

MINUTES of the meeting of the **BASINGSTOKE CANAL JOINT MANAGEMENT COMMITTEE** held at 10.00 am on 16 October 2014 at Mytchett Canal Centre, Mytchett Place Road, Mytchett, Surrey, GU16 6DD.

These minutes are subject to confirmation by the Committee at its meeting.

Hampshire County Council

Councillor Keith Chapman (Chairman)
Councillor John Bennison
Councillor Brian Gurden
Councillor John Wall

Surrey County Council

Mrs Linda Kemeny
Mr Chris Pitt

Hampshire Districts:

Hart District Council

Councillor Simon Ambler
Councillor Stephen Gorys

Rushmoor Borough Council

Councillor Les Taylor
Councillor J H Marsh

Surrey Districts:

Guildford Borough Council

Councillor Gordon Jackson

Runnymede Borough Council

Councillor J M Edwards

Surrey Heath Borough Council

Councillor Paul Ilnicki

Woking Borough Council

Councillor K Davis

Special Interest Groups

Basingstoke Canal Society

Martin Leech
Mr P Riley

Parish Councils

Alastair Clark

Residential Boat Owners Association

Julia Jacs

Natural England

Adam Wallace

Inland Waterways Association

Gareth Jones

John Cale Canal Cruises

John Cale

Basingstoke Canal Boating Club

Liz Murnaghan

22/14 APOLOGIES FOR ABSENCE [Item 1]

Apologies were received from Ben Carasco, Adam Wallace, John Cale, Colin Kemp and Gordon Jackson.

Michael Sydney substituted for Ben Carasco.

- At the next meeting of the JMC the Chairman asked for a discussion around 'substitutions' to take place.

23/14 MINUTES OF PREVIOUS MEETING:26 JUNE 2014 [Item 2]

Declarations of interest: None

Officers: None.

Key points raised during the discussion:

1. In reference to points 6 and 7 under Item 2 of the minutes, officers explained that the Memorandum of Agreement (MOA) had been ratified by the JMC. It was for every individual authority represented on the JMC to ratify the MOA.
2. The Chairman asked for an Item to be included at the next JMC's meeting to look at which authorities had ratified the MOA.
3. It was asked that supplementary questions referred to in point 5 of the minutes be circulated to members of the JMC (these are attached to the minutes).

Actions/further information to be provided: None

Committee next steps: None.

24/14 DECLARATIONS OF INTEREST [Item 3]

There were none.

25/14 QUESTIONS AND PETITIONS [Item 4]

Declarations of interest: None.

Witnesses: None

Key points raised during the discussion:

1. A question had been received from a member of the public; an answer had been tabled at the meeting. The Chairman explained that John Cale had been contacted and asked if he wanted to continue with his position on the JMC.
2. A question had been received from a member of the committee; an answer had been tabled at the meeting. The canal manager explained

that the service was planning to purchase a mower to allow for additional areas of cut. At the moment there was a contractor who doing this work but the BCA could only pay for 11km of towpath to be cut per year as there was not much revenue available to do this work.

3. The Strategic Manager explained that a mowing machine would be jointly purchased by Surrey and Hampshire from capital budgets.

Actions/further information to be provided: None.

Committee next steps: None.

26/14 FINANCE REPORT: OUT-TURN FORECAST 2014/15 AND FORWARD BUDGET 2015/16 [Item 5]

Declarations of interest: None

Officers:

Jane Lovett, Finance Business Partner, Hampshire County Council

Key points raised during the discussion:

1. The report was introduced by the Finance Business Partner who explained that £45,000 would be drawn from the reserve to cover the cost of a tree survey. The original budget savings identified at £29,345 had been covered with contributions from individual partner authorities in 2015/16 being based on the previous formula contribution.
2. A member of the committee explained that as part of the MOA, Surrey Heath had agreed to contribute £10,000 to the canal but as of yet had not contributed any funds to the canal. The member had written a letter to Surrey Heath on 22 September 2014 asking them to explain their position with regards to funding.
3. A member queried whether Surrey Heath had ever agreed to the formula set out for funding in the MOA. It was further queried why Guildford BC had not contributed its full funding to the canal.
4. It was stated that the funding formula had been agreed by Runnymede BC but a decision had been taken to reduce funding allocated to the canal due to various financial pressures.
5. The Countryside Group Manager explained that work had been commissioned on the economic benefits of the canal which would be forwarded to other local authorities. Some members stated that work on economic benefits of the canal were readily available.

Resolved:

- 1 Members supported the out-turn forecast for 2014/15.
- 2 The proposed budget for 2015/16 was agreed and accepted.

- 3 That all partner authorities be urged to make their full contributions and to honour the agreed scale contributions for 2014/15 and 2015/16.

Actions/further information to be provided: None

Committee next steps: None.

27/14 SSSI CONDITION STATUS REPORT [Item 6]

Declarations of interest: None

Officers:

James Taylor, Strategic Manager – Basingstoke Canal

Key points raised during the discussion:

1. The report was introduced by the Strategic Manager who explained the purpose of the report was to ask the committee to give officers the authority to request Natural England to re-asses the SSSI formal condition status as recommended by the Conservation steering group. Work undertaken by Dr Eaton concluded that the SSSI had improved to 'unfavorable recovering'. This was a very good status for the canal.
2. Members queried what evidence there was to say that the canal was in 'unfavorable recovering'. The Strategic Manager explained that there was an area of the Canal in the Fleet which had long been devoid of aquatic plants that had shown signs of re-colonisation by Milfoil, and this was principally the evidence which had moved the Canal towards 'unfavorable recovering' status.
3. It was explained that to get the canal to SSSI 'favorable' condition would be very difficult with the primary problem being tree shade.

Resolved:

The JMC authorised officers to submit Dr Eaton's report together with a letter requesting Natural England to re-assess the officially recorded condition of the Basingstoke Canal SSSI.

Actions/further information to be provided: None

Committee next steps: None.

28/14 WATER STRATEGY GROUP REPORT [Item 7]

Declarations of interest: None

Officers:

John How, Volunteer (Inland Waterways Association / Basingstoke Canal Society)

James Taylor, Strategic Manager – Basingstoke Canal

Key points raised during the discussion:

1. The report was introduced by the Volunteer for the Basingstoke Canal Society. It was explained that a water strategy group had been set up to address issues around water supply. It was reported that the EA had indicated that they will look favourably at granting new 10 year abstraction licenses for the present (increased) volumes, without any additional justification. The Strategic Manager had made an application for the abstraction license. The new license should be received by March 2015.
2. An update was given on the telemetry project. This would allow for the accurate and live measuring of water levels on a half an hour basis. The results would then be put on a hosted website where water levels on the canal can be regularly checked.
3. The Volunteer for the Basingstoke Canal Society thanked officers from Hampshire for their support with getting trading arrangements in place. The equipment for the telemetry project should be installed by Easter 2015.
4. It was queried whether abstraction licenses were used fully. It was explained that abstraction licenses were crucial but mainly during the dry season.
5. The JMC congratulated the water strategy group for all their excellent hard work. Members felt this work needed to be publicised to show the good work being done on the canal.
6. It was explained that the EA used a similar water level measuring system which recorded the water level at each transition point.
7. The Strategic Manager confirmed that the costing for the telemetry system would be around £60,000 but the running costs for this system would be low.

Resolved: The report was noted

Actions/further information to be provided: None

Committee next steps: None.

29/14 CANAL MANAGEMENT REPORT [Item 8]

Declarations of interest: None

Officers:

Phil Riley, Basingstoke Canal Society

Martin Leech, Basingstoke Canal Society

Key points raised during the discussion:

1. An update on the canal was given by the Basingstoke Canal Society member. Recent work on the canal was discussed in great detail including the successful work undertaken on the canal this summer.
2. It was commented on the need for the canal to be recognised in local plans of each district and borough. The Chairman explained that the service was in the process of collating the status of all local plans and checking whether the canal was included in these. The Chairman stated that officers would report back on this.
3. A member stated that the CIL (Community Infrastructure Levy) schedule was organised by officers and that there was capacity for the Canal to be included in local CIL schedules, but it frequently wasn't included. It was recognised that funds from CIL were being used on schooling and local infrastructure. It was felt that neighbourhood plans and forums would make a difference to where money from CIL was spent.
4. A member stated that the CIL schedule was ever changing and that officers should be approached in order to have work added to the schedule.
5. The Chairman thanked the Basingstoke Canal Society for all their hard work.
6. The purchase of the John Pinkerton II canal boat was financed through legacies left to the Canal Society.

11.30 Cllr J H Marsh left the meeting

Resolved: The report was noted

Actions/further information to be provided:

For officers to check the status of the canal in the local plans of district and boroughs.

Committee next steps: None.

30/14 BASINGSTOKE CANAL SOCIETY REPORT [Item 9]

Declarations of interest: None

Officers:

Phil Riley, Basingstoke Canal Society

Martin Leech, Basingstoke Canal Society

Key points raised during the discussion:

7. An update on the canal was given by the Basingstoke Canal Society member. Recent work on the canal was discussed in great detail including the successful work undertaken on the canal this summer.
8. It was commented on the need for the canal to be recognised in local plans of each district and borough. The Chairman explained that the service was in the process of collating the status of all local plans and checking whether the canal was included in these. The Chairman stated that officers would report back on this.
9. A member stated that the CIL (Community Infrastructure Levy) schedule was organised by officers and that there was capacity for the Canal to be included in local CIL schedules, but it frequently wasn't included. It was recognised that funds from CIL were being used on schooling and local infrastructure. It was felt that neighbourhood plans and forums would make a difference to where money from CIL was spent.
10. A member stated that the CIL schedule was ever changing and that officers should be approached in order to have work added to the schedule.
11. The Chairman thanked the Basingstoke Canal Society for all their hard work.
12. The purchase of the John Pinkerton II canal boat was financed through legacies left to the Canal Society.

11.30 Cllr J H Marsh left the meeting

Resolved: The report was noted

Actions/further information to be provided:

For officers to check the status of the canal in the local plans of district and boroughs.

Committee next steps: None.

31/14 CANAL CENTRE REDEVELOPMENT PROPOSALS [Item 10]

Declarations of interest: None

Officers:

James Taylor, Strategic Manager – Basingstoke Canal

Lisa Creaye-Griffin, Countryside Group Manager (Surrey County Council)

Key points raised during the discussion:

1. A report was tabled at the meeting. The report updated Members on the progress of David Morley Associates to provide an economic scheme for the redevelopment of the Canal Centre site and future income proposals. It was explained that the service had not gone out to consultation on the proposal. It was explained that the Canal as a whole was under resourced and that income only amounted for a proportion of the BCA's budget; the work was needed to be done to improve income generation.
2. An informal consultation had taken place with the Canoe Club; the feedback received was taken on board. It was recognised that a number of other stakeholders including neighbours close to the site would be consulted in due course.
3. It was stated that there would be an emphasis on sustainable energy especially as SCC policy aims at a BREEAM standard of "very good" or where possible "excellent".
4. There was concern that funding from district and boroughs could possibly reduce once the economic generation scheme had been agreed.
5. The Chairman commented on the positive step forward with these plans in place. In the past there had been complaints around the lack of facilities but it was very good to see the centre moving forward.
6. The cost of paying David Morley Associates to provide an economic scheme and business plan was in the region of £98,000.
7. It was stated that it was possible that SCC might fund the whole project as the project was economically sustainable and would cover its capital repayment and interest costs. It was commented that surplus from the site would go back into the Canal management budgets.
8. Some Members felt the current proposals were not ambitious enough especially in terms of catering facilities on site. Officers were asked to look at the redevelopment work being done on canals in other parts of the country. The Strategic Manager explained that the catering consultant working with DMA had looked at what would bring the most economic benefit to the site.

9. As the site was only 5.5 hectares in size, consultants were limited on what they could do on site.
10. In terms of parking, consultants had agreed that there would be significant benefit from a small car parking charge. Members recognised that this could be a problem for some visitors.
11. Members asked that the proposals should include a lay-by style boating facility so potential visitors from the canal can stop and enjoy the site.
12. It was recognised that the redevelopment of the Canal Centre would be vital for the successful future of the Canal as a whole. Partnership arrangements with various stakeholders including neighbors of the site needed to be considered going forward.
13. The Countryside Group Manager explained that a progress report on the Canal would be going to the Surrey County Council Environment and Transport Select Committee in December.

Resolved: The report was noted

Actions/further information to be provided: None

Committee next steps: None.

22/14 DATE OF THE NEXT MEETING [Item 11]

The next meeting will be held on 26 February 2015 at 10am.

23/14 DATE OF THE NEXT MEETING [Item 11]

The next meeting will be held on 26 February 2015 at 10am.

Chairman

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From Mr John Cale (John Cale Canal Cruises)

- 1. What disciplinary procedures do the JMC have in place for errant tenants / stakeholders of Surrey / Hampshire C.C / BCA? What protocols need to be followed by both parties & what appeals process is in place?**

Response:

The JMC is a joint committee of the constituent local authorities. Its role is to set the policy, strategy and budgets for the management of the Canal and to monitor the work of the managing agent - the Basingstoke Canal Authority. It has no role in disciplinary procedures.

Officers of the BCA or owning County Councils can take action where they believe actions of a licensee are in breach of the licensee's specific terms and conditions, or are in breach of the rules of navigation, or the law; for example, by interfering with water management, or damaging the Canal. There is no proscribed procedure or appeals process for dealing with these matters, officers' actions will vary depending on the nature and facts of the issue at hand. The rules of navigation (formed of the bylaws, boating terms and conditions and boaters handbook) are attached; commercial and quasi-commercial operators however currently have a variety of different individual licences with differing terms and conditions.

Complaints about the handling of a particular issue will be dealt with through the formal complaints procedures of the owning County Councils. Where concerning the actions of BCA staff this will usually be through the Hampshire County Council complaints procedure.

If there is a dispute between licensee's using the waterway that doesn't involve harm to the Canal, BCA or County Councils that will generally be a matter for those licensees to resolve between them - there are no tenants nor exclusive occupation of any area of the waterway. Neither the BCA nor County Councils can act as an arbiter in any such dispute.

- 2. What is the JMCs policy / views on procedural protocols pertaining to boat reclassification by the BCA?**

Response:

The JMC is a joint committee of the constituent local authorities. Its role is to set the policy, strategy and budgets for the management of the Canal and to monitor the work of the managing agent - the Basingstoke Canal Authority. It has no role in reviewing individual issues.

The BCA as the owner's agents may issue a licence which is the most appropriate for the current use of the boat in question. The decision to issue or not issue a licence was delegated to the Canal Director for the whole Canal; the Canal Manager and Countryside Client Officers have now taken over the duties contained in this former role. Estates Officers from each County Council also have the delegated

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authority to set rents, licence fees and issue licences within their own authority's jurisdiction.

Keith Chapman

Chairman, Basingstoke Canal Joint Management Committee

BASINGSTOKE CANAL JMC– 16 OCTOBER 2014

PROCEDURAL MATTERS

Questions and Petitions-Item 4

Member Question (1) from Philip Riley to ask:

Will the BCA consider adopting a revised bank-side clearance policy which would involve not only a winter cut but also a cut in late spring/early summer and possibly also in the autumn?

Reply:

The BCA ranger staff currently cuts the towpath at least twice per year (May/June and September); occasionally certain areas are cut for a third time, if there is an exceptional growing season. The BCA ranger team are currently not resourced to increase the number of towpath cuts, or employ a contractor to do so. Summer towpath cuts do not extend to hedgerows or to the bankside marginal strip between the towpath and water.

Cutting hedgerows and bankside vegetation is usually done in late autumn or winter to avoid cutting annual and bi-annual species before they set seed, and to avoid disturbing nesting birds. The towpath side winter cutting regime was completely discontinued about 5 years ago, at a time when staff levels were reduced. This has resulted in the presence of a greater number of tree saplings and woody perennial species such as bramble growing in the marginal strip which is seen to be undesirable as it reduces the diversity of the species on the bank. The present Canal Management Team re-instated a winter cut last winter to include hedgerows and the bankside marginal strip - the BCA can currently afford for a contractor to cut approx 11km of Canal per winter on a cyclical basis. It is proposed to replace the BCA's ageing Artesia mower with a more suitable Kubota mini-tractor and flail to enable the BCA Ranger staff to extend the winter cutting regime to a longer length of the Canal.

The matter of additional summer bankside cutting was discussed at the Conservation Management Steering Group on 8 October 2014. We were advised that the marginal strip is a vital hunting ground for dragonflies which are part of the SSSI citation, and that summer cutting may alter the balance of bankside plant species. Although the bank is technically outside of the SSSI regular cutting in summer may have a direct harmful effect on the dragonfly population which are protected characteristic of the Canal SSSI. It was agreed at the Conservation Management Steering Group that additional expert advice should be sought on the height and variety of plant species required to support the dragonfly population, and that the reinstatement of a complete winter cutting programme over more than one season would be monitored before additional summer cuts should be considered. Should it be seen to be acceptable and necessary to increase the frequency and area of summer cutting additional resources will need to be identified.



Mr Keith Chapman
Chairman of the Basingstoke Canal JMC

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BASINGSTOKE CANAL JMC– 16 OCTOBER 2014

PROCEDURAL MATTERS

Questions and Petitions-Item 4**Public Question (1) from Duncan Paine to ask:**

John Cale of John Canal Cruises is ceasing trading on the Basingstoke Canal as of the end of this season, and as such should not be represented on the JMC. Could I therefore ask that the Accessible Boating Association replace him on the committee. When the meeting in October 2013 held a ballot for Special Interest Groups to be co-opted on to the committee Accessible Boating was one vote behind John Cale, who was the last co-opted member. With him now not being eligible for the committee I ask that ABA succeed him on the committee.

Reply:

The Constitution of the Joint Management Committee states that the Committee may co-opt "up to 5 other non-voting individuals and representatives of special interest groups as necessary." Co-opted members "shall normally be co-opted for periods of 4 years". There is nothing in the terms of reference and constitution to indicate that a co-option is automatically ended in the circumstances described in the question, and there is therefore no vacancy amongst the co-opted members of the Committee at present.



Mr Keith Chapman
Chairman of the Basingstoke Canal JMC

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