



To: Executive Councillor for Planning and Sustainable  
Transport: Councillor Tim Ward  
Report by: Democratic Services Manager  
Relevant scrutiny  
committee: Environment 26/6/2012  
Scrutiny  
Committee  
Wards affected: All Wards

## **COUNCIL APPOINTMENTS TO THE CONSERVATORS OF THE RIVER CAM Not a Key Decision**

### **1. Executive summary**

The terms of office for the seven Conservators of the River Cam appointed by the City Council end on 31 December 2012. This report explains how the City Council has previously gone about appointing to the Conservators and how that should change following a review requested by the Executive Councillor.

### **2. Recommendations**

The Executive Councillor is recommended:

- i) To instruct officers to arrange an open and public process for seeking applications for some of the City Council appointments to the Conservators of the River Cam (para 4.1)
- ii) To agree that the composition of the seven appointees is three city councillors and four members of the public (para 4.2).
- iii) To agree that the criteria which applies and the application process is as set out in (para 4.4/4.5)
- iv) To agree Council appointees will be required to sign up to the Council's Code of Conduct (para 4.6)
- v) To agree that the maximum term of office is for 3 x three year terms with thereafter a break period of three years before a re-application can be made. This rule should apply retrospectively. (para 4.7)
- vi) That applications are considered by the Scrutiny Committee at its meeting on 9 October.

### **3. Background**

3.1 The City Council has the responsibility of appointing seven of the 13 Conservators for a period of three years at a time and the appointments come to an end on 31 December 2012. These are appointments which need to be agreed by the Council, on the recommendation of the Executive Councillor and will therefore be submitted for agreement to the Council meeting on 25 October 2012.

3.2 Appointments are made in accordance with the requirements of the River Cam Conservancy Act 1922 sections 5, 7 and 9. The 13 members of the Conservators in addition to the seven appointed by the City Council are made up of three appointed by the Council of the Senate of the University of Cambridge, one by the County Council and two from the Environment Agency.

3.3 In 1997, the Conservators received a consultants report on improvements to the running and administration of the Conservators. One recommendation was that the Conservators change its constitution to allow a greater input from 'river users'. At that time, the Conservators were not in a position to seek amending legislation to cover this, so the City Council, being the body with the majority of the appointments to make, was asked to consider appointing persons with 'a knowledge of some aspect of river use or interest'. The Clerk to the Conservators advised at the time that there were a great many different kinds of rivers users which could not be covered in one set of appointments e.g. canoeists, anglers, town rowers, motor boat owners, kayak and dragon boaters.

3.4 The City Council considered the Conservators formal request at the Environment Committee in June and November 1997. It was agreed and has continued to be the case that the seven appointees of the City Council should consist of a combination of both city councillors and those persons that have a specific knowledge of the river and its use. The chronology of city council appointments is at the end of this report.

#### **4. Current process of appointments and proposals for change**

4.1 The process for considering and appointing the Conservators has become too formulaic, the presumption being that if existing appointees wished to continue, then that would suffice. In reviewing the process of seeking applications, officers have been mindful of approaches taken to encourage applications from as wide a public audience as possible when recruiting to the Standards Committee, the Equalities Panel and the Independent Remuneration Panel. This involved for illustration, the council website home page, Cambridge Matters, the local newspapers and monthly publications, local Chambers of Commerce, voluntary sector the Health service and Open Door Magazine.

4.2 The seven current Conservators appointed by the Council, and the category the public appointees represent are listed below (year of appointment):

2x City Councillor – Nimmo-Smith (2001) and Price (2011) the latter replaced former Cllr Walker

1x riparian - Councillor Ward (2007)

1x commercial operator - Mr R Ingersent from Scudamores Punts (2001)

1x boating interest – Mr R Hardingham (2001)

1x houseboat residents – Mr L Philipps (2007)

1x resident living close to the river – Mr C Brown (2010)

It is recommended that the seven appointees for 2013-2016 are made up of 3x City Councillors

4x members of the public representing river users

4.3 In being less prescriptive on the four public appointees, the City Council has the flexibility to vary the appointees over time between the many interest groups which would wish to be represented on the Conservators but cannot be satisfied in any one appointment term.

4.4 In considering the criteria on which applications of interest should be based and on assessing an applicant's suitability, the process should be both straightforward for the applicant and clear for the councillors making decisions (and the vacancies may end up being contested). Based on the concept accepted by the Council in 1997 and applied since, it is still considered sufficient for applicants to evidence knowledge of some aspect of river use or interest in it, but also some additional criteria are suggested below:

1. An interest in, and/or evidenced knowledge of, some aspect of river use.
2. Not a Councillor or officer of Cambridge City Council, Cambridgeshire County Council, other District or Parish Councils in Cambridgeshire. Not a relative or close friend of any current elected member or officer of the Council.
3. Live or work in the City of Cambridge.
4. Commitment to serve the community, attend meetings and a willingness to take required training and to offer requisite time to perform the duties to the satisfaction of the City Council.
5. Willingness to sign up to a Code of Conduct applicable to members of the public made Council appointees.

6. Must declare any party political membership on the application form.
7. Will have disclosed to the Council during the application process any matter in his/her background which, if it became public, might cause the council to reconsider the appointment.
8. Committed to a three year term of office.

4.5 Applicants will need to be assessed somehow. In addition if there is a competition for any category of appointment, councillors will need to decide which applicant is preferred. Completion of a short application form to be based on the attached (with names/address and personal defining data removed) is the recommended approach. The application forms should be placed on the public record and it is also recommended that applicants would not be invited to address the committee or Council about any application made ie. that the selection process is based purely on the written application.

4.6 In addition to the way in which applications from interested persons should be encouraged, the City Council should be confident that those appointed act in a way befitting the position held. It is recommended therefore that those appointed would be expected to sign up to the Code of Conduct, as already undertaken by tenant and leaseholder representatives on the Housing Management Board and the public members of the Standards Committee.

4.7 There is currently no limit to how long a City Council appointee can continue as a Conservator. Some appointees have now been Conservators for over a decade. The Conservators have valued the importance of continuity and experience, but from a City Council perspective there is a balance to be struck here to avoid institutionalisation, stagnation and restricting the opportunity of diverse representation. As it holds the majority of appointments, the Council should consider whether to limit the number of terms of office, suggesting 3 times three year terms and whether those that have already served for a long period (see 4.2 above) should not be allowed to apply in 2012 ie. that there should be a break of three years having served three terms prior to any application.

## **5. Implications**

- (a) **Financial Implications** – there are none
- (b) **Staffing Implications** – there are none
- (c) **Equal Opportunities Implications**

No Equality Impact Assessment has been undertaken as part of this review. Councillors will make appointments to the Conservators based on a new process which is more open and transparent and invites a greater diversity of application. It also takes into account the Council's Vision Statement where citizens feel they can influence public decision making.

**(d) Environmental Implications**

- Nil: to indicate that the proposal has no climate change impact. [Although by its nature, the work of the Conservators is focussed on environmental factors].

**(e) Consultation –no implications**

**(f) Community Safety – no implications**

## **6. Background papers**

These background papers were used in the preparation of this report:

River Cam Conservancy Act 1922 Section 5-9

Letter from the Clerk to the Conservators and extract from consultants report 20/1/97

Minutes of Environment and Community Development & Leisure Committees 1997-2001

## **7. Appendices**

Chronology of Council appointments made 2001-2012

## **8. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

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## Chronology of Council appointments made 2001-2012

January 2001:

Councillors Bradnack and Nimmo-Smith (Councillor representatives)  
Lacey Anderson (representative of riparian interests).  
Beth Morgan (representative of residents living close to the river)  
Tarquin Ukarnis (representative of houseboat residents)  
Mr Hardingham (representative of boating interests)  
[A vacancy for a representative of 'environmental organisations' was deferred until the next meeting].

March 2001:

The Sustainable City Executive had been unable to nominate a representative for 'environmental organisations'. Mr Rod Ingersent (as put forward by Scudamores) was therefore appointed as a representative of commercial operators.

November 2003:

Councillors Bradnack and Nimmo-Smith  
Mr Lacey Anderson (riparian)  
Mr Rod Ingersent (commercial operators)  
Mr Roy Hardingham (boating)  
Mr Craig Derbyshire (houseboat residents)  
Dr Laws (living close to the river)

November 2006:

Councillors Lynn and Nimmo-Smith  
Councillor Ward (riparian)  
Mr Rod Ingersent (commercial operator)  
Mr Roy Hardingham (boating)  
Mr Luther Philipps (houseboat residents)  
TBC (living close to the river)

October 2009:

Councillors Walker and Nimmo-Smith (Walker replaced by Cllr Price in 2011)  
Councillor Ward (riparian)  
Mr Rod Ingersent (commercial operator)  
Mr Roy Hardingham (boating)  
Mr Luther Philipps (houseboat)  
Mr Clive Brown (living close to the river)