

Basingstoke Canal Joint Management Committee
29 October 2015

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MEMBERSHIP OF THE JOINT MANAGEMENT COMMITTEE

Purpose of the Report

To consider a request from Fleet Town Council to become a full voting member of the JMC, and to agree the appointment of a special interest group representative to fill the current vacancy.

INTRODUCTION

- 1 The membership of the Joint Management Committee (JMC) consists of 16 voting members drawn from county, borough and district councils in Hampshire and Surrey, along with a further eight co-opted non-voting representatives from special interest groups related to the Canal. This is set out in the revised Memorandum of Agreement, which was approved by the JMC in February 2014 and is subject to formal ratification by the partner local authorities.
- 2 At its last meeting, the JMC gave initial consideration to a request from Fleet Town Council for voting membership on the Committee, and a consultation process has been undertaken to seek the views of partner authorities, special interest groups and Hart parish and town councils. The outcomes of this process are set out below for the Committee's consideration.
- 3 Of the eight special interest group representatives on the JMC, two places are allocated to the Basingstoke Canal Society and one place is allocated to Natural England. The other five special interest groups represented are decided by the JMC. The co-option period for these groups is due to expire in May 2017, but the groups will then be eligible for further periods of co-option. At the meeting of the JMC in June 2015 it was agreed that there was a vacancy for a special interest group representative to replace John Cale Canal Cruises, which had ceased trading and was therefore no longer eligible to take up the position. Expressions of interest have been sought from organisations associated with the Canal, and these are set out below for the Committee's consideration.

REQUEST FROM FLEET TOWN COUNCIL FOR VOTING MEMBERSHIP OF THE JMC

- 4 Fleet Town Council makes a significant financial contribution to the Canal Partnership (approximately 30% of the Hart area total) and is represented on the JMC through the Hart District Association of Parish and Town Councils, which is a non-voting special interest group. In light of its financial contribution, the Town Council has requested a voting seat on the JMC. This request was given initial consideration by the JMC at its meeting in June 2015, and it was agreed that a consultation process should be undertaken to seek the views of partner authorities, special interest groups and Hart parish and town councils.
- 5 The consultation was based on four questions:
 1. Do you feel that that the Hart Parishes are adequately represented by Hart District Association of Town and Parish Councils (HDATPC)? If not please state why.
 2. Does their representative in your view require voting rights on the JMC to better represent HDATPC members?
 3. Do you have any views on some, but not all, of the Hart Parishes having specific representation rather than collective representation through the Association? For example if Fleet were to be represented in addition to HDATPC.
 4. Does there need to be a balance between Hampshire and Surrey Members?
- 6 A copy of the consultation document is attached at **Annex 1**.
- 7 The views expressed at the JMC meeting in June 2015 were set out in the consultation document and were as follows:
 - Giving voting rights would mean that Hart Parishes would then be represented twice
 - Giving voting rights to the Hart Parishes and/or Fleet Town Council would unbalance the Committee in favour of Hampshire
 - Hart District Council is paying half its contribution, but still has two voting Members – the Council should give up one Member and this seat should be reallocated to HDATPC
 - Is it an appropriate precedent to base membership of the Committee solely on contribution size?
- 8 Responses to the consultation have been received from the Basingstoke Canal Canoe Club, Basingstoke Canal Society, Crookham Village Parish Council, Fleet Town Council, Odiham Parish Council, Rushmoor Borough Council and Woking Borough Council, and these are attached at **Annex 2**.

- 9 The Committee is asked to decide whether or not it wishes to offer Fleet Town Council a position as a full voting member of the Joint Management Committee. As the current Memorandum of Agreement states that the JMC comprises 16 elected representatives of the constituent local authorities, any change to this would require formal ratification of the Memorandum of Agreement by the eight Hampshire and Surrey Councils.

APPOINTMENT OF A SPECIAL INTEREST GROUP REPRESENTATIVE

- 10 As discussed at the last meeting, a vacancy has arisen for a Special Interest Group representative on the JMC to replace John Cale Canal Cruises. Expressions of interest from groups wishing to fill the vacancy have been requested, and responses have been received from Accessible Boating, Galleon Marine Boatyard Limited Liability Partnership (LLP) and the Ramblers' Association Hampshire and Surrey Areas). The organisations have submitted short supporting paragraphs as part of their applications, and these are attached at **Annex 3**.
- 11 A ballot will be held at the meeting to decide the successful applicant. The appointment will be for the period until May 2017 in order to be consistent with the existing co-opted members, and all co-optees will then be eligible for a further period of co-option, in line with the Memorandum of Agreement.

RECOMMENDATIONS:

- (a) That the Committee considers the comments made at its last meeting and the responses to the consultation process, and decides whether or not to offer Fleet Town Council a place on the JMC as a full voting member.
- (b) That the Committee considers the applications received for the vacant Special Interest Group position, and makes an appointment for the period to May 2017.

Basingstoke Canal Joint Management Committee

Representation of Hart Parishes – consultation

Background

The Basingstoke Canal is in the ownership of Surrey and Hampshire County Councils – almost exactly half each within their areas. It is owned under powers contained in the National Parks & Access to the Countryside Act 1949 to provide countryside for public recreation. At 32 miles long with some major engineering works, the Canal is a major built asset which requires expert management and maintenance. It is well-loved resource, especially by local residents, with over 1.25 million visitors to the towpath per year. Recent research values the Canal's contribution to residents' health, the environment and local economy at £349m over the next 25 years – if it continues to be well maintained.

The Canal was purchased into public ownership in the 1970s and was largely restored by volunteers with an official reopening in 1991. The County Councils and District / Borough Councils set up the Basingstoke Canal Authority [BCA] to run the waterway and do regular maintenance. The BCA is managed through the Canal Partnership's governing body, the Basingstoke Canal JMC.

Today it is primarily a leisure resource with the BCA raising 18% (increasing from 11% in 2013) of its revenue from licences and permits sold to use the Canal property, with a further 9% coming from property sources (wayleaves, leases, etc). The remainder of the running costs are shared between the Canal Partners using a funding formula which considers the length of Canal in the partner's jurisdiction plus the number of households near the Canal.

Hart Parishes

The parishes of Fleet, Odiham, Church Crookham, Crookham Village, Winchfield, and Dogmersfield within Hart District have since 2009 contributed towards the running and revenue maintenance of the Canal; this amounts to half the contribution which Hart District is requested to make under funding formula contained in the Canal Partnership's Memorandum of Agreement. Hart reduced its contribution to the partnership by half in 2009/10.

Hart District Association of Town & Parish Councils [HDATPC] members agreed amongst themselves how their contribution would be shared. Neither the Canal Partnership, nor the BCA, were party to this agreement but are aware it does not follow the same formula used for distributing costs to the owners and riparian District / Borough Councils.

These parishes are currently collectively represented on the JMC by a representative from HDATPC sitting as one of the 8 "Special Interest Group" representatives on the JMC appointed for a 4 year term. Currently this is Alastair Clarke, HDATPC Chairman.

Special Interest Group members have equal voice with full Members, but cannot vote.

Hart District Council currently appoints 2 Councillors with full voting rights to the committee, along with Rushmoor Borough Council; each of the 4 Surrey Boroughs appoint 1 Member each.

JMC debate 25 June 2015

Fleet Town Council wrote to the JMC asking for a seat with voting rights in light of their significant contribution to the Canal Partnership – around 60% of the HDTAPC contribution or 30% of the Hart area total. During the debate some JMC Members expressed concerns about this, which included:

- Hart Parishes would then be represented twice
- Giving voting rights to the Hart Parishes and/or Fleet Town Council would unbalance the Committee in favour of Hampshire
- Hart are paying half their contribution, but still have two voting Members – they should give up one Member and this seat be reallocated to HDATPC
- Is it an appropriate precedent to base membership of the Committee solely on contribution size?

Questions for Consultees

Officers would like to obtain the views of the Canal Partners, Special Interest Groups and Hart Parishes on how to move forward with this matter, in order to place a report before the JMC scheduled for 29 October. To help partners consider the issues it would be helpful if you could consider the following questions; although your views are not restricted to these matters in any way.

5. Do you feel that that the Hart Parishes are adequately represented by HDATPC? If not please state why.
6. Does their representative in your view require voting rights on the JMC to better represent HDATPC members?
7. Do you have any views on some, but not all, of the Hart Parishes having specific representation rather than collective representation through the Association? For example if Fleet were to be represented in addition to HDATPC.
8. Does there need to be a balance between Hampshire and Surrey Members?

Please send your response to Lucy Collier at Surrey County Council Democratic Services:

HYPERLINK "mailto:lucy.collier@surreycc.gov.uk"lucy.collier@surreycc.gov.uk.

If you have any queries or need any further information, please contact James Taylor, Strategic Manager for the Basingstoke Canal (01252 370073/James.Taylor2@hants.gov.uk) or Fiona Shipp, Basingstoke Canal Manager (01252 HYPERLINK

"mailto:370073/Fiona.Shipp@hants.gov.uk"370073/Fiona.Shipp@hants.gov.uk).

RESPONSES TO THE CONSULTATION ON REPRESENTATION OF HART PARISH AND TOWN COUNCILS ON THE JMC

BASINGSTOKE CANAL CANOE CLUB

Liz Murnaghan:

1. Do you feel that that the Hart Parishes are adequately represented by HDATPC? If not please state why.

I think that there is already adequate representation for the Hart Parishes on the JMC

2. Does their representative in your view require voting rights on the JMC to better represent HDATPC members?

The current set up of the JMC with special interest groups being allowed a voice but not a vote maintains the established balance between Hants and Surrey. I do not think that space or voting rights on the JMC should be allocated on how much each organisation contributes. If special interest groups were allowed a vote then this opens up the possibility of some organisations seeking election to disrupt that balance. The current arrangements mean that a Fleet resident will always have 2 elected Hart borough councillors to represent them. A resident of Woking will only ever have one borough councillor.

3. Do you have any views on some, but not all, of the Hart Parishes having specific representation rather than collective representation through the Association?

For example if Fleet were to be represented in addition to HDATPC. I think that there are enough politicians on the JMC already, Special Interest Group seats should be for the groups that have an interest in the canal that extends beyond their ward/ parish/ borough namely the navigation users, nature and conservation groups.

4. Does there need to be a balance between Hampshire and Surrey Members?

Yes

BASINGSTOKE CANAL SOCIETY

Philip Riley:

Our our position is that we are quite happy for the Hart parishes to select one parish to represent them on the JMC if that will assist in securing the parish funding.

However, we don't see any reason why Hart should not be willing to give up one of its two seats on the JMC (it only has two in order to make up a theoretical balance between the Hampshire and Surrey districts so they have 4 seats each). If that happened it would reflect the reality of the position which is that Hart has withdrawn about half its funding in favour of its parishes so it should give up one of its two seats. Having said that we do not have strong views on the issue and our primary concern is to maintain the District Council funding at a time when local authority budgets are under so much pressure.

CROOKHAM VILLAGE PARISH COUNCIL

Members considered the above at a meeting on Monday 5 October 2015 and resolved as follows:

RESOLVED: Crookham Village Parish Council supports Fleet Town Council representing the riparian parishes with a voting seat on the Joint Management Committee and Hart District Council should give up one voting seat and HDAPTC remain as a non-voting Member.

FLEET TOWN COUNCIL

Janet Stanton, Town Clerk:

This is in response to your request for responses to questions regarding the admission of Fleet Town Council to the Joint Management Committee with voting rights.

We believe it is necessary to set out some of the history behind this debate which partially answers some of the questions, but puts the debate in its proper perspective.

The decision by Hart District Council (HDC) to unilaterally devolve half of its contributions to the JMC to the parish councils was made before Fleet Town Council existed. At that time HDC represented the unparished areas of Hart, principally the greater area of Fleet comprising Fleet Town, Church Crookham and Elvetham Heath.

When the decision was made by representatives of HDAPC to amend the formula for the allocation of contributions to the JMC which concentrated contributions into the urban areas, Fleet Town Council did not exist.

As only 7 out of 21 Parish/Town Councils within Hart are riparian councils and therefore pay a contribution to the JMC, HDAPTC is not the most appropriate body to fairly represent the interests of the riparian parishes of Hart.

Once Fleet Town Council became established and stable, it made representations to HDC to seek their support to relinquish one of their representative seats and allow FTC to represent the residents of Fleet and the other smaller riparian parishes.

Fleet Town residents pay, not only, the £18,300 currently invoiced to FTC, but also a significant proportion of the HDC contribution. It is fully appreciated that this situation has been brought about by the actions of HDC and not the JMC.

Now that the Town Council is fully established it is considered reasonable that it should make its own representations and as very clearly stated in our initial approach to the JMC we are standing on the principle of “no taxation without representation.” We see that representation as having voting rights, which again means that membership through HDAPTC, which has no voting rights, is unacceptable.

Fleet Town Council fully appreciates the benefits of the canal as a navigable waterway and a public amenity. It has demonstrated its support through payment of a significant contribution with no legal duty to do so, when other authorities which have been party to a Memorandum of Understanding have failed to meet their commitments.

We trust that our application will receive due consideration.

ODIHAM PARISH COUNCIL

It was agreed by OPC on Monday 5 October that OPC is very happy for HDAPTC to continue to represent us on this management committee.

RUSHMOOR BOROUGH COUNCIL

Cllr John Marsh:

My responses to the questions posed are :

1. Yes.
2. No problem with HDATPC rep having voting rights - but would other 'interest groups' then claim the same voting rights? Bear in mind that the need to take votes is quite rare.
3. I think the answer to the problem is for Hart Council to make sure that one of their two members represents the Fleet town area - or give up one member and this seat be reallocated to Fleet T. C. Provided, of course, they maintain their financial contribution!
4. We should keep the equal balance between Hampshire and Surrey.

Cllr Les Taylor:

1. I consider that the Hart towns and parishes are adequately represented already by the HDATPC representative.

2. Considering the fact that the Hart towns and parishes contribute half of Hart's total contribution, the HDATPC representative should have full voting rights. This may require the status of the HDATPC to be changed from that of a "special interest group" as such groups don't normally have voting rights. Hart District Council should be requested to give up one of its voting member positions on the Committee. A problem that may arise from the latter point might be the situation whereby Hart District Council then decides to re-consider its contribution to the Joint Management Committee. It would be rather short-sighted if it did, as a considerable portion of the Canal flows through the area that it controls.
3. A consequence of allowing Fleet Town Council to have representation in its own right is that it may encourage other towns and parishes to want to follow suit, even though they are already suitably represented as a group. There is the likelihood of the Committee becoming much too large and unwieldy as a consequence.
4. It may seem sensible to have a balance between Hampshire and Surrey, but this shouldn't be a pre-requisite. All the members of the Committee are there because they want to do the best for the Canal and the community, no matter whether discussions relate to Hampshire aspects or to those in Surrey.

WOKING BOROUGH COUNCIL

Cllr Kevin Davis:

Having read the response from the BCS, I'm in agreement with them. This is an issue for Hart to determine and as long as influence for the SCC side of the canal isn't diluted, WBC should stay out of the matter.

EXPRESSIONS OF INTEREST TO JOIN THE BASINGSTOKE CANAL JMC AS A SPECIAL INTEREST GROUP

ACCESSIBLE BOATING

By way of supporting our application, I would say that Accessible Boating has been operating for twenty seven years providing unique opportunities, for both physically and mentally disabled and disadvantaged people, of all ages, to enjoy cruising on the canal. We can use that twenty seven years of experience to represent this special interest group accurately and practically. We have many new members who have joined over the past twelve months and our team of volunteers comprises professional people from all walks of life with, collectively, many years of wide ranging business experience. This pool of experience is used in promoting the work of the charity and in increasing the use of the canal and the facilities it offers. Over the past year, we have made new connections with other canal user organisations and have a comprehensive understanding of the key issues that collectively need addressing. We would welcome the chance to share and use our experience and ideas with the committee to assist in achieving the objectives you list below.

GALLEON MARINE BOATYARD LIMITED LIABILITY PARTNERSHIP

Galleon Marine Boatyard LLP would like to be considered for appointment to the JMC in an advisory role. We feel that because our business touches a wide range of canal users we are in an ideal position to provide a collated overview from the user perspective. Also from a business viewpoint in terms of feedback gained from our clients and the wider local community who hire our row boats, kayaks and narrowboats. They continuously tell us their perspective on the services provided on and around the canal and the condition of the canal navigation. We would welcome the opportunity to be more actively involved in decision making processes and the preservation of this precious resource. Between us we have experience of and have held key positions within corporate, small business and educational environments and feel we can support the objectives of the JMC in a balanced and professional manner.

RAMBLERS' ASSOCIATION – HAMPSHIRE AND SURREY AREAS

We would like to nominate Brian Reader for the vacancy as a special interest group representative. We have included Brian's details below. Brian, if selected would also represent both Hampshire and Surrey Areas of the Ramblers Association with a combined membership of 11,000 members.

We understand that walkers have however not, to date, been represented amongst the non-voting advisors on the JMC.

The Ramblers particularly welcome the recently introduced “Share The Space, Drop Your Pace” campaign. The Ramblers support completion of the restoration of the canal, and we acknowledge that there is a need to balance the interests of all users of the canal and conservation of the natural environment.

We recognise the financial constraints on the Basingstoke Canal Authority, and hope to be able to make useful contributions to discussions. Our nominee, Brian Reader, is a retired assistant bank manager and was national chairman of the Ramblers from 2003 to 2006.

Brian Reader has been a member of the User Consultative Committee, which we understand has not met for some time.

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