

OF MIDDLE LEVEL NAVIGATION ADVISORY COMMITTEE

MINUTES OF MEETING HELD ON 13th JANUARY 2020 AT THE MIDDLE LEVEL OFFICES

Present

M E Heading	-	Middle Level Commissioners
J Brown	-	" " "
S W Whittome	-	" " "
D C Thomas	-	" " "
L McShane	-	" " "
R Sexton	-	East Anglian Waterways Association
A Wildman	-	Residential Boat Owners' Association
N Arnold	-	Environment Agency
K Jerrom	-	Environment Agency – Fisheries Team
P Hughes	-	Fenland District Council

1. Apologies for absence

P Syred (Fox Narrowboats Ltd) and C Howes (Inland Waterways Association)

2. Appointment of Chairman

In the absence of Chris Howes, Inland Waterways Association, Chairman, it was moved and seconded that Marc Heading should act as Chairman of the Advisory Committee for this meeting.

3. Minutes

The minutes of the Navigation Advisory Committee held on the 7th October 2019 were approved.

4. Number of Boats on the Middle Level System – as at 31st October 2019

The Committee considered a calculation of the number of boats on the Middle Level system as at the 31st October 2019, viz:-

BOAT NUMBERS ON THE MIDDLE LEVEL SYSTEM

AS AT 31ST OCTOBER 2019

Narrow Boats	96
Cruisers	153
Small Rowing Boats	11
Miscellaneous	2
Floods Ferry Marina	
Narrow Boats	17
Cruisers	12
Fox's Boat Yard	145
Bill Fen Marina	125
TOTAL	561

The Committee felt this was a useful guide as to the number and type of boats on the Middle Level system and where they were moored.

5. Byelaws

Details of representations and responses

Lorna McShane presented a paper on the details of representations and responses received following publication of the Byelaws. She advised that this was still work in progress as she needed to consider some of the further representations received from the NBTA and this would be reported to the next meeting of the Committee. Lorna McShane referred to a representation made about Byelaw 29. This Byelaw provides no person without the consent of the Commissioners or other lawful authority can swim, dive or wash in a waterway. This representation by a resident of Upwell felt that the Commissioners in imposing a river swimming ban were being ‘namby-pamby, risk averse, molly coddled’ and this was an airbagged approach.

The view of the Committee on this representation was that the Commissioners could give permission for swimming and that in this respect the Commissioners should develop a policy for areas where they would allow open water swimming subject to any necessary risk assessment.

Lorna McShane asked the Committee to comment on representation 3.7 which related to locks and water control structures. A number of representations had been made about the requirement to use specific ropes when in a lock. Specifying that ropes be secured by bow and stern ropes when in a lock is unreasonable, impracticable and potentially dangerous and this could create a problem for single-handed boaters.

The Committee agreed with the comments made on this Byelaw and felt that we were possibly being over-prescriptive and agreed that the requirement for boats in locks should be that they should be adequately controlled by boat ropes.

It was agreed that this amendment could be made to the Byelaws and that any further comments and any representations by the NBTA should be reported to the next meeting of the Committee.

Reference was made to the Canal & River Trust document which was a framework for all users of the waterways entitled “Sharing Spaces” which was a handbook for boaters and was used by the Canal & River Trust and the Environment Agency and it may be possible for the Middle Level Commissioners to link to this document.

David Thomas reported that a new guide to the Middle Level system was currently being produced and that the Navigation Notes were currently being refreshed and updated. Consideration could be given to including the link to the handbook for boaters as part of the navigation notes document.

6. Update on Registration/Charging/Reciprocal arrangements

David Thomas reported that the Commissioners were still working towards the 1st April 2020 as the date for first registration of boats and as it was not possible for the Commissioners to work with reciprocal arrangements with the Environment Agency to issue registrations from that date it would be necessary to have a transitional arrangement for the first year of

registration. The Environment Agency were changing their system of registration and were working to accommodate the Middle Level Commissioners in their new arrangements and the first registration was to be regarded as a transitional year and the main emphasis would be to get data on the number of boats and to get boats registered. In discussions with the Environment Agency, subject to formal agreement, it was proposed in order to keep the arrangements simple and straightforward for boaters that for boaters outside of the Middle Level waters the Environment Agency and Gold Licences would be recognised and there would be no additional charge for using Middle Level waters. It was additionally proposed that boats on the Middle Level system which were required to register with the Middle Level Commissioners' system would be charged at a cost of 85% of the Environment Agency fee. This was effectively giving a discount to Middle Level boaters of 15%. The Environment Agency will then issue visitors licences up to the full value of an EA licence but cap the cost of total number of visitor licence at the full value of the Environment Agency licence for any MLC registered boats visiting EA waters. This arrangement for the first year would not include commercial boats such as Fox's Narrowboats Ltd, etc. There was further discussion about a 10% discount for the second year of registration and it was noted that this would be agreed at the next Executive Committee meeting of the Commissioners.

David Thomas reported that it was his intention to send a letter and registration form to every boat on the Middle Level system. They would be sent to those we had information about and the rest would be attached to boats moored on the system. Nathan Arnold stated that he estimated of the boats present on the Middle Level system that 50 currently have Environment Agency licences. There was some discussion as to whether the 50 who already were on the Environment Agency system should be invited to reapply for Environment Agency licences. Nathan Arnold agreed to check internally at the Environment Agency about this proposal. There was a brief discussion about enforcement following the commencement of registration. The Middle Level Enforcement Officer should ticket boats which were not displaying a current registration disc. It was requested that they supply reason for non-display of a valid licence. The next stage of enforcement would be then to send a formal letter in 28 days. This was a warning letter which would then detail possible court action and/or removal of their boat.

ACTION

- David Thomas to draft a letter to be sent out in mid-February advising that boats on of the need for registration from the 1st April 2020.
- A registration form to be prepared to match closely as possible to the form on the Environment Agency's website.

7. Timescales

David Thomas reminded the Committee that a Boat Safety Certificate would not be required until the second year of boat registration. In order to facilitate registration and to encourage registration it was unlikely that any enforcement action would be carried out until the end of May. David Thomas had identified a need for an additional member of staff to carry out enforcement duties and this was currently under consideration.

8. Facility provision

David Thomas stated that the 25% of profit which was to be invested in the provision of additional facilities would be identified in the separate accounts for navigation and would be

set aside. Currently consideration was being given to facilities at Salters Lode, Stanground Lock and Whittlesey which would be in addition to those already provided in March town centre.

ACTION

- It was agreed that David Thomas would send plans for the Ramsey turning area to the Committee.

9. Other user interest – fishing/recreation/tourism

Kye Jerrom stated that they were currently carrying out some research on the role of angling in the area and had sent out a number of questionnaires to anglers to collect data about the contribution of anglers to the local economy. This was aimed at local businesses including hotels and when this data had been collected Kye would report its' findings to a future meeting.

David Thomas reported on the Biosphere UNESCO designation for the Fens which could assist with tourism in the area and future boating in the area.

A question was raised about the number of formal residential moorings in the Middle Level system.

David Thomas advised that the undertaking to the House of Lords during the commencement of the Bill through the Opposed Bills Committee required that a strategy be developed for residential moorings. Phil Hughes agreed to offer advice on the development of this strategy by the Commissioners.

10. There was no other business.

11. Dates of next meetings

The next meetings of the Navigation Advisory Committee are:-

10th February 2020 (Phil Hughes & Stephen Whittome – apologies)
23rd March 2020.

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Chairman