



CONSERVATORS OF THE RIVER CAM

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

MINUTES OF A MEETING OF THE CONSERVATORS HELD IN COMMITTEE ROOM 1, GUILDHALL, CAMBRIDGE ON THURSDAY 28th JANUARY 2020 at 9:30AM.

Present:

Conservators: Dr Robin Walker (Chair), Prof. Keith Richards (Deputy Chair), Mr Clive Brown, Mr Paul Separovic, Cllr Anna Bradnam, Ms Ceridwen Salisbury, Dr May Block, Cllr Damien Tunnacliffe, Cllr Mike Sargeant, Ms Kate Hurst.

Observers: Mr James Martin, Mr Bill Key, Mr Stephen Foote, Mr Edwin Buttfield, Ms Emma Wynne.

Officers: Mr Tom Larnach (River Manager), Mrs Helen Cleary (Business Manager), Mrs Pearl Gonsalves (Admin & Finance Officer).

General public: Mr. Tom Wood, Mr Rod Ingersent.

2.1 Appointment of Chair and Deputy Chair

Item 2.1 on the Agenda was brought forward. The River Manager took the Chair and invited nominations from Conservators for the post of Chair. Mr Brown proposed Dr Robin Walker and this was seconded by Prof Richards. There were no further nominations.

RESOLVED: Dr Robin Walker was appointed Chair for 2020, *nem. con.*

Dr Walker took the Chair.

The Chair invited nominations for the post of the Deputy Chair. Cllr Bradnam proposed Professor Richards and this was seconded by Mr Brown. There were no further nominations.

RESOLVED: Professor Keith Richards was appointed Deputy Chair for 2020, *nem. con.*

1. Apologies received

Apologies for absence had been received from Dr David Munday and Cllr Nicky Massey.

2. Appointments

2.2 Welcome to newly appointed Conservator

The Chair welcomed Mr Paul Separovic, a newly-appointed Conservator (appointed by the Environment Agency), and invited him to introduce himself. Mr Separovic stated that he was the Environment Agency Operations Team leader for River Great Ouse.



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2.3 Appointment of Sub- Committees

The Chair noted that a sub-committee structure had long existed to conduct business between the Board Meetings held on a quarterly cycle. The current structure involves two sub-committees, the General Purpose Committee and the Regulatory Committee.

Members of the General Purpose Committee are:

Dr Robin Walker – Chair
Prof Keith Richards – Conservator
Mr Clive Brown – Conservator
Dr David Munday – Conservator
Cllr Anna Bradnam – Conservator

Members of the Regulatory Committee are:

Mr Clive Brown – Chair
Prof Keith Richards – Conservator
Dr David Munday – Conservator
Ms Kate Hurst – Conservator
Ms Emma Wynne – Observer
Mr Bill Key – Observer
Mr John Martin – Observer

The Chair asked the current members if any of them wished to reconsider their positions as members of the Committees; no-one indicated a wish to stand down.

Conservators were invited to vote on the re-appointment of the members of Committees as listed above.

Resolved: It was unanimously agreed that the existing members of the General Purpose Committee and the Regulatory Committee be re-appointed for 2020.

2.4 Appointment of Observers

The Chair noted that any member of the public may attend the Quarterly Board Meetings, but only those recognised as Observers receive Board papers electronically before the Board Meetings. Some Observers were also appointed to the Committees.

The Chair noted the paper listing the current Observers, and reported that Cllr Hazel Smith wished to resign from her post as an Observer.

Conservators were invited to vote on the re-appointment of the current Observers.

Resolved: It was unanimously agreed that the currently listed Observers be re-appointed, with the exception of Cllr. Smith.



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3. Delegation of Powers

Conservators were asked to delegate certain of their powers to the Chair, Deputy Chair and their officers until the first meeting of 2021. Details of the delegation of powers were set out in a paper presented to Conservators.

Conservators were reminded by the Chair that they derived their powers and responsibilities from the Acts of Parliament which governed the Conservancy. The delegation of powers enabled the Chair, Deputy Chair and officers to exercise some of those powers on the Conservators' behalf and thus carry out the business of the Conservancy between Board meetings.

RESOLVED: It was unanimously agreed to delegate the powers as set out below:

- (a) the Chair, Deputy Chair and officers be authorised to carry out all such matters requiring the authority of the Conservators in the event of any emergency works or works consequential on works approved by the Conservators being required and to take any decisions normally requiring to be given by the Conservators (including under the Licensing Act 2003) where the obtaining of approval from the Conservators might delay any matters to the detriment of the Conservators or any third party.
- (b) the Clerk or Control Officer from time to time (who may also be known as the River Manager) and such officer as acts in his or her stead from time to time, be authorised and directed to collect the registration fees, any arrears and all other charges due to the Conservators and to take such steps as may be necessary (through Court action including power to agree to and to sign proxy for the Conservators in respect of any voluntary arrangements of the creditors, bankruptcy or liquidation proceedings in respect of the Conservator's debtors or otherwise) on behalf of the Conservators to complete such collection or to enforce the byelaws and statutes and to defend actions on behalf of the Conservators. The Clerk or Control Officer also be appointed to instruct solicitors and other professional advisers to pursue civil or criminal proceedings on behalf of the Conservators where such steps are in accordance with a policy adopted by the Conservators from time to time or where the Conservators have resolved to bring such proceedings in a particular case or cases and the Clerk or Control Officer from time to time is authorised to gather evidence in relation to such proceedings or any suspected or possible breach of the byelaws or other legislation or to appoint or instruct others to do so and to give evidence in such proceedings on behalf of the Conservators in any court of competent jurisdiction. The Clerk or Control Officer also be appointed to instruct solicitors and other professional advisers on behalf of the Conservators in other circumstances where it is prudent in the interests of the execution of his or her duties or the protection of the interests of the Conservators to do so, provided that except in the case of an emergency he or she first obtains the approval of the Chair.
- (c) The Clerk or Control Officer from time to time (who may also be known as the River Manager) and such officer as acts in his or her stead from time to time, be authorised to



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issue such notices as may be necessary in respect of all work to be undertaken on the Conservancy Area and to take appropriate steps to maintain the same in conformity with the current statutes and the Byelaws affecting the same.

- (d) The Clerk or Control Officer from time to time (who may also be known as the River Manager) and such officer as acts in his or her stead from time to time, after consultation with the Chair or Deputy Chair, be given power to agree special terms for payment, to compromise or otherwise to amend any claim in respect of registration fees due to the Conservators and to agree terms for and to issue (with or without such conditions as they deemed appropriate) licences for work to be carried out in or over the navigation or on the banks to applicants and to refuse such applications and those for registration of boats, for any reason for which the Conservators have that power and without limiting the generality of this authority, particularly if they have any concern as to the safety of the navigation or any boats concerned or their effect on the safety of others to implement such powers; provided that details of all such licences granted or refused shall be reported to the next ensuing meeting of the Conservators.
- (e) After consultation with the Chair or Deputy Chair, the Clerk or Control Officer from time to time (who may also be known as the River Manager) and such officer as acts in his or her stead from time to time, be authorised to carry out all such matters requiring the authority of the Conservators in the event of any emergency works or works consequential on works approved by the Conservators being required and to take any decisions normally requiring to be given by the Conservators (including under the Licensing Act 2003) where the obtaining of approval from the Conservators might delay any matters to the detriment of the Conservators or any third party.

4. Minutes of the Meeting held on 14th November 2019

RESOLVED: It was agreed that the minutes were a true and accurate record of the Conservators' meeting on 14 November 2019.

5. Matters arising (not otherwise on the agenda)

The Chair asked if there were any matters arising from the minutes which were not on the Agenda.

5.1 Environment Agency Debt

Mrs Cleary was invited to report. She stated that this was a historic debt, and that discussions with the Environment Agency were progressing with a view to the Conservancy recovering the debt.



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5.2 2018/19 Auditors Report

The Chair reminded the Board that the Audit Report received at the July 2019 Board Meeting had had one discrepancy which had prevented its formal adoption. This discrepancy had now been satisfactorily corrected.

It was agreed that the Chair be authorised to sign the Auditors Report, the End of Year Accounts and the Letter of Recommendation on behalf of the Conservators.

6. Matters for Decision

6.1 Recommendations of the Regulatory Committee; changes in registration and other fees for 2020/21.

The Chair of the Regulatory Committee, Mr Brown, was invited to present its report. He indicated his intention to take the recommendations for increases in registration and other fees individually as listed in the report.

1) Proposal to increase all privately-owned vessel registration fees by 7.5%:

Mr Brown noted that, in accordance with the Interchange Agreement, the registration fees for privately-owned powered vessels would increase by 7.5% in line with the increase in charges imposed by the Environment Agency. He reported that the Committee recommended, in the interests of fairness, that registration fees for all other classes of privately-owned vessel should be increased by 7.5%.

The Chair invited the members of public and Observers to comment.

An Observer representing the Town rowers expressed a strong objection to the increase being applied to rowing craft, stating that the fee increase was substantially in excess of inflation. He also stated that there was a significant gap between Environment Agency and Conservancy licence fees. The Observer considered that the proposed increase was unfair to rowers, and argued that as the Conservancy had a £250,000 surplus, there was no basis for such an increase.

The River Manager stated the increase was justified because of the cost of maintaining the river to enable rowing to take place. Mrs Cleary stated that the Conservancy receives no Government subsidy, as most other navigation authorities do. She also noted that any surplus must be used to create and maintain a sinking fund, as eventual replacement of the Conservancy's infrastructure, vessels and equipment will cost well in excess of a single year's surplus assets.

A Conservator proposed an amendment to the proposal, but as no other Conservator was prepared to second this proposal, it failed.



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Conservators were invited to agree to adopt the recommended increases in registration fees for privately-owned vessels 2020/2021.

Votes in favour: 9

Votes against: 1

Resolved: It was agreed to adopt the recommended increase of 7.5% for registration fees of privately-owned vessels for 2020/2021.

2) Proposal to increase Commercial vessel registration fees by 20%:

Mr Brown presented the Committee's recommendation that registration fees for Commercial vessels should increase by 20%. The Chair invited first Observers, then members of the public, for any comments.

An Observer proposed that a mechanism should be set in place so that punt operators and members of the public could view details of proposed annual registration fee increases that are being recommended, in advance of the relevant meeting. The River Manager supported this proposal.

The Managing Director of Scudamore's stated that insufficient information and justification had been provided to support the proposed steep increase in fees for Commercial vessels. He added that the process leading to the increase lacked transparency, and also suffered from a lack of consultation with the Commercial Operators who would be affected by the change. He expressed the view that such a change should be justified in the context of a clear Business Plan.

Cllr Sargeant stated that he could not see any justification of the 20% increase in fees compared to 7.5% elsewhere. He expressed that the Conservators needed more details going forward to justify these increases.

Cllr Bradnam stated she needed more background and details on proposals. She added that she might also like to review the entire background papers that goes to the Regulatory Committee.

The River Manager stated that a five-year Business Plan was a work in progress, and would have to be approved by the General Purposes Committee before being presented to the Board.

Conservators were invited to agree to adopt the recommended increases in Commercial fees for 2020/2021.

Votes in favour: 9

Abstention: 1



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Resolved: It was agreed to increase Commercial registration fees for 2020/21 by 20%.

3) Safety Vessels:

The River Manager reported that he had taken a decision to exempt safety vessels from paying annual licence fees. These were vessels that provided rescue services to rowers and other competitors during events that held on the river. He was seeking retrospective approval for this.

Conservators were invited to agree to the proposal to exempt all safety vessels from annual licence fees (although it would be necessary to register them).

Votes in favour: Unanimous

Resolved: It was agreed that safety vessels would be exempted from annual licence fees.

4) Pontoon Licence fees:

The Regulatory Committee proposed a 5% increase in pontoon licences for new pontoon applications.

Conservators were invited to agree on the proposal to increase new pontoon licence fees by 5%.

Votes in favour: Unanimous

Resolved: It was agreed that pontoon licence fees be increased by 5%.

5) Block Licences:

The Regulatory Committee proposed a 7.5% increase in Block Licence fees.

The Chair requested that a clear definition of block licences be explained to the Board. Mr Brown was invited to do so. Mr Brown referred to the definition in the Conditions of Registration which had been presented to the Board.

Conservators were invited to agree on the proposal to increase Block licence fees by 7.5%.

Votes in favour: Unanimous

Resolved: It was agreed that the block licence fees be increased by 7.5%.

6) Events:



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The Regulatory Committee proposed a 7.5% increase in event fees and the fixed fee for rowing event visitors also be increased by 7.5%.

A Conservator stated that if the fees are increasing from £100 to £108, this would be an 8% increase. Mrs Cleary explained that the fees are rounded up to the nearest pound.

Conservators were invited to agree on the proposal to increase the event fee by 7.5% and the block event fee to be rounded to the nearest pound.

Votes in favour: Unanimous

Resolved: It was agreed to increase event fees by 7.5% and the fixed fee for rowing event visitors be increased by 7.5% and rounded to the nearest pound.

7) Section 15 Fees

The Regulatory Committee recommended that no increase should be made to Section 15 fee charges.

A Conservator asked for the justification for this exemption of Section 15 fees from an increase. Mr Brown explained that Section 15 fees had doubled last year, and accordingly no increase was being implemented for 2020/21.

Conservators were invited to vote on the recommendation that Section 15 fees remain the same for 2020/21.

Votes in favour: Unanimous

Resolved: It was resolved that Section 15 fees should remain unchanged for 2020/21.

Conservators requested that, in future, more detailed information should be provided on proposals being brought forward to the Board to make decisions.

8) Vending vessels

It was recommended that the existing vending punt registrations be renewed for 2020/21, and that the fee be increased by 20% consistent with other fee increases for commercial vessels.

The matter was put to a vote.

Votes in favour: 9

Abstention: 1



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Resolved: It was agreed that the existing vending punts would be permitted to continue in 2020/21, and that each operating vending vessel would be subject to a 20% registration fee increase for 2020/21.

6.2 Self-certification of insurance and identification requirements

The River Manager stated that, currently, the Conditions of Registration state that a copy of the insurance document must be provided when registering a vessel. The Officers would like to remove this requirement from the Conditions of Registration, as it is an administrative burden and complicates the registration process when the documents are not submitted together in a timely manner. Furthermore, as the dates of insurance renewal do not coincide with the licence period, there is no guarantee of continued insurance throughout the year. The Officers propose that vessel owners should confirm (i.e., self-certify) that they do have the insurance cover required by the Conditions of Registration, and will maintain it.

Several Conservators indicated that it was essential for the Navigation Authority to have sight of the insurance document relating to any vessel being registered on the river. On being asked about practice on Environment Agency waters, Mr Separavic (of the Environment Agency) stated that the Agency does verify the insurance document physically when an annual licence is applied for.

Resolved: It was accordingly agreed that this proposal should be withdrawn and brought back to a future meeting with more information and/or a more detailed proposal.

6.3 Amendments to the Conditions of Registration 2020/21

Mr Brown summarised the changes to the Conditions of Registration as below:

- A new definition of a “Visiting Vessel” has been included.
- Payment by cheque is eliminated.
- Failure to Register or Pay is an addition to the Conditions of Registration.

A Conservator pointed out that the Privacy Policy should be renamed the General Data Protection Regulation (GDPR). It was noted that Data Protection policy was currently under review by the Officers, but that an appropriate adjustment would be made.

Conservators were asked to approve the Conditions of Registration 2020/21 formally, subject to the following amendments: Precise wording to describe Data Protection Policy, and reinstating proof of insurance.

Votes in favour: Unanimous

Resolved: The amendments to the Conditions of Registration 2020/21 be adopted subject to the amendments identified above.



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6.4 Changes to Block Licences

Mr Brown reported that all canoes using the lower and middle river should be registered and identifiable in the same way as other vessels. In order to facilitate this, a Block Licence arrangement had been introduced. However, because of various complexities involving different canoeing organizations, this was having to be renegotiated. This was ongoing, although it was expected that an arrangement would shortly be reached with the Cambridge Canoe Club.

The Chair accordingly asked for this item to be withdrawn and brought forward at a later stage when the negotiation was complete. At that point, details of the new Block Licence agreement should be circulated.

6.5 2018/19 Audit to be agreed and signed

The Chair noted that this item had been taken earlier in the meeting (Matters Arising, Item 5.2) and had been agreed.

7 Reports

7.1 River Manager's Report

The River Manager had reported in writing but highlighted that he had been awarded a Class Licence by Natural England which enabled him to displace Water Voles legally, to ensure they were protected when bank works were being carried out. This had previously required a site visit by an ecologist at significant cost.

The Board was invited to comment on the report presented by the River Manager.

An Observer expressed his gratitude and thanks to the River Manager and his team on behalf of the rowers for maintaining the river efficiently.

Mr Key reported that a boat user was causing a safety hazard on the river by flashing a very bright light on rowers and other river users. The effect of this light is blinding to the river users' vision, and potentially dangerous. The River Manager stated that this was a known issue, and that he was working with Cambridge City Council anti-social behaviour team and the street safety team to resolve it.

7.2 Finance Report

Mrs Cleary presented the Finance Report which set out the cash profit and loss for the third quarter to 31st December 2019. She summarised the position as follows:

- The targeted budget had been achieved.
- Section 15 income had been significant this year due to large amount of works on the river.



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- Income was still expected from the County Council Chisholm Trail project.
- Pontoon fees were yet to be received for installation of the new Riverside pontoons.
- Expenditure was on target.

An Observer requested a balance sheet from the Officers.

The Chair stated that creating a balance sheet every quarter would be an administrative burden. The River Manager added that producing a balance sheet would incur an extra cost chargeable by the accountants producing the report.

7.3 Licensing and Registration

Mrs Cleary presented the report on registrations for the year to 31st December 2019. She pointed out that due to the absence of a licensing team member, the notes to the report were only brief summaries. She thanked Mrs Gonsalves for her efforts in covering the licensing role.

Mrs Cleary noted that there were both long term nonpayers, and current customers who had not yet paid. In the former context, debt collection had been successful in all cases taken to civil action. In the latter, there are various reasons for the failure to license vessels, notably lack of identification and lack of insurance details. She noted that some Boathouse audits had been conducted, but this was work in progress because of staff shortage. There were still questions about the reliability of information on numbers of actively used boats racked in Boathouses.

7.4 Chair's Report

The Chair had no matters to report.

8 Dates of future meetings

The Chair referred to the poll on preferred dates distributed to all Conservators. Conservators were requested to complete the poll and return it to Mrs Gonsalves. Mrs Gonsalves would then circulate details of the favoured dates for future meetings, which would also be published on the Conservancy website.

9 Any Other Business

An Observer asked why there was no five-year Business Plan for the Conservancy, the previous one having ended in 2018. The Chair stated that the Conservancy would need to seek external expertise to draft a five-year plan and this would involve significant time and expense; however, there had been preliminary work on developing a Business Plan.

He noted that some members of the General Purpose Committee had seen the draft budget for the year 2020/21, and are aware that it is predicted to involve a significant deficit. There are also issues of capital expenditure being deferred and a significant Pension Fund deficit. There were



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therefore significant issues to be addressed by the General Purposes Committee before a draft Business Plan could be presented to the Board.

The Meeting concluded at 12:50 pm.

2020 Dec 21