be to find a development partner. It would also be advisable to start the planning process as soon as possible, and in particular to seek pre-application advice from the Local Planning Authority (in this case the Greater Cambridge Planning Service).

6.10 Clayhithe Moorings

The field owned by the Conservators at Clayhithe, which is on the bank opposite the Halingway, and some way upstream of the bridge, could profitably be used to provide long term moorings to be let by the Conservators. The field is at present let to a farmer, although part is used for the deposit of arisings from the tree maintenance programme and their disposal. Revêtment work would be needed along the bank to make it suitable, and this would involve an initial expense, but the moorings would provide much-needed income.

¹⁹ Another, less ambitious project could be to establish “offline” moorings by creating a recess in the bank in which boats could moor, perhaps diagonally, The Halingway could be diverted behind the moorings at that point. Such a project could again be combined with a housing development.

6.11 Banking and Investments

6.11.1 Banking Arrangements

The Conservancy banks with Barclays where it has five banking accounts. There are also accounts with the Cambridge Building Society which are historic, and which have low balances in them. Substantial sums of just under £1 million, are held in the Barclays accounts. Some of this money is earmarked for investments, and the remainder is mainly working capital.

There are two issues which arise. First of all, while it is necessary to have accessible cash, with interest rates rising, that cash should so far as possible be put on short term deposit in order to earn the highest return possible. The second issue is that it is imprudent to have large deposits with one institution, and in order to reduce risk, the deposits should be spread over several different banks which are independent of each other.

It is recommended that there be a review of the Conservators' banking arrangements. This should ensure that cash retained in the business is placed on deposit to earn as much income as is possible, and that cash deposits are spread over several independent institutions to reduce risk.

6.11.2 Investments

As described in Section 6.5.4 above, the money realised from the sale of real property has been invested in open ended property funds. So far, £1 million has been invested on the advice of an independent financial adviser (IFA) retained by the Conservators. There is a further amount awaiting investment, but, as explained above, cash has been retained as a matter of prudence to guard against the forced sale of investments to meet an unforeseen contingency.

The intention is that the investments should be regarded as long term to provide income to the Capital Asset Maintenance Fund, as well as some capital growth. A higher degree of risk is acceptable with long term investments in order to maximise the return. It must also be recognised that because the funds represent investments in real property, they are not as easily realisable as, for example, investment in equities, and at times when the property market is under stress, some of such funds suspend dealing.

It is recommended that there be a written investment policy adopted by the Conservators and this include provision for regular review of the investment portfolio.

6.12 Summary of Recommendations from Section 6

- (i) Make annual transfers of surplus funds from the General Fund to the Capital Asset Maintenance Fund.
- (ii) Continue to credit investment income to the Capital Asset Maintenance Fund.
- (iii) Set a goal to build up the Capital Asset Maintenance Fund to £300,000 by the end of the business plan period, and retain it at that level.

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- (iv) Initially retain £200,000 of designated investment funds on short-term deposit as a resource in case of emergency.
- (v) Revalue the remaining freehold property owned by the Conservancy, including the Halingway.
- (vi) Complete the sale of Baits Bite Cottages and the Lock Office
- (vii) Sell the **small** field off Fen Road, Chesterton, possibly in conjunction with the marina development
- (viii) As part of an overall review of the mooring policy, identify sites for permanent moorings on the Halingway, and establish those moorings.
- (ix) Take immediate steps to develop the **large** field off Fen Road, Chesterton as a marina.
- (x) Let the river bank along the field owned by the Conservators at Clayhithe as permanent moorings.
- (xi) Review the Conservancy's banking arrangements with a view to holding cash on short term deposit, and splitting cash holdings between two or more independent banking institutions.
- (xii) Adopt a written investment policy which is regularly reviewed.

Section 7

The Conservancy's Outside Relationships

7.1 Inter-institutional relationships

7.1.1 Introduction

While the Conservancy is only concerned with navigation, there are other bodies with different interests in the river. The River Cam also extends above and below the Conservancy Area, and impacts on its navigability may occur because of changes taking place upstream and/or downstream. The Conservancy therefore must collaborate with other bodies in activities outside its own prescribed limits. An example is the control of floating pennywort which knows no boundaries.

7.1.2 The Environment Agency and other Navigation Authorities

The Environment Agency (EA) appoints two of the thirteen Conservators. In its capacity as a navigation authority, it controls the extensive waterways of the Anglian Region, including the River Nene, and the Great Ouse network which is adjacent to the Conservancy Area.²⁰ It owns and controls Bottisham Lock which is the gateway to Conservancy waters.

In addition, the EA is responsible for flood control and water quality in all waterways which include the river in the Conservancy Area. The sluices and weirs at Jesus Lock and Baits Bite Lock are owned and controlled by the EA.

In the past, the Conservancy has carried out work on behalf of the EA under a Public Sector Co-operation Agreement (PSCA) and this has been remunerative. The EA will continue to engage the Conservancy to carry out work under the terms of a PSCA. The work will be done by the maintenance contractor on the Conservancy's behalf and the Conservancy will be paid a commission for such work.

A long running issue has been the terms on which freedom of movement can be given to owners of powered vessels, which are registered with either the EA or the Conservators, to enable them to navigate on the waterways controlled by both authorities. Over the years, there have been a number of "Interchange Agreements", none of which have been particularly satisfactory.

While the Middle Level Commissioners (MLC) are a land drainage authority they are also the fourth largest navigation authority in the UK, controlling the Fenland waters between the Great Ouse and the Nene. This includes the route linking those two rivers (between Salters Lode Lock near Denver and Stanground Sluice at Peterborough). This enables a vessel to reach the Grand Union Canal above Northampton, and thus the canal network. Previously, vessels on the MLC were not required to be separately licenced, but from 2021 the MLC were given the power to charge vessels navigating on their rivers.

²⁰ At the 31st March 2022, there were 6,188 vessels registered by the EA on Anglian Waters. Of these, 1,380 were powered vessels. The Agency's major registration revenue comes from powered vessels.

Because of this change, the Conservancy entered into a new tripartite agreement with the EA and the Middle Level Commissioners (MLC) providing for the issue of an "Anglian Pass" to a vessel which is registered with any of the three navigation authorities. This Pass gives a vessel access to the waters controlled by all three authorities. The Pass is administered by the EA for an agreed fee, and the net proceeds are divided between the three navigation authorities. The new Pass replaces the former Interchange Agreement with the EA. It has been working satisfactorily. One particular advantage is that under the Interchange Agreement, the Conservators were obliged to charge powered vessels the same registration fees as the EA, but are now free to set their own charges. The Agreement is for a three year term, and thus will expire on the 31st March 2024 unless extended by the parties.

Navigation on the canal network, and some rivers, is controlled by the Canal and River Trust (CRT) which administers some 2,000 miles of navigable waterways. There is an agreement between the EA and the CRT for the issue of a "Gold Licence" which permits a vessel to navigate on all EA and CRT waters. Past efforts to persuade the Canal and River Trust to include the Conservancy in this agreement have been unsuccessful, with the result that Gold Licence holders are not permitted above Bottisham Lock without an Anglian Pass (a vessel owner can obtain a short-term visitor's licence to travel across the Middle Level, but the Conservancy byelaws do not permit the issue of short-term licences). This has been the cause of dissatisfaction by visiting boaters with Gold Licences who may wish to visit Cambridge for a few days, but are unwilling to incur the full cost of an Anglian Pass in order to do so. A Conservancy based vessel suffers a similar disadvantage, as additional licences will have to be bought to navigate on CRT waters or the Thames.

The best solution would be for the Gold Licence to be extended to cover both the Middle Levels and Conservancy waters and it is recommended that negotiations be opened to try to achieve that.

Finally, mention should be made of AINA (the Association of Inland Navigation Authorities) which was set up in 1996 as an industry membership body to provide a single voice on inland waterway issues. The Conservancy is a member, and it is important that it is represented at meetings and consultations so that its interests are protected. It is recommended that a Conservancy officer be appointed to be the Conservancy AINA representative.

7.1.3 Local Authorities

Historically, the Conservancy has been closely linked with Cambridge City Council, and at one time the Conservancy was paid a precept charged on the City Council rates. This is presumed to have been the justification for the number of Conservators (7 out of 13) appointed by the City Council. The City Council no longer provides any financial support to the Conservancy. At present, the City Council uses its powers to appoint three Councillors as Conservators, and, as pointed out above, it can be questioned whether so many political appointments are necessary, particularly given the pressure on Councillors' time. The other four appointees are private persons who are selected by the City Council from those who have applied for the appointment. While this selection process can be improved, it has been successful in producing Conservators, both

in the past and at present, who have made real and substantial contributions to the management of the Conservancy.

As the City Council is responsible for the longest stretches of river bank in the Conservancy Area, and as the river is probably the most significant public amenity in the City, the relationship is an important one. Nonetheless, while the relationship largely remains collaborative, decisions by the City Council (as riparian owner) are sometimes made without full discussion with the Conservancy. As stated in Section 5.1 above, the City Council's management of the residential moorings under its control, and the poor maintenance of visitors' moorings, are damaging to the Conservancy.

There needs to be better communication between the two bodies, and the establishment of a liaison group that meets regularly might be beneficial. It would enable matters of concern by either party to be raised, and any action agreed to be monitored. It is recommended that such a group be established.

The river and the Halingway extend beyond the City boundary into the jurisdiction of South Cambridgeshire District Council. The Conservancy has been involved with the District Council as the planning authority, and there has been some co-operation on matters such as waste management.

The Conservators' engagement with Cambridgeshire County Council mainly concerns the Halingway as described in Sections 6.8.1 and 6.8.2 above. The new cycle bridge and jetty walkway necessitated close involvement between the Council and the Conservancy. The County Council is also responsible for the maintenance of the road and pedestrian/cycle bridges over the river in the Conservancy Area. There should be regular meetings, at least annually, to review the delivery by the Council of its maintenance obligations under the Permissive Path Agreement. The County Council appoints one Conservator, and this appointment has proved particularly useful and important, especially when the appointee is also a member of the District Council and comes from a ward which is associated with the river. This underlines the point made in Section 3.4.3 above regarding Conservator appointments.

7.1.4 The Police

Since the appointment of the Patrol Officer, a useful relationship with the police has been developed, to the mutual advantage of both.

7.1.5 The University and the Colleges

The University appoints three Conservators, and those appointees have in the past, and continue to make a valuable contribution to the management of the Conservancy.

The Colleges are significant riparian owners along the River. The banks of the Middle River (between Jesus Lock and the Mill Pit) are predominantly owned by Colleges. On the Lower River, opposite Midsummer Common, there are numerous College boathouses, and further downriver, Ditton Meadow (opposite the Halingway along Long Reach) is owned by Gonville and Caius College. The Colleges therefore have a considerable interest in the River and derive enormous

benefit from it. The Conservancy has frequent involvement with College authorities relating to proposed works on the river bank, and other matters concerning the regulation of the river.

7.1.6 Summary of Recommendations

- (i) Negotiate an extension of the Anglian Pass Agreement beyond its termination date on 31st March 2024.
- (ii) In conjunction with the Middle Level Commissioners, seek to negotiate the inclusion of the Conservancy and the Middle Level in the Gold Licence Agreement.
- (iii) Meet annually with the County Council to review delivery by the Council of the latter's maintenance obligations under the Permissive Path Agreement.
- (iv) Appoint a Conservancy officer to be the Conservancy representative on the Association of Inland Waterway Navigation Authorities (AINA).
- (v) Establish a permanent liaison group with the City Council to be a forum for discussion of matters relating to the river, and monitoring agreed action.

7.2 River Users, Riparian Owners, and the General Public

7.2.1 Introduction

Given the density of traffic on the river, and the variety of different craft, it is not surprising that there is conflict between river users. Sometimes incidents occur which require the Conservators' involvement, and there is no lack of people demanding that another party be prosecuted for what is conceived as a breach of the byelaws. While problems can be caused by deliberate bad behaviour, often they arise through ignorance or lack of skill. A recent concern, which first became prominent during lockdown, and which has continued during the summer months since, is the number of small craft, particularly inflatables and paddle-boards, being launched from the banks, often with young children in them. These are frequently unregistered and uninsured, and the people using them are ignorant of the dangers presented by a rowing eight or a powered vessel.

Another challenge for the Conservancy is the negative regard in which it is held by river users and the public at large. To an extent this is understandable: no public body is popular if it has the right to levy charges and regulate what is regarded as a public amenity. The animosity towards the Conservancy is considerable, however, and there is general ignorance about why it exists, or what it does (the title "Conservancy" does not help). This partly stems from lack of engagement with stakeholders, and a history of poor communication.

On the positive side, there are many people with a great love of the river, who derive enjoyment from it in boats, fishing, or simply walking or sitting beside it, and who want to see the river preserved and improved. That presents a potential to be harnessed and used for the common benefit.

7.2.2 Better Communication

There is a need for there to be improved communication between the Conservancy and its stakeholders, and between different groups of stakeholders. Communication should, of course, be a two-way process. The appointment of a Patrol Officer should assist, as an important part of the role is that of communications and public relations. Matters which need to be addressed include:

- Promoting a better understanding among river users of their obligations with regard to registration, safety and insurance of vessels.
- Promoting a better understanding of required conduct on the river with regard to other river users, wildlife and the environment, and with regard to events.
- Promoting a better understanding of the Conservancy's functions, responsibilities, management and financing.
- Ensuring that riparian owners are aware of their rights and responsibilities regarding the river, particularly in relation to works on the river banks, and the need to register and insure boats used on the river.

Some suggested means of improving communication are the following:

- (a) *Informal engagement with stakeholders.*
There have been complaints in the past from various river users that there has been no effort on the part of the Conservancy to listen to their concerns. This is where the Patrol Officer can play a useful role, and help to build positive relationships.
- (b) *Better use of social media.*
While the Conservancy has a website, it could also make use of social media to put forward more information about its activities, and occasionally put forward positive stories, or combating negative stories. This is common practice by most organisations in the modern world.
- (c) *Communication through clubs and other groups.*
There are numbers of clubs and other groups which represent river users. These include the CRA (town rowers), the CUCBC (university rowers), the Cambridge Canoe Club, the Cam Sailing Club, the Cambridge Motor Boat Club, and Camboaters (residential boat owners). There should be a regular line of communication with these organisations, and the opportunity taken to attend meetings when offered.
Some organisations have newsletters and they can provide a useful means of communication. In particular, the Great Ouse Boating Association (GOBA) has a large membership, and produces a regular newsletter which reaches a wide audience. The publication contains a regular feature with news from the EA, and it is probable that the editor would include articles from the Conservancy if requested.
- (d) *User Groups.*
Arranging meetings of specific user groups can be of value, particularly to address an issue affecting them. For example, an online meeting was held with commercial punt operators during the Covid lockdown to discuss

the measures the Conservators were taking. Giving an opportunity for representatives of different river users to meet can also be beneficial. A number of years ago, there was such a group with the acronym CRUG (Cam River Users Group), which met regularly, and was a useful forum for resolving conflicts between river users, and it would be beneficial if it were revived.

(e) *Riparian Owners*

Apart from the City Council and University Colleges, there is a substantial amount of privately-owned riparian land in the Conservancy Area. It has previously been suggested by the Regulatory Committee that it would be helpful to compile a directory of the owners of such land. This would enable the Conservancy to communicate with riparian owners, either on general matters, or with regard to specific issues such as works to the river bank. It is recommended that this proposal be taken forward.

7.2.3 Harnessing the Potential: A Charitable Trust

The point has been made earlier, that while the river is a valuable amenity to the City of Cambridge which is used and enjoyed by many of the people who live in the City or visit it, the main financial burden of maintaining and regulating the river falls on a relatively small number, namely those who register boats to use on the river. There are undoubtedly many who would be willing to contribute to the well-being of the river and its immediate environment if there was a mechanism through which they could do so.

Some navigation authorities are charitable trusts and this has proved a successful model, the prime example being the Canal and River Trust which manages some 2,000 miles of inland waterways. Another example is the Avon Navigation Trust which manages the River Avon from Stratford to Tewkesbury. The particular advantages of a charitable trust is that it can raise funds from a wide catchment area, and also enlist volunteers to increase capacity.

While converting the Conservancy from a statutory body to a charitable trust would be a considerable challenge, there is possible scope for such a trust to be formed independently with the objects of maintaining and improving the river and its environment. Such a trust could work in co-operation with the Conservancy, and be used to raise money to finance particular projects, and, possibly, to enlist volunteers. The initiative for such a trust would thus have to come from outside the Conservancy, although it could be taken by individual Conservators or Observers. If that should happen, the initiative should be given the full support of the Conservancy.

7.2.4 Summary of Recommendations

- (i) Increase informal engagement with stakeholders.
- (ii) Engage with and meet local boat clubs and river user groups.
- (iii) Use user group newsletters, in particular the Great Ouse Boating Association (GOBA).
- (iv) Support the revival of the Cam River Users Group (CRUG).
- (v) Establish a directory of riparian owners.
- (vi) Support the establishment of a charitable trust.

Section 8

Conclusion

It is recognised that this business plan contains an ambitious number of recommendations. It is the case, however, that a number of the projects proposed are by no means new. Failure to act in the past has left the Conservancy in a perilous condition. While a lot of changes have taken place in the past two years (outsourcing of maintenance work, sale of properties, restructuring of the business, and termination of the old pension fund), this process of change needs to continue if the Conservancy is to be put on a stable footing.

Resources within the Conservancy itself are limited. Accordingly, this business plan particularly makes the case for greater Conservator involvement, as well as the engagement of others with an interest in the river to bring this Plan to fruition.

This business plan does not propose a timescale for carrying out the recommendations, or endeavour to set priorities. It is felt that this is a task which can be better undertaken by the GPC, in consultation with the officers. Some of the recommendations are already being put in hand. Others involve a considerable amount of work and expenditure, and their execution will depend on the human and financial resources available. There are some which stand out as urgent, in particular the need to make better use of Conservancy land, especially the Halingway, to provide additional income for the Conservancy. It is also hoped that this document will lead to a better understanding of the Conservancy and the contribution it makes to managing and regulating the river under its jurisdiction.

This Business Plan was published in draft in December 2022 and sent to Conservators and Observers for comment. It was approved by the Conservators at a meeting on the 16th February 2023 subject to certain changes, and the recommendations contained in it were adopted at that meeting. The General Purposes Committee was delegated with the task of considering further amendments. The current document has been approved by the General Purposes Committee

June 2023

Annexures

Annexure 1

Terms of Reference of Committees (Adopted 27th January 2022)

Under the powers granted to them under section 49 of the Commissioners Clauses Act, 1847, The Conservators hereby appoint a **General Purposes Committee** and a **Regulatory Committee**.

General (Applicable to both Committees)

1. Each Committee shall have a Chairman. Should the Chairman be unable to act, or be unable to attend any meeting of the Committee, the remaining members shall appoint an Acting Chairman from among their number.
2. The Clerk shall convene meetings of the Committees and the Chief Executive Officer and the Clerk shall attend all such meetings as an ex officio member. Other officers of the Conservancy may attend by invitation.
3. Only committee members who are Conservators shall be entitled to vote. The quorum for the transaction of business by a Committee shall be three Conservator members present, and questions shall be determined by the majority of the Conservator members present and voting at any meeting of the Committee. In the case of an equal division of votes, the Chairman or Acting Chairman shall have a casting vote in addition to his vote as a member of the Committee.
4. No Committee shall have any powers to make decisions on behalf of the Conservators other than those specified in their terms of reference.
5. Where an urgent decision needs to be taken, and it is not expedient to convene a meeting of the Committee, such decision may be taken by an exchange of e mails between the Chairman (or Acting Chairman) and members of the Committee. Any such decision shall be determined by a majority of all Conservator members of the Committee.
6. The Committees may seek the advice of any person or body with regard to business falling within their remit and may invite such person or a representative of such body to attend meetings of the Committee in order to give such advice.
7. Where the business before a Committee affects the interests of any person or body, such person, or the representative of such body may be invited to attend meetings of the Committee to provide information relating to such business.
8. Decisions relating to the selling, buying or charging of land and buildings and the borrowing of money remain to be taken by the Conservators save to the extent they are delegated to the General Purposes Committee.
9. A record of all meetings of the Committee shall be kept.

General Purposes Committee

1. The General Purposes Committee shall consist of the Chairman of the Conservators, who shall chair the Committee, and four other members appointed by the Conservators from among their number.
2. The general remit of the General Purposes Committee shall be the consideration and determination of any matters of business of the Conservancy referred to it by the Chairman of the Conservators or their Officers (being the Chief Executive Officer, the Clerk and the Control Officer) concerning the functions and responsibilities of the Conservators under the Acts of 1851 and 1922, other than those matters of a regulatory nature specifically delegated to the Regulatory Committee, and to advise the Chairman and Officers in regard thereto.
3. The General Purposes Committee shall also consider any matter of business or strategy which is referred to it by the Conservators, and shall make recommendations to the Conservators in relation to such business or strategy, or take any decisions that are within the powers which may be delegated to it by the Conservators from time to time in relation to that business or strategy.
4. The General Purposes Committee shall keep the finances and financial management of the Conservancy under review and make recommendations to the Conservators in regard thereto.
5. The General Purposes Committee shall consult with the Officers on business strategy and on any business plan which it is proposed should be adopted by the Conservators.
6. The General Purposes Committee shall have the power to authorise changes in the investment of assets of the Conservancy in order to obtain the best return thereon, including the use of any land or buildings of the Conservancy.
7. The General Purposes Committee shall consider any matters relating to personnel referred to it by the Chief Executive Officer. The Chairman shall act as line manager to the Chief Executive Officer, and shall carry out regular performance reviews in conjunction with two other members of the Committee.
8. The General Purposes Committee will report to the Conservators on its work and any decisions taken.

Regulatory Committee

1. The Regulatory Committee shall have seven members appointed by the Conservators, four of whom shall be Conservators, and three of whom shall be Observers who represent, as far as possible, the interests of different users of the river. One of the Conservator members shall be appointed as the chairman of the Committee
2. The general remit of the Regulatory Committee shall be all matters appertaining to the regulation of activities on the River under the Acts and Byelaws including the registration of vessels and the issue of licences by the

Conservators. The Committee shall make recommendations to the Conservators and give advice to the Officers in relation to such matters.

4. In particular the Regulatory Committee shall:
 - Determine in conjunction with the Officers the Conditions of Registration proposed to be adopted by the Conservators.
 - Recommend to Conservators the level of registration fees for vessels and licence fees for other matters for which the Conservators can make a charge.
 - Make recommendations with regard to licences and licence fees under Section 15 of the 1922 Act.
 - Make recommendations regarding the grant of block licenses to be granted by the Conservators.
 - Negotiate agreements with the Environment Agency or any other navigation authority for the movement of vessels from Cam Conservancy waters to the waters under the jurisdiction of such other navigation authority or vice versa and make recommendations to the Conservators in relation thereto.
 - Monitor prosecutions for the breach of the Conservators' Byelaws and make recommendations to the Officers and the Conservators in relation thereto.
 - Oversee the development and implementation of health and safety policy and practice
 - Act as a sounding board for conflicts between river users and make recommendations in relation thereto.
 - Report to the Conservators on its work and any decisions taken.

Annexure 2

Job Description of the Chief Executive Officer

PURPOSE OF JOB

The Chief Executive Officer will have overall responsibility for the operational management of the Conservancy and ensuring that it meets its strategic goals. This will include:

1. Strategic oversight of the business of the Conservancy
2. Work with the Clerk to ensure that the Conservancy fulfils its statutory duty as navigation authority.
3. Overseeing the vessel registration system to ensure that all vessels on the Navigation are correctly registered,
4. Managing the finances of the Conservancy, in particular ensuring that sufficient revenue is raised from registration fees and other income sources to fund the operational and capital expenditure of the Conservancy.
5. Managing the employed staff of the Conservancy

MAIN ACTIVITIES AND RESPONSIBILITIES

A Strategic Management

1. To identify the goals of the organisation in the long, short and medium term.
2. To advise Conservators on the strategic direction of the Conservancy.
3. To identify and report on the challenges which the organisation faces.
4. To assist the GPC and Conservators to undertake regular reviews of the organisation to identify key business opportunities, to summarise all findings of any such review, and to report to Conservators thereon.

B General Management

1. To oversee all operational activities.
2. To oversee the river and towpath maintenance contract.
3. To Communicate regularly with the and the Chair and attend meetings of Conservators and any committees
4. To report major operational activities to Conservators.
5. To manage the organisation's support contracts and be an authority as required on the account.
6. To ensure the organisation always operates professionally and with upmost integrity.
7. To line manage the Licensing and Finance Officers and the Patrol Officer, and to work with the Clerk
8. To carry out staff performance reviews
9. To review pay structure
10. To manage the information technology used and required by the Conservancy
11. To be responsible for technology use within the Conservancy
12. To be responsible for staff morale and welfare.
13. To manage Health and Safety compliance
14. To manage the organisation's compliance with GDPR
15. Be responsible for relationships with community stakeholders.

C Financial Management

1. To advise Conservators on operational and capital expenditure requirements.
2. To report operational performance to Conservators.
3. To propose budgets for the Financial Year.
4. To work towards achieving the goals of the Conservators to establish an adequate repairs and renewals fund to cover capital costs.
5. To comply with accounts auditing process and provide information as and when necessary.
6. To understand the financial processes.
7. To ensure that the Conservancy is financially efficient.
8. To manage the day-to-day financial operations within the Conservancy, such as payroll, invoicing, debt collection and other transactions.
9. To manage cash flow.
10. To establish and maintain financial procedures for the Conservancy.

11. To provide financial reports to the General Purposes Committee and to the Board of Conservators when required.
12. To oversee the Registration Management System (REMS).
13. To oversee the financial management software (Xero).
14. To understand and adhere to financial regulations and legislation, working closely with accountants and auditors to ensure the Conservancy works to 'Best Practice' standards.

Annexure 3

Job Description of the Clerk

Main purpose of role:

1. To fulfil the statutory functions of Clerk as set out in the 1851 and 1922 Acts, and the Commissioners Clauses Act 1847.
2. To provide advice to the Conservators on their powers and duties, and on matters of governance and procedure, or to obtain such advice from outside advisors where appropriate.
3. To ensure that meetings of Conservators, and of any committees appointed by the Conservators, are properly called and constituted.
4. To assist the Chief Executive Officer and Chair of the Conservators, and the Chair of any committee, with the preparation of agendas for meetings, and to advise on what supporting reports and papers are required for such meetings.
5. To keep minutes of meetings of the Conservators and of committees
6. To undertake such other functions as would be expected from a Clerk to the Board of a statutory body
7. To Report to the Chair, and keep the Chief Executive Officer informed on all issues affecting the operation of the Conservancy.
8. To liaise with other officers and the Contract Manager of River and Rural Ltd as necessary and in order to provide advice and assistance as necessary.

Main responsibilities and tasks:

Conservators

1. Maintain a record of the persons appointed as Conservators and Observers, and of persons appointed to any committees.
2. Provide for the induction of newly appointed Conservators and for the signature by them of the declaration required by statute.
3. Keep a record of the attendance of Conservators at meetings and inform the Chair should any Conservator become disqualified through non-attendance.
4. Use best endeavours to ensure that the bodies responsible for appointing Conservators appoint replacements when vacancies arise.
5. Ensure that information required from Conservators by the auditors or any regulatory body is provided.

Meetings

1. Supervise the preparation of adequate agendas for meetings in consultation with the Chair of the meeting and the Chief Executive Officer, and advise on necessary supporting reports and papers for meetings.
2. Endeavour to ensure that agendas, reports and papers are sent out at least five working days before a meeting.
3. Maintain a record of terms of reference of committees and ensure that these are reviewed from time to time.
4. Attend all meetings of Conservators and committees, appointing a deputy where personal attendance is not possible.
5. Chair the first quarterly meeting of the Conservators until the election of the new Chair to the Conservators.
6. Advise the Chair on procedural matters during the course of the meeting in particular with regard to voting.
7. Ensure that meetings are quorate.
8. Keep a record of votes taken at the meeting.
9. Prepare minutes of meetings, including a record of those attending and a full record of any decisions made.
10. Send out minutes to Conservators/ members of committees when a draft has been approved by the Chair of the meeting.

Governance

1. Maintain a record of all general policies and codes of practice decided by the Conservators and arrange for them to be regularly reviewed as appears necessary.
2. Advise the Conservators on policies and codes of practice to be adopted and assist in the drafting of such policies and codes of practice
3. Maintain a record of any delegation of powers by Conservators and ensure that these are reviewed regularly.
4. Be conversant with the statutes and byelaws, and advise Conservators and Officers of the Conservancy in relation thereto, taking legal advice where necessary
- 5.** Advise the Conservators on other matters of statutory and regulatory compliance and in conjunction with the Chief Executive Officer obtain outside advice and assistance to ensure such compliance where necessary.

Miscellaneous

1. Draft and prepare any legal agreements required by the Conservancy, including licences under Section 15 of the 1922 Act., or as necessary, instruct outside lawyers to do so
2. Work with the Contract Manager River and Rural to manage any applications under Section 15 of the 1922 Act.

Annexure 4

Job Description of the Patrol Officer

PURPOSE OF JOB:

1. To be appointed Control Officer, and to exercise the powers and perform the duties of Control Officer as set out in the Conservancy Byelaws.
2. To take the steps necessary to ensure that all vessels using the River in the Conservancy Area are registered and to take action against the owners or users of unregistered vessels.
3. To manage the annual process for the registration of vessels.
4. To manage the collection and recording of data on vessels on the River and of the Conservancy's land and assets.
5. To be generally responsible for communications on behalf the Conservancy, and to manage the provision of information to river users and the public on behalf of the Conservancy through the website, notice boards and other means.
6. To manage applications for events on the river.
7. To be responsible for compliance by the Conservancy in relation to Health and Safety and Data Protection.

MAIN ACTIVITIES AND RESPONSIBILITIES

A Control Officer – General Duties

1. Acquire a good working knowledge of the Byelaws and the powers and responsibilities of the Control Officer thereunder.
2. Conduct regular patrols (using vessels, vehicles or on foot) to identify breaches of the Byelaws, including illegally moored vessels, and in order to collect accurate data on vessels using the River, including identifying unregistered craft by photograph or otherwise.
3. When carrying out patrols, identify any issues such as bank collapse, obstructions or rubbish, missing or inadequate signage, problems with locks or other operational assets, unauthorized bank works by riparian owners, and any other matters affecting the Navigation.
4. Issue non-conformity notices when it is safe to do so, and liaise with the CEO and other staff on the issue of written warnings by letter or e mail.
5. Liaise with the Police and local authorities about enforcement related issues.
6. Arrange the removal of any vessel found abandoned, adrift, sunk or partially sunk, or causing an obstruction.
7. Receive, investigate, and gather evidence on any incidents reported to the Conservancy which may constitute a breach of the Byelaws, and report thereon to the CEO.
8. Manage any civil or criminal proceedings on behalf of the Conservancy when required to do so, by instructing debt collectors or solicitors, and gathering any necessary evidence including witness statements.

B Registration of Vessels and Data Management

1. Manage the annual process for the registration of vessels including the collection of payments, ensuring that all information regarding registration is recorded on the data management software or any other reporting tool as required.
2. Manage the data management system for recording data on vessels to ensure that it is accurate and up to date, including by cross-checking with the BSS examiner database or other authorities. Provide reports thereon when required to do so.
3. Revise the annual Conditions of Registration, registration fees schedules and application forms in accordance with decisions by Conservators.
4. Answer enquiries about registration, and provide information, assistance and advice to members of the public and other agencies with regard to registration issues and the payment of fees.
5. Report regularly to the CEO on unresolved queries and outstanding debts.
6. When so authorized, institute and manage the recovery of outstanding debts by referring them to a debt collection agency, and by civil or criminal proceedings as appropriate.
7. Maintain the Conservancy asset and property register and ensure that it is accurate and up to date.

C Communications and Public Relations

1. Generally manage the website, any social media sites, and public notices, to ensure that they are accurate and up to date and that outdated information is removed and replaced as necessary.
2. Ensure that the online registration system is accurate and operating correctly.
3. Generate public notices online and on notice boards as required from time to time.
4. Respond to communications from the public, where necessary referring them to the CEO.
5. Liaise with other agencies such as the Environment Agency and the City Council on matters relating to registration and mooring of vessels.
6. When required to do so, attend meetings of outside bodies in order to represent the Conservancy.

D Events

1. Manage event applications, and the application process, raising any concerns about it with the CEO.
2. Ensure that the events calendar is up to date, chasing missing information and liaising with event organisers.
3. Follow a routine to ensure that event fee payments are made in good time.
4. From time to time attend river based events to ensure that they take place in accordance with any terms and conditions laid down by the Conservancy.

E Compliance

1. Undertake responsibility for the Conservancy's compliance with Health and Safety legislation.
2. Complete Risk Assessments and any Method Statements where required.
3. Maintain the Accident Register and any other health and safety records as required.
4. Ensure that first aid kits are stocked and in date.
5. Undertake responsibility for the Conservancy's compliance with Data Protection legislation.
6. Manage data protection processes and procedures.
7. Respond to requests for data.

F General

1. Report to the CEO as line manager, and liaise with other officers and the Contract Manager of River and Rural Ltd as necessary.
2. Operate the Conservancy vessels and vehicles when necessary to carry out the functions of the role.
3. When required to do so, attend meetings of the Conservators, or of the Regulatory and General Purposes Committees.
4. Attend and participate in training as deemed appropriate for the role.
5. Work flexibly across the organisation as required by the CEO.
6. The role requires working both in the Conservancy offices and out of doors.

Annexure 5

Audited Accounts 2021/2022

The audited accounts are in a separate document accompanying this Review and Business Plan.