

# MINUTES OF MIDDLE LEVEL NAVIGATION ADVISORY COMMITTEE

## MINUTES OF MEETING HELD ON 26<sup>th</sup> AUGUST 2020

### Present

M Heading	-	Middle Level Commissioners
J Brown	-	" " "
S Whittome	-	" " "
D C Thomas	-	" " "
L McShane	-	" " "
K Russell	-	" " "
N Arnold	-	Environment Agency – Anglian Waterways Team
P Hughes	-	Fenland District Council
C Howes	-	Inland Waterways Association
R Sexton	-	East Anglian Waterways Association
P Syred	-	Fox Narrowboats Ltd
A Wildman	-	RBOA

### 1. Apologies for absence

Councillor D Laws (Fenland District Council) and Kye Jerrom (Environment Agency – Fisheries Team).

### 2. Minutes

The minutes of the Navigation Advisory Committee held on the 28<sup>th</sup> May 2020 were approved.

### 3. Relevant matters arising from the Executive Committee meeting held on 18<sup>th</sup> August 2020

David Thomas explained that this was to be a standing item on each agenda for matters that needed to be reported from the Executive Committee to the Board and there were obviously items from the Navigation Committee which needed to be reported back to the Executive and then on to the Board.

There had been a suggestion at the last meeting that Huntingdonshire District Council be approached to appoint a member to the Navigation Advisory Committee particularly in respect of matters relating to their Market Town Bid and the waterways at Ramsey and the potential for moorings at Ramsey town centre. The Navigation Advisory Committee did not have the power to appoint members to the Committee and therefore this was a matter which would be reported to the Executive and to the Board on the 5<sup>th</sup> November 2020.

David Thomas proposed that minutes of the Navigation Advisory Committee be published on the Middle Level Commissioners' website with the exception of matters which were sensitive, confidential or contained personal information.

In addition, it was proposed to advise on the website who the members of the Navigation Advisory Committee are and the interests they represent and if boaters needed to contact any members of the Committee, they could do this through the portal. Comments and representations from boaters made through the portal would be passed onto the members of the

Navigation Advisory Committee. It was agreed that the minutes be published after they were formally approved by the Navigation Advisory Committee.

#### 4. COVID-19 Actions Update

David Thomas explained that COVID-19 measures were still in place which was still affecting how the offices can operate. All staff were working full time but mainly from home it was currently proposed to have a staged return to the office. Obviously at the moment enforcement could be an issue and this was a matter that would be addressed in future.

Nathan Arnold explained that the Environment Agency were in an identical position with regards to staff working but that an almost normal service had been resumed for boaters.

Phil Hughes stated that they were receiving a number of complaints about the moorings in March with regard to overstays and Nathan Arnold said that the Environment Agency had similar problems with the number of overstays.

#### 5. Byelaws Update

Lorna McShane gave an update on the position with regard to the introduction of Byelaws. These were still with Defra for approval. She had received a communication from Defra requiring information on which precedents had been used in drawing up the Byelaws and a table of precedents had since been supplied to Defra. She understood that the Defra procedure was now to refer the Byelaws to the lawyers and for the Byelaws to be put before the Minister for approval.

#### 6. Boat Removal Protocol

Lorna McShane explained that once the Byelaws were formally approved that Section 3 of the Middle Level Act 2018 required the Commissioners to attach a protocol on boat removal to them by way of an annex when published. The draft protocol had been circulated for members' comments and NAC members were asked to submit any further comments on the draft within the next 7 days.

Lorna McShane advised that although the protocol outlined steps which the Middle Level Commissioners would take when considering the removal of a boat and the matters they would take into consideration the Commissioners also had a duty under the Human Rights Act and had to ensure that its' actions were compatible with Article 6 and Article 8 of this.

#### 7. Update on Licencing/Charging/Reciprocal arrangements

David Thomas said that licencing applications had started to be made. There had been a number of enquiries from boaters which had been dealt with. In general, the boating community were very supportive of the introduction of charging and the licencing of boats on the system but there had been some complaints. One query which had arisen was on whether a rebate could be given for boaters on the system who intended to purchase a Canal & River Trust Gold licence. This licence was issued on the 1<sup>st</sup> of January in each year and where boaters on the Middle Level system were to obtain a licence from the 1<sup>st</sup> September they only had a requirement for a 4-month licence. It had been intended that there would be no refunds for part of the year in the current year because the licencing system was only to be introduced from the 1<sup>st</sup> September. However, in future years, the Middle Level Commissioners would

probably align with the Environment Agency with regards to refunds. One of the proposals agreed with the Environment Agency were for boaters who obtained an Environment Agency licence but their home mooring was in Middle Level waters then the Environment Agency would refund this amount.

David Thomas explained that he had made an approach to the Canal & River Trust to have discussions with them about the relationship between the Gold Licence and licencing in the Middle Level. Nathan Arnold said that anyone who approached the Environment Agency for a licence but had a boat on the Middle Level system would be directed to the Middle Level Commissioners to obtain a licence.

## RESOLVED

That a discretion be given to the Chief Executive to levy a reduced charge to boaters in the Middle Level system who intended to obtain a Canal & River Trust licence on the 1<sup>st</sup> January 2021. Any boaters in this position should be charged 4/7<sup>ths</sup> of the charge per boat. The Committee asked that the Enforcement Officer be requested to check the position with these boats in January 2021 to make sure they had obtained a Gold Licence.

### 8. Engagement with Waterways Users – including residential boaters

David Thomas said that he had received a couple of complaints from boaters who said the navigation website should have more information on it. A question and answer sheet on the commonly asked questions was now displayed on the website and further information would be added to the website as appropriate.

#### Residential boats

David Thomas explained that discussions needed to take place with Fenland District Council and other local authorities in the area with regard to residential moorings such as to where these should be located and how they could be facilitated. Alan Wildman said that he would provide the Residential Boat Owners Association voluntary code on good practice and that the Residential Boat Owners Association could assist Middle Level in drawing up a similar good practice guide. In the provision of residential moorings it was necessary to consider what is needed by way of access, water, waste disposal and the provision of these would all need to be assessed when looking at the site provision for residential moorings and would probably be site specific. Alan Wildman stated that requirements for residential boaters varied as to how to boaters wanted to live. Some required waters close at hand but others were prepared to travel so there needed to be some flexibility in looking at the provision of residential sites and sites should be looked at individually. Phil Hughes said that the Council were currently working on the Local Plan and that it would be necessary for any proposal on residential moorings to be fed into the Local Plan and considered by the Council. Gemma Wildman was the contact at the Council and Phil Hughes said that he could facilitate a meeting with her.

### 9. Facilities Provision

David Thomas reminded the Committee that 25% of income from licencing was to be ring fenced for improvement of facilities and the Commissioners were currently looking at where these could be situated although the emphasis at the current time was the introduction of the licencing system. Paul Syred raised an issue on pump facilities and wondered whether Fenland District Council had any proposals for the future provision of pump house facilities in view of their plan for that part of the town centre in connection with the Market Towns bid.

David Thomas said that he would write to Fenland District Council and asked about their proposals for the pump house facilities and the need for such facilities to be retained within March town centre. He said that he would send a copy to Phil Hughes and Councillor Laws so that they were aware of the request of the Committee.

10. March Town and Ramsey Market Town District Council Bids

David Thomas said that he had received no further information but he was aware that the bids for funding had been submitted.

11. Interests of non-boat users– fishing/recreation/tourism

Kye Jerrom from the Environment Agency was unable to attend the meeting and there was nothing further to report on fishing.

Nathan Arnold reported that during the lockdown period there had been a significant increase in the number of paddle boarders using their waterways. Paddle boards licencing can be covered by British Canoeing who during the current year had received 11,000 new applications for registration which illustrates some of the increase in water type activities which had occurred this year. A number of young people and families were using the waterways for recreation and whilst this was very encouraging there was a need to educate new users who are not familiar with the etiquette of waterways and the safety precautions they need to take. The Environment Agency are enforcing through education and social media and were encouraging new paddle boarders to licence with British Canoeing. Nathan Arnold said that he would send any information he had about paddle boarders and this could be information that was put on the Middle Level Commissioners' website.

Nathan Arnold also reported that there had been an increase in open water swimming on Environment Agency waters.

David Thomas reported that there had been reports of jet skiers using Well Creek and that signs were to be erected notifying people that the use of jet skis is prohibited. It was noted that the Byelaws, if approved, would also state that the use of jet skis on the Commissioners' waterways was prohibited.

12. NAC Recommendations to be raised at the November Board meeting

1. Consideration be given to a position on the Navigation Advisory Committee to a Councillor from Huntingdonshire District Council.
2. Consideration be given to a sub-committee/working group informed to look at the future proposals for residential moorings.

Phil Hughes had to leave the meeting at this point and it was suggested from the Chairman that Fenland District Council items be put near the top of the agenda which would enable Phil Hughes to deal with those matters and then leave the meeting.

13. Any other business

The next meeting of the Middle Level Commissioners Board is to be held on the 5<sup>th</sup> November and that further consideration to the formation of a working group/sub-committee could be reported to the next meeting of the Navigation Advisory Committee on the 10<sup>th</sup> November.

Members of the Committee indicated their willingness to deal with matters that were referred to them by individual boaters but generally felt that the day to day and general should be referred to Kevin Russell, the Navigation Officer, and that the Navigation Advisory Committee would deal with wider issues relating to the wider boat community rather than individual queries.

14. Date of next meeting

Tuesday 10<sup>th</sup> November 2020 at 10.00am.

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Chairman