

AGENDA

8 July 2016

10.00am

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1. To receive apologies for absence and welcome	
2. Appointment of Chair	
3. Appointment of Vice-Chair	
4. Chairman's Announcements	
5. Introduction of Members and Declarations of Interest	
6. To note whether any items have been proposed as matters of urgent business	
7. Public Question Time To note whether any questions have been raised by members of the public	
8. To receive and confirm the minutes of the Broads Authority meeting held on 13 May 2016 (herewith)	4 – 23
9. Summary of Progress/Actions Taken following Decisions of Previous Meetings To note schedule (herewith)	24 – 33
STRATEGY AND POLICY	
10. Strategic Direction Report by Chief Executive (herewith) <i>To include:</i> <i>(1) Progress on Strategic Priorities 2016/17</i>	34 – 38
11. Financial Performance and Direction Report by Head of Finance (herewith) <i>To include:</i> <i>(1) Summary of Statement of Accounts 2015/16</i>	39 – 49
12. External Funding Strategy Report by Head of Strategy and Projects (herewith)	50 – 57

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13. Broads Authority Local Enforcement Plan (Planning) Report by Head of Planning (herewith)	58 – 72

GOVERNANCE

14. Committee Membership and Member Appointments Report by Chair and Chief Executive (herewith)	73 – 77
15. Appointment of Two Independent Persons and Appointment to the Waterskiing and Wakeboarding Appeals Panel Report by Solicitor and Monitoring Officer (herewith)	78 – 79
16. Review of Code of Conduct for Members Report by Solicitor and Monitoring Officer (herewith)	80 – 106

REPORTS FOR INFORMATION

17. Annual Report of Broads Local Access Forum Report by Senior Waterways and Recreation Officer (herewith)	107 – 115
18. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code	

MINUTES TO BE RECEIVED

19. To receive minutes of the following meetings:	
Planning Committee – 29 April 2016 (herewith)	116 – 128
Planning Committee - 27 May 2016 (herewith)	129 – 139
Broads Local Access Forum – 2 March 2016 (herewith)	140 – 146
20. Feedback from Members appointed to represent the Authority on outside bodies	
Broads Tourism – Prof Jacquie Burgess and Mr John Timewell Campaign for National Parks – Mr Peter Warner How Hill Trust – Miss Sholeh Blane National Parks UK and National Parks England – Prof Jacquie Burgess National Parks Partnership – Sir Peter Dixon Norfolk and Suffolk Broads Charitable Trust – Mr John Ash and Mr Louis Baugh Norfolk Mills and Pumps Trust – Prof Jacquie Burgess Upper Thurne Working Group – Mr Kelvin Allen Whitlingham Charitable trust – Mr Louis Baugh, Mr Matthew Bradbury, Ms Gail Harris and Mr Vic Thomson	
21. To consider any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4)(b) of the Local Government Act 1972	

22. **To answer any formal questions of which due notice has been given**
23. **To note the date of the next meeting – Friday 30 September 2016 at 10.00 am at Yare House, 62-64 Thorpe Road, Norwich**
24. **Exclusion of the Public**
The Authority is asked to consider exclusion of the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.
25. **To receive the Exempt Minutes of the Broads Authority meeting on 13 May 2016 (herewith)**

Broads Authority

Minutes of the meeting held on 13 May 2016

Present:

Professor J A Burgess – in the Chair

Mr K Allen	Sir Peter Dixon	Mr G Munford
Mr J Ash	Mr N Dixon	Mr P Rice (Minute 6/9 –6/29)
Mr M Barnard	Ms G Harris	Mr V Thomson
Mr L Baugh	Mrs L Hemsall (6/1-6/9)	Mr J Timewell
Miss S Blane	Mr G McGregor	Mrs N Talbot
Mr M Bradbury	Ms S Mukherjee	Mr P Warner

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management (Minute 6/19)
Mr B Hanson - Tourism Promotion Officer (Minute 6/14)
Mr S Hooton – Head of Strategy and Projects (minute 6/8-6/12)
Ms E Krelle – Head of Finance
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr R Rogers – Head of Construction Maintenance and Environment

Also in attendance: Dr K Bacon – Chairman, Broads Forum and Chairman of Broads Local Access Forum

Also Present: Mr David Harris – Member of the Public (appointment as Solicitor to be taken up on 31 May 2016)

6/1 Apologies and Welcome

Apologies were received from Mr Michael Whitaker

The Chairman welcomed everyone to the meeting including members of the public and Keith Bacon, Chairman of Broads Forum and Broads Local Access Forum.

The Chairman particularly welcomed the two new Secretary of State Appointees Mr Greg Munford and Ms Sara Mukherjee; and Mr David Harris, who had been appointed as Solicitor to the Authority as from 31 May 2016. The Chairman invited each to provide a few words about themselves.

Sarah Mukherjee expressed delight at being appointed as she was passionate about the Broads having visited relations in the area since

childhood. She had been the BBC Environment Correspondent for 20 years and was involved in various programmes including *Today* and *Countryfile*. She was currently Director of Environment at Water UK Policy Unit for all the Water Industries. Therefore she would need to declare an interest and absent herself from any discussions affecting Anglian Water. She was particularly interested in increasing diversity and encouraging people to enjoy this unique and magical waterland.

Greg Munford explained that he was Chief Executive of Richardsons Leisure Industries, the largest boating operation on the Norfolk Broads. He had been appointed as Chairman of Broads Tourism, (12 May 2016). He was pleased that the recent meeting of Broads Tourism had been very well attended by more than 50 people. He was also Director of the Southampton Boat Show. He had his own boat and was therefore a personal toll payer as well as working for the largest Toll Payer in the Broads.

David Harris informed the meeting that he was originally from Wales. Having taken his degree at UEA he had been practicing law in Norwich for 29 years, latterly with Spire Solicitors. He had had many holidays on the Hunter Fleet and was looking forward to new challenges working for the Broads Authority.

6/2 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

Following a request from the Chairman, no members of the public indicated that they would be recording or filming the proceedings.

(2) Various Events and Future Dates to Note

The Chairman drew attention to the following:

- **Broads Outdoors Festival 7 – 22 May 2016.** This included the Authority's **Annual Open Day** at Whitlingham Country Park on 7 May, which had been well attended and its new format was considered to be worth repeating in the future.
- **Planning Committee – 27 May 2016**
- **Tolls Review Workshop with Stakeholders – 14 June 2016** between 6.00 – 8.00pm. All Members invited to hear views.
- **Navigation Committee – 2 June 2016.** Meeting to be replaced by a Site visit to Hickling to view the project being undertaken.
- **National Parks UK and National Parks England – 8/9 June 2016** summer meeting in the Broads. A reception will be held on 8 June to which members of the Authority are invited. This will provide Members of the Authority with an excellent opportunity to meet the Chairs and Chief Executives of all the 15 National Parks. If Members wished to attend, they were requested to inform the Governance staff as numbers were crucial. (An email would be circulated)

- **Waste Review Workshop** – 15 July 2016 at Yare House. To date only two members had responded and in order to make this worthwhile, given the concern raised, members were requested to confirm their attendance with either the Administrative Officer or Asset Officer.
- **Volunteer Celebration Day** – Saturday 17 September 2016. Details to be confirmed. – This is an opportunity to say thank you to volunteers.

(3) **Members of the Authority**

Gail Harris

The Chairman congratulated Gail Harris on her re-election. Ms Harris confirmed that she had been selected by Norwich City Council to serve on the Authority for another year 2016/2017.

Sholeh Blane

The Chairman announced that this would be Sholeh Blane's last full Authority meeting as she would be going to live in Dubai following her recent marriage. She has been a Secretary of State appointee on the Authority since April 2009. During her time with the Authority she had been a valuable member of the Planning Committee. She had also been on the Navigation Committee, as well as Lead Member on Education and latterly Heritage Champion and has represented the Authority on Whitlingham Charitable Trust, How Hill Trust and the Norfolk Mills and Pumps Trust. She would be greatly missed and on behalf of the Authority the Chairman presented her with two books to remind her of the Broads.

In response Sholeh thanked the Chairman for her very kind words. She had thoroughly enjoyed being on the Authority. She had come to realise that there was much more to learn about the Broads and that there was a great deal being undertaken by the Authority. She particularly wished to thank the Chief Executive as well as the Chairs Stephen Johnson and Jacquie Burgess for providing her with the opportunity to serve. She also wished to thank all the officers, who she considered were second to none in being helpful, professional and kind and without whom the Authority would not be able to achieve as much as it did.

6/3 Appointment of Co-Opted Members to the Broads Authority

The Authority received a report concerning the appointment of the two co-opted Members from the Navigation Committee to the Authority in accordance with the procedures and following the Navigation Committee meeting's recommendation on 21 April 2016.

The Navigation Committee agreed to appoint Mr Michael Whitaker as Chairman and Mrs Nicky Talbot as Vice-Chairman of the Navigation

Committee and had recommended that they both be appointed to the Authority for the forthcoming year.

RESOLVED unanimously

that Mr Michael Whitaker and Mrs Nicky Talbot be appointed to the Authority until the Broads Authority meeting on 19 May 2017.

6/4 Introduction of Members and Declarations of Interest

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes.

6/5 Items of Urgent Business – The Berney Arms

The Chairman stated that an item of urgent business had been received concerning the future of Berney Arms as consideration was required immediately since it could affect the sensitivity and safety of the area. It was proposed to take the matter after Agenda Item 9 and in private session due to potential implications, negotiations and commercial sensitivity.

6/6 Public Question Time

No public question had been received.

6/7 Minutes of Broads Authority Meeting held on 18 March 2016

The minutes of the meeting held on 18 March 2016 were approved as a correct record and signed by the Chairman.

6/8 Summary of Progress/Actions Taken Following Decisions of Previous Meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings. It was noted that a number of the items on this agenda were very much interrelated.

In particular, members noted the updates concerning:

Waste Disposal Review

The Chief Executive reported that he had had a series of letters from Norman Lamb MP regarding North Norfolk District Council's potential removal of waste facilities in the Broads. He had used the discussions by Members at the Authority, Navigation Committee and Broads Forum meetings as the basis for his reply.

He had stated that the removal, or threat of removal, of waste bins by the district councils had caused great consternation amongst Broads Authority Members, the companies operating in the tourism sector, private boat owners and residents. The constituent local authorities had a legal duty to have

regard to the Broads Authority's purposes and there was a strong argument that the collection of waste by the district councils was part of their contribution to the management of the Broads National Park and support for the important visitor economy.

He had explained that the Broads Authority considered it unreasonable that it should take over complete responsibility for waste collection from all the sites across the area. The Authority's experience at Ranworth showed that the waste at these sites came from a number of sources: residents, visitors, anglers as well as from boats. There was undoubtedly commercial waste that was also ending up in the bins. It would be most unfortunate if the partnership work with Broads Tourism to promote the area was undermined by the district council's removal of these facilities. Given that material from boats was part of the waste stream it was not unreasonable for the Authority to make a contribution to the costs of waste collection from Navigation income.

The Chief Executive had therefore suggested that Mr Lamb might broker a potential solution whereby the district councils not only maintained waste collection at key sites in the Broads but also enhanced it with waste recycling/separation and that the Broads Authority made a contribution from its Navigation Income.

Members endorsed the approach taken.

It was noted that there was a Norfolk Waste Partnership to which the Authority had not yet been invited despite approaches by officers. John Timewell volunteered to bring the matter to the Partnership's attention via Norfolk County Council while Vic Thomson would do so via South Norfolk.

External Funding Opportunities (20 March 2015 Minute 5/15)

The Head of Strategy and Projects had been making good progress on the prospectus for how businesses would be able to support the Authority. The Chief Executive referred to a large bid being prepared for submission to the HLF to improve Wet Grassland across England with the Broads and an area of North Norfolk being selected as part of this. Andrea Kelly had led on the Broads bid.

National Park Partnership (22 January 2016 Minute 4/17)

The National Park Partnership was launched on Monday 9 May 2016, details of which could be found via the website <http://www.nationalparks.co.uk/>. The new Board was pursuing a number of possible sponsorship ideas examples of which included outdoor clothing companies, other retailers and vehicle manufacturers. The initiative had already helped the Authority and as a result active discussions were taking place with one of the major supermarket companies about how it might support the Authority's catchment work.

Member Allowances for Care – (15 May 2015 Minute 6/2(3) and Minute 1/9)

Despite attempts to follow the matter up with Defra to obtain allowances for child care/care for Secretary of State appointees, there appeared to be no appetite from the civil servants to pursue this with the DCLG as it would require changes in legislation. This was very disappointing to those Members with children or dependents requiring care as it favoured a certain demographic, was considered to be discriminating, unfair and contrary to equalities legislation and counter to government diversity agenda.

It was agreed that the matter be raised directly with Ministers as well as at the September Conference on Women in Public Services to be attended by the Chairman, Jacqui Burgess.

6/9 Business Plan

The Authority received a report and presentation setting out the Draft Annual Business Plan for 2016/17 aimed at providing an overview of the Authority's priorities, activities and use of resources for the coming year. This provided a link between the Broads Plan, the Financial Strategy and the Work Plans of the Directorates. As such the presentation linked into the other reports on the agenda but also alerted Members to potential issues for forthcoming reports. The Chief Executive reminded members of the Authority's core values with the aim that these be embedded in all the Authority's practices. He referred to the Judicial Review and the lessons learnt from it notably that the Authority's purposes were not equal nor did any one purpose have priority over the other. It was up to the Broads Authority's discretion to decide on priority and resource allocation, depending on circumstances. It was accepted that the Broads was not legally a National Park but the Authority could refer to the area as the Broads National Park for branding and marketing purposes. It was also accepted that tourism and the marketing of the area fitted into the Authority's second purpose.

Members noted the challenges which included a number of identified ambitions emerging from the new Broads Plan as well as other matters including Tolls Review, implications of the National Park Plan, future of the mills at How Hill, which were outside the Landscape Partnership Project, implementation of the Sustainable Tourism Strategy, scale of resources for the Catchment Management Plan, Waste disposal, the matters relating to the River Chet discussed at Navigation Committee, the future of the Berney Arms particularly in relation to the interests of the Broads Authority for the moorings and the RSPB concerning its reserve and newly acquired land. Another matter requiring attention was communications and dealing with social media. These would need to be taken into account when considering the budget in the Autumn and a decision on relative priorities. It was noted that staff resources were fully committed to delivering work programmes and that the Authority's income and expenditure was finely balanced. Therefore prudent management was required.

The Chief Executive drew members' attention to a small booklet that was available for all members published by Mission Explore with National Parks UK. This was produced following the Educators Conference held in the Yorkshire Dales in 2015 and to which the Authority had contributed. It provided an excellent illustration of the importance of being part of the National Parks family and the importance of branding the Broads area as a National Park and the contribution to the National Park Plan.

Members thanked the Chief Executive for an excellent presentation that set the framework for the Authority's operations. They welcomed and supported the approach being taken and particularly the identification of the potential risk element. Members were mindful that the risk register, which was monitored and updated regularly by the FSAC, should be embedded into the policy process. It was considered this would also help to develop the Authority's strategy for projects and to provide a focus for fund raising. A Member expressed some disappointment that the Authority had not progressed as much as anticipated in seeking external funding over the last year. However, it was clarified that in undertaking projects it was important that these fitted into the Broads Plan currently under review and the Authority's financial strategy. In addition, the Authority was now looking into the possibility of an internship to enable the Authority to target companies with which it could be associated and officers would be seeking support for that process at a future meeting. A member cautioned that developing a strategy of expensive projects could itself be very expensive and time consuming, but investing in a fund raising strategy for raising resources was important.

Members also gave particular attention to the question of social media and considered that there was a need to separate out the Authority's accounts (including twitter) from those of Tourism. It was recognised that it was important to refresh the websites especially the Enjoy the Broads website. It had become apparent that there was a need for a strong level of support in dealing with social media and that the Authority was under resourced in this area of communications activity, in particular. It had become more of a front line service than a backroom operation, given the rapidly developing world of social media sites and uses.

RESOLVED

- (i) to adopt the Business Plan 2016/17;
- (ii) that the additional challenges identified in Section 2 of the report and as identified in the Chief Executive's presentation are noted . That these be considered in the Autumn when the necessary information is available;
- (iii) that the development of a robust smart Risk Register be fully embedded in policy papers to take account of the challenges identified and provide guidance on priority and strengthen fund raising possibilities ;

- (iv) so that a Longer term strategy to seek external funding may be developed; and
- (v) that a report be prepared for the next meeting on Communications to consider the Authority's capacity and requirements for dealing with press and social media as well as the implementation of the Sustainable Tourism Strategy including the development and refreshment of the Broads Tourism website.

Consideration of Item of Urgent Business under Section 100b (4)(B) of the Local Government Act 1972

6/9a Exclusion of Public

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the item below on the grounds that it involved the likely disclosure of exempt information as defined by Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

The public left the meeting

Summary of Excluded Minutes

6/9b The Berney Arms, Halvergate Marshes

The Chief Executive provided Members with exempt information relating to the future of the Berney Arms public house and its adjacent moorings. The location of the property and in particular the associated moorings were of considerable significance to the area particularly for safety reasons, involving access to and crossing Breydon Water.

Following detailed consideration it was

RESOLVED

- (i) that the Chief Executive and Management Team explore and investigate the details of the property, particularly the moorings; further.
- (ii) that the Chief Executive in consultation with the Chairman, Vice-Chairman and Chairman of the Financial Scrutiny and Audit Committee be given delegated authority to take action and pursue the matter if considered appropriate.

Members of the public were re-admitted

6/10 Broads National Park: Outcome of the Judicial Review

The Authority received a report setting out the outcome of the Judicial Review into the decision by the Broads Authority on 23 January 2015 to adopt the brand Broads National Park when marketing and promoting the area. Members noted that the claim for judicial review was dismissed on all three challenges made by Mr and Mrs Harris, and the claimant's application for permission to appeal was dismissed. It was noted that since the report had been written, Mr Harris was seeking leave to appeal to the Appeal Court against the decision. It appeared that Mr and Mrs Harris considered that conservation was the Authority's prime purpose, although this had been dismissed by the Judge. Mr Harris had submitted a 22 page skeleton case in support of his appeal to which the Authority had responded. It was anticipated that a decision would be made by the summer recess of Parliament.

Members expressed considerable disappointment and regret that Mr Harris had decided to take the matter further given the strength and detail of the Judge's decision. It was hoped that the matter could be resolved as soon as possible.

RESOLVED

- (i) that the Judge's ruling on the Judicial Review Hearing and the confirmation it provided for the legality of the decision the Authority took in January 2015 be welcomed;
- (ii) that the leave to appeal to the High Court by Mr Harris be noted.

6/11 National Parks Plan

The Authority received a report on the Government's recently published National Park Plan and the implications particularly for the Broads Authority, details of which had been referred to in the Chief Executive's presentation. It was noted that the Plan was heavily focused on the second National Park purpose i.e. "promoting opportunities for the understanding and enjoyment of the special qualities of the Broads for the public". Members noted that the plan fitted in with much of what the Authority was already doing or planned to do. The Plan would be delivered through the collective effort of the nine National Park Authorities in England and the Broads Authority, and therefore the Park authorities would focus on different elements within the plan. Members noted the National Park Plan aspirations for each of the eight points and the Authority's assessment of its contribution and potential realistic ways in which it would contribute to each of the eight National Parks Plan aspirations.

In association with point 1 connecting young people, a member commented that there should be more within the Broads Plan to support such initiatives as Forest Schools in order to encourage young people into the Broads. It was considered that this could also be achieved through the Promotion of Food, and that this could be widened to include Food Festivals. Other suggestions included having a Junior Council or a young Broads Society. The Chairman

requested that further suggestions be passed to the Head of Strategy and Projects. It was noted that these matters could be taken into account when reviewing the Volunteers and Education Strategy as indicated in the Strategic Direction report Agenda item 6/12.

RESOLVED

- (i) that the contents of the National Park Plan are noted together with the Authority's contributions, subject to the addition of "access by foot" in Point 8 Health and Wellbeing in National Parks at (xvii); and
- (ii) that the delivery of the relevant items in the National Parks Plan be considered alongside the new Broads Plan in the autumn.

6/12 Strategic Direction

Strategic Priorities for 2016/17 (including Broads Plan)

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through the six key Strategic Priorities agreed at the Authority's meeting on 18 March 2016, where the Authority had been identified as the lead partner for the year 2016/17. It was noted that at this stage in the year, nearly all the items identified were shown as being on track. There were also other projects not specifically mentioned but were still ongoing.

In addition the report set out the key guiding strategies that set the direction for many of the aspects of the Authority's work on which progress would be reported biannually to the Authority.

RESOLVED unanimously

- (i) that the performance of the different projects to meet the Strategic Priorities for 2016/17 in the table at Appendix 1(a) to the report be noted; and
- (ii) that the key strategic documents to help provide the direction for the Authority's work be noted.

6/13 Financial Performance and Direction

The Authority received a report providing a strategic overview of the current key financial issues and items for decision. This included the consolidated Income and Expenditure up to 31 March 2016 and the Standing Tender list for Piling Contractors and Fen management.

(1) **Consolidated Income and Expenditure from 1 April to 31 March 2016**

The Head of Finance presented a revised Table 1 of the report showing the Actual Consolidated Income and Expenditure for the twelve month period to 31 March 2016. The Head of Finance reported that adjustments had been made to these figures within the report in light of additional information concerning the Judicial Review and the Judge's decision that the Authority be awarded costs up to the £10,000 maximum allowed. These showed a surplus of £93,828 on the national park side and a surplus of £61,707 for navigation resulting in a consolidated surplus of £155,535. After the year-end adjustments for interest to the earmarked reserves the general fund reserve was £1,044,406 and a navigation reserve £333,090. It was noted that this meant that the navigation reserve would be above the recommended level of 10% at of 11.3% net expenditure at the end of 2015/16. The figures outlined to Members would form the basis of the Statement of Accounts.

As referred to at para 4.2 in the report, the Head of Finance provided an update on the Carry Forward Requests. These related to £600 in National Park Grant for the Barn Owl project in the Biodiversity Strategy, £24,989.45 in NPG of income from partners ring-fenced for Broadland Catchment Partnership projects, and £441.62 (£260.56 NPG, £181.06 Navigation) for the Equal Pay Audit. These had been reviewed by the Management Team and agreed for recommendation to the Authority for inclusion in the 2016/17 budget.

RESOLVED unanimously

- (i) that the updated Income and Expenditure figures from 1 April to 31 March 2016 be noted; and
- (ii) that the Carry Forward requests be approved and the effect on the 2016/17 budget be noted.

(2) **Standing Tender List of Piling Contractors and Standing List of Contractors for Fen Management**

The Authority noted the process through which contractors had been invited and assessed for inclusion on the standing list of contractors both the piling contractors and fen management. These were compiled in accordance with Section 15 of the Authority's Standing Orders relating to Contractors.

RESOLVED

- (i) that the eight contractors listed below and at para 7.10 in the report be included on the Standing List for Piling Contractors:

- Miles Waterscapes
- Land and Water Services
- Amis Piling and Dredging
- Drake Towage
- Olympic Ltd.
- Topbond
- G T Rochester Plant
- AGA Bioengineering Systems Ltd

(ii) That the eleven contractors listed below and in para 7.17 of the report be included on the Standing List of Contractors for Fen Management:

- Chris Henshaw
- William Burgess
- Robert Fransham
- David Fransham
- Rowan Nichols
- Paul Eldridge
- Jeremy Nicholls
- Lawrence Watts
- Bev Blades
- Marcus Satchel
- Michael Nichols

6/14 Draft Strategy and Action Plan for Sustainable Tourism in the Broads 2016 - 2020 Feedback on Consultation

Further to Minute 4/9 of the January 2016 meeting, the Authority received and welcomed a report setting out the final version of the Strategy and Action Plan for Sustainable Tourism in the Broads, for the years 2016 – 2020 following a review of the strategy which covered the previous five years. A consultation period of five weeks was held and the responses from eight consultees were noted. Since the report had been written the Habitats Regulations Assessment had been received which confirmed that the strategy conformed with the required legislation. (Details of this were on the Authority's website : http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/759158/Broads-HRA-tourism-strategy-110516-final.pdf)

There were three top priorities identified within the strategy for completion in year one:

- Develop and maintain a high quality up to date destination website
- Develop and maintain a strong digital/social media presence and PR Activity
- Develop and package high profile wildlife experiences

The Authority would be working closely with Broads Tourism in the delivery of the actions.

John Timewell proposed, seconded by Sholeh Blane and it was

RESOLVED unanimously

- (i) that the Strategy and Action Plan for Sustainable Tourism as amended following consultation be adopted.
- (ii) that the three top priorities for completion in Year 1 be noted and a report be brought to a future meeting on their implementation.

6/15 Adopting the Brundall Neighbourhood Plan

The Authority received a report on the Brundall Neighbourhood Plan that had been the subject of referendum on 11 March 2016 when 873 residents voted in favour of the Plan and 74 against. This represented a majority yes vote of 91.9%. The submitted Brundall Neighbourhood Plan was the third Neighbourhood Plan to be considered for adoption by the Authority, and had been through all the correct procedures. The part of the Plan which fell within Broadland District Council had been adopted by that Council.

RESOLVED unanimously

that the Brundall Neighbourhood Plan be accepted and adopted as part of the Development Plan/Local Plan for the Broads.

6/16 Guidance from the Members' Annual Review 2015/16

The Authority received the report from the Chairman summarising the key points that arose from this year's one to one meetings with Members and the dominating themes relating to Governance, Planning and Communications. It was noted that there had been a very good response with 22 out of 27 members and co-opted members of the Authority (85% of all Members) completing the Annual Review 2015/16 process. The process would help provide a foundation for future Member development activities, including the Member Development Programme for 2016/17. Members noted that they would need to be mindful of the Authority's capacity to deliver additional activities. They welcomed the report and thanked the Chairman for the work she had done to produce the report.

Some members suggested that it would be useful in terms of building a stronger acceptance of collective responsibility to have a meeting when they could discuss matters informally and get to know each other better. It was noted that the Member Development Day involving the Annual Site visit was a good opportunity for such purposes. Other members expressed a note of caution concerning informal sessions, commenting that the Authority had introduced a system of having informal meetings prior to the main meeting a few years previously. However, this had provided some challenges with not everyone attending or being able to attend for the duration of the informal as well as the formal meetings. It had also been necessary to ensure there was

no discussion of matters that would be on the main agenda for that meeting, in the interests of transparency.

Some members requested having a Broads Authority twitter account. Although it was considered this could be helpful, given the concerns over the last year, where adherence to the Code of Conduct had been an issue, some members expressed caution and emphasised that members would require very clear guidelines, if such a facility was provided.

Members gave consideration as to whether it would be appropriate to seek agreement from the local authorities to limit the appointment of any individual Member on the same basis as the Secretary of State and Navigation members. However, it was noted that each of the Districts operated differently. Some appointed their members to the authority annually, others on a two or four year term. In addition, Local Authority appointed members were responsible to their electorate as well as their own District. Depending on where the party political balance lay, this would have a bearing on appointments to the Authority. It was considered important that the Local Authorities were informed of the skill sets required of a member to the Authority and that consistency was required.

Members were supportive of the recommended actions within the three areas highlighted, although with regard to limiting the appointment of any individual Member of a Local Authority on the same basis as the Secretary of State and Navigation members, this was considered to be more problematic.

RESOLVED

that the key points raised by Members be noted and action taken as follows:

Governance

- (a) that in line with the Internal Audit recommendations, the Code of Conduct for Members, training for Members including the induction of new Members and the Complaints procedures will be reviewed this summer.
- (b) that a common understanding be built amongst all members about the role, responsibilities and duties of being a Member, whether appointed by the Secretary of State, a local authority or by the Broads Authority.
- (c) To consider limiting the Appointment of any individual Member of a Local Authority on the same basis as the Secretary of State and Navigation member. To ensure that the Local Authorities are informed of the skill sets required of a member to be appointed to the Broads Authority and for them to be mindful of consistency where possible.

Planning

- (d) To ensure that all Members have a thorough knowledge of the Authority's responsibilities as the local planning authority for an area that has an equivalent status to that of a National Park.

Communications

- (e) that the Chief Executive review the level of staffing in the Communications Team to consider how the Authority can be more proactive in the press, PR and social media. (Recommendation (v) of Minute 6/9)

Workshops and Site Visits

- (f) that the Chairman and Chief Executive review and come back with proposals to the next meeting on how the Authority manages its business to streamline the arrangements to reduce the number of meetings in order to increase the number of workshops, briefings and site visits.

6/17 Appointment of Solicitor and Monitoring Officer

The Authority received a report on the proposal to appoint a Monitoring Officer to the Authority once the newly appointed Solicitor was in place. Members were asked to approve the Appointment of David Harris as the Authority's Monitoring Officer when he takes up his post as Solicitor on 31 May 2016. However, as part of the formal approval process, a member requested details of David Harris' background and qualifications to provide them with confidence in his credentials for the position.

RESOLVED

that Members be provided with a brief note setting out Mr Harris' qualifications for the position of Monitoring Officer and subject to these being satisfactory, the Authority approve the appointment of David Harris as the Monitoring Officer to the Broads Authority, with effect from 31 May 2016.

6/18 Appointment of Two Independent Persons to the Broads Authority

The Authority received a report concerning the appointment of two Independent persons for the Authority requesting nomination of a member to join the Chair and Vice-Chair on the Interview Panel. The appointment of Independent Persons was to deal with allegations of breach of the Code of Conduct and other matters in order to comply with the standards regime under the Localism Act 2012.

RESOLVED

that Guy McGregor be appointed to the Interview Panel along with the Chairman and Vice-Chairman to consider the appointment of two independent persons to the Broads Authority.

6/19 Health and Safety

The Authority received a report that outlined the further development of the Safety Management System Issue 6 to include updated hazards following a review by stakeholders in order to provide an integrated safety management system. In addition, the report provided the annual health and safety report and annual review of marine incidents.

RESOLVED unanimously

- (i) that the integrated Safety Management System be adopted and the Authority continues to support the ongoing development of detailed supporting operational procedures;
- (ii) that the Hazard log be kept under review, subject to a formal review in Spring 2019 and thereafter every three years from the date of publication of this report;
- (iii) that the priorities for action on internal health and safety for the coming year be noted:
 - (a) to continue to implement and monitor application of the condition monitoring system on all Broads Authority sites;
 - (b) to continue to promote the safety observations system to help to influence a positive change in culture and to capture near miss events;
 - (c) to carry out five internal audits of key processes to audit control measures; and
- (iv) that the Annual Marine Incident Statistics be noted.

6/20 Summary of Formal Complaints

The Authority received a report summarising the formal complaints dealt with by the Authority during 2015/16 together with the outcome of the complaints.

RESOLVED

that the report be noted.

6/21 Annual Report on Requests to Waive Standing Orders relating to contracts

The Authority received a report that provided the annual summary of instances where Contract Standing Orders had been waived by the Chief Executive during 2015/16. Members considered that all of these had been appropriate.

RESOLVED

that the report be noted.

6/22 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Head of Safety Management reported that there were no items which needed to be raised under this item.

6/23 Minutes Received

The Chairman stated that she would assume that members had read these minutes and the Chairman of each of the Committees would be available to answer any questions.

RESOLVED

(i) Navigation Committee – 25 February 2016

that the minutes of the Navigation Committee meeting held on 25 February 2016 be received

(ii) Planning Committee: 4 March and 1 April 2016

that the minutes of the Planning Committee meetings held on 4 March and 1 April 2016 be received.

Members noted that Sir Peter Dixon had been appointed Chairman of the Planning Committee and Mrs Lana Hempsall remained as Vice-Chairman. Given the comments and themes raised as part of the member interviews, the Chairman of Planning Committee drew attention to some of the key issues dealt with at the recent meetings.

The Chairman of the Broads Forum and Broads Local Access Forum commented that there had been meetings of both these Committees on 4 February and 2 March 2016 respectively. By the time the Minutes had been approved at their next meetings, and eventually submitted to the Authority, much of the information was history. He queried whether the time lapse could be narrowed.

6/24 Feedback from Members appointed to represent the Authority on outside bodies

Members of the Authority appointed to outside bodies were invited to provide feedback on those meetings they had attended on behalf of the Authority.

Norfolk Farming Group

Louis Baugh reported that he had recently chaired a meeting of the Norfolk Farmers Group attended by 14 people with Neil Punched, the Broadland Catchment Partnership Officer and Rob Wise from the NFU Regional Policy Office. The group had discussed the processes of wider engagement with the Catchment Plan, as well as the lack of funding from Defra despite it being noted as a priority. There was acknowledgement that the Broads Catchment Plan was well ahead of others. The meeting had also emphasized the importance of involving relevant landowners in discussions relating to any bids for funding.

Broads Tourism

Greg Munford reported that the meeting of Broads Tourism on 12 May 2016 had been very encouraging with a favourable turnout of twice as many people as for previous meetings. It appears that there was now a more engaged membership which it was hoped would be beneficial for the future.

Campaign for National Parks

Peter Warner reported that he would be attending a meeting of the Campaign for National Parks on 19 May 2016.

Norfolk and Suffolk Broads Charitable Trust

John Ash reported that the next meeting of the Charitable Trust was to be held in the week of 23 May 2016.

Whitlingham Charitable Trust

(Louis Baugh, Mathew Bradbury, Gail Harris and Vic Thomson) The Trust was now focusing on fundraising.

Upper Thurne Working Group

Kelvin Allen reported that the next meeting was due to be held on 14 June 2016.

6/25 Items of Urgent Business

There were no other items of urgent business for consideration.

6/26 Formal Questions

There were no formal questions of which due notice had been given.

6/27 Date of Next Meeting

The next meeting of the Authority would be held on Friday 8 July 2016 at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich. This would be the Annual Meeting of the Authority.

6/28 Exclusion of the Public

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the item below on the grounds that it involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

Members of the Public left the meeting

6/29 Exempt Minutes of the Navigation Committee meeting – 25 February 2016

The exempt Minutes of the Navigation Committee meeting on 25 February 2016 were received.

The meeting concluded at 14.00pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 13 May 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Nicky Talbot	-	NSBA, NBYC, Toll Payer
Kelvin Allen	-	Member of Broads Angling Strategy Group Member of Waveney River Trust
Mathew Bradbury		Toll Payer, BCU Member, Trustee of Whitlingham Charitable Trust
Gail Harris		Whitlingham Charitable Trust Trustee Director Cllr Norwich City Council
Peter Dixon		Hickling Resident for Navigation committee site visit on 2 June 2016
John Ash		Toll Payer as Chairman/Trustee Wherry Yacht Charter Charitable Trust. N&SB Charitable Trust
Guy McGregor	-	Member of Suffolk County Council
Sara Mukherjee		Water UK staff Member
Greg Munford	-	Richardson , Broads Tourism, BCLMSH Marine
Jacquie Burgess	-	Toll Payer

Summary of Progress/Actions Taken following Decisions of Previous Meetings

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
18 January 2013 Minute 4/8(4) (Broads Local Access Forum Minute 1/9) Ludham Bridge Footpath link to St Benets	<ul style="list-style-type: none"> • Formal agreement with landowner to be signed. 	Senior Waterways and Recreation Officer	Formal footpath agreements all completed. Accommodation works in progress prior to opening of footpath for this season. Works complete. Awaiting new signed lease agreement with new landowner.
23 January 2015 Minute 4/18 Chief Executive Report Network Rail: Consultation document: Anglia Route Study, Long Term Planning Process	Proposed Response to Network Rail to be circulated to members for comment prior to being submitted to Network Rail by deadline of 3 February 2015.	Director of Operations	The final Anglia Route Study Report has now been published. The document, part of the Long Term Planning Process (LTPP), considers the potential outputs required by the railway network within the Anglia Route in Control Period 6 (2019 – 2024), as well as further ahead up to the year 2043. It offers the funders sets of choices as to how these outputs might be met, having regard to value-for-money, affordability and efficient delivery. In the study under Appendix B Option Assessment, option 3 states the option to double the single track section over Trowse Bridge and Trowse Lower Junction. High level feasibility study being undertaken by

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
			Network Rail. Meeting to discuss short term mitigation measures held on 10 June 2016. Area Director agreed to report proposals to Broads Authority by the middle of July.
20 March 2015 Minute 5/27 Lease of Moorings on River Thurne	<ul style="list-style-type: none"> • That the principles for the lease of moorings at Oby on the River Thurne be supported • The Chief Executive delegated to finalise the details and signing of the lease 	Head of Planning/Asset officer	<p>The completed lease papers are with the landowner for agreement and signature.</p> <p>Footpath diversion agreed by Planning Committee on 1 May 2015 out for consultation. Footpath Diversion Order confirmed 28 August 2015.</p> <p>Planning application considered on 27 May 2016 and approved.</p> <p>Awaiting signed agreement from landowner.</p>
15 May 2015 Minute 6/2(3) And Minute 1/9 13 May 2016 Minute 6/8 Member Allowances	<ul style="list-style-type: none"> • Query relating to Member Allowances for National Parks and the Broads relating to Care • Matter to be raised directly with Ministers and at the September Conference on Women in Public Services (to be attended by Jacquie Burgess) 	Solicitor and Monitoring Officer	<p>Matter has been followed up with Defra. There appears no prospect of a change in the legislation to enable the Authority to pay allowances for care.</p> <p>The Solicitor will investigate the matter further, querying compliance with the Human Rights Act and Equalities legislation.</p>
25 September 2015 Minute 2/10 Strategic Direction	<ul style="list-style-type: none"> • That a fixed term Tolls Review Working Group comprising six members be established to 	Chairman / Collector of Tolls/Chief Executive	The Group has met on 9 occasions: 5 October, 6 November, 1 December 2015, 15 January 2016 and 25 February 2016, 21 March 2016, 13

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
<p>Tolls Review Working Group</p> <p>20 November 2015 Minute 3/13</p>	<p>include the Chairman of the Authority and the Chairman of the Navigation Committee in addition to four other members to be confirmed by the Chairman of the Authority. The Working Group to review the current tolls structure so as to make recommendations to the Authority thereafter</p> <ul style="list-style-type: none"> Tolls Review Member Working Group established - Jacquie Burgess, Michael Whitaker joint Chairman. Kelvin Allen, Louis Baugh, Bill Dickson, Nicky Talbot and Phil Durrant and Terms of Reference agreed 		<p>April 2016, 6 May and 23 May 2016.</p> <p>The Group has taken account of the Lessons learnt from the 4 previous Tolls Reviews, and the Tolls Workshop held on 23 September 2015.</p> <p>The Group presented their initial thoughts and principles to a Members Workshop on 21 April 2016.</p> <p>A Workshop for the key Stakeholders was held on Tuesday 14 June 2016 6 – 8pm. The TRG presented the principles to provide a framework for a proposed new structure for setting the Navigation Charges and provided an outline of the potential structure.</p> <p>Key Stakeholders to consult their respective organisations and provide feedback to TRG by 31 July 2016. FSAC to consider feedback. Report to be prepared for 8 September Navigation Committee and recommendations to be submitted to BA meeting on 30 September 2016</p>
<p>25 September 2015 Minute 2/26 Marine Management Organisation Licensing of Works in the Broads</p>	<ul style="list-style-type: none"> That the principle of the joint working position with the MMO (as outlined in Appendix 1 to the report) to reduce the regulatory burden on third party applicants in the Broads 	<p>Director of Operations</p>	<p>Issue discussed with South East Harbour Masters Group, and agreed that whilst other ports/ harbours face similar issues it is not universal, so individual members to make own representations. Letter sent to MMO CEO. Further information sent as requested.</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>wishing to carry out construction works in or next to the navigation, be accepted</p> <ul style="list-style-type: none"> • That the Authority continues to oppose direct discharge into the navigation area other than in the lower reaches of the system as appropriate where specific conditions will be imposed • That where appropriate to allow the direct discharge into the navigation area that the conditions set out in Appendix 3 to the report be applied • That the Authority continue negotiations seeking discussions at a higher level in order to seek resolution and greater recognition from the MMO of the Authority's status as a Harbour Authority and the area's special qualities 		<p>Unsatisfactory response received from MMO, further letter sent to CEO.</p> <p>Response has now been received and MMO has agreed to meet to explore the issues in more detail, still awaiting confirmation of date.</p>
<p>20 November 2015 Minute 3/9 Fen Management, Strategic Priorities, Opportunities and Fen Survey</p>	<ul style="list-style-type: none"> • Contents of report noted • Programme of Work under MultiPLE Intereg North Sea regional bid to be further considered for a potential future more focused bid • Continue to work with partners to agree a programme of work 	<p>Senior Ecologist</p>	<p>CANAPE: bid was submitted end of March 2016, decision expected in September.</p> <p>Fen survey: Broads partners (BA, EA, NE, NWT) identified options for taking the Fen Survey forward and are now seeking the necessary support.</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	for the fen survey and seek necessary funding		
22 January 2016 Minute 4/13 Broads Plan Review: First Consultation Draft Broads Plan 2017	<ul style="list-style-type: none"> Subject to feedback and any subsequent amendments, Draft Plan to be published for public consultation in February 2016 for period of at least 8 weeks 	Strategy and Projects Officer	First draft Plan public consultation carried out (15 Feb-8 April); consultation responses being analysed. Revised draft plan to be published for consultation in July. Action complete
22 January 2016 Minute 4/14 Broads Local Plan: Issues and Options Consultation	<ul style="list-style-type: none"> Broads Local Plan Issues and Options document approved for consultation in February 2016 		Broads Forum received a report on 4 February 2016. Document distributed for public consultation from 15 February 2016. Action complete
18 March 2016 Minute 5/13A Item of Urgent Business Toll Plaques: Options for moving to a paperless solution	<ul style="list-style-type: none"> Paperless system replacing toll plaques to be trialed for the coming year and its performance evaluated in the Autumn 2016 	Chief Executive/Collector of Tolls	Following the decision at the meeting on 18 March, when the problems relating to the Toll plaques was explained, the Authority stopped sending out Plaques for those vessels registering/renewing their toll. The owners of the 4,250 vessels who had already been issued with a plaque were advised not to display this, this year and were informed of the Authority's decision. There are a number of issues relating to the registration marks and the Authority is working to resolve these.

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
<p>13 May 2016 Minute 6/9 Business Plan 2016/17 Adopted</p>	<ul style="list-style-type: none"> • that the additional challenges identified in Section 2 of the report and as identified in the Chief Executive's presentation are noted . That these be considered in the Autumn when the necessary information is available • that the development of a robust smart Risk Register be fully embedded in policy papers to take account of the challenges identified and provide guidance on priority and strengthen fund raising possibilities • that a Longer term strategy to seek funding may be developed • that a report be prepared for the next meeting on Communications to consider the Authority's capacity and requirements for dealing with press, social media as well as the development and refreshment of the Broads Tourism website. (See minute 6/16) 	<p>Chief Executive/ Management Team</p>	<p>Ongoing</p> <p>Risk Register regularly updated and is a standing item for Financial Scrutiny and Audit Committee.</p> <p>Item on the Agenda – See External Funding Opportunities re 20 March 2015 above.</p> <p>Report on Communications to be considered by Members in September 2016</p>
<p>13 May 2016 Minute 6/10</p>	<ul style="list-style-type: none"> • that the Judge's ruling on the 	<p>Chief Executive/Solicitor</p>	<p>Awaiting decision on leave to appeal to Court</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
Broads National Park: Outcome of the Judicial Review	<p>Judicial Review Hearing and the confirmation it provided for the legality of the decision the Authority took in January 2015 be welcomed</p> <ul style="list-style-type: none"> • that the leave to appeal to the High Court by Mr Harris be noted 		of Appeal by Mr Harris
13 May 2016 Minute 6/11 National Park Plan	<ul style="list-style-type: none"> • contents of the National Park Plan noted together with the Authority's contribution subject to the addition of "access by foot" in Point 8 Health and Wellbeing in National Parks at (xvii) • delivery of the relevant items in the National Parks Plan be considered alongside the new Broads Plan in the autumn 	Head of Strategy and Projects/ Strategy and Projects Officer	<p>Relevant items in the Pan will be considered through relevant strategies e.g as part of the Broads Plan and review of Volunteers and Education Strategy</p> <p>Action Complete</p>
13 May 2016 Minute 6/16 Guidance from Members' Annual Review	<p>Key points raised by Members be noted as follows:</p> <p>Governance</p> <p>(a) To note that in line with the Internal Audit recommendations, the Code of Conduct for Members, training for Members including the induction of new Members and the Complaints procedures will</p>	<p>Chief Executive/ Management Team</p> <p>Solicitor and Monitoring Officer</p>	<p>The Solicitor is undertaking a Review of the Code of Conduct and a Draft revision is included on this agenda at No.16.</p> <p>Detailed guidance on Code to go into a Members' Handbook to be prepared later in the year.</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>be reviewed this summer.</p> <p>(b) a common understanding be built amongst all members about the role, responsibilities and duties of being a Member, whether appointed by the Secretary of State, a local authority or by the Broads Authority.</p> <p>(c) To consider whether it would be appropriate to seek agreement from the local authorities to time limit the appointment of any individual Member on the same basis as the Secretary of State and Navigation Members.</p> <p><i>To ensure that the Local Authorities are informed of the skill sets required of a member to be appointed to the Broads Authority and for them to be mindful of consistency where possible.</i></p> <p>Planning</p> <p>(a) To ensure that all Members have a thorough knowledge of the Authority's responsibilities as the local planning authority for an area that has an equivalent status to that of a National Park.</p>		<p>This to be included in the Members Induction Programme. (Member Training Programme Workshop on Governance etc scheduled for 29 September 2016.)</p> <p>Regular training sessions provided to members.</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
	<p>Communications (a) that the Chief Executive review the level of staffing in the Communications Team to consider how the Authority can be more proactive in the press, PR and social media. (Recommendation (v) of Minute 6/9)</p> <p>Workshops and Site Visits (a) That the Chairman and Chief Executive review and come back with proposals to the next meeting on how the Authority manages its business to streamline the arrangements to reduce the number of meetings in order to increase the number of workshops, briefings and site visits.</p>		<p>Report to be provided to the September meeting.</p> <p>Report to be brought to future Broads Authority meeting.</p> <p>The following workshops and training sessions are scheduled:</p> <ul style="list-style-type: none"> • The Waste Review meeting for members has been arranged for 15 July 2016 10.00 – 12.00 in the Waveney room • Annual Site Visit: 21 July 2016 at How Hill • Workshop on Governance/ Role of Members/Chairing Skills for all members on 29 September 2016 • Statement of Accounts (date to be confirmed)
<p>13 May 2016 Minute 6/8 Waste Disposal Review</p>	<p>Correspondence with Norman Lamb MP. Norfolk Waste Partnership</p>		<p>Feedback from Members.</p> <p>Meeting of Norfolk Waste Partnership held on 13 June. Norfolk County Council and one of District Officers to attend and provide presentation to the Waste Disposal Workshop on 15 July 2016.</p>

Date of Meeting/ Minute No.	Authority Decision(s)	Responsible Officer(s)	Summary of Progress/ Actions Taken
13 May 2016 Minute 6/9b The Berney Arms (Exempt Item)	(i) that the Chief Executive and Management Team explore and investigate the details of the property, particularly the moorings further. (ii) that the Chairman, Vice-Chairman and Chairman of the Financial Scrutiny and Audit Committee in consultation with others as required, be given delegated authority to take action and pursue the matter if considered appropriate.	Chief Executive/Management Team in consultation with Chairman.	Investigations undertaken. No further action recommended.

Strategic Direction
Report by Chief Executive

Summary: This report sets out progress in implementing the Authority's Strategic Priorities for 2016/17.

Recommendation: That the updates for 2016/17 be noted (Appendix 1).

1 Progress on Strategic Priorities 2016/17

- 1.1 Each year, the Broads Authority identifies a small set of strategic priorities. These priorities focus on Authority-led projects that have high resource needs or a very large impact on the Broads, or that are politically sensitive. The strategic priorities help target resources and make the most of partnership working and external funding opportunities.
- 1.2 Alongside these priorities and as resources allow, the Authority will continue to work with partners and local communities to deliver Broads Plan actions and routine works. All Broads Plan updates are posted online at: www.broads-plan.co.uk.
- 1.2 An update on the Strategic Priorities for 2016/17 is outlined in Appendix 1.

Background papers: None

Author: Maria Conti
Date of report: 20 June 2016

Broads Plan Objectives: Multiple

Appendices: APPENDIX 1: Strategic Priorities 2016/17

Strategic Priorities 2016/17

1. Broads Plan Review

Review and update the Broads Plan, the strategic management plan for the Broads. Work with partners, local communities and other stakeholders to assess achievements (Broads Plan 2011) and set aspirational strategy for 2017-22.

2. Broads Landscape Partnership Scheme: Water, Mills and Marshes

Implement development stage of Broads Landscape Partnership Scheme (LPS), including production of Landscape Conservation Action Plan (LCAP), and prepare second stage application to Heritage Lottery Fund.

3. Hickling Broad Enhancement Project

Develop a long-term approach for the management of Hickling Broad, building on scientific evidence from the Broads Lake Review. In the short term, progress development of a number of smaller projects to meet immediate concerns.

4. Promoting the Broads

Produce and implement Broads National Park branding guidelines.

5. Stakeholder Action Plan

Implement multiple actions in response to the issues identified in the 2014 stakeholder surveys of hire boat operators, private boat owners, residents and visitors.

6. Integrated flood risk management and 'climate-smart' communities

Support EA review of short-term flood risk management strategy towards developing a longer-term integrated strategy for the coast and Broads. Develop approaches to climate adaptation planning and action within protected landscapes for local communities and visitors.

Broads Authority strategic priorities 2016/17					
	Project	Milestones	Progress	Status	Contact
1	Broads Plan review	Consult on revised draft Broads Plan 2017 by October 2016 (min. 8 weeks' consultation) Adopt final plan Mar 2017; implement Apr 2017	Revised draft Broads Plan in preparation. Public consultation on revised plan set back to Oct 2016 to allow more time for strategic planning meetings between key delivery partners.		Maria Conti
2	Broads Landscape Partnership Scheme: Water, Mills and Marshes	Hold 'drop in' events in Apr/May/Nov 2016 in Landscape Partnership Scheme area Hold partner/stakeholder LPS events by end Jul 2016	LPS Project Manager met with Northern Parishes Group (Somerleyton, Blundeston, Oulton, Hopton, Herringfleet, Flixton and Carlton Colville). Partner and stakeholder workshop planned for 26 July in Acle. Development work by partners progressing well and under budget. Test events and activities planned for coming months.		Will Burchnall
		Landscape Conservation Action Plan (LCAP): <ul style="list-style-type: none"> • Submit draft LCAP to LPS Board by end Nov 2016 • Carry out LCAP consultation: Dec 2016/ Jan 2017 • Submit final draft LCAP to LPS Board: Mar 2017 • Submit LCAP and second stage HLF app by May 2017 	Landscape Character Assessment in draft stage, awaiting design guidance from BA Comms team. Consultant-led development work progressing well; draft reports being produced for July. LCAP structure drafted. Content to be developed once LCA, consultancy and second round project initiation documents received.		
3	Hickling Broad Enhancement Project	Submit planning application for Stage 2 in Apr 2016	Application submitted. Site visit held with Navigation Committee and Planning Committee site visit being arranged, aiming for August decision.		Trudi Wakelin
		Start Phase 2 construction in Nov 2016	Detailed design work underway.		

Broads Authority strategic priorities 2016/17					
	Project	Milestones	Progress	Status	Contact
		Develop full funding application for CANAPE project by Jan 2017	Response to Expression of Interest expected in Sept 2016.		
4	Promoting the Broads	Review outcome of Judicial Review in Apr 2016	Broads Tourism Marketing Group founded. Review of marketing assets undertaken, branding guidelines to be developed by BA and BTMG leader, PR professional Rachael Shakespeare. Own BA guidelines written; use to depend on outcome of leave to appeal.		Lorna Marsh
5	Stakeholder Action Plan	Send regular updates from Chief Executive to Parish Clerks and other stakeholder groups	Regular Chief Executive updates in progress; now forwarded to parish clerks. Formal branding of Chief Executive communications in development.		Lorna Marsh
		Hold min x2 issue/project focused area Parish Forums: <ul style="list-style-type: none"> • Waveney/Yare in Apr/May and Nov 2016 - Landscape Partnership Scheme (LPS) • Ant/Bure or Thurne/Bure in Sept/Oct 2016 (Hickling project or flood risk management strategy) 	Full Parish Forum not held but LPS Project Manager met with Northern Parishes in Suffolk part of LPS area. LPS partner workshop to be held in July. LPS Forum to be held in Autumn once LCAP further advanced and consultant work has reported		Maria Conti/ Will Burchnell
		Provide updates on activities to promote area to Broads Tourism and to BA as part of biannual Broads Plan/ BA strategic priorities reporting	BA strategic priorities updates provided. Broads Tourism updates to be provided through new Tourism Strategy Annual Action Plan, with reporting through newly established Broads Tourism Marketing Group to monthly Broads Tourism meetings.		Lorna Marsh
6	Integrated flood risk management and 'climate-	Report on outcome of EA review to Broads Forum and BA by Autumn 2016	Awaiting EA draft document to Broads Climate Partnership.		Simon Hooton
		Identify next steps to engage public on flood risk management and saline incursion issues - by Dec 2016	Discussions ongoing.		

Broads Authority strategic priorities 2016/17				
Project	Milestones	Progress	Status	Contact
smart' communities	Report on engagement and adaptation planning process to Broads Forum and BA - Autumn 2016 and Spring 2017	In progress.		
	Establish core group and prepare external funding bid for climate interpretation in protected landscapes. Submit bid by end 2016.	Suggested revised framework under discussion, focusing on residents.		

Key	Progress	Key	Progress
	Project completed		Unlikely project will be delivered on time, significant worries
	Project on track, no causes for concern		Project will not be delivered on time, major concerns
	Good progress, some challenges in delivery		Direction of progress since last meeting
	Project timetable slipping, plan in place to address concerns		

Financial Performance and Direction
Report by Head of Finance

Summary: This report provides a strategic overview of current key financial issues and items for decision.

Recommendation: That the summary of the Statement of Accounts 2015/16 and the revenue account outturn figures be noted.

1 Introduction

1.1 This report provides a summary of the key issues arising out of the Authority's Statement of Accounts for the financial year ended 31 March 2016 and also summarises outturn figures for general and navigation income and expenditure for the year.

2 Summary of Statement of Accounts 2015/16

2.1 The timetable for the preparation of the Authority's Statement of Accounts is dictated by the requirements of The Accounts and Audit (England) Regulations 2015. This year the Authority has trialled an early shut down in preparation of the new timetable for 2016/17. This has meant a slight change to the timetable for the adoption of the 2015/16 accounts which is as follows:

- Treasurer and Financial Adviser to sign off the completed accounts by the 9 June 2016
- External Audit (Ernst and Young) to undertake the audit by 1 July 2016 (a verbal update on progress will be made during the meeting)
- Financial Scrutiny and Audit Committee to scrutinise the accounts on 5 July 2016, and to recommend them for approval to the Full Authority, subject to any suggested amendments
- Broads Authority to consider and formally adopt the audited accounts at its meeting on 30 September 2016.

2.2 As members will be aware, the Authority's accounts are required to be prepared in accordance International Financial Reporting Standards (IFRSs), and the *Code of Practice on Local Authority Accounting* (the Code) issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). The production of the Statement of Accounts represents a sizeable technical exercise for the Authority's limited staff resources working to a very tight timetable.

2.3 This report summarises the draft (unaudited) Statement of Accounts for 2015/16 which were approved for issue by the Treasurer and Financial

Adviser on 9 June. The consolidated income and expenditure outturn figures for 2015/16 are also appended.

3 Revenue Account Outturn Figures

- 3.1 The Statement of Accounts provides summaries of general and navigation fund income and expenditure for the year.
- 3.2 The original general fund budget provided for a surplus contribution of £83,617 to reserves. The final Latest Available Budget (LAB) for the year allowed for a surplus of £34,875, while the final Forecast Outturn was a surplus of £60,448. The year-end saw a net underspend of £33,380 against the final forecast (although it was agreed to carry forward £25,850 as additional expenditure into 2016/17 at the Broads Authority meeting on 13 May 2016). The outcome was therefore a contribution of £93,828 to the general reserve. After accounting for the transfer of £2,878 interest to earmarked reserves, the general reserve increased to £1,044,406 as at 31 March 2016.
- 2.3 The original navigation fund budget provided for a surplus contribution of £55,804 to reserves. The final Latest Available Budget (LAB) for the year allowed for a surplus of £29,209, while the final Forecast Outturn was a surplus of £31,172. The year-end saw a net overspend of £30,535 against the final forecast (although it was agreed to carry forward £181 as additional expenditure into 2016/17 at the Broads Authority meeting on 13 May 2016). The outcome was therefore a contribution of £61,707 to the navigation reserve. After accounting for the transfer of £8,756 interest to earmarked reserves, the navigation reserve reduced to £333,090 as at 31 March 2016.
- 2.4 The consolidated surplus for the year is £155,535, which reduces to £143,901 after taking account of £11,634 interest transferred to earmarked reserves. An additional £26,031 has been carried forward into the 2015/16 budget following its approval in May. There are a number of reasons for the 2015/16 underspend but in particular it arises from:
- delays in progressing expenditure on projects such as The Broads Plan due to the span of the project, this is in addition to: staff vacancies, savings on Head Office expenditure, savings on consultancy fees for asset management, savings on office equipment leases and expenditure
 - major success in obtaining additional external funding, particularly within Strategy and Projects budgets for the Catchment Partnership, and higher than forecast income from the Visitor Centres / Yacht Stations

3 Balance Sheet

- 3.1 The Broads Authority has the following earmarked reserves shown on the Balance Sheet, which contain funds in addition to the General and Navigation Funds for specific purposes. The Authority uses these earmarked reserve

accounts to make provision for known future liabilities which are unlikely to be affordable from revenue expenditure.

- 3.2 The closing balance of the earmarked reserves in 2015/16 is shown in the table below.

Earmarked Reserves 2015/16

Reserve	Balance as at 01/04/2016 £
Planning Delivery Grant	(290,865)
Heritage Lottery Fund	(55,956)
Upper Thurne Enhancement Scheme	(56,552)
Section 106 Agreements	(76,469)
Property	(360,603)
Plant, Vessels and Equipment	(302,223)
Premises	(201,675)
Total	(1,344,343)

- 3.3 The balance of Navigation earmarked reserves within this total is £665,324.

4 Other Significant Issues

- 4.1 There are no other significant issues arising from the preparation of the accounts which it is considered need to be drawn to the attention of the Authority at this stage.

5 Summary

- 5.1 The draft Statement of Accounts for 2015/16 shows revenue reserves of £1,377,496 (general reserves £1,044,406, navigation reserves £333,090) that are considered to be adequate. The navigation reserve at the end of 2015/16 stands at 11.3% of net expenditure. This is slightly higher than the Financial Strategy prediction but will help cushion the fall in Hire Boat income as experienced at the end of month 2 in 2016/17. With these taken alongside the significant earmarked reserve balances, the Authority's reserves are therefore considered to be sound. The outturn figures for 2015/16, and their implication for the overall level of reserves, will be taken into account in future budgeting proposals, and when making decisions about income and expenditure in 2016/17.

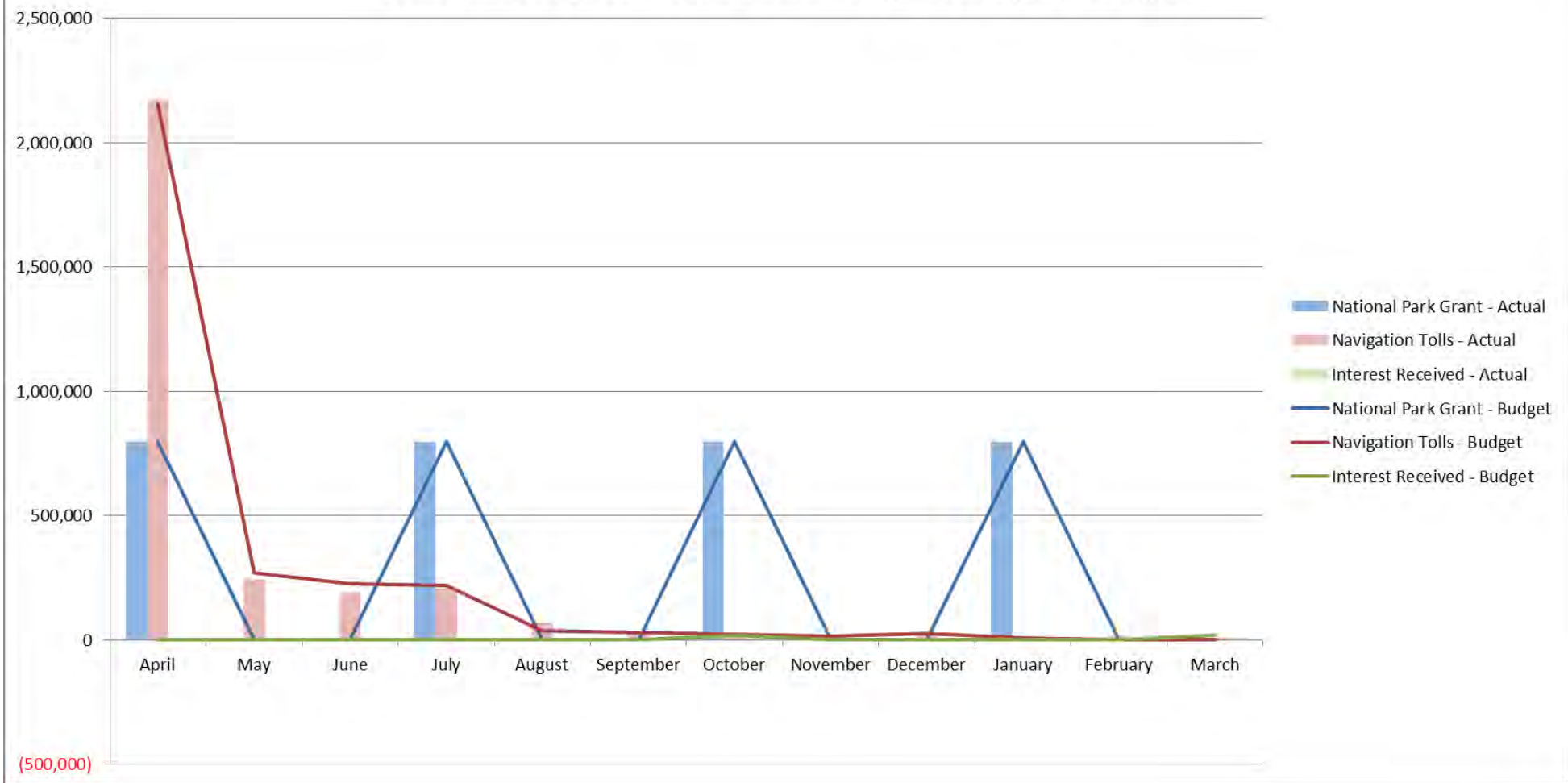
Background Papers: Nil

Author: Emma Krelle
Date of Report: 14 June 2016

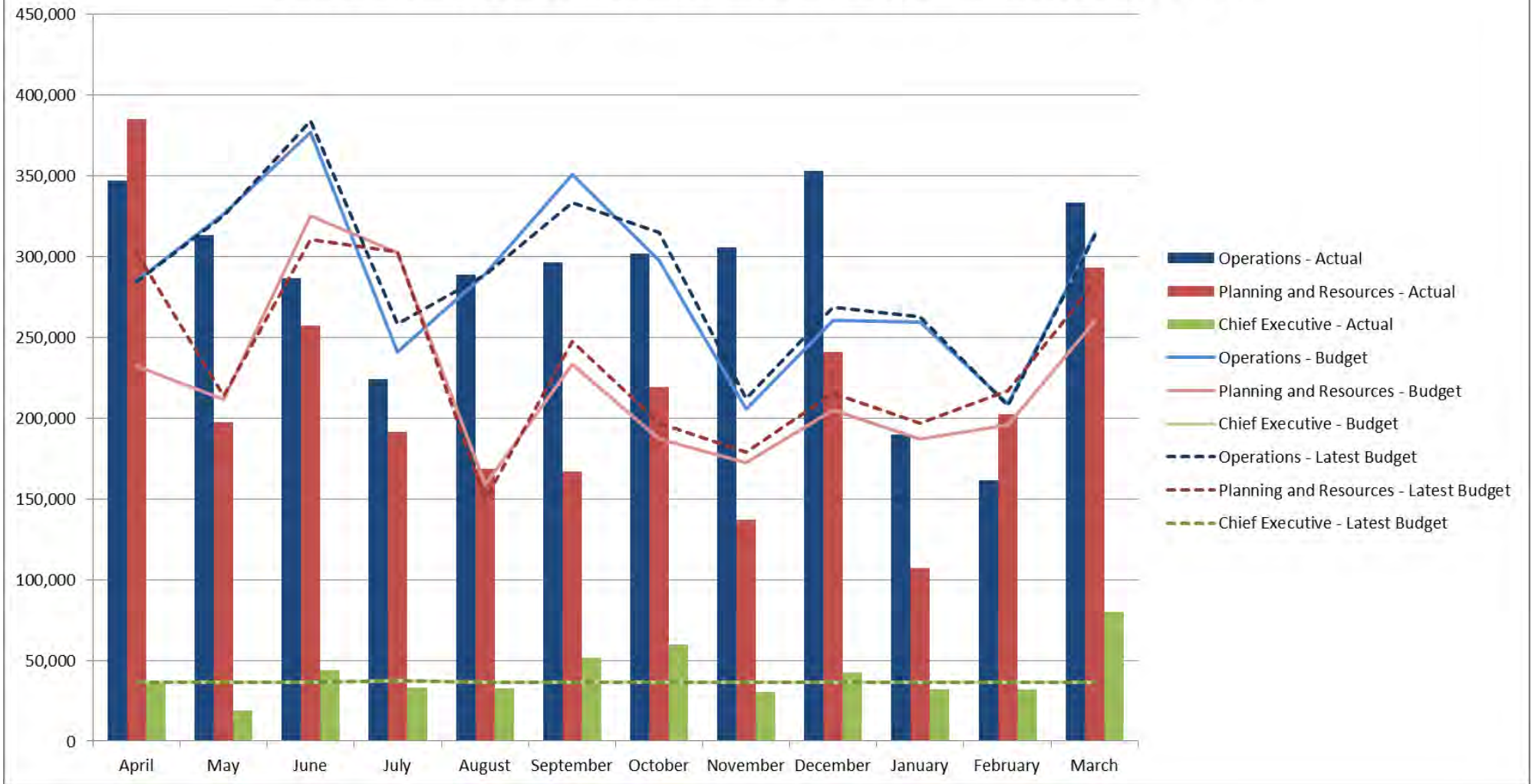
Broads Plan Objectives: None

Appendices: APPENDIX 1: Consolidated Actual Income and Expenditure
Charts to 31 March 2016
APPENDIX 2: Financial Monitor: Consolidated Income and
Expenditure 2015/16

Consolidated Actual Core Income against Original Budget



Consolidated Net Actual Expenditure against Original and Latest Budget



To 31 March 2016

Budget Holder (All)

Row Labels	Values				
	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Income	(6,240,632)		(6,240,632)	(6,211,776)	-28,856
National Park Grant	(3,188,952)		(3,188,952)	(3,188,952)	0
Income	(3,188,952)		(3,188,952)	(3,188,952)	0
Hire Craft Tolls	(1,090,525)		(1,090,525)	(1,068,802)	-21,723
Income	(1,090,525)		(1,090,525)	(1,068,802)	-21,723
Private Craft Tolls	(1,869,042)		(1,869,042)	(1,873,422)	4,380
Income	(1,869,042)		(1,869,042)	(1,873,422)	4,380
Short Visit Tolls	(38,363)		(38,363)	(43,617)	5,254
Income	(38,363)		(38,363)	(43,617)	5,254
Other Toll Income	(18,750)		(18,750)	(16,983)	-1,767
Income	(18,750)		(18,750)	(16,983)	-1,767
Interest	(35,000)		(35,000)	(20,000)	-15,000
Income	(35,000)		(35,000)	(20,000)	-15,000
Operations	3,538,581	146,470	3,685,051	3,567,572	117,479
Construction and Maintenance Salaries	1,088,740		1,088,740	1,097,740	-9,000
Salaries	1,088,740		1,088,740	1,097,740	-9,000
Expenditure			0		0
Equipment, Vehicles & Vessels	631,500	12,300	643,800	590,628	53,172
Income			0		0
Expenditure	631,500	12,300	643,800	590,628	53,172
Water Management	172,500	56,950	229,450	230,950	-1,500
Income			0		0
Expenditure	172,500	56,950	229,450	230,950	-1,500
Land Management	(36,000)		(36,000)	(43,600)	7,600
Income	(90,000)		(90,000)	(102,500)	12,500
Expenditure	54,000		54,000	58,900	-4,900

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Practical Maintenance	459,200	77,220	536,420	500,420	36,000
Income	(7,000)		(7,000)	(8,000)	1,000
Expenditure	466,200	77,220	543,420	508,420	35,000
Ranger Services	736,910		736,910	715,093	21,817
Income	(35,000)		(35,000)	(35,000)	0
Salaries	578,910		578,910	578,910	0
Expenditure	193,000		193,000	171,183	21,817
Pension Payments			0		0
Safety	111,918		111,918	111,918	0
Income	(9,000)		(9,000)	(9,000)	0
Salaries	57,918		57,918	57,918	0
Expenditure	63,000		63,000	63,000	0
Asset Management	108,780		108,780	108,780	0
Income	(1,000)		(1,000)	(1,000)	0
Salaries	39,030		39,030	39,030	0
Expenditure	70,750		70,750	70,750	0
Premises	137,503		137,503	134,290	3,213
Income	(10,667)		(10,667)	(10,667)	0
Expenditure	148,170		148,170	144,957	3,213
Operations Management and Administration	127,530		127,530	121,353	6,177
Income	0		0	(2,177)	2,177
Salaries	115,030		115,030	115,030	0
Expenditure	12,500		12,500	8,500	4,000
Planning and Resources	2,547,090	167,337	2,714,427	2,563,797	150,630
Development Management	241,882	20,000	261,882	228,120	33,762
Income	(60,000)		(60,000)	(92,262)	32,262
Salaries	276,882		276,882	267,382	9,500
Expenditure	25,000	20,000	45,000	53,000	-8,000
Pension Payments			0		0
Strategy and Projects Salaries	194,380	76,000	270,380	241,380	29,000
Income	(32,500)	18,000	(14,500)	(14,500)	0

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Salaries	204,880	0	204,880	204,880	0
Expenditure	22,000	58,000	80,000	51,000	29,000
Biodiversity Strategy	0	2,300	2,300	12,300	-10,000
Income	(10,000)		(10,000)	0	-10,000
Expenditure	10,000	2,300	12,300	12,300	0
Strategy and Projects	69,780	14,037	83,817	82,313	1,504
Income	0	(18,000)	(18,000)	(23,635)	5,635
Salaries	36,280	22,037	58,317	65,448	-7,131
Expenditure	33,500	10,000	43,500	40,500	3,000
Waterways and Recreation Strategy	77,820		77,820	82,953	-5,133
Salaries	68,320		68,320	68,320	0
Expenditure	9,500		9,500	14,633	-5,133
Project Funding	147,060		147,060	121,094	25,966
Income	(19,000)		(19,000)	(19,000)	0
Salaries	41,560		41,560	15,594	25,966
Expenditure	124,500		124,500	124,500	0
Pension Payments			0		0
Partnerships / HLF	50,000		50,000	50,000	0
Income			0		0
Salaries			0		0
Expenditure	50,000		50,000	50,000	0
Volunteers	64,670		64,670	64,670	0
Income	(1,000)		(1,000)	(1,000)	0
Salaries	43,670		43,670	43,670	0
Expenditure	22,000		22,000	22,000	0
Finance and Insurance	330,920		330,920	330,920	0
Income			0		0
Salaries	130,920		130,920	130,920	0
Expenditure	200,000		200,000	200,000	0
Communications	259,830	25,000	284,830	274,330	10,500
Income	0		0	(5,500)	5,500

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Salaries	187,830		187,830	187,830	0
Expenditure	72,000	25,000	97,000	92,000	5,000
Visitor Centres and Yacht Stations	240,520		240,520	220,970	19,550
Income	(218,000)		(218,000)	(237,550)	19,550
Salaries	326,520		326,520	326,520	0
Expenditure	132,000		132,000	132,000	0
Collection of Tolls	116,740		116,740	116,740	0
Income			0		0
Salaries	104,040		104,040	104,040	0
Expenditure	12,700		12,700	12,700	0
ICT	289,380	30,000	319,380	288,899	30,481
Salaries	132,680		132,680	135,386	-2,706
Expenditure	156,700	30,000	186,700	153,513	33,187
Premises - Head Office	254,548		254,548	254,548	0
Expenditure	254,548		254,548	254,548	0
Planning and Resources Management and Administration	209,560		209,560	194,560	15,000
Income	0		0	(10,000)	10,000
Salaries	128,360		128,360	128,360	0
Expenditure	81,200		81,200	76,200	5,000
Chief Executive	440,040		440,040	486,081	-46,041
Human Resources	111,530		111,530	112,430	-900
Income			0		0
Salaries	52,030		52,030	52,930	-900
Expenditure	59,500		59,500	59,500	0
Legal	107,260		107,260	154,801	-47,541
Income	0		0	(3,360)	3,360
Salaries	47,260		47,260	36,725	10,535
Expenditure	60,000		60,000	121,436	-61,436
Governance	119,790		119,790	117,390	2,400
Salaries	65,590		65,590	65,590	0
Expenditure	54,200		54,200	51,800	2,400

Row Labels	Original Budget (Consolidated)	Budget Adjustments (Consolidated)	Latest Available Budget (Consolidated)	Forecast Outturn (Consolidated)	Forecast Outturn Variance (Consolidated)
Chief Executive	101,460		101,460	101,460	0
Salaries	101,460		101,460	101,460	0
Expenditure			0		0
Projects and Corporate Items	112,000		112,000	112,000	0
PRISMA			0		0
Expenditure			0		0
Corporate Items	112,000		112,000	112,000	0
Pension Payments	112,000		112,000	112,000	0
Contributions from Earmarked Reserves	(536,500)	(238,470)	(774,970)	(609,294)	-165,676
Earmarked Reserves	(536,500)	(238,470)	(774,970)	(609,294)	-165,676
Expenditure	(536,500)	(238,470)	(774,970)	(609,294)	-165,676
Grand Total	(139,421)	75,337	(64,084)	(91,620)	27,536

External Funding Strategy
Report by Head of Strategy and Projects

Summary: This report updates Members on the recent progress made in developing an approach to securing more funding and support from external sources. An interim strategy for the next 12 months is proposed for the Authority to consider.

Recommendations:

- (i) That the conclusions from the workshop led by the South Downs National Park be noted.
- (ii) That the priorities identified in Section 4 of the report be supported.

1 Introduction

- 1.1 Members will remember that after a small working group met to discuss possible ways of increasing funding from external sources at the local level, a series of steps were agreed as a way forward. These have been progressing at differing speeds alongside informal conversations with a number of charitable trustees and this paper seeks to bring members up to date and identify the next steps.
- 1.2 Since the initial work, the National Parks Partnership has been successfully established and launched. The Broads Authority has been actively supporting this with the Authority's Vice Chair sitting on their board and officers providing useful data to support initial discussions with one potential corporate supporter.
- 1.3 Individually national park authorities have been investigating external funding sources and recently this knowledge was brought together in a workshop held in London facilitated by the South Downs. The South Downs NPA has been working with The Management Centre and at the recent National Parks UK AGM, held in the Broads, argued strongly for joined up approach to external funding, beyond the corporate approach already in hand with National Park Partnerships. This report examines the advice from The Management Centre, the progress the Broads Authority has been making and sets out an interim external funding strategy for the next year for Members to consider.

2 Lessons from the South Downs

2.1 The work with The Management Centre has had the aims of establishing the sources of private funding potentially available to the SDNPA and their characteristics and recommending the best routes to diversify income generation.

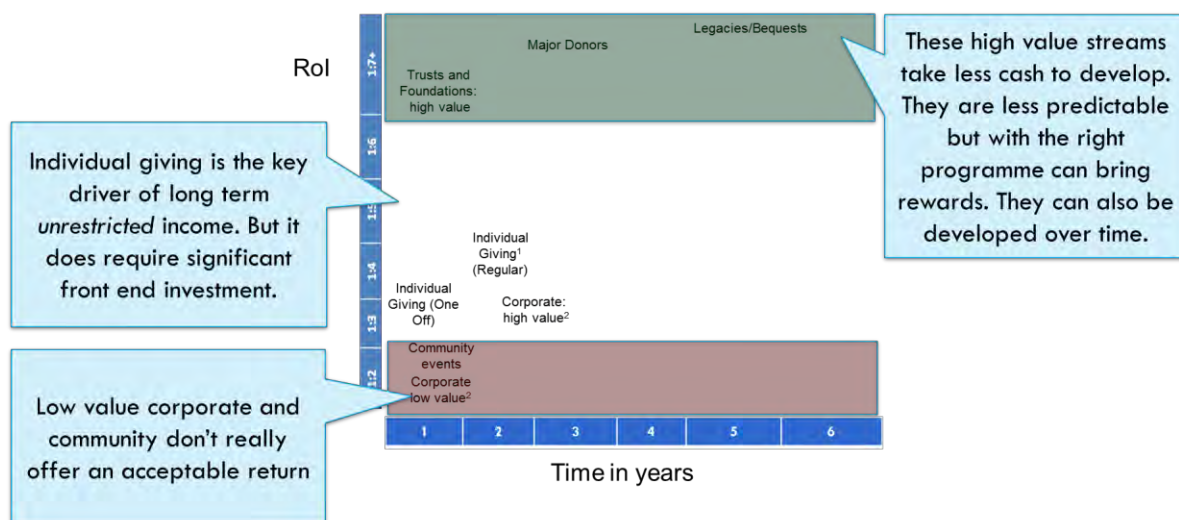
2.2 A strength identified in the research is the term National Park which is a “widely known and admired brand” and the variety of project work allows for engagement with funders across a broad range of interests.

2.3 Three significant challenges were identified:

- **Raising awareness** of National Parks is vital and the work of National Parks UK in doing so is crucial
- **Ownership of assets** can be important in generating commercial income
- A **standalone charitable vehicle** is necessary to maximise fundraising income

2.4 On these we are well placed to support National Parks UK with Jacquie Burgess as the recently elected Chair. The Authority owns very little in the way of assets so the potential here is very small. But the Norfolk and Suffolk Broads Charitable Trust is up and running and closer working with the Authority has been identified by both parties as a priority.

2.5 The following table was presented at the workshop indicating the opportunities for fundraising in the private market.



2.6 The workshop concluded with five key points which are listed below with a Broads Authority response.

Key Summary Point	Broads Authority response
National Parks have the brand and demographic to fundraise profitably - need projects or concrete activities that will win support.	We need to identify the key projects which we want to fund raise for. This should stem from the creation of the new Broads Plan where priorities will be identified and the role for the Authority clarified.
We need to create vehicle/s to allow charitable fundraising.	Rather than establish a new body it would be good to build on the positive discussion and prioritise our joint work with the Norfolk and Suffolk Broads Charitable Trust.
A large scale campaign will help to build expertise and momentum.	Accept the need to work with the 14 other national parks on a large scale, but likely long term, campaign. For example a long term ambition could be the establishment of a national parks membership scheme.
NPAs have sufficient visitor statistics and local communities with which to fundraise successfully from the mass individual market but this needs up-front investment and long-term commitment.	The Broads Authority has the advantage of already having a relationship with 10,000 boat owners. We need to work out how to build on this.
To do any fundraising you need skilled fundraisers , backed up by high-level support, and buy-in from delivery staff and senior governance and leadership figures.	We have members of staff with a high level of skill and a proven track record in this regard although they are currently primarily dealing with existing schemes. Once the bid to HLF has been submitted that will free up a window of staff time to focus on this area of work. However we may wish to consider retaining/employing a specific fund raiser if we are ambitious with the projects we wish to pursue.

3 Progress

3.1 National Park Partnerships

3.1.1 The board and Development director have started making approaches to significant UK companies. These have generally been well received though it is clear there are existing relationships which will take a time to exit from even if the offer is liked. Broads Authority staff have been involved in providing detailed information for one company that has potential to develop into a funded scheme if supported by the company's management team. Experience is already confirming that company support away from 'social responsibility' topics is very much dependent on reinforcing business requirements.

3.2 HLF Landscape Partnership Scheme

- 3.2.1 With the Stage 1 approval for Water, Mills and Marshes, it is important to ensure the submission of the Stage 2 bid in May 2017 is successful to enable spending of the £4M+ from 2018. This is a partnership process but will require the input of a significant amount of officer time to effectively plan the projects and coordinate submission and then to follow through with implementation. The results within the project area should be substantial and the planned legacy will retain the credibility of the Authority with the Heritage Lottery Fund and open the door for further key work on mills, access, nature conservation and people engagement.

3.3 European Funding etc.

- 3.3.1 The Authority is keeping aware of European Funding opportunities with the CANAPE submission, helping Hickling Broad and surrounding peat areas, awaiting feedback. Contact is being retained with other project developers though we have to ensure we do not over-stretch the staff resource or create commitments for matching funding we do not have. A Natural England led initiative to help wet grassland has identified the Broads as one work area and details are being developed for a significant bid to HLF and LIFE funds that will especially help wet grassland reserves. [The outcome of the EU referendum will influence this topic but at this stage it is too early to be clear about timing etc.]

3.4 UEA

- 3.4.1 A meeting was held with the Vice Chancellor of UEA about closer cooperation around research where significant funds are still available. The Authority has been strengthening links at a number of levels and has submitted ideas to a couple of work strands that may bring dividends in the future.

3.5 Local Corporate Funding

- 3.5.1 A draft framework for approaching local businesses has been previously shared with members. At the core of it is to explore building new relationships that help raise the profile for the Broads National Park and engage people in understanding, enjoying and caring for it. The advice from the NPP Development Director that this brings low level financial returns suggests such an initiative will be most successful if done alongside the Norfolk and Suffolk Broads Charitable Trust and explores more than just financial support. The Authority and Trust will need to consider appropriate people to lead such work and have a clear set of priorities requiring support.
- 3.5.2 The Authority has started a 24 day summer internship utilising a UEA undergraduate to investigate in depth the potential for local giving from businesses and charitable trusts. The student will be asked to create an insight into the interests and potential for local companies and trusts and help refine some of the support material that can be used to develop relationships.

This should make a firm foundation for seeking project support. Such material will be available to share with relevant trusts.

3.6 Charitable Bodies

3.6.1 There are of course a range of existing bodies, many of whom have charitable status, also seeking funds. These include major conservation bodies and small trusts with very focused interests. Within this sector are trusts that the Authority has direct involvement with through the appointment of trustees (e.g. Whitlingham Charitable Trust, How Hill Trust, Norfolk Windmills and Pumps Trust). Discussion with relevant trustees is seeking to clarify immediate needs, likely ways forward and how or where the Authority could or should play a part.

3.6.2 One opportunity the Authority is investigating is whether it can support a range of the active fund-seeking trusts in the Broads by commissioning a training day on external funding applications to help raise knowledge and skills and boost successful applications for support. This would be offered to the Trustees of the many Broads Trusts we know to help them in their own forward plan. It would conclude with a discussion to clarify how the Broads Authority sees its role and activities in the future.

3.7 RSPB, Norfolk Wildlife Trust, Suffolk Wildlife Trust and National Trust

3.7.1 These major charities are important partners in the delivery of the Broads Plan objectives and the Landscape Partnership.

3.8 Norfolk and Suffolk Broads Charitable Trust

3.8.1 A number of discussions have taken place and the Chair and CEO have attended a Trust meeting. Closer working is becoming clearer and a framework for common action is being developed and hopefully will be finalised and agreed over the summer. By working in tandem it will be easier to approach local businesses with a range of opportunities to become involved in making the Broads better. There may also be opportunities to use the contacts of the Authority to promote the aspirations of the Trust and help secure new regular donations. The Authority should be able to help develop and submit projects for support and in some cases manage the implementation of projects that meet the Trust's criteria of improving the Broads. There could also be cooperation about profile raising helping people understand funding needs and achievements.

3.9 Whitlingham Charitable Trust (WCT)

3.9.1 This charity is in a rather special position in that the Authority is one of the two principal bodies appointing trustees, - the other is the Trustees of the Arminghall Settlement - and the Authority also provides services to the Trust. WCT are working through a process to identify their priorities for implementation and matching this against existing income. This will generate a preferred list of priority projects and are likely to collaborate with the Broads

- 3.9.2 Authority in seeking appropriate external funds. There is also an opportunity to use the Broads Charitable Trust to support the small scale projects at the Park identified by the Trustees.
- 3.9.3 One point worth consideration is whether Broads Authority Members might want to consider its longer term vision for the Park so that it can give guidance to its appointed Members to the Trust.

3.10 How Hill Trust (HHT)

- 3.10.1 HHT delivers a valuable education service primarily focused on school children. At a recent meeting with some of the Trustees it was clear that the Trust's immediate target has been to put its finances on a firm footing and it is making excellent progress in this regard. It is intending to launch a 50 year appeal in the Autumn to raise substantial funds towards the maintenance of the building.
- 3.10.2 An issue that emerged from the meeting was the opportunity for the Broads Authority and the How Hill Trust to develop a longer term vision for the How Hill Estate and how they, as the two main owners, could work together to deliver their ambitions. It is suggested that while this is not an urgent matter the Chief Executive takes it forward with the Trust Director.

3.11 Norfolk Mills and Pumps Trust (NMPT)

- 3.11.1 The Broads Authority has the opportunity to appoint two Members to the NMPT. Norfolk County Council officers who provide direct support to the Trust are working on a Transition Funding bid to the Heritage Lottery Bid to help update the Trust to meet future needs. It is suggested that the Authority awaits the outcome of that process before appointing a Member to the vacant place on the Trust.

3.12 Wherry Yacht Charter, Waveney Stardust, Nancy Oldfield Trust, Waveney Sailability

- 3.12.1 The Authority does not have a direct relationship with these charities, for example in terms of appointing Members to their governing bodies, but has worked with them and supported them from time to time in their work to make the Broads better.

4 Interim Strategy

- 4.1 To steer the next phase of work looking at external funding we are proposing to build on these existing priorities

4.2 National Priorities

- 4.2.1 Collaborative working with the national park family is absolutely critical to raise national awareness of the Parks and their needs in a new funding environment. The three priorities are:

1. Continue to support the work of National Parks UK in raising the profile of the 15 National Parks.
2. Support National Park Partnerships in their ambitions with the corporate sector and be prepared to react quickly and professionally to opportunities that may present themselves.
3. Respond positively to a collaborative initiative regarding other fund raising opportunities.

4.3 Local Priorities

4.3.1 In the interim it is proposed that the following 5 activities are considered as the priorities associated with external funding:

- **Top priority** is to ensure the Stage 2 bid for 'Water, Mills and Marshes' Landscape Partnership is successful and implementation happens in full
- **Second Priority** is to develop a strong and productive relationship with the Norfolk and Suffolk Broads Charitable Trust for mutual benefit. Define a way of working together and establish a programme of collaboration for the short and longer term
- **Third Priority** is to use the review of the Broads Plan to identify the priorities for action over the coming 5 years to make the Broads better. Embedded in this process needs to be consideration of the priorities for the Broads Authority in progressing the Broads Plan. Members will be asked to review the strategic priorities that emerge and provide guidance on the Authority's work priorities. It is likely this will require additional funding and those needs will form the core of an external funding strategy
- **Fourth Priority** is to continue to develop the potential European funding bid for Hickling – CANAPE - and to support Natural England/England Biodiversity Group's Wet Grassland bid for EU Life and HLF funding
- **Fifth Priority** is to complete the internship and produce a portfolio of information about potential supporters and 'appeal information' sharing this with the Norfolk and Suffolk Broads Charitable Trust to inform future collaborative activities

4.3.2 After submission of the HLF Landscape Partnership Scheme Stage 2 application in May 2017, there will be an opportunity to use the following six months to work up some additional significant project bids and an overall external funding strategy which would steer the Authority's short and longer term options. This is likely to tie into ideas from National Park UK for a long term collaborative approach.

5 Risk Analysis

The risks associated with this work include:

5.1 Reputational

- 5.1.1 Without exploring the potential for new funding it is possible the progress the Authority has seen in implementing Broads Plan objectives will decline as public funds are tighter.
- 5.1.2 Other bodies seeking funding may be concerned that the Broads Authority takes a more proactive role in seeking additional funding. This will require tactful but robust handling with a focus on making things better for the Broads.
- 5.1.3 Working in partnership with other bodies requires a suitable level of trust to ensure common aims are met and partners are given respect and are not disadvantaged.
- 5.1.4 Some approaches to new funding sources could be unsuccessful. This in itself is not likely to be problem as long as the approach and subsequent discussions are undertaken to a high standard.

5.2 Operational

- 5.2.1 Harder choices are being faced as insufficient funds are present to meet all expectations. As future fund-raising will also need to be prioritised and prepared to avoid rash, and hasty decisions, this could mean delays or the end of certain activities.
- 5.2.2 Planned and effective fund raising will require adequate levels of resources. This can lead to a re-direction of time and energy (particularly within the staff where many activities are only supported by individuals) and hard choices being made about what are the priorities. Ideally choices will be made that if they create shortages in certain aspects, overall there will be gains for the implementation of the Broads Plan and the achievements of the Broads Authority.

Background papers: None

Author: John Packman and Simon Hooton
Date of report: 24 June 2016

Broads Plan Objectives: None

Appendices: None

Broads Authority Local Enforcement Plan (Planning)
Report by Head of Planning

Summary: It is good practice for a Local Planning Authority (LPA) to prepare and adopt a local Enforcement Plan setting out how they will address breaches of planning control. This report introduces the local Enforcement Plan, a draft of which was considered and approved by the Planning Committee and recommended to the Authority for adoption.

Recommendation: That the Enforcement Plan be adopted

1 Background

- 1.1 National policy around planning is set out in the National Planning Policy Framework (2012) and in respect of planning enforcement this says at paragraph 207:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”.

- 1.2 In August 2015 an audit of the Broads Authority’s planning service was carried out by external auditors. The audit covered a review of the systems and controls in place in relation to planning and gave the service an overall rating of ‘reasonable assurance’ that the necessary processes and controls were in place (note, this is the second highest rating, with the top rating being ‘substantial assurance’). One of the areas identified for improvement was the updating and documenting of procedures around appeals, enforcement and administration.
- 1.3 The preparation and adoption of the Enforcement Plan is a part of this work. It was initially expected to have this completed by the beginning of April 2016, however the timescale has slipped due to pressure of other work.

2 About the Enforcement Plan

- 2.1 The Enforcement Plan explains the background to the need for appropriate and proportionate enforcement and sets out the Broads Authority's priorities around this. It then explains the processes around how cases will be investigated and the powers available to an LPA.
- 2.2 The Enforcement Plan also sets out the service standards and information on how the public can contact the Broads Authority.
- 2.3 A draft version of this document was considered by the Planning Committee at its meeting on 27 May 2016 and following minor amendments was agreed and recommended to the full Authority for approval and adoption.

Background papers: None

Author: Cally Smith
Date of report: 24 June 2016

Appendices: APPENDIX A - Enforcement Plan

Broads Authority Local Enforcement Plan

1 Introduction

- 1.1 The purpose of the enforcement of planning control is to ensure that development which takes place has the necessary planning permissions and that where development is permitted, it is built and used in accordance with that planning permission. It is an important part of the planning system and protects our landscape and built environment against damaging change. The enforcement of planning control is important to local communities and stakeholders as it affects the way in which our area is developed and it ensures a level playing field for everyone.
- 1.2 This Local Enforcement Plan explains about the planning enforcement process and how it works in the Broads. It is a guide for those affected by breaches of planning control and sets out what the Broads Authority can do and the timescales for this. It explains how the public, local communities and stakeholders can help the Broads Authority in monitoring against unauthorised development. It also sets out what services the Broads Authority will provide and what service standards the public can expect.
- 1.3 The Government recognises the importance of effective planning enforcement. National policy around planning is set out in the National Planning Policy Framework (2012) and in respect of planning enforcement this says at paragraph 207:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”

2 Planning and the law

- 2.1 The planning system deals with development and development is defined in law as:
- “The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.” (*s55 of the Town and Country Planning Act 1990)
- 2.2 This is a very wide description and more detail around the interpretation is given in the law. It should be noted that development falls broadly into two types – one of which is physical structures or alterations and the other is a material change in the use of land or buildings.

- 2.3 A planning breach will have occurred when development has taken place without planning permission, or where it is not in accordance with a planning permission which has been granted. The following are examples of breaches of planning control:
- Building works carried out without planning permission;
 - The use of a site or building has changed;
 - Conditions on a planning consent have not been complied with;
 - Approved development has not been built in accordance with the agreed plans;
 - The display of adverts without consent (where they do not benefit from deemed or express consent);
 - The demolition of walls and buildings within a Conservation Area without planning permission;
 - Internal and external works to Listed Buildings without Listed Building Consent;
 - Works undertaken to a tree within a Conservation Area or to a tree protected by a Tree Preservation Order (TPO) without permission;
 - Land raising where this is an engineering operation, without planning permission.
- 2.4 It is important to note that if works are not classed as development in the law then they do not fall within the scope of planning control.
- 2.5 It is also important to note that the point at which something becomes 'development' is not always straightforward and this is the case particularly where there is a change of use. The law states that development will have occurred when the change is 'material' and 'material' can be broadly defined as being significant or having impacts. The point at which a change becomes 'material' will be a matter of fact and degree and will usually involve an element of judgement.
- 2.6 The law gives all Local Planning Authorities specific legal powers to deal with breaches of planning control and these include powers of investigation as well as powers to take formal legal action to correct breaches of planning control. These are set out in The Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2.7 The law says that a Local Planning Authority must investigate reported or suspected breaches of planning control, but the requirement to take action is discretionary. In deciding what action to take when a planning breach has occurred the Local Planning Authority must exercise its powers carefully and with proportion and there are clear guiding principles around this.

3 Guiding principles of planning enforcement

- 3.1 When a breach of planning control has taken place and the Local Planning Authority is considering what action is appropriate it will need to look carefully at a number of factors.
- 3.2 The first factor is expediency. This may be explained as an assessment of the harm that is being caused by the breach. Harm may arise through a range or combination of factors, for example:
- Adverse impact on visual amenity due to poor design or materials;
 - Adverse impact on neighbouring amenity due to noise, overlooking or loss of privacy;
 - Inappropriate or conspicuous development that has an adverse impact on a protected landscape or Conservation Area;
 - Loss of protected trees.
- 3.3 In considering expediency it is also necessary to take account of the impacts and costs of taking action, which would include the resources required to, as well as what is likely to be achieved.
- 3.4 The more harm that is being caused then the more likely it is that it will be expedient to take enforcement action due to the necessity to stop the harm. Conversely, if there is little harm it may not be expedient to pursue the matter, particularly if the costs are high.
- 3.5 The second factor is one of proportionality and enforcement action should always be proportionate to the seriousness of the harm being caused. It should not be taken solely to 'regularise' development which is otherwise acceptable on its planning merits but for which planning permission has not been sought.
- 3.6 The third factor is consistency and it is important to take a similar approach to similar cases in order to achieve similar outcomes. This provides consistency for local communities and stakeholders and enables them to understand what to expect from the Broads Authority.
- 3.7 Whilst the law gives a Local Planning Authority strong legal powers to deal with breaches of planning control, in most cases the first choice of approach is to use negotiation to reach a satisfactory resolution in a timely manner. The negotiations would aim to achieve one of the following outcomes:
- To apply for retrospective planning permission if the development is acceptable and would have got planning permission in the first place; or
 - To amend the development so it is acceptable and then apply for retrospective planning permission if the development is capable of being acceptable; or
 - To amend the development so it is in accordance with the approved plans if the amendments are acceptable; or

- To remove the unauthorised development or cease the unauthorised use if the development is unacceptable and incapable of being made acceptable.

3.8 Negotiations will need to proceed in a timely and committed manner and this approach should not be allowed to hamper or delay the resolution of the planning breach.

4 The importance of enforcing planning control in the Broads

4.1 The Broads are a protected landscape and an environment of national importance. They are Britain’s finest wetland and include wetlands of international importance, whilst the network of rivers and lakes make it a unique area precious for its rich wildlife and landscapes. The villages and settlements reflect the traditional building styles and material and have a distinctive and valued vernacular. The Broads has the same status as a National Park and the Broads Authority has a legal responsibility for its protection.

4.2 Development is carefully controlled in the Broads, and strong emphasis is placed on investigating and remedying breaches of planning control. This is due to the impact unauthorised development can have on the character and qualities of the area. It also demonstrates our commitment to protection of the Broads.

4.3 Cases are prioritised according to the degree of harm being caused, with highest priority being given to the cases where the harm (or the potential for harm) is highest. The priority classification is as follows:

Priority One	Development causing serious threat to public health and safety, or permanent, serious damage to the natural or built environment. This would apply particularly where a breach is affecting an SSSI, the water environment or navigation, a Listed Building, Ancient Monument, tree protected by a Tree Preservation Order or any breach which would damage the character of a Conservation Area. An example might be the unauthorised demolition of a listed building.
Priority Two	Development causing threat to public health and safety, or serious damage to the natural or built environment. This is considered harmful, but with the potential to get worse. An example might be the commencement of the construction of an unauthorised and unacceptable extension to a listed building.
Priority Three	This covers the majority of cases, where there is a possible breach but the damage is unlikely to be serious and it is unlikely to get worse. An example might be the construction of an unauthorised extension to a non-listed building.
Priority Four	This covers less serious or urgent cases. An example might be the construction of an outbuilding.

- 4.4 Some matters are not breaches of planning control and the Broads Authority does not deal with these. These may include boundary disputes between neighbours, which are a legal issue, or matters around a building's structure or safety, which is covered by Building Regulations. Public nuisances such as light, noise or odour pollution are covered by the Environmental Health Teams at the relevant District Council. Flytipping is usually a matter for the Environment Agency or the relevant District Council.

5 Dealing with planning breaches in the Broads

- 5.1 The Broads Authority has a standard procedure for dealing with enforcement matters. This ensures that breaches are dealt with in a consistent and timely manner proportionate to the potential for harm. Whilst this is a 'standard' approach, the progress of any particular investigation, and the timescales, will vary depending on the nature of the breach, the harm being caused and the actions and response of the landowner or operator. The standard process is explained below

Checking the breach

- 5.2 When a complaint or report of a suspected breach is received, an initial check will be done to ensure that the development which is alleged falls within the legal definition of 'development' (i.e. that it is something which is covered by planning control) and that planning permission has not already been granted. Some types of development are allowed without the need to apply for planning permission (this is called 'permitted development'), so this too will be checked. If the development which is alleged to have taken place is found to be development and it is not permitted development and there is no record of planning permission being granted, the matter will be investigated. The complainant will be notified whether the matter is a planning breach and whether it is being investigated.

Initial investigation and site visit

- 5.3 If the matter is to be investigated a planning officer from the enforcement team will open a case and contact the landowner/operator by letter, advising of the investigation and requesting that they contact the officer within 14 days to arrange a site meeting. It is beneficial to make contact with the landowner/operator prior to the site meeting as it gives the officer an opportunity to ask for further details of the alleged breach and undertake investigations. In the case of a potentially very minor breach, or where there is some doubt as to whether the matter is a planning one, a site visit may be made prior to formal contact.
- 5.4 Whilst we will in most cases try to contact the landowner/operator prior to entering the site, it should be noted that the law gives planning officers of the Broads Authority a right to enter land to investigate a potential breach of planning control. This right extends to any land, including land adjacent to the site of the breach. It is an offence to wilfully obstruct an authorised person acting in the exercise of a right of entry.

Actions after the site visit

- 5.5 Following the site visit or meeting, if it is clear that there is no planning breach, or that the development is permitted development or has planning permission, the case will be closed. If a planning breach is found, there are a number of options as follows, depending on the breach:
- if the development is acceptable and would be likely to get planning permission, the landowner/operator is requested to apply for retrospective planning permission;
 - if the development could be made acceptable and would be likely to get planning permission if amended, the landowner/operator is requested to make the amendments and then apply for retrospective planning permission;
 - If the development is not acceptable and is incapable of being made acceptable, the landowner/operator is requested to remove the unauthorised development or cease the unauthorised use.
- 5.6 The landowner/operator will be given a timescale for each of the above options, and these will vary depending on the scale of the development and the seriousness of the breach. For example, for a serious breach where demonstrable harm is being caused immediate cessation would be required; whilst where a retrospective application is required to remedy a minor change a period of 28 days to submit a planning application would be appropriate.
- 5.7 The approach of the Broads Authority is to seek to negotiate a solution wherever possible. When we ask for information to be submitted or actions to be taken we expect this to be done within the timescale given, or a request for further time to be made promptly with an explanation of the reason for the delay. We will not enter into protracted or cyclical correspondence as this delays resolution and is not the most effective use of our resources.

Submitting a retrospective planning application

- 5.8 In many cases, the unauthorised development which has taken place either is acceptable or can be made acceptable and the Broads Authority will receive and approve a retrospective application. The granting of planning permission will enable the Broads Authority to impose conditions on the development and this is a mechanism for mitigating harm and obtaining benefits, for example additional tree planting. We consider this to be a success as the development is now authorised and harm is controlled.
- 5.9 It should be noted that whilst retrospective applications may be unpopular with local communities, who see the landowner/operator as having 'got away with it', they are allowed in law.
- 5.10 Where a landowner/operator declines to submit a retrospective application the Broads Authority will have to consider the expediency of enforcement action, taking into account the guiding principles of expediency, proportionality and

consistency. This is also the case where the development is unacceptable and is incapable of being made acceptable and the submission of a retrospective application would not be appropriate.

Taking formal enforcement action

- 5.11 Where harm is being caused it is necessary to consider formal enforcement action. The law gives Local Planning Authorities wide ranging powers to deal with breaches of planning control and the main ones which are regularly used are summarised below. A full list and further details are set out at Appendix 2.
- 5.12 The Broads Authority has a published scheme of delegated powers, which identifies the level at which decisions may be made and delegates certain powers to make certain decisions to certain officers of the Authority. This ensures that officers are empowered to make decisions and take appropriate action within the guidelines laid down, and enables members to focus on key strategic and policy issues.
- 5.13 The scheme of delegated powers allows officers to investigate and process enforcement cases, including serving requisitions for information and Breach of Condition Notices. The authority for taking formal enforcement action remains with the Planning Committee, although provision is made for decisions to be taken at officer-level in cases of urgency. The current scheme of delegation (March 2013) is as follows:

[Officers are authorised:]

- (38) To serve Breach of Condition Notices, Planning Contravention Notices and Section 330 Notices.
- (39) In cases of urgency and (subject to consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee):
- (i) to serve Building Preservation Notices;
 - (ii) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices;
 - (iii) to issue Enforcement Notices, Stop Notices Temporary Stop Notices;
 - (iv) to take enforcement action in respect of unauthorised advertisements.
- 5.14 A planning Enforcement Notice is a formal notice which is used to remedy a breach of planning control. It identifies what the planning breach is, the harm that is being caused and lists what the landowner/operator must do to remedy the breach and gives an identified period for compliance. An Enforcement Notice takes 28 days to come into effect. Failure to comply with an Enforcement Notice is a criminal offence. There is a right of appeal against an Enforcement Notice.

- 5.15 An Enforcement Notice is an appropriate tool for planning breaches where harm is being caused and it is expedient to take formal action. This may be because negotiation (the first course of action) has failed to produce a solution or the landowner/operator is unwilling to amend the unauthorised development to make it acceptable. It may also be because there are no changes which could be made to make the unauthorised development +acceptable and the landowner/operator will not desist voluntarily. An Enforcement Notice is usually effective at achieving compliance.
- 5.16 Where a landowner/operator appeals against an Enforcement Notice, the requirements of the Enforcement Notice are held in abeyance pending the outcome of the appeal. The decision on an appeal will take time and can often delay proceedings particularly if a Public Inquiry has to be arranged. If the appeal does not succeed the Enforcement Notice comes into effect. If the appeal is successful and/ or planning permission is granted, then this is normally the end of the matter.
- 5.17 The Broads Authority serves Enforcement Notices where negotiations have failed to achieve an acceptable resolution within a timely period or where it appears unlikely that resolution can be achieved informally.
- 5.18 Where the breach of planning control relates to non-compliance with a planning condition a Local Authority has the power to serve a Breach of Condition Notice which requires compliance with the relevant condition. Failure to comply with a Breach of Condition Notice is a criminal offence. There is no right of appeal against a Breach of Condition Notice.
- 5.19 The Broads Authority has rarely used Breach of Condition Notices. This is because of the absence of a right of appeal. We consider that in most cases it is appropriate to ensure that the landowner/operator is able to challenge the decision of the Local Planning Authority as this is an important part of the accountability of a public authority. It would, however, be appropriate to consider the use of a Breach of Condition Notice where a landowner/operator persistently and deliberately breached planning regulations.
- 5.20 The law gives a Local Planning Authority the power to serve a Stop Notice in urgent cases where serious and/or irreversible harm is being caused. A Stop Notice identifies what the planning breach is, the harm that is being caused and requires the landowner/operator to follow the specified steps to cease the development. A Stop Notice takes three days to come into effect. Failure to comply with a Stop Notice is a criminal offence. There is no right of appeal against a Stop Notice.
- 5.21 In order to address the 3 day window before a Stop Notice takes effect, the law gives a Local Planning Authority the power to serve a Temporary Stop Notice which takes immediate effect and persists for 28 days. A Temporary Stop Notice can be served on its own, or with a Stop Notice in which case the combination provide for an immediate and permanent cessation of the unauthorised development. Failure to comply with a Temporary Stop Notice

is a criminal offence. There is no right of appeal against a Temporary Stop Notice.

- 5.22 The Broads Authority uses Stop Notices and Temporary Stop Notices in urgent cases where there is serious and/or irreversible harm being caused to an important interest – which might be amenity, navigation, landscape, ecological interest or a building. When serving a Stop Notices a Local Planning Authority is required to undertake a formal cost/benefit assessment to demonstrate expediency. Stop Notices can be a very effective tool. Temporary Stop Notices are used in urgent cases to support a Stop Notice. A Temporary Stop Notice on its own is also very useful tool to provide an immediate and temporary cessation of an unauthorised activity or operation and allow time to obtain information or evidence on the impact of the planning breach.
- 5.23 The Broads Authority recognises that Enforcement Notices, Breach of Condition Notices, Stop Notices and Temporary Stop Notices are all serious notices and it exercises its power carefully and with proportion in their use. Other than in urgent cases, a report outlining the case and the recommended action will be presented to the Planning Committee for authority to be given prior to the taking of formal action. This is in accordance with the scheme of delegated powers.

Following up formal enforcement action

- 5.24 In the majority of cases where it is necessary to take formal enforcement action, the use of an Enforcement Notice will prompt actions on behalf of the landowner/operator to remedy the planning breach. Unfortunately there are occasions where this does not happen and the Broads Authority needs to pursue the matter further in order to remedy the breach and maintain public confidence in the planning system.
- 5.25 The Broads Authority will prosecute where there has been non-compliance with an Enforcement Notice.
- 5.26 The Broads Authority will consider taking direct action where this appears to offer the only realistic opportunity to secure compliance with planning legislation. The Broads Authority will seek to reclaim the costs of direct action from the landowner/operator and will pursue this through the Magistrates Court if necessary.

6 Preventing breaches of planning control in the Broads

- 6.1 The Broads Authority will proactively monitor development in its area and will check that development is constructed in accordance with the approved plans and planning conditions. We have a regular monitoring schedule and as a minimum will monitor major developments, development which affects listed buildings and all development which has been authorised by Planning Committee. We will monitor at the commencement of the development and where appropriate at subsequent development stages. We do this by visiting

the site, sometime unannounced, to check what is being built is in accordance with the approved plans and planning conditions.

- 6.2 We ask Parish Councils, Building Control teams and other stakeholders to notify us of development which is underway so that we can check this. This information is very important to us.
- 6.3 The public also play a vital role in reporting breaches of planning control and we respond to and investigate all reports or complaints about development.
- 6.4 As breaches in planning control often require a significant amount of evidence gathering, it is always helpful if a complainant provides as much information as possible at the initial contact, including:
- the address of the property or location of the land concerned;
 - the name of the person or company involved;
 - details of the suspected breach with times and dates if relevant;
 - how the breach affects the area or any problems caused by the breach.
- 6.5 We also require contact information in order to process a complaint or report. This is so that we can update you on the progress of the matter. We will treat all complaints or reports of unauthorised development confidentially as far as possible, but we are subject to freedom of information requests and court orders so cannot guarantee complete confidentiality.
- 6.6 We will not deal with complaints or reports of unauthorised development that appear to be solely malicious or based on discrimination.

7 Our service standards and what you can expect from us

- 7.1 Getting involved with planning enforcement can be stressful, whether you are a concerned neighbour or Parish Council, or someone who has undertaken development without planning permission. The Broads Authority will aim to deal with all persons fairly and with politeness, in a timely manner. We will provide the appropriate level of advice and keep local people informed.
- 7.2 If you report a suspected planning breach or make a formal complaint to us we will acknowledge this within three working days. The matter will be investigated and we will update you on the matter within 20 working days of receipt of the complaint. We will continue to update you regularly on the progress of the case until the matter is resolved.
- 7.3 Enforcement matters often take a long time to resolve. This may be due to:
- Continuing negotiation to try to resolve the matter;
 - Consideration of a retrospective planning application seeking to remedy the breach;
 - The gathering of sufficient satisfactory and robust evidence in order to take action;
 - Awaiting compliance with the requirements of a formal notice; or

- Awaiting the determination of an appeal against formal Notices.
- 7.4 We understand that in many cases people who commit a planning breach do so without knowing they have done so. They may have thought that the works were not development, or were covered by permitted development rights. The most effective way of ensuring you avoid a breach in planning control is to check to see if any works you propose requires planning consent. You can check to see if your works requires consent by visiting the Planning Portal at www.planningportal.gov.uk/permission or you can check directly with a Planning Officer at the Broads Authority prior to works being undertaken.
- 7.5 If you have undertaken works without planning permission we will seek to negotiate with you to find a solution. We will tell you in writing what the planning issue is and confirm our advice, as well as tell you what you need to do. We will expect you to respond promptly and within any given timescales and to engage constructively with us. We will not engage in repetitive or cyclical correspondence as this is not a good use of our resources.
- 7.6 We would be pleased to receive your feedback, which should be sent to:

Cally Smith
Head of Planning
Broads Authority
Yare House
62-64 Thorpe Road
Norwich
NR1 1RY

APPENDIX 1

The table below gives a brief description of the various enforcement powers available to a Local Planning Authority.

Enforcement Power	Description
Enforcement Notices	Enforcement Notices can be served on unauthorised development and uses where the development can be remedied by alteration, complete demolition or the ceasing of the unauthorised use. For these Notices there is a right of appeal to the Planning Inspectorate.
Listed Building Enforcement Notices	Listed Building Enforcement Notices are served where unauthorised works to Listed Buildings have taken place and requirements are made to remove those works or improve upon their impact. For these Notices there is a right of appeal to the Planning Inspectorate.
Breach of Condition Notices	Breach of Condition Notices are served to require compliance with a condition attached to a planning permission. These Notices are suitable for specific breaches of planning control that need to be corrected within a specified deadline. There is no right of appeal for these Notices.
Stop Notices	Stop Notices would normally be served in cases where the unauthorised development or use is considered to be so harmful that the outcome of the enforcement process could not be waited for. These will be served together with an Enforcement Notice. There is no right of appeal for these Notices.
Temporary Stop Notices	Temporary Stop Notices are served where a harmful unauthorised development or use has occurred and needs to be stopped immediately (for up to 28 days). This allows time for negotiation between us and offending parties. There is no right of appeal for these Notices.
Section 215 Notices	Section 215 Notices can be served on any interested party where land or buildings have become untidy and are considered by us to adversely affect the amenity of the area. There is a right of appeal to the magistrates court for this Notice.
Planning Contravention Notices	Planning Contravention Notices can be served on any known interested party where it is suspected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control. Failure to respond within a specified timescale is a

	criminal offence which can result in a prosecution in the magistrates court.
Section 330 Notices	Section 330 Notices require information from any occupier of land asking what his interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in a prosecution in the magistrates court.
Section 225 Notices	Section 225 Notices enable us to issue Notices on any interested parties against unauthorised advertisement displays on buildings and on other surfaces. Subject to these provisions, we will invoice the recipient of any such action in order to recover the costs that have been reasonably incurred in taking the action.
Court	Prosecutions will be undertaken by us in incidences such as unauthorised works to Listed Buildings and protected trees, demolition in Conservation Areas, the display of advertisements and the failure to comply with the other Notices listed in this plan.
Injunctions	Injunctive Action is used where a breach of planning control is severe, or there is a threat of it becoming severe, and which can be halted by the successful application to the High Court (or County Court) for an Injunction. It will also be used in longstanding cases where the offender has failed to comply with an Enforcement Notice and the harm is ongoing and now needs to be brought to an end. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery.
Direct Action	Direct Action will be used so we can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice. In cases such as this it may also be necessary to apply for an Injunction to prohibit parties from entering the land during the period when direct action is taken. We will always look to recover our costs from the offender when placed in the position of taking such action even if this results in placing a charge on the land to aid future recovery.

Committee Membership and Member Appointments
Report by Chair and Chief Executive

Summary: This report seeks approval for the Broads Authority member appointments to committees and outside bodies until the Annual Meeting in July 2017.

Recommendations:

- (i) That the Broads Authority member appointments to the Planning, Financial Scrutiny and Audit, Navigation and Local Access Committees, as set out in paragraph 1.2 of this report, be confirmed for the period until the Annual Meeting in July 2017.
- (ii) That the appointments to outside bodies be confirmed for the period until the Annual Meeting in July 2017.

1 Committee Membership

1.1 The membership of committees and external appointments for the forthcoming year, are formally reviewed at the Authority's Annual Meeting. This year the Authority has four new members: three new Secretary of State appointees, Bill Dickson, Greg Munford, Sarah Mukherjee; one new local authority appointments, Hayden Thirtle.

1.2 The recent appointment of Mr Dickson by the Secretary of State creates a vacancy in the co-opted Members of the Navigation Committee which will need to be advertised in due course.

1.3 This report has been prepared by the Chief Executive after taking advice from the Chair of the Authority.

1.4 Planning Committee

In considering the appointments to the Committees it is advantageous that local authority members sit on the Planning Committee to enhance the link with local residents. Mr Dickson has also indicated a willingness to sit on the Committee and will take up the vacancy left by the departure of Sholeh Blane. It is therefore recommended that Mr Dickson and Mr Thirtle be invited to join the Committee.

1.5 Financial Scrutiny and Audit Committee

The Authority resolved to appoint Mr Baugh to the FSAC in place of Mr Durrant so no changes are proposed to its membership.

1.6 Navigation Committee

It is proposed that Mr Munford be invited to join the Committee to replace Mr Durrant.

Table 1 Recommended Appointments

Planning Committee	
Mr M Barnard Professor J A Burgess Mr W A Dickson Mr N Dixon Sir P Dixon Ms G Harris	Mrs L H Hemsall Mr P Rice Mr J Timewell Mr H Thirtle Mr V Thomson
Financial Scrutiny and Audit Committee	
Six Broads Authority members: Chairman of the Authority Vice Chairman of the Authority Chairman of the Navigation Committee Mr L Baugh Mr N Dixon Mr G McGregor	
Navigation Committee	
Five Broads Authority members: Mr K Allen Mr J Ash Mr M Bradbury Sir P Dixon Mr G Munford	Plus eight co-opted members: Mrs L Aspland Mr A Goodchild Mr M Heron Mr J Knight Mrs N Talbot Mr B E Wilkins Mr M Whitaker + 1 vacancy
Local Access Forum	
Two Broads Authority members: Mrs L H Hemsall Mr P Warner	

2 Appointments to Outside Bodies

- 2.1 The Authority is invited by various organisations, groups and bodies to appoint a member to represent its interests on that body. At a national level, the Chairman of the Authority serves on the Chairs' Group for *National Parks UK and National Parks England*. The Vice-Chairman has been appointed a Director of *National Parks Partnerships, Ltd*. The *Campaign for National Parks* (CNP) - formerly the Council for National Parks - is a UK registered charity promoting the National Parks of England and Wales. A member of each National Park Authority in England and Wales is co-opted onto the CNP Council which helps to ensure good communication and strong links.
- 2.2 At a regional/local level, the organisations requesting BA member appointments are as follows:

Broads Tourism

This is an important partnership with local tourism businesses. Jacquie Burgess and John Timewell currently represent the Authority at their meetings and it is proposed this should continue.

Greater Norwich Development Partnership Board

This Group used to operate some years ago principally brought about by the need for strategic guidance for the production of the Greater Norwich Joint Core Strategy. A review of the Joint Core Strategy is about to begin and the Local Authorities have recently agreed to re-establish it. This group is made up of three Member representatives from Broadland District Council, Norwich City Council, South Norfolk Council and Norfolk County Council and one Member from the Broads Authority. The Board advises the decision making of the individual partner authorities and exercise political leadership for the planning activities carried out jointly by the Greater Norwich Local Planning authorities. This is an important grouping for the Authority, allowing us to input into the wider debate on the future growth and development of the wider Norwich area which has implications for the Broads. It is proposed that the Chair of the Planning Committee represent the Authority on this Board with the Vice-Chair deputising.

How Hill Trust

The How Hill Trust is an important partner in delivering education to young people and has, in the past, worked closely with the Authority. It is proposed that the Authority appoints two members, John Ash and Sarah Mukherjee.

Norfolk Mills and Pumps Trust

In the context of the Landscape Partnership Bid this is an important charity with specific responsibilities for a number of mills in Norfolk. The Authority has two places on the Trust. It is proposed to retain Jacquie Burgess on the Trust but not to fill the vacant position until the outcome of the application for Transition Funding from the HLF is known.

Norfolk and Suffolk Broads Charitable Trust

The Authority has two places on this important local initiative to raise money for the Broads. It was incorporated as a Registered Charity in 2008 with the aim of working with other organisations to stimulate and support sustainable and high quality projects. It is recommended that John Ash and Louis Baugh continue to represent the Authority on the Trust.

Upper Thurne Working Group (UTWG)

Although the Authority is not required to identify a member for this Group, the continuing importance of the enhancement of Hickling Broad as a strategic priorities means it would be helpful to offer a Member to the UTWG. It is recommended that Kelvin Allen continues to represent the Authority at the meetings.

Whitlingham Charitable Trust (WCT)

The WCT is a partnership between the Broads Authority and the Trustees of the Arminghall Settlement (the Colman family). The Country Park is a key location for the Authority delivering its second national park purpose. The Authority has four places and has in recent years made two of the places available to councillors from South Norfolk and Norwich City Council. It is recommended that the current four Members, Louis Baugh, Matthew Bradbury, Gail Harris and Vic Thomson represent the Authority on the Trust.

Table 2 Recommended External Appointments

External appointments	Appointee(s)
Broads Tourism	Prof J Burgess Mr J Timewell
Campaign for National Parks	Mr P Warner
How Hill Trust	Ms S Mukherjee
National Parks UK National Parks England	BA Chair
Norfolk and Suffolk Broads Charitable Trust	Mr J Ash Mr L Baugh
Norfolk Mills and Pumps Trust	Prof J Burgess
Upper Thurne Working Group	Mr K Allen
Whitlingham Charitable Trust	Mr L Baugh Mr M Bradbury Ms G Harris Mr V Thomson

- 2.3 Last year the Authority resolved to hold a series of specialist workshops for members, officers and, where appropriate, stakeholders to replace the previous model of appointing Lead Members to take the initiative in representing specialist areas /interests to the rest of the Authority. Just two lead roles were retained, Sholeh Blane was the 'Heritage Champion' and Michael Whitaker the lead on Safety Management. Historic England asks

Local Planning Authorities to have a Heritage Champion and given the significance of the Authority application to the Heritage Lottery Fund under the Landscape Partnership Scheme it is recommended that the role be retained. It is recommended that Mr Thirtle fill the role and Mr Whitaker continue Member oversight of safety management.

- 2.4 It is also worth noting that the Chair of the Planning Committee has specific responsibilities on three external bodies, with the Vice-Chairman of Planning standing in when necessary.

Greater Norwich Development Partnership Board (described above)
Strategic Planning Members Forum
Water Management Partnership

- 2.5 The Climate Change Adaptation Working Group is a collaborative arrangement with the Environment Agency, Natural England, the NFU and local authorities. Jacquie Burgess and John Ash attend the meetings and it is proposed that Sarah Mukherjee joins them.

4 Financial Implications

- 4.1 Provision has been included in the budget to cover the costs of Members' allowances and other costs incurred whilst on approved duties. Members of the Planning Committee and Lead Members are currently eligible to receive a Special Responsibility Allowance of £523 per annum (a member may only claim one such allowance at any one time). If the proposals in this report are adopted there will be a small saving on the budget.

Background papers: Nil
Author: John Packman/Jacquie Burgess
Date of report: 23 June 2016
Broads Plan Objectives: None
Appendices: None

**Appointment of Two Independent Persons and Appointment to the Waterskiing
and Wakeboarding Appeals Panel**
Report by Solicitor and Monitoring Officer

Summary: This report deals with the appointment of two Independent Persons for the Authority, a matter for which the agreement of the full Authority is required.

Recommendation: That the Authority

- (i) appoints two Independent Persons; and
- (ii) appoints one of these Independent Persons to the Water Skiing and Wake Boarding Appeals Panel and that they be consulted on the appointments of members of those panels appointed under paragraph 3(c) of schedule 2 of the Broads Authority Act 2009.

1 Background

- 1.1 At its meeting on 18 May 2012, the Broads Authority adopted a code of conduct, arrangements for dealing with allegations of its breach and other matters to comply with the new standards regime in the Localism Act 2012. Subsequently, two Independent Persons were appointed for a four year term until 8 July 2016. With the expiry of these appointments at this meeting, the Authority agreed to advertise these positions for the next term of four years until the Annual Meeting in 2020 and delegate their appointment to a panel comprising the Chairman, Vice Chairman and one other member of the Authority in consultation with the Monitoring Officer.
- 1.2 At the Broads Authority meeting on 13 May 2016, the other member appointed to the Interview Panel, following consultation with the Chairman, was Mr Guy McGregor. As Sir Peter Dixon, Vice-Chairman of the Broads Authority was not available on the date of the interview, Mr Michael Whitaker, Chairman of the Navigation Committee was requested to take his place.

2 Appointment of Independent Persons

- 2.1 An advertisement was placed in the EDP for members of the public to apply for the Independent Person positions. This advertisement was placed on the Broads Authority's website. A notice of this advertisement was also sent to all parish councils.

- 2.2 Ten applications were received. Following a sift of applications by the Interview Panel, four applicants were called forward for interview on 27 June 2016. After careful deliberations, the Panel decided to offer the posts to Mrs Christine Lee and Mr Simon Smith as Independent Persons for the Broads Authority. At the current time, we have received verbal confirmation from Mrs Lee and email confirmation from Mr Smith.
- 2.3 The Chairman will also make a recommendation for one of these two Independent Persons to be appointed to the Waterskiing and Wakeboarding Appeals Panel for the same term and that they be consulted on the appointments of members of those panels appointed under paragraph 3(c) of schedule 2 of the Broads Authority Act 2009.
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Background papers: Nil

Author: Regina Green
Date of report: 28 June 2016

Broads Plan Objectives: None

Appendices: None

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Review of Code of Conduct for Members
Report by Solicitor and Monitoring Officer

Summary: This report updates the position regarding the new draft Code of Conduct for Members.

Recommendation: That comments are sought from the Financial Scrutiny and Audit Committee prior to the Broads Authority meeting on 8 July 2016.

1 Introduction

- 1.1 Within the Annual Governance Statement for last year, was a requirement for the Members' Code of Conduct to be reviewed as part of this year's Action Plan.
- 1.2 I have recently taken up my post and I have had my attention drawn to this task as a priority issue.
- 1.3 I have accordingly produced the draft attached for comment.
- 1.4 In order to produce this draft, I have considered current guidance issued on 9 May 2016, for Local Government Standards in England, House of Commons Library Briefing Paper Number 05707. The following summary is taken from that paper.

2 Legal Guidance

- 2.1 Standards for England (previously the Standards Board) was abolished on 1 April 2012. The Localism Act 2011 included measures as follows:
 - A requirement for local authorities to promote and maintain high standards of conduct
 - Provision for the introduction of local codes of conduct and local responsibility for investigating breaches of those codes
 - The requirement for local authorities to establish a code, which is to be based on the "Nolan Principles" of public life
 - Requirements as to local registration and disclosure of pecuniary interests, together with the creation of a criminal offence related to non-disclosure.

3 Audit Recommendations

3.1 The Head of Internal Audit has recommended amendments to several governance documents, all of which will be attended to in the near future. In relation to the Code of Conduct for Members, it was recommended that:

- The Code of conduct be updated to incorporate an assessment criteria in relation to the complaints process, including a section on disclosable pecuniary interests and non-pecuniary interests and adoption of timeframes for certain parts of the process
- Guidance to be produced for informal complaints against Members with appropriate criteria and the Code updated with reference to the Protocol on Member and Officer Relations, with other associated recommendations

4 Approach

4.1 I have considered several other publicly available Codes of Conduct for members of local authorities and drawn from them in order to produce the draft. The most common approach for informal dealings with complaints is to set up a local dispute resolution procedure, as I have done in the draft.

4.2 Most codes of conduct refer expressly to the Nolan principles. The most common approach is to set out the principles, rather than to attempt any detailed description or examples of how the principles may be invoked or dealt with in practice. This is an approach I have also adopted, so as not to fetter the discretion of the Hearings Committee.

4.3 I consider that the new draft meets the requirements of the audit recommendations. There will need to be an updating of the Protocol for Staff and Member Relations as well as a new Handbook for members to be introduced.

Background paper: None

Author: David Harris, Solicitor and Monitoring Officer

Date of report: 23 June 2016

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Draft Code of Conduct for Members



Code of Conduct for Members and
Complaints Procedure

July 2016

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1 Introduction and Overview

- 1.1 This revised Code of Conduct for Members (“the Code”) sets out the conduct which is expected of members and co-opted members (“Members”) of the Broads Authority (“the Authority”) when they are acting in that capacity, as required by section 27 of the Localism Act 2011.
- 1.2 The Nolan Report set out the seven Principles of Public Life, which are incorporated into the Code as required by section 28 Localism Act 2011. The Authority also has a statutory duty under section 27 of the Act to promote and maintain high standards of ethics and conduct by its Members.
- 1.3 Members will be offered training on the Code whether by the Monitoring Officer or from a representative body and the Authority expects all Members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public.
- 1.4 Members are also urged to avail themselves of the Local Resolution Procedure under the Code for dealing with Member versus Member complaints and other disagreements and to ensure the effective use of the Authority’s resources. The aim of Local Resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the Authority and the Authority’s reputation.
- 1.5 The following pages set out the Code and guidance and it is intended to be consistent with the seven principles. It is also not an exhaustive list of all legal obligations which fall upon Members and does not discharge members from their duty to ensure that at all times they act within the seven principles attached to the Code. The Authority also has its core values, which Members are asked to observe and follow. These are set out in section 2.
- 1.6 Members should ensure that they take appropriate action in relation to any Disclosable Pecuniary Interest. Failure to do so may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
- 1.7 Members should comply with the Code whenever they are acting in their official capacity as a Member including at full meetings, committee meetings and sub-committee meetings. The Code also applies to Members’ dealings with each other, with outside bodies, briefing meetings with officers, site visits, use of social media and in communication with the Authority, other than in a private capacity.
- 1.8 Freedom of expression is a right which applies to all Members of the Authority. A Member’s freedom of expression attracts enhanced protection where the comments are political in nature. The criticism of opposing ideas and opinion is considered to be part of democratic debate and it is unlikely that such comments would amount to a breach of the Code. Comments which fail to show respect and consideration to Authority officers may, in contrast, be a breach of the Code.

- 1.9 Members' attention is drawn to the Protocol on Member and Officer Relations in the Broads Authority which sets out expectations of Members' conduct towards staff. The Authority has a Staff Code of Conduct for its staff which includes guidance on staff relations with Members, including on social media.
- 1.10 Members' attention is also drawn to the Authority's Standing Orders which includes guidance on conduct within meetings of the Authority and its committees including sanctions for disorderly conduct by Members within such meetings.

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2 Principles of Conduct and Core Values

Principles of Conduct

2.1 The Code promotes the highest standards of ethics and conduct and draws upon the Nolan principles of conduct as follows:

2.2 **Selflessness.**

Members must act solely in the public interest. They must never use their position as Members improperly to confer an advantage on, or to avoid a disadvantage for, themselves or improperly to confer an advantage or disadvantage on others.

2.3 **Integrity and propriety.**

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Members should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends. Members must declare and resolve any interests and relationships.

Note: Members should avoid putting Authority staff in breach of their own Code of Conduct, such as adding them as friends on social media platforms such as “Facebook”. Members should familiarise themselves with the Protocol on Member and Officer Relations in the Authority.

2.4 **Objectivity in decision making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards or benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate how to vote on any issue.

2.5 **Accountability**

Members are accountable to the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such public scrutiny as is appropriate to their responsibilities.

2.6 **Openness**

Members must be as open as possible about all their actions and those of the Authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law. Members should be transparent through being prepared to give reasons for their decisions and actions.

2.7 **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest. Interests must be registered and declared in a manner which conforms to the procedures set out below.

2.8 Leadership

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the Authority. They must respect the impartiality and integrity of the Authority's statutory officers and its other employees. Members should be willing to support the Code and willing to challenge poor behaviour whenever it occurs.

Note: The Protocol on Member and Officer Relations section 3 provides that officers can expect from Members leadership and that they take responsibilities for decisions made by the Authority and for defending them publicly.

2.9 Stewardship

In discharging their duties and responsibilities, Members must ensure that the Authority's resources are used both lawfully and prudently. They must ensure that the Authority's resources are not used improperly for political purposes (which include any party political purposes). Expenses must be claimed in accordance with the Authority's guidance and supported by receipts, where appropriate and claimed reasonably promptly.

2.10 Confidentiality

Members must not disclose any information given to them which should reasonably be regarded to be of a confidential nature, including items discussed in the confidential sections of meetings. This duty of non-disclosure may no longer apply where either the consent of the person authorised to give it has been obtained, or there is a legal requirement to disclose. If in doubt, you are encouraged to seek the views of the Monitoring Officer.

Note: The Protocol on Member and Officer Relations in the Broads Authority section 8 on Disclosure of Information by Members sets out the procedure in relation to disclosure of confidential information, which involves 72 hours prior notification in advance to the Chief Executive or Solicitor and Monitoring Officer. The Information Commissioner has issued helpful guidance on the Freedom of Information Act and Data Protection Act which is available on the ICO website www.ico.gov.uk or by calling 0303 123 1113.

2.11 Equality and respect

Members must treat others with respect and promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Authority's statutory officers and its other employees.

Note: The Protocol on Member and Officer Relations sets out in detail the roles and responsibilities and the working relationships between Members and officers. Section 3 sets out expectations that each can expect from the other respect and courtesy and the highest standards of integrity.

Core Values

- 2.12 In addition to the principles of conduct, Members should, so far as possible, reflect the Authority's Core Values, which have been drawn up by the Authority's staff and adopted by the Authority:
- 2.13 **Commitment** – We are committed to making a difference to the Broads for the benefit of all and we will have the courage of our convictions when faced with difficult decisions.
- 2.14 **Caring** – We are considerate and respectful of each other, working together to provide the best service we can.
- 2.15 **Open and honest** – We are open, honest and inclusive in our communication and in making decisions. We are approachable and available, reaching out to all groups.
- 2.16 **Sustainable** – We take the long-term view, are passionate about our environment and its ability to provide for a vibrant local economy and the well-being of local people.
- 2.17 **Exemplary** – We strive for excellence in all we do. We are ambitious, innovative and lead by example

3 Registering and declaring disclosable pecuniary and other non-pecuniary registrable interests and gifts

- 3.1 A Member must within 28 days of taking office as a Member notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State. This applies whether that interest is their own, their spouse's or civil partner's, or is the interest of someone with whom they are living with as a husband or wife, or as if you were civil partners. The interest will be included in the Authority's register of interests (a copy of which is available for public inspection and published on its web site).
- 3.2 In addition to 3.1, Members must within 28 days of taking office as a Member notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Authority has decided should be included in the register.
- 3.3 If an interest above has not been notified or entered in the register, then the Member must disclose the interest to any meeting of the Authority at which they are present, where they have disclosable interest in any matter being considered and where the matter is not a "sensitive interest" as described in the Localism Act 2011. In relation to sensitive interests, which include any concern that disclosure might lead to the Member being subject to violence or intimidation, you should speak to the Monitoring Officer, who may agree to exclude details from any publicly available version of the register of interests.
- 3.4 Following disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 3.5 Unless dispensation has been granted, a Member may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as set out in 3.1 above. In addition a Member must observe the restrictions the Authority places on their involvement in matters where they have a pecuniary or non-pecuniary interest as defined by the Authority.

Disclosure of interests at meetings

- 3.6 Where an interest described above or in the following paragraph in any business of the Authority has been declared and, where a Member is aware or ought reasonably to be aware of the existence of that interest and they attend a meeting of the Authority at which the business is considered, the Member must disclose to that meeting the existence and nature of that interest at the commencement of its consideration. If not apparent in advance from any agenda, as soon as the interest becomes apparent as being relevant to the business under consideration a Member must immediately declare it.
- 3.7 Members have a personal interest in any business of the Authority where a decision in relation to that business might reasonably be regarded as affecting their well-being or financial position or the well-being or financial position of a member of their family or any person with whom they have a close relationship to a greater extent than the majority of other Toll payers or

inhabitants of the Authority's geographical area or National Park area, as the case may be, affected by the decision.

Non participation in case of other prejudicial interest

- 3.8 Where Members have a personal interest (as set out in 3.7 above) they will also have a prejudicial interest, if the following also applies. That is that on an objective analysis, Members' judgement of the public interest would be affected through their financial position or that of a person or body which has been, or should have been, notified in the register of interest by the Member. The test to be applied is whether a member of the public with knowledge of the facts would reasonably regard the pecuniary interest as so significant that it would prejudice the Member's judgment.
- 3.9 Where there is such a prejudicial interest, the Member must not participate in any discussion of, vote on or discharge any function related to such prejudicial interest. An application may be made for special dispensation from the Authority in relation to this and the Member must observe any restrictions placed by the Authority in such circumstances.
- 3.10 There are some subject areas in relation to the Authority which, once an interest has been disclosed, a Member may nonetheless attend a meeting and vote. These include:
- Housing, where the extent of the interest is limited only to being a tenant of the Authority in the general sense.
 - Matters relating to schools, when the Member is a parent, guardian or governor of a child at a different school in the area. These include school meals, school transport and expenses.
 - An allowance, payment or indemnity given to Members
- 3.11 There are other subject areas which may apply in local government, but it is considered that these are unlikely to apply to Members of the Authority. Please ask your Monitoring Officer for further information.

Gifts and hospitality

- 3.12 Members do not need to notify any gifts, benefits or hospitality with a value of less than £25.
- 3.14 Other gifts must be notified to the Monitoring Officer within 28 days of receipt. The Monitoring officer will enter details of the gift on a public register of gifts and hospitality.

4 Complaints Procedure

- 4.1 The Localism Act provides that, where there are complaints of misconduct, the Authority must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made. The following procedure applies to complaints made against a Member by another Member, or by officers or any other person.
- 4.2 In relation to officers, a complaint should be after consultation with their Director and may be made in relation to a breach of the Protocol on Member and Officer Relations.

Making a complaint

- 4.2 The complaint should be made to the Monitoring Officer in writing or by e-mail. The address is:

Monitoring Officer, Broads Authority, Yare House, 62-64 Thorpe Road,
Norwich NR1 1RY

E-mail address: david.harris@broads-authority.gov.uk

- 4.3 A copy of the complaint form, which should be used for all complaints, is attached at Appendix 1. This form should also be used for making a complaint under the Local Resolution Procedure. Completion of a Complaint Monitoring Form at Appendix 1a is also requested, but is not compulsory.
- 4.4 In order to make a complaint, a Member will need to have reasonable belief that there has been a breach of the Code. In order to have a reasonable belief that a breach has occurred, there will need to be direct evidence which supports the complaint. Members should consult the Monitoring Officer for advice if they are in doubt. Where the breach is a very minor or technical one, or where there is no clear evidence that a breach occurred, the Monitoring Officer may advise Member of the likely threshold and suggest that the matter might be more appropriately dealt with through the Authority's Local Resolution Process.
- 4.5 Once received a complaint will be acknowledged by the Monitoring Officer within five working days.

Confidentiality

- 4.6 As a matter of fairness and natural justice the subject Member should usually be told who has complained about them and received details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if on request they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

- 4.7 If a request for confidentiality is refused, the Monitoring Officer will explain the reason and give the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed.
- 4.8 The complaint will be acknowledged and the subject Member will be informed that a complaint has been made about him or her. Such notification will state that the complaint has been made; the name of the complainant (unless the complainant has requested confidentiality and this is being upheld, brief details of the complaint and the paragraphs of the Code which may have been breached. In very limited situations, the subject of the complaint may not be notified, in which case the Monitoring Officer will record his reason. Such situations may be where it is not reasonably possible to identify who the subject of the complaint might be.
- 4.9 Where specific details of complaints are passed to the local press and media, or posted on social media, this may prejudice an investigation and may also be a breach of the Code. Well-founded breaches of the Code should be reported to the Monitoring Officer and Members making allegations should not generate publicity in advance of the outcome of the complaint.

Initial Assessment

- 4.10 In determining whether to investigate a complaint, the Monitoring Officer will adopt a three-stage process, all in consultation with an Independent Person. At each stage the Monitoring Officer may request further clarification or documentation from the complainant, without this forming part of any investigation.

Stage 1 – The Monitoring Officer will decide whether the complaint is within the Authority’s jurisdiction which will include consideration of the paragraphs of the Code to which the complaint might relate. If there is no jurisdiction then the complaint will be dismissed.

Stage 2 - The Monitoring Officer will decide whether there is direct evidence that a breach took place. The level of proof will be on the balance of probabilities, that is to say, whether it is more likely than not. If there is no direct evidence, or if the complaint is considered to be vexatious, then the complaint will be dismissed.

Stage 3 – The Monitoring Officer will decide whether the complaint is suitable to be dealt with within the Local Resolution Procedure, or whether it should be the subject of a full investigation. The criteria which will be used for this analysis are set out in Appendix 2.

Local Resolution Procedure

- 4.11 The Local Resolution Procedure is a process for low-level complaints including those made by one Member against another.
- 4.12 If the Monitoring Officer, in consultation with the Independent Person, decides to refer the matter to local resolution, then the complainant will be informed

within 5 working days and the Local Resolution Procedure shall then apply (see section 5 below).

- 4.13 The criteria for referring the matter to the Local Resolution Procedure will include the following:
- Complaints that one member has failed to show respect and consideration for others
 - Complaints that one Member has made vexatious, malicious or frivolous complaints towards another.
 - Other low-level complaints which in the opinion of the Monitoring Officer, following consultation with an Independent Person, are suitable for informal resolution.

Formal Investigation

- 4.14 If the matter is to be fully investigated, as opposed to being dismissed or referred to the Local Resolution procedure, the Monitoring Officer will appoint an Investigating Officer who will prepare an initial report and recommendation. When appointing the investigating officer, the Monitoring Officer will write to the relevant parties informing them that the matter is to be fully investigated and informing them who will be responsible for conducting the investigation. The Monitoring Officer should give an indication as to likely timescale for the completion of the investigation, which should be within 28 days. Referring a matter for investigation does not mean that there have been any findings of fact. It simply means that the alleged conduct, if proved, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.
- 4.15 The Monitoring Officer will consider the recommendation of the investigating officer's report. If the recommendation is that there has been no breach of the Code, the Monitoring Officer will consult the Independent Person. If having taken into account the views of the Independent Person the Monitoring Officer approves the recommendation of the report then the Monitoring Officer will write to the complainant and the Member concerned to inform them that there will be no further action. This will normally be undertaken within 10 working days of the receipt of the report. The Monitoring Officer will give reasons for the decision. There is no appeal or review of that decision by the Authority or any other person.
- 4.16 If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:
- (a) resolve the matter without the need for a hearing. That may include the application of those sanctions limited to those set out in paragraph 6.8 below. The Monitoring Officer will write to the complainant and the member concerned to inform them of the decision. The Monitoring Officer will give reasons for the decision. There is no appeal or review of that decision by the Authority or any other person; or
 - (b) convene a meeting of the Authority's Hearings Committee, to hear the matter.

- 4.17 In exceptional circumstances it may be considered by the Monitoring Officer and Independent Person that the Chair of the Authority should be invited to consider whether the member should be asked to withdraw from Authority duties pending the outcome of the Hearings Committee. There will need to be reasonable grounds for the belief that such a step is in the interests of the subject Member or the Authority.

Frivolous and Vexatious Complaints

- 4.18 Complaints made against other Members or officers or people working on behalf of the Authority must be based upon fact and not motivated by malice or by political rivalry. Members should avoid making complaints which have little or no substance or where the evidence of any breach is weak or non-existent. In the case of doubt as to whether a threshold has been met, advice should be sought from the Monitoring Officer. The making of frivolous or vexatious complaints may be conduct which will be considered a breach of the Code and dealt with under the Local Resolution Procedure.

5 Local Resolution Procedure

5.1 The Authority has adopted this Local Resolution Procedure in order to promote and maintain high standards of conduct amongst members. It is intended to assist in the swift resolution of issues, so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the Authority and the Authority's reputation. This procedure is also intended to resolve matters on an informal basis, where this is appropriate.

5.2 Complaints may be dealt with under this procedure as follows. Anyone who wishes to submit an allegation under this procedure should send the complaint (in the case of an officer following consultation with their head of department) to the Monitoring Officer. Additionally, the Monitoring Officer may have referred a complaint to this procedure following consultation with an Independent Person. Following receipt of the complaint, or referral, the Monitoring Officer will act as follows:

Stage 1

5.3 The Monitoring Officer will undertake a brief preliminary investigation to establish the facts and the areas of dispute. Possible resolutions will be canvassed with the complainant and then the Member about whom the complaint has been made.

5.4 Then Monitoring Officer will also consider, following this, whether another course of action or more formal investigation, is more appropriate.

Stage2

5.5 A mediation meeting will be held between the person making the complaint, the Member against whom the complaint is made, the Monitoring Officer and (if considered appropriate) other persons invited by the Monitoring Officer. Such persons may include an Independent Person, the Chief Executive, Chair of the Authority, political group leader, or in the case of a complaint being made by an officer a companion or Director. The meeting may commence with the parties in separate rooms and the Monitoring Officer acting as a mediator. The purpose of the meeting will be to try and resolve the matter without it going further.

Stage 3

5.6 If the matter is not resolved at stage two and the complainant wishes to proceed with it, the matter will be referred to a local resolution hearing before the Hearings Committee. The person making the complaint will be asked to submit a statement in writing within 14 days and the member complained against will respond within 14 days. Either party may submit a statement from a witness.

5.7 Within 28 days of the written evidence a hearing will be set before the Hearings Committee. Any party may have at their own expense a companion or representative, provided that in the case of representation the Monitoring

Officer and other party have been given 21 days' notice to this effect. Evidence will be limited to the contents of the statements. If any party does not attend, the hearing will proceed in their absence. The Monitoring officer will be available to advise the committee. After hearing oral evidence, the Hearings Committee will come to a conclusion on the allegation, which will be notified to the parties.

5.8 The possible outcomes to a hearing under the Local Resolution Procedure are:

- A finding that the matter does not warrant any further action to be taken
- A recommendation to the Monitoring Officer that there be a change to procedures or that more formal investigation action be taken
- A finding that the complaint be recorded by the Monitoring Officer as vexatious
- A finding that the complaint is upheld, but no further action is required
- A finding that the complaint is upheld and that the Member should be censured

5.9 Unless the complaint has been upheld, publicity will not be given to the names of the parties. The hearing before the Hearings Committee will be confidential.

6 Hearings Procedure

6.1 If a hearing is required, the Monitoring Officer will write to the subject Member proposing a date for the hearing. This date will normally be within six weeks of the investigation report and will be before a Hearings Committee. The Monitoring Officer will outline the hearing procedure, the Member's rights and ask for a written response from the Member within a set time to establish whether:

- the Member wishes to attend the hearing
- the Member disagrees with any of the findings of fact in the investigation report and if so which findings and the reason for disagreement
- the Member wishes to give oral evidence, or rely on written submissions
- witnesses will be called by the Member to give evidence (there is no power on the part of the Authority to compel attendance by a witness)
- they wish any part of the hearing to be in private
- they wish any part of the investigation report or other documents to be withheld from the public

The parties and the Hearing Committee will be sent a full bundle of documents for the hearing at least 5 days prior to the hearing.

Procedure at hearing

6.2 The procedure at the hearing will be in accordance with a procedure to be determined by the Monitoring Officer. It will usually adopt the following procedure

- The investigating officer will present his/her report to the Hearing Committee
- The investigating officer will be questioned on the report by any party and by the Hearing Committee
- Evidence will be given with questions being asked by any party and by the Hearing Committee. The order will be the complainant first, then the Member the subject of the complaint and then any witnesses in such order as the hearing Committee decides appropriate
- The Hearing Committee will withdraw to consider their decision, with the outcome notified by the Chair. The decision will be confirmed in a Decision Notice which will be sent to the parties within 5 working days of the hearing

6.3 If the hearing concludes that there has been no breach of the Code, there will be no further action. There is no appeal or review of that decision by the Authority or any other person. The Hearings Committee will give reasons for its decision.

6.4 If the Hearings Committee concludes that the Member the subject of the complaint has failed to comply with the Code, then the Authority has

delegated its powers to make such sanction as it considers it to be appropriate in order to promote and maintain high standards.

Sanctions

6.5 These sanctions may include any of the following:

- A request that the Member submit a written apology in a form specified by the Hearings Committee
- A request that the Member undertake specified training
- A request that the Member participate in such conciliation as may be specified
- A requirement that the Member deal with Authority business through one specified point of contact
- Placing such restrictions on Members' access to staff which may be reasonable in the circumstances and in accordance with the Protocol on Member and Officer relations, providing that such restrictions do not prevent the Member from carrying out their duties
- A requirement that the Member does not attend at the Authority's offices, unless attending statutory meetings
- Reporting the Member to his/her County or District Council, Secretary of State as appropriate and reporting the matter to a full meeting of the Authority
- No sanction

Publication of findings

6.6 A summary of the complaint and findings will be reported to a full meeting of the Authority, for their information.



Members' Code of Conduct Complaint Form

To be used if you wish to make a complaint that a Member of the Authority has failed to comply with the Members' Code of Conduct.

If English is not your first language, please contact us if you require help to complete this form.

Your details

1. Please provide us with your name and contact details

Title:	
First Name:	
Last Name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

We will only use the information you provide to us for the purposes of processing your complaint. Your information, including any personal information you provide to us (such as name and contact details) may be shared with the people referred to below, or with other relevant authorities as required, only for the purposes of processing your complaint.

All comments and complaints are treated confidentially and will not disadvantage you in any future dealings with Broads Authority. It may not always be possible to keep your details confidential, such as where your complaint is about a third party or where particular legislation applies to your complaint.

We will tell the following people about this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer to the Authority
- The Authority's Independent Person
- The Chair of the Authority
- The Chief Executive of the Authority

If you have serious concerns about your name and details of your complaint being released, please complete **section 6** of this form.

2. Please tell us which complainant type best describes you:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Member of the public |
| <input type="checkbox"/> | An elected or co-opted Member of an authority |
| <input type="checkbox"/> | Member of Parliament |
| <input type="checkbox"/> | Local authority monitoring officer |
| <input type="checkbox"/> | Broads Authority employee or volunteer |
| <input type="checkbox"/> | Other (please provide details) |

Making your complaint

3. Once you have submitted your complaint, it will be considered by the Monitoring Officer of the Authority and after reasonable consultation with the Authority's Independent Person, who will assess, on the basis of your written submission and any additional relevant material, whether the alleged conduct might amount to a failure to comply with the Members' Code of Conduct.

The Monitoring Officer has the following range of options available to him/her: Formal Investigation (which will involve an investigation of the complaint), referral to the Authority's Local Resolution Procedure or no further action, for instance if it is considered that any failure to comply with the Code of Conduct is of a trivial nature.

4. Please provide us with the name of the Member(s) you believe have breached the Broads Authority Members' Code of Conduct and, where the Member is also a Councillor, the name of their authority.

Title	First Name	Last Name	Authority Name

5. Please explain in this section (or on separate sheets) what the Member has done that you believe breached the Members' Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of the Authority's Members' Code of Conduct can be found on the Broads Authority website at <http://www.broads-authority.gov.uk/>

Alternatively, a paper copy can be obtained from the Monitoring Officer to the Authority by writing to:

David Harris, Monitoring Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich, Norfolk. NR11RY

- You should be specific, wherever possible; about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint and the outcome from this complaints process that you would like to see happen. Continue on a separate sheet if there is not enough space on this form.

Do you wish your complaint to be dealt with under the Authority's Local Resolution Procedure?

Yes/No

If you answered No, please briefly explain your reason:

Only complete this next section if you are requesting that your identity is kept confidential.

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify the Authority doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer to the Authority, in consultation with the Authority's Independent Person, will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you need support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Monitoring Officer to the Authority, by sending to the following contact addresses:

By post to : David Harris, Monitoring Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich, Norfolk. NR11RY

Or by e-mail to: david.harris@broads-authority.gov.uk



Private and Confidential

Code of Conduct Complaint Monitoring Form

The Broads Authority is committed to the provision of equal opportunity and specifically to conducting its affairs in a manner which will not discriminate against, either directly or indirectly, any person on the grounds of: disability; gender; transgender; race; ethnic or national origin; religion or belief; age or sexual orientation.

To help us meet this commitment, it would be helpful if you would complete this form. This monitoring form will be separated from your complaint on receipt and will be used solely for the purposes of monitoring the process.

Section 1 (please tick the boxes which apply)		
My age is:	Under 21	<input type="checkbox"/>
	21-30	<input type="checkbox"/>
	31-40	<input type="checkbox"/>
	41-50	<input type="checkbox"/>
	51-60	<input type="checkbox"/>
	61-64	<input type="checkbox"/>
	65 or over	<input type="checkbox"/>
My gender is:	Female	<input type="checkbox"/>
	Male	<input type="checkbox"/>

Section 2 (please tick one box only)					
I would describe myself as:	White:	British	<input type="checkbox"/>		
		Irish	<input type="checkbox"/>		
		Any other	<input type="checkbox"/> please write in		
	Mixed:	White and Black Caribbean	<input type="checkbox"/>		
		White and Black African	<input type="checkbox"/>		
		White and Asian	<input type="checkbox"/>		
		Any other	<input type="checkbox"/> please write in		
		Asian or Asian	Indian	<input type="checkbox"/>	
				<input type="checkbox"/>	

British:	Pakistani Bangladeshi Any other	<input type="checkbox"/> <input type="checkbox"/> please write in
Black or Black British:	Caribbean African Any other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> please write in
Chinese or other ethnic group:	Chinese Any other	<input type="checkbox"/> <input type="checkbox"/> please write in

Section 3		
Do you consider yourself to have a disability*?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Thank you for your co-operation. Please return this form with your complaint.

*The Equality Act 2010 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.

Criteria for consideration of a complaint by Monitoring Officer

In deciding whether to accept or reject a complaint of breach of the Code, or to refer it to the Local Resolution Procedure, the Monitoring Officer has a wide discretion. He or she will take into account the following criteria, where relevant.

- Public interest factors including the seriousness of the alleged breach, whether there has been any breach of trust, the extent of any harm caused and whether there has been any discrimination.
- Proportionality by balancing the seriousness of the allegation against the resources required to investigate the allegation
- Whether there are any aggravating factors or significant mitigating factors
- Whether a prompt acknowledgment and apology has been offered
- Whether the complaint is one of a pattern by or against a Member
- Whether the complaint appears to be malicious, frivolous or vexatious
- Whether the complaint suggests that there is a wider problem as affects the Authority
- Whether training or conciliation would be the appropriate response
- Whether either the complainant or subject Member has indicated a preference for Local Dispute resolution

Annual Report of the Broads Local Access Forum
Report by Senior Waterways and Recreation Officer

Summary: This report presents for members' information the key matters considered by the Broads Local Access Forum during the last year relating to the development and improvement of public access within the Broads.

Recommendation: That the work of the Forum be noted.

1 Introduction

1.1 The purpose of this report is to inform members of the key matters considered by the Broads Local Access Forum during the last year relating to the development and improvement of public access within the Broads.

2 Annual Report

2.1 The draft Broads Local Access Forum annual report is attached to this covering report as Appendix 1

Background papers: Minutes of the Local Access Forum

Author: Adrian Clarke
Date of Report: 20 June 2016

Broads Plan Objectives: None

Appendices: APPENDIX 1 – The Broads Local Access Forum Annual Report 2016

The Broads Local Access Forum Annual Report 2016

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 - 2.7 Observations to the forum

3. Who makes up the forum?
 - 3.1 Chair and Vice-Chair
 - 3.2 Members and representation

1. Broads Local Access forum

1.1 Statutory purposes

The Broads Local Access Forum is an independent advisory body established by the Broads Authority in 2003 under the Countryside and Rights of Way Act 2000.

The Act states that the purpose of the forum is to be a statutory advisory body to provide guidance and advice to the Broads Authority and other organisations on the improvement of public access within the Broads and to contribute to opportunities for open air recreation and the enjoyment of the area. In providing advice, the forum will have regard to:

- The needs of land management
- The conservation of the natural beauty of the area
- The management and maintenance of recreational access whilst balancing this against the needs of nature conservation, agriculture, the interests of landowners and managers, navigation and countryside management projects within the Broads.

1.2 The forum's vision

The Broads is an unrivalled wetland of natural diversity, heritage and special character. It is a place where people come to explore, enjoy and find spiritual refreshment. Access to the Broads should be clear and easy to use, respectful of wildlife and land management, meet users' needs and promote responsible and harmonious behaviour. The Broads Local Access Forum will champion access improvements and management, represent a wide range of interests and contribute to sustainability for environment, communities and the economy.

2. What has happened during the year?

2.1 The forum at work

The forum has delivered its purpose in a number of ways:

- i The forum has held four public meetings to agree its advice to the Broads Authority and other organisations.
- ii The forum provided representation on the Broads Forum, the Norfolk Local Access Forum, the Joint LAF meeting (Broads and Norfolk) and at Regional and National LAF meetings.
- iii Forum members provided advice by individual correspondence on consultation documents.
- iv Forum members are expected to use and develop their own networks of contacts to gather information and opinion, and to offer advice and information on access.

2.2 Challenges faced by the forum

The forum faced the following challenges:

The main challenge faced by the Forum has been the continuing pressure on public funding for countryside access across all local authorities. This has resulted in some paths being closed or receiving little maintenance.

2.3 Advising the Broads Authority

The forum has given advice on the following issues:

The Forum has given advice to a number of bodies over the year. The Forum responded to the Department for Transport (DfT) consultation on its proposals for setting the first Cycling and Walking Investment Strategy and also wrote to the Secretary of State for Transport to advise that the strategy should recognise the importance of cycling and walking in National Parks. Further advice was given to Norfolk County Council on its draft Cycling and Walking Strategy regarding the importance of strategic cycling routes in the Broads like the 3 Rivers Way.

The forum has also advised the Broads Authority on its Integrated Access Strategy Action Plan and the Hickling Broad Enhancement Project.

2.3 Responding to consultations

The forum has responded to the following consultations:

- PROW Improvement Plan (Norfolk County Council)
- Big Path Watch Campaign (Ramblers Association)
- Outdoor Sport and Recreation Alliance Consultation (Natural England)
- Cycling and Walking Strategy (Norfolk County Council)
- Martham footpath diversion
- Setting the First Cycling and Walking Investment Strategy (DfT)

2.4 Access reports

- Norfolk PROW network
- Monitor of Engagement with the Natural Environment (Natural England's Access and Engagement Summary)
- River Wensum Strategy update
- Integrated Access Strategy Action Plan Review
- Joint Norfolk and Broads LAF meeting
- Broads Forum updates
- Explore More Coast
- Wherryman's Way / Hardley Flood
- Herringfleet Car Park
- Mutford Lock
- Hickling Broad Enhancement Project
- Cockshoot Boardwalk
- Norfolk County Council and Broads Authority meeting (budget review, Landscape Partnership Scheme, Joint LAF meeting, Wherryman's Way / Hardley Flood)
- Martham footpath diversion

- Coastal Access – Hopton-on-Sea to Sea Palling
- Broadland Way
- Setting the First Cycling and Walking Investment Strategy
- Access All Areas
- Boudica Way by Power Chair
- Hoveton and Wroxham Station Improvements
- Draft Integrated Access Strategy Action Plan
- Hickling Project update

2.5 Partnership working

The forum has worked with the following organisations:

- Norfolk County Council
- Wensum River Parkway Partnership
- Norwich City Council
- Natural England
- RSPB
- Suffolk County Council
- University of East Anglia

2.6 Observers and advisors to the forum

- Andrew Hutcheson, Norfolk County Council
- Tracey Jessop, Norfolk County Council
- Russell Wilson, Norfolk County Council
- Martin Caplin, Norfolk County Council
- Jack Davidson, Norfolk County Council
- Andrea Long, Broads Authority
- Trudi Wakelin, Broads Authority
- Adrian Clarke, Broads Authority
- Karen Sayer, Broads Authority
- Rob Rogers, Broads Authority
- Peter Howe, Three Rivers Way
- George Saunders, BLAF member

3 Who makes up the forum?

3.1 Chair and Vice-Chair

In December 2015 Keith Bacon was re-appointed as Chair and Alec Hartley was appointed as Vice-Chair of the Broads Local Access Forum.

3.2 Members and representation

Membership of the Broads Local Access Forum was reviewed and the following members

were appointed in December 2015:

Keith Bacon – Catfield

Tel: 01692 581314

keithbacon@keme.co.uk, keithbacon@broadland.net

Representing: Archaeology and landscape heritage

Keith a native of Catfield, is a retired teacher and runs the family holiday business at Potter Heigham. He is a member of the Broads Forum and a former member of the Broads Authority. He is Vice-Chairman and former Chairman of the Broads Society and is a committee member of the North Norfolk group of CPRE. He has been Chairman of Catfield Parish Council for over 20 years and has been a district councillor. His other interests include local history (with a PhD in agricultural history), fen conservation in Catfield and being church warden of Catfield church.

Olly Barnes – Bungay

Tel: 01986 892074

barnes@cockrill.fsnet.co.uk

Representing: Local Authority / Waterborne recreational users

Louis Baugh – Neatishead

Tel: 07785 224589

lbaugh@netcom.co.uk

Representing: Landowners and managers

Louis farms a mixed arable and dairy unit on the River Ant neighbouring the How Hill and Alderfen nature reserves. He is a Trustee of the Village Pools Trust, a member of the Broads Internal Drainage Board and a Trustee of the Royal Norfolk Agricultural Association. He has an extensive Countryside Stewardship Scheme in place on his farm, which includes a network of permissive footpaths which connect the statutory public rights of way and the communities of Horning and Neatishead. Louis is a member of the Broads Authority.

Liz Brooks – Ludham

Tel: 01692 678674

elizabeth@brooks96.wanadoo.co.uk

Representing: Equestrian riding and driving

Liz has lived in the Norfolk Broads all her life where she has owned and ridden horses from a young age. She believes that every equestrian should have access to safe, enjoyable, off-road routes. Her work with older people and interest in conservation, wildlife, walking and cycling gives her an insight into the needs of other user groups.

Tony Brown – Lowestoft

Tel: 01502 740639

tonybrownrwt@gmail.com

Representing: Nature conservation

Robin Buxton - Lingwood

Tel: 01493 750102

robin.buxton@ukgateway.net

Representing: Landowners and managers / Tourism and local business

Robin is a chartered surveyor involved with land and property management, particularly in the

Broads. He is a member of the Broads Internal Drainage Board and Upper Thurne Working Group. He is also Chairman of the British Reed Growers' Association.

Nick Dennis – St Ives

Tel: 01480 382731

nickdennis1@virginmedia.com

Representing: Waterborne recreational users (canoe users)

Nick is a self-employed Chartered Surveyor based in Cambridge. He spent many a summer holiday as a child fishing and exploring the Broads at Barton Turf, Wroxham, Hickling. More recently he has become involved with canoeing as Head of the Wooden Canoe Heritage Association for the UK. Nick regularly organises trips and meetings on the Broads for members of the Open Canoe Association seeking out new areas and canoe routes.

Mike Flett – Ludham

Tel: 01692 678560

mikeandjeanne@btinternet.com

Representing: Local Authority (Parish Councils)

Mike, although born in Surrey, has been resident in Norfolk since 1974, mostly in Ludham. He has been a Parish Councillor for more than 25 years, Chairman for more than 15 years, and a past Chairman and Governor of Ludham First School. He is Chairman and a founding Trustee of the Womack Charitable Trust, set up in 2001, operating a substantial mooring facility in the village of Ludham. He was appointed Trustee of the How Hill Trust in 2014 whose primary objective is to promote, maintain, improve and advance public education in Broadland by the provision of education facilities at How Hill in Norfolk and the conservation of How Hill House for the benefit of the public. His recreation activities include walking, boating, railways and 20th century military history.

Tony Gibbons – Norwich

Tel: 01603 400973

tonygibbons.ndaa@gmail.com

Representing: Angling

Dawn Hatton – Norwich

Tel: 01603 433174

stock.dawn@gmail.com

Representing: Walking / People with disabilities and access for all

Dawn has lived in Norwich for over 30 years and as a frequent visitor the Broads, she has experienced changing access requirements as her family has grown; from pushchairs and child friendly walks, safe cycling routes, boat and canoe leisure activities 'teen trudges' and wheelchair mobility access. Dawn hopes her experiences will help with the planning and improving of access to the Broads for others. Dawn is an active member of several local charities.

Alec Hartley – Norwich

Tel: 01603 452884

alecandkathie@gmail.com

Representing: Wensum River Parkway Partnership

Alec is a former Chairman of the Norwich Society, a Director of the Norwich Preservation Trust and Chairman of the Wensum River Parkway Partnership which aims to bring back life to the

river in Norwich between Whitlingham and New Mills. He is a keen walker and campaigner for public access to both Norwich's unique heritage and the river which runs through the city.

Lana Hempsall – Acle

Tel: 01493 751562

lana.hempsall@broads-authority.gov.uk

Representing: Broads Authority

Peter Mason – Catfield

Tel: 01692 583152

peter.mason51@sky.com

Representing: Walking / Tourism and local business

Stephen Read – Oulton Broad

Tel: 07720 808715

stevereadcon@btinternet.com

Steve is a chartered civil engineer with extensive experience providing infrastructure within the public sector and promoting new public rights of way. He takes a keen interest in sustainable issues but recognises the importance of commercial enterprise to support tourism within the Broads. He is a walk leader with the Waveney Group for 'Go Active Health Walks' and is also enthusiastic in promoting cycling facilities within the Broads area. He has a strong affiliation with the Broads, is a Friend of the Hunters Fleet and became a member of the Broads Local Access Forum in 2010.

George Saunders – Norwich

Tel: 01603 413485

georgesaunders@btinternet.com

Representing: People with disabilities and access for all

George came to Norfolk in 1989 after becoming disabled and joined the disability movement. He works for various charities which champion greater equality for disabled people including the Norwich Access Group and Norwich Shopmobility. Having been a keen walker he became interested in wheelchair access to the countryside and has worked in a number of ways to promote this over the years.

Charles Swan – Oulton Broad

Tel: 01502 588915

clerkoultonparishsuffolk@hotmail.co.uk

Representing: Local Authorities (Parish Councils) / Educational establishments

Charles has been involved with the Broads Authority for many years, starting with the Consultative Committee under the Chairmanship of Mr James Hipwell. He is a parish councillor for Oulton (Suffolk) dealing with footpath and access matters. He is the Pools Trustee for Oulton Marshes, a keen angler and walker and also a boat owner. As a supporter of the Suffolk Wildlife Trust, he works with primary school nature projects in the parish.

Martin Symons – Poringland

Tel: 01508 494205

martin.symons1@btinternet.com

Representing: Cycling / People with disabilities and access for all

Ray Walpole – Norwich
Tel: 01603 300221
r.walpole05@tiscali.co.uk
Representing: Walking / Cycling

Ray was born in Reedham and has spent most of his life around the Broads before moving to the Greater Norwich fringe. He is a member of the Norfolk Ramblers, Norwich Cycling and Norfolk Workers Education Association (WEA). He is particularly interested in promoting adult education in the Broads environment and heritage.

Peter Warner – London
Tel: 02086 700999
Peter.warner@broads-authority.gov.uk
Representing: Broads Authority

Richard Webb – Norwich
Tel: 01603 505362
dickwebb@talktalk.net
Representing: Walking

Christopher Yardley – Burnham Thorpe
Tel: 01328 738705
chris.yardley@cjyardley.co.uk
Representing: Waterborne recreational users / Nature conservation

Chris has been intimately involved with the Broads for many years. He was a former Countryside Officer with local government and continues to be involved with the ecology, history and wider land management of the area through his interests in wildlife conservation, cycling, walking and sailing. He is a member of a practical countryside management group which maintains footpaths and undertakes some conservation management works for landowners and local authorities. He has a special interest in access for all issues.

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62-64 Thorpe Road
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BLAF@broads-authority.gov.uk
www.broads-authority.gov.uk

Authority

Planning Committee

Minutes of the meeting held on 29 April 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Miss S Blane
Mr N Dixon

Mrs L Hemsall
Mr G W Jermany
Mr V Thomson
Mr J Timewell (11/9 – 11/17)

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 11/9 – 11/15)
Mrs S A Beckett – Administrative Officer (Governance)
Mr S Bell – for the Solicitor
Ms M Hammond – Planning Officer (Minute 11/1 – 11/9)
Ms A Long – Director of Planning and Resources
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0065/FUL Poplar Farm, Church Lane, Runham

Mr Jonathon Green Applicant

BA/2016/0088/COND Waveney River Centre, Staithe Road, Burgh St Peter

Mr J Knight Applicant

11/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Ms Gail Harris and Mr Paul Rice. Mr John Timewell had indicated that he would be arriving at about 11.00am.

11/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes. Members made a general declaration of interest in relation to application BA/2016/0088/COND as the applicant was a member of the Navigation Committee.

11/3 Minutes: 1 April 2016

The minutes of the meeting held on 1 April 2016 were agreed as a correct record and signed by the Chairman.

11/4 Points of Information Arising from the Minutes

No further points of information were reported.

11/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

11/6 Chairman's Announcements and Introduction to Public Speaking

- (1) No member of the public indicated that they intended to record the proceedings.
- (2) The **Broads Annual Public Open Day** would be held on Saturday 7 May 2016 at Whitlingham Country Park. The Chairman of the Authority hoped that as many members as possible would attend.
- (3) **Norfolk Water Management Partnership**
With the departure of Dr Murray Gray, it was necessary to nominate a replacement member of Planning Committee to represent the Authority on the Norfolk Water Management Partnership and the sub-group of the Rivers Authority.

The Chairman proposed that Mrs Lana Hempsall be appointed to represent the Authority on the Group and it was

RESOLVED unanimously

that Mrs Lana Hempsall be appointed to represent the Authority on the Norfolk Water Management Partnership.

- (4) It was noted that this meeting would be followed by a meeting of the **Heritage Asset Review Group**.
- (5) **Duty to Cooperate**
The Vice-Chairman, Mrs Lana Hempsall reported that she had attended a Duty to Cooperate meeting on Monday 25 April 2016 that had covered a great deal of ground with the Authority's Planning Policy Officer providing updates on the progress of the Authority's Local Plan, most of which was on the agenda for members' consideration today. In addition to the Norfolk local authorities, Suffolk was also represented on the forum. This was considered a very useful and worthwhile group to be involved with.

(6) **George Jermany's last meeting**

The Chairman paid tribute to George Jermany on his last Planning Committee meeting with the Authority of which he had been and was a very valued member. Although all members are independent, George was more than most and the Authority had greatly benefitted from his wisdom and experience with a tremendous knowledge of the Broads. The Director of Planning and Resources, presented George with a card from all the planning staff, commenting that he would be greatly missed.

In response, George Jermany commented that this had been his third time on the Authority and he had greatly enjoyed working with everyone as colleagues. He thanked everyone, commenting that he would miss the Authority and if anyone wished for more information on the Broads, particularly the northern Broads, he would be very happy to oblige.

(7) **Public Speaking**

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers.

11/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

11/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) **BA/2016/0065/FUL Poplar Farm, Church Lane, Runham**

New Dwelling
Applicant: Mr J Green

The Planning Officer provided a detailed presentation of the application for a new dwelling to support an agricultural enterprise on a site next to Church Farm on the edge of, but outside, the Halvergate Marshes Conservation area. Planning permission was granted in 2015 (BA/2015/0188/FUL) for extensions and new buildings to support the raising of sheep, cattle and other livestock which graze on various

sites in the local area. The application site was outside the development boundary and was in Flood Risk Zone 3a. Therefore, the application needed to be assessed in accordance with NPPF para 55 and in particular Policy DP26.

The Planning Officer drew attention to the consultation responses. Since the report was written, a Contamination Phase 1 Survey had been submitted which was satisfactory but the Authority would require a Phase 2 Contamination Survey in order to provide more details, given that the site had previously been used for agricultural storage. This would be in the applicant's best interests and might result in some amendments to the proposal.

In providing the detailed assessment the Planning Officer considered that sufficient information had been provided to justify the need for supervision on site for animal welfare purposes, that a dwelling would have added benefits for health and safety and security, as well as support the functioning and viability of the farm business. On balance, it was considered the information provided satisfied each of the criteria of Policy DP26 and that the proposed dwelling was acceptable in terms of flood risk, amenity, design, landscape, ecology, water quality and amenity.

Subject to the conditions outlined in the report, together with a Phase 2 Contamination Survey and other conditions recommended by the Environmental Health Officer, the application was recommended for approval. The Planning Officer stated that if the Committee accepted the need and the justification for the proposal, construction was not likely to start until Autumn 2017 and therefore for the enterprise to function properly there would be a need for alternative accommodation on the site. At present permitted development rights were being used to enable the seasonal use of a static caravan on the site. This would not be appropriate, particularly in terms of flood risk, in the long term and therefore should be removed. An Enforcement Notice with a long period of compliance was recommended.

The Planning Officer clarified that the condition to remove permitted development rights was in order to cover alterations to the proposed dwelling once built to ensure that it would not be larger than the enterprise warrants. Members were satisfied with the officer's assessment and considered that a robust case had been made. The Chairman proposed and it was

RESOLVED unanimously

- (i) that the application be approved subject to conditions as outlined in the report with the addition of a condition requiring a Phase 2 Contamination Survey and other conditions recommended by the Environmental Health Officer.

The proposal is considered acceptable in accordance with Policies CS1, CS18, CS20 and CS24 and of the adopted Core Strategy (2007), Policies DP1, DP2, DP3, DP4, DP5, DP11, DP22, DP26, DP28 and DP29 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

- (ii) that authority is given to serve an enforcement notice, in order to prevent establishment of residential touring or static caravans on the site, should it be necessary and subject to negotiation with the Solicitor.

(2) **BA/2016/000 Waveney Inn and River Centre, Staithe Road, Burgh St Peter**

Change of fenestration, variation of condition 2, and removal of conditions 4 and 7 of permission BA/2015/0360/FUL
Applicant: Mr James Knight, Waveney River Centre

The Planning Officer provided a detailed presentation of the application, which was for amending condition 2 of permission BA/2015/0360/FUL concerning the extension of the restaurant at the Waveney River Centre and involved changes to the fenestration and creation of a patio. The application also sought to remove conditions 4 and 7 concerning the requirement for highways mitigation and management of the use of the approved extension. The original proposal had been considered at the Planning Committee meeting on 8 January 2016 Minute 7/8(3). The Planning Officer took each of the proposals and conditions in turn together with the applicant's justification for the proposed removal and assessment against the 6 tests set out in Paragraph 206 of the NPPF and the Planning Practice Guidance. She explained that no further evidence had been submitted to support the removal of condition 4. She explained that the development had commenced and the proposed bi-folding doors to replace those originally approved were now in place.

The Planning Officer concluded that the amendments to the fenestration and creation of a patio were considered acceptable subject to retention of the roadside hedge and additional conditions to mitigate unacceptable impacts on amenity to the neighbouring property involving a restriction on the use of the patio to between 08.00 to 22.00 and on external lighting. In her view, conditions 4 and 7 were considered to satisfy the six tests of the planning practice guidance and were still relevant and appropriate. Therefore the application was recommended for approval subject to conditions differing from those to which planning permission was previously granted [BA/2015/0360/FUL (the variation of former condition 2 but with all the other seven conditions being replicated in the new grant of planning permission

(amended as appropriate and including 4 and 7)] and the two additional conditions.

Mr James Knight wished to clarify that in his view, part of the application was not retrospective as stated by the Planning Officer since the application was submitted prior to work being started. He explained that given that the number of boats on the southern rivers had declined it was important to encourage innovative and evolving businesses and help extend the holiday season. Therefore the application was really important to enable the Waveney River Centre business to become a quality destination. He commented that the Parish Council was positive in its support, particularly for the patio.

With regards to the two conditions 4 and 7 relating to Highways and Use management of the restaurant being restricted to Use Classes A3 and A4, he considered that both conditions were unreasonable in the first place and they should be removed. He did not see the relevance of having the same Highway condition on the application for residential moorings BA/2015/0251/FUL and BA/2016/0064/COND and as discussed on 1 April 2016, imposed on this development. He also considered that its retention placed an unreasonable financial burden on the business and in requiring the cooperation of a third party, was impossible to discharge. He also considered it was not a Grampian condition. He clarified that he had previously discussed the potential location and costs of the signage with Highways.

In relation to the restriction on the Classes use to not allow for functions, Mr Knight further stated it was an unnecessary and unreasonable restriction, especially as the existing restaurant did not have any such restrictions and therefore this condition created confusion. He explained that the business was designed as a holiday destination and not intended to be transformed into a wedding and function venue. The premises were not suitable for wedding functions especially on a regular basis, but he did not wish to turn away potential customers. He requested that the Committee agree to the removal of condition 4 relating to Highways and Condition 7 on the restriction to Use Classes A3 and A4.

Members considered each of the issues in turn.

The Solicitor stated that in considering this application which included removal of conditions on a previous application, it did not permit the Committee to ignore the wider considerations affecting the grant of permission, since a successful section 73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions.

Proposed amendments to the development for the extension to the restaurant concerning Condition 2 of BA/2015/0360/FUL

Members were satisfied that the proposed amendments were appropriate. Nigel Dixon proposed, seconded by Michael Barnard that the amendments to condition 2 be approved subject to conditions as outlined by the Planning Officer.

This was agreed unanimously.

Retention of Condition 4: Highways

Members noted the comments from the Highways Authority that stated that it continued to raise concerns in relation to the suitability of the highway network serving the site of the Waveney River Centre, and its view that the conditions were necessary and relevant, reasonable and enforceable and in accordance with the requirements of para 206 of NPPF and the Planning Practice Guidance. It was necessary to retain the condition on the two applications, in order for it to be discharged. Two members commented that the imposition of such conditions were usual when considering development in areas where the access network was limited. Members were mindful that the matter had been discussed at some length at the previous meeting and generally considered that the condition should be retained.

On being put to the vote it was agreed by 7 votes to 0 with 1 abstention that condition 4 should be retained.

Removal of Condition 7 concerning Use to be limited to uses specified within Classes A3(food and drink) and A4(drinking establishment)

Members considered that this did appear to be anomalous in that part of the premises of the Centre could be used without such a restriction and accepted that it could be confusing. There were no members of the Committee in favour of retaining this condition.

On being put to the vote it was agreed to remove condition 7 by 6 votes to 0 with 2 abstentions.

RESOLVED

that the application BA/2016/0088/COND be approved subject to the conditions outlined within the report and the deletion of the condition specifying the approved use. (Condition 7 of BA/2015/0360/FUL, and vii of the report).

The proposal is considered acceptable in accordance with Policies CS1 and CS16 of the adopted Core Strategy (2007), Policies DP4, DP11 and DP28 of the adopted Development Management Policies DPD (2011) and the National Planning Policy Framework (2012) which is also a material consideration in the determination of the application.

11/9 Broads Local Plan – Issues and Options Report on Consultations

The Committee received a report providing an update on the consultation procedures and the consultation responses received on the Broads Local Plan Issues and Options report. It was noted that at this stage, there was no policy content as potential policy content was discussed at a high level. It was for the next stage of the Local Plan (Preferred Options) to come up with potential policy wording.

Members welcomed and were encouraged by the comments received, considering that some had raised some very interesting matters to which the Authority needed to take account. They particularly welcomed those comments relating to encouraging the use of the area by schools, the development of a Broads curriculum and getting young people into the Broads, particularly as this was one of the elements of the National Parks 8 Point Plan. A member commented that a gap was often created in providing practical facilities to enable young people to experience the Broads when there were cuts to resources. The comments relating to the encouragement of people having a potential effect on the tranquillity of the area were also considered to be worth noting. Members anticipated that the Landscape Partnership Project would help to address the gap in local awareness of the tremendous special qualities of the Broads area on the doorstep.

Members also welcomed the innovative means of consultation involving young people and wished to thank Richardsons Boatyard for providing a boat for one of the consultation exercises.

RESOLVED

that the report and the comments received with the officers' response be received, welcomed and noted.

11/10 Broads Local Plan – Update and Way Forward: Preparing the Preferred Options

The Committee received a report providing an update on the process in the the development of the Local Plan and the progress being made in preparing the Preferred Options following from the consultation on the Issues and Options Report. Members considered the proposed updated Local Development Scheme (LDS)/ timeline to be adopted. They also gave consideration to the proposed improvements to the two Sustainability Appraisal (SA) objectives.

Members noted that various evidence based studies were required to support the policies within the Local Plan, including those concerning housing, employment and flood risk and these were progressing. As part of the process it was intended to provide the Committee with “bite sized” pieces of the Preferred Options for consideration as the Local Plan was progressing. It was intended to submit the final version of the Preferred Options to the November 2016 Planning Committee.

Although it was still intended to have the final Broads Local Plan ready for adoption in early 2018, it was proposed to move the Preferred Options consultation back from August to November 2016 and therefore amendments were required to the LDS (3) to account for this.

It was noted that the two SA objectives to be amended were:

- SOC6: To improve the quality, range and accessibility of community services and facilities.
- ENV10: To achieve the highest quality of design that is innovative, imaginable, and sustainable and reflects local distinctiveness.

RESOLVED

- (i) that the report's contents are noted and that the version 3 Local Development Scheme be adopted; and
- (ii) that changes to the Sustainability Appraisal Objectives be approved for consultation – this to include the Environment Agency, Historic England, Natural England, District and County Councils, RSPB, New Anglia LEP, Wild Anglia and Marine Management Organisation .

11/11 Broads Local Plan – Bite Size Pieces

The Committee received a report introducing the first of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to Dark Skies and light pollution, Major Hazards and Safety by the Water.

Members noted that the Authority undertook surveys within the Authority's area between October 2015 and March 2016 to assess darkness quality. From this it was concluded that the Broads has areas of intrinsic dark skies with two particularly dark areas - an area on the Waveney around Geldeston and an area to the north of the system around Hickling Broad. Therefore Members supported the proposal that the Preferred Options should include a strong light pollution policy that sought to protect the intrinsically dark skies of the Broads and in particular the two zones of particular darkness.

Members noted that one of the major issues relating to Major Hazards concerned new pipelines and also potential new cable runs, particularly with the development of offshore energy installations. However, the Authority could not be absolutely certain that the infrastructure from the off shore sites would impinge on the Broads area. Therefore the "Duty to Cooperate" arrangements would be beneficial to the Authority in that it would enable the Authority to be made aware of any potential impacts.

Members noted that the Authority was working on providing guidance for Safety by Water. Including a policy in the Local Plan would help to make those measures already adopted provide very clear guidance. Matters would then become material considerations when considering new planning applications.

A member expressed concern that changes in regulations could overtake the policies within the Local Plan and therefore the policies might not be able to keep up. However, Officers gave assurances that the policies would be able to set a minimum standard which could be prescriptive but also enable there to be flexibility for appropriate judgement to be made.

RESOLVED

- (i) that the report be noted;
- (ii) that the Preferred Options include a strong light pollution policy to protect the intrinsically dark skies of the Broads and in particular the two zones of particular darkness;
- (iii) that in accordance with the NPPF, the preferred options should include information on the location of major hazard installations and Major accident hazard pipelines and on the mitigation of the consequences of major accidents'; and
- (iv) that the Preferred Options include a section on Safety by the Water based on the draft text at the Appendix of the report.

11/12 Self Build Register

The Committee received a report explaining the terms self build and Custom build and the requirements set on Local Planning Authorities by Government Legislation and Regulations as set out in the Self Build and Custom Housebuilding (Register) Regulations 2016¹ that came into effect on 1 April 2016 .This required Local Planning Authorities to start to keep the registers The report provided a description of the Authority's approach to understanding interest in Self Build in the Broads Executive Area and the proposed Questionnaire. It was noted that the Questionnaire was being produced and administered by King's Lynn and West Norfolk Borough on behalf of all the Norfolk Local Planning Authorities at a cost (to the Authority) of £1,000 over three years.

RESOLVED

that the report be noted including the requirement set upon Local Planning Authorities to produce a register.

11/13 Changes to the Planning System

The Committee received a report from the Head of Planning and a presentation based on that provided by the Planning Officer from South Norfolk Council which he had provided to the Duty to Co-operate group meeting. These gave an outline of the Department of Communities and Local

¹ http://www.legislation.gov.uk/uksi/2016/105/pdfs/uksi_20160105_en.pdf

Government (CLG) consultation document on the proposed changes to the planning system arising from the Housing and Planning Bill. It was noted that the changes related to 12 separate areas and the National Parks England had provided a response to these on behalf of the English National Parks, and to which the Broads Authority had contributed to and fully supported, details of which were contained in Appendix 1 to the report.

Members fully supported the response provided by National Parks England, noting that there had been considerable input from Authority officers. However, it was felt that it would have also been appropriate for the Planning Committee to have had the opportunity to provide a considered response in the first instance. A member considered that the National Parks response had not provided comments on equality or development regarding schools.

The Head of Planning emphasised that it was important that in providing any response, it had to be based on the Authority's own experiences in order to provide justification and evidence for that response. It would not be appropriate to provide responses on matters for which it did not have evidence or experience, in this case the schools issue.

A member emphasised that the Authority was different from other Local Planning Authorities and was required to be so given its role within the family of National Parks and the nature of its area. It was disappointing that the nature of some of the proposals did not take this into account.

Members endorsed the comments within the report particularly noting those relating to brownfield sites and the fact that this could include boatyards. It was important to ensure that boatyards remained viable as these provided important employment sites as well as being important to the overall economy of the area.

It was noted that the consultation period was over, but that Authority officers could provide a further response through the government's Chief Planning Officer.

RESOLVED

that the report be noted and the comments contained in the report be endorsed.

11/14 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee.

Thorpe Island

A date for the substantive injunction hearing had not yet been received. Monitoring of the site would continue.

Wherry Hotel Oulton Broad

A planning application had now been received.

Ferry Inn Horning

Following negotiations, some agreement had been reached. However, no further information had been received within the timescale given and this had been extended.

Hall Common Farm, Ludham

Unauthorised installation of metal roller shutter door: Approval for a lattice work door had been granted on 4 April 2016. However, a letter had since been received from the owner stating that he did not intend to implement the permission.

RESOLVED

that the report be noted.

11/15 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

RESOLVED

that the report be noted.

11/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 March 2016 to 15 April 2016.

RESOLVED

that the report be noted.

11/17 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 27 May 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.20 pm.

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: **Planning Committee**

Date of Meeting: 29 April 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
All Members	11/8(2)	Application BA/2016/0088/COND Applicant a Member of the Navigation Committee
Jacque Burgess		Toll Payer
George Jermany	General	Toll Payer
Peter Dixon		Member of Navigation Committee

Authority

Planning Committee

Minutes of the meeting held on 27 May 2016

Present:

Sir Peter Dixon - in the Chair

Mr M Barnard
Prof J Burgess
Miss S Blane
Mr N Dixon

Mrs L Hempsall
Mr P Rice
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 12/10 – 12/11)
Mrs S A Beckett – Administrative Officer (Governance)
Mr N Catherall – Planning Officer (Minute 12/1 – 12/8)
Ms A Long – Director of Planning and Resources
Ms E Murray – Ecologist (Minute 12/10)
Ms C Smith – Head of Planning

Members of the Public in attendance who spoke:

BA/2016/0095/COND Boundary Farm, Boundary Lane, Oby

Mr Kevin Marsh On behalf of Applicant

12/1 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

Apologies were received from Ms G Harris.

12/2 Declarations of Interest

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes.

12/3 Minutes: 29 April 2016

The minutes of the meeting held on 29 April 2016 were agreed as a correct record and signed by the Chairman.

12/4 Points of Information Arising from the Minutes

No further points of information were reported.

12/5 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

12/6 Chairman's Announcements and Introduction to Public Speaking

(1) No member of the public indicated that they intended to record the proceedings.

(2) **Sholeh Blane's last meeting**

The Chairman paid tribute to Sholeh Blane on her last Planning Committee meeting with the Authority of which she had been a very loyal and valued member.

In response, Sholeh thanked all members and officers for their kind words and for the opportunity to serve on the Committee from which she had learnt an enormous amount.

(3) **Potential Site Visit for Application BA/2016/0191/FUL Hickling Enhancements**

The Chairman stated that a planning application for enhancements to Hickling Broad was due to be considered by the Planning Committee on 19 August 2016. This would be one of a number of the Authority's own applications as part of the restoration of Hickling, which was one of the Authority's strategic priorities. Therefore, it was considered that it would be worthwhile to hold a site visit prior to the application being determined. It would also be advantageous to provide new members of the Committee (due to be appointed in July) with the opportunity of being appraised of the area and issues involved. Therefore a date was required when the majority of committee members would be able to attend. He explained that as a local resident he would be declaring an interest and therefore would not chair the Planning Committee for consideration of the application or take part in the site visit.

Scheduled site visit dates were 15 July and 5 August. However, the Waste Disposal Workshop was due to be held on 15 July and 5 August could interfere with holiday time. It was agreed that a Doodle Poll be used in order to find the most convenient date.

It was noted that the Navigation Committee would be having an informal site visit instead of a meeting on Thursday 2 June 2016, which would include a general appraisal of the Hickling restoration project but not the specific planning application. It would not be a formal meeting. Its next scheduled meeting would be 7 September 2016.

A member made a plea for the Planning Committee to request the views of the Navigation Committee. Members considered that it was important that the Navigation Committee was consulted on this

application prior to it being considered by the Planning Committee particularly as it was for one of the Authority's own applications. However, Members did not wish to alter the intention or purpose of the Navigation Committee's visit on 2 June 2016. The Director of Planning and Resources undertook to convey this message to officers and the Chairman of Navigation Committee.

RESOLVED

that members be canvassed by Doodle Poll on a convenient date for the Planning Committee to hold a site visit for BA/2016/0191/FUL Hickling project enhancements

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers.

12/7 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer applications had been received.

12/8 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

(1) BA/2016/0095/COND Boundary Farm, Boundary Road, Ashby with Oby

Variation of conditions 2, 3, 6, 7, 8 of permission BA/2013/0138/FUL to allow a change of structure on south, east and west sides of new mooring dyke from timber jetty/decking to timber piling/capping and grassed earth surfacing. Also change location of two car parking spaces to be located at the junction of Ashby with Oby Footpath 7 and Ashby with Oby Bridleway 3 on existing concrete pad.

Applicant: Mr Donny Cooke

The Planning Officer provided a detailed presentation of the application involving the variation of five conditions on a permission granted in 2013 for application BA/2013/0138/FUL. The current application was for two proposals that required the introduction of quay heading to all

sides of the mooring dyke approved in 2013, not just to one side, and the relocation of two public parking spaces.

The Planning Officer drew attention to the consultation responses and explained that no further responses had been received since the report was written. The Navigation Committee had been comfortable with the proposals as the changes were relatively minor and did not impinge on the navigation of the area. The Ecology Officer had stated a preference for the original proposal to remain.

In providing the detailed assessment, the Planning Officer gave particular attention to the key issues of landscape and ecology and Policy DP16 relating to new commercial moorings where not less than 10% of the new moorings created should be allocated as visitor moorings for short stay moorings on a causal basis. The approved scheme involved securing these through transfer of ownership of a 40m strip of river frontage to the Broads Authority for 24 hour visitor moorings. The new proposal involved relocating these. This would be covered by a Section 106 Agreement. The application also included the removal of a 15m-20m section between the soke dyke and the mooring dyke in order to gain better access between the two areas. There would be no changes to the access to the main river. The 9m bank of separation between the two dykes would remain. The provision of the two car parking spaces were immediately adjacent to the Weavers Way and were within the applicant's curtilage.

The Planning Officer concluded that the proposed changes to the structure on the south, east and west sides of the approved mooring dyke from timber staging to quay heading, and relocation of two parking spaces, would not have an unacceptable impact on landscape character and protected habitats or species. Therefore the application was recommended for approval.

Members considered that the application was acceptable and given the location of the proposed changes would be difficult to justify a refusal. They concurred with the Officer's assessment. Although in support of the proposal, a member raised concerns relating to the wording of proposed condition (ix) on the basis that the application did not include provision for residential moorings and this was unnecessary. The Head of Planning suggested an alternative wording.

The Chairman proposed, seconded by Lana Hemsall, that the application be approved as recommended subject to amendments to the wording of condition (ix).

RESOLVED unanimously

that, subject to the prior completion of a Section 106 Agreement to cover the 40metres provided for moorings, the application be approved subject to conditions as outlined in the report and an amendment to the

wording of condition (ix) to state that the moorings permitted shall be used for private moorings only;

the proposal is considered to be in accordance with Policies CS1 and CS14 of the Core Strategy (2007), Policies DP2 and DP16 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

12/9 Enforcement Plan

The Committee received a report and presentation on providing a Draft Enforcement Plan for the Broads Authority. This explained how the Authority would address breaches of Planning Control in accordance with good practice for Local Planning Authorities as set out in the NPPF paragraph 207 and suggested in the audit report of August 2015. The Plan provided the service standards and explained the background to the need for appropriate and proportionate enforcement as well as the Authority's priorities in association with these. The paper also explained the processes for investigation and the powers available to the Authority as well as the key guiding principles of planning enforcement – expediency, proportionality, consistency and negotiation especially in the first instance, as well as the need to be realistic. It was stressed that it was important to bear in mind what the Authority was trying to achieve when considering Enforcement Action.

The Head of Planning explained that the Plan documented the approach the Authority already took and detailed the aspects which had been covered in the training session for Members on 4 March 2016, citing some examples which many Members were familiar with. She commented that it was anticipated that the officers would be carrying out more pro-active monitoring in the future on the basis that this would reduce the amount of enforcement required.

Members thanked the Head of Planning for an interesting and useful presentation. Some local authority appointed members commented that the document accorded with their own District Councils approach and this was welcomed by others. It was suggested that the word "pragmatic" be included in the document to provide further consistency with the Authority's fellow LPAs. A member sought reassurances that the Authority had the resources to deliver on the approach. In response, the Director of Planning and Resources commented that as the Plan set out the framework of the Authority's existing practices, officers were confident on the Plan's delivery.

Members considered that the Enforcement Plan when adopted would provide not only officers and members with useful reference but particularly parish councillors as well as members of the public and planning agents. Therefore they advocated bringing the Plan to the attention of as many interested parties as possible with a wide distribution of the information.

With regard to Breaches of Condition Notices, the Authority had rarely used these given that there was an absence of a right to appeal and it was considered more appropriate to ensure that the landowner/operator was able to challenge the LPA's decision. Members considered that there may be cases where the Planning Committee should be bolder and more effective in using such a tool, especially when deemed necessary, particularly where there had been persistent and deliberate breach of planning regulations.

Members noted that the Enforcement Update schedule provided members with information relating to cases where possible enforcement action had been brought to the attention of the Committee in the first instance and was considered appropriate. It was recognised that this was after complaints had been considered and potential enforcement matters investigated and negotiations had possibly reached an impasse. If an enquiry about possible breaches of regulation had been made, the Local District Member was usually made aware of the situation. Members considered that it would be useful to have quarterly reports on possible complaints.

Members expressed some concerns about the dilapidated state of some of the buildings and untidy nature around the Berney Arms, due to be sold at auction on 9 June 2016 and queried whether a Section 215 Untidy Land Notice under the Town and Country Planning Act 1990 might be considered. It was felt that Officers should write to the agent so that potential bidders could be made aware of the Authority's concerns and the potential action that could be taken.

RESOLVED

that the Draft Enforcement Plan be endorsed subject to amendments suggested and

RECOMMENDED to the Broads Authority on 8 July 2016

that the Enforcement Plan with appropriate changes be adopted by the Authority.

**12/10 Broads Local Plan – Policy Guides
Biodiversity Enhancements and Waterside Chalet Guides Consultation
Version**

The Committee received a report setting out two Draft guides that were being produced to help applicants meet any requirement placed upon them to enhance wildlife as part of their development proposals as well as provide guidance and advice to those intending to alter waterside chalets. The Biodiversity Enhancement Guide had been produced by the Authority's Ecologist with support from the communications and planning team. The Waterside Chalet Guide had been provided by the Historic Environment Manager and Planning Officer following the adoption of a Local List for waterside chalets which was based on the Planning Officer's MA dissertation.

This also provided an update of a document previously published in the Authority's Design and Management handbook series.

Members' views on the Draft Guides were sought with the aim of having them published for a six week consultation period. The production of the guides would provide more weight in the planning system. The Planning Policy Officer explained that it was intended to provide more photographs in the final documents, but at this stage for consultation purposes, the text was considered to be more important. It was confirmed that the "Ice House" was included in the Waterside Chalets and work was progressing well. It was suggested that this might be included in the Members Design Quality tour.

Members considered the documents to be excellent in providing practical guidance as they were readable and user friendly and congratulated officers on their production. Although the intention was to circulate the Draft Guides for public consultation within the next few days for a period of six weeks, Members considered it would be worth delaying this in order to include more photographs to increase the attractiveness and interest of the Guides. It was noted that following the consultation and subject to any amendments and consideration by the Planning Committee, the guides would be recommended for adoption by the full Authority.

RESOLVED

that the Policy Guides on Biodiversity Enhancements and Waterside Chalets be endorsed for public consultation subject to inclusion of a few more illustrations.

12/11 Broads Local Plan – Bite Size Pieces

The Committee received a report introducing the second set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to:

- Settlement Study and Settlement Hierarchy
- Development Boundaries and Topic Paper
- Deprivation Topic Paper
- Defence
- Rural Enterprise dwellings
- Gypsy and Traveller Need Topic Paper
- Draft Gypsy and Traveller Policy

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being present to Planning Committee in November 2016.

Members noted that it was challenging to assess the settlement hierarchy for the Broads given that only parts of settlements fell within the Broads Executive Area and there was not one whole village/town within it. However, based on advice from the Planning Advisory service, the place in the

hierarchy allocated within the Broads reflected the hierarchy of the relevant District Councils, although the approach to development would be different. Unfortunately there were differences in terminology used by the Districts. The Authority had based its methodology on that of Great Yarmouth Borough's. With regard to Development Boundaries, it was noted that the Settlement Study had been used to determine where it would appear appropriate to have a development boundary and it was proposed that development boundaries would be continued with possible amendments for Hoveton and Wroxham, Horning, Thorpe St Andrew and Oulton Broad. Additionally, Stalham Staithe was suggested for consideration of a development boundary.

It was noted that where possible provisions of the Housing and Planning Act (now published on the website) had been taken into account but it was recognised that further amendments to the Preferred Options were likely to be required. It would be possible to provide Members with further updates following a training session for Officers on 30 June 2016. With regard to the Rural Enterprise Dwellings, the proposed policies would not be impacted by the Housing and Planning Act.

The Planning Policy Officer explained that the policies for the topic of Gypsy, Travellers and Travelling Show People, were criteria based and consistent with government guidelines. There were no permitted sites within the Broads or a history of encampment that would generate a need and therefore the Authority was not intending to adopt an allocation approach.

Members considered that policies relating to those who lived on boats or houseboats, which may involve the requirement for residential moorings, should be dealt with in a separate/stand-alone topic paper.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

12/12 Heritage Asset Review Group – Notes from 29 April 2016

The Committee received the notes from the meeting of the Heritage Asset review Group held on 29 April 2016.

RESOLVED

that the report be noted

12/13 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee and the Head of Planning provided further information on the following.

Thorpe Island

The Authority had been notified of the date for the substantive injunction hearing to be on 17 June 2016. No planning application from Mr Roger Wood had been received as yet.

Ferry Inn Horning

A new manager was now in place and did not have any knowledge of a potential retrospective planning application for unauthorised development. It was understood that the adverse lighting had been subdued. Negotiations would continue.

Grey's Ices and Confectionary

The owner was reluctant to remove the roller shutter doors on the basis that there were a number of these structures in the same vicinity. Members accepted that this was the case. The main concerns expressed by the Parish Council and Members had been the combined effect of the garish colouring of the canopies (which had now been removed) with the shutters. Negotiations were taking place with the owner about the possibility of a retrospective application for the canopies.

RESOLVED

that the report be noted.

12/14 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

RESOLVED

that the report be noted.

12/15 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 18 March 2016 to 15 April 2016.

RESOLVED

that the report be noted.

12/16 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 24 June 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.15pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 27 May 2016

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Jacque Burgess		Toll Payer
Paul Rice	12/13	Involved in mediation for Ferry Inn Horning Trustee of Broads Society NSBA Member
Peter Dixon	12/6(3)	BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application)

Broads Authority

Broads Local Access Forum

Minutes of the meeting held on 2 March 2016

Present:

Dr Keith Bacon (Chairman)

Mr Olly Barnes	Mrs Dawn Hatton,
Mr Louis Baugh,	Mr George Saunders
Mrs Liz Brooks	Mr Charles Swan
Mr Tony Brown	Mr Ray Walpole
Mr Mike Flett	Mr Richard Webb
Mr Tony Gibbons	Mr Chris Yardley
Mr Alec Hartley	

In Attendance

Ms Lottie Carlton – Administrative Officer
Mr Adrian Clarke – Senior Waterways and Recreation Officer
Mr Mark King - Waterways and Recreation Officer
Ms Andrea Long – Director of Planning and Resources
Ms Karen Sayer - Design and Information Supervisor

Also In Attendance

Dr Andy Hutcheson – Countryside Access Manager, Norfolk County Council
Mr Martin Sullivan – Chair, Norfolk Local Access Forum

3/1 To receive apologies for absence and welcome new and returning members

Apologies for absence were received from Mr Nick Dennis, Mrs Lana Hempsall, Dr Peter Mason, Mr Martin Symons and Mr Peter Warner

New members Mrs Dawn Hatton and Mr Richard Webb, and the Chairman of Norfolk Local Access Forum, Mr Martin Sullivan were welcomed to the meeting. Introductions were made.

3/2 To receive and confirm the minutes of the meeting held on 9 December 2015

The minutes of the meeting held on 9 December 2015 were confirmed as a correct record and signed by the Chairman.

3/3 To receive any points of information arising from the minutes

(1) Minute 3/4 (1) Ludham Footpath

Work is being completed on the fence line around the field and signage wording agreement is being sought. The Broads Authority would include the path on their mowing regime. It was noted that the old BESL site is used by the Internal Drainage Board. There is currently no planning permission for car parking at the site.

(2) Minute 2/4 (2) How Hill Footpath

Natural England and provided formal agreement that a full Habitats Regulation Assessment was not needed. As part of the Integrated Access Strategy a site visit had taken place to assess what work would be needed.

(3) Minutes 1/6 Parish Council Issues – Herringfleet Car Park

A second site visit had been made to Herringfleet car park. It was confirmed that all pig items had been removed and the site was clear of obstructions. Local members of the public are still not happy about the parking situation, but it was confirmed that as this is Open Access land, which does not allow for car access, the decision regarding parking at the site lay with the landowner. The locked gate to the bridleway has been reported to Suffolk County Council.

(4) Minute 2/7 (2) Martham Footpath Diversion

The Forum had been consulted by Norfolk County Council about the Martham footpath diversion. A 'holding' response had been submitted prior to completion of the Staithes Research report being compiled by Tom Williamson of UEA.

3/4 Norfolk County Council update

(1) Wherryman's Way, Hardley Flood

A meeting had taken place between Norfolk County Council (NCC), the Broads Authority (BA), the Environment Agency (EA) and Natural England (NE) to discuss an approach to the Wherryman's Way at Hardley Flood. A meeting had also taken place with local Parish Councils and District Councils and a public meeting had been held. It was confirmed that the EA did not maintain the riverbank along this footpath. Closure of the footpath was currently in place for the section where the riverbank is not maintained. The Wherryman's Way had been diverted.

(2) Coastal Access – Stretch 2 Hopton-on-Sea to Sea Palling

Dr Andy Hutcheson gave a presentation updating the Forum on progress of the Coastal Access Path along Stretch 2 from Hopton-on-Sea to Sea Palling which included a section within the Broads Authority executive area. It was confirmed that Stretch 1 (Weybourne to Sea Palling) had been opened in

December 2014 and some circular walks had been created off this, adding benefit to the local economy. Stretch 3 is existing coastal path so there would not be major changes, but roll-back discussions with landowners were ongoing. Stretch 4 from Hunstanton to Kings Lynn would route through Snettersham and Sandringham.

Comments and answers to questions arose as follows:

- The principle was to keep as close to the coast as possible when choosing routes. Natural England was the body responsible for establishing the routes and these had to be signed off by the Secretary of State. Norfolk County Council was then given responsibility to carry out works and manage the resulting paths.
- Enhancements: This included creating 20 circular walk options via Coastal Communities funding stream Explore More Coast opened up huge potential for marketing and sharing good practice and opportunities.
- It was noted that it was legally permissible to walk in cropped fields with roll-back and landowners were aware of the provision.
- National Trail signage, branded as National Coast Path, would be used using NE quality standards.
- The Norfolk Coast Path sections were funded 75% by NE and 25% by NCC.
- Various partners had been consulted including the Ramblers. Great Yarmouth Borough Council had discussed signage in parts of the path going through the conservation area.
- Timescales: Work would start on the infrastructure for Stage 2 after Easter and it was hoped to open the path on 24 October 2016 to coincide with the 30th Anniversary of Norfolk Trails.
- Sea Palling to Winterton: Not all the path's route was behind the dunes, some went onto the dunes. Certain mitigation measures would be put in place to ensure the terns were protected. Closeness of housing had meant consultation took place with home owners. The route had now been signed off. Plans were available on the NE website. The National Trust were happy with the section at Horsey.

(3) Broadland Way

This was part of the Green Infrastructure Plan. No funding was in place yet, but it still remained a high priority for NCC.

3/5 River Wensum Strategy update

Successful public and internal consultations had helped to identify projects themed around land access, recreational boating, environmental enhancements and

management of the riverside. Provision for small unpowered boats (moorings, slipways, launches) was also highlighted as a priority.

An action plan had been drafted and projects were being worked up for costing. Norwich City Council and the Norwich Society both approved the ideas.

The plan was due to go out to consultation but had to wait until after election purdah.

Partners would be covering different aspects of the action plan as follows: Norwich City Council 'access and management liaison', BA 'leisure', NE 'environment'.

Comments and answers to questions as follows:

- Funding would come from CIL for green infrastructure and HLF was also being looked at.
- Lack of facilities (toilets, waste disposal etc.) and developer encroachment made it difficult for certain user groups. The Forum agreed this was an important consideration.
- The list of proposed projects would come to the Forum for discussion and comment.
- People would like to be able to access Whitlingham Country Park from Norwich by foot. This was currently dependent on developers. Generation Park Norwich was unfortunately on hold at the moment due to funding issues.
- The Forum expressed support for the project and agreed to submit a statement to Norwich City council.

3/6 Draft Integrated Access Strategy Action Plan

The SWRO gave a presentation showing the results of the Forum workshop activity that took place at the last meeting to review and prioritise actions in the Integrated Access Strategy. The following themes came forward strongly: Canoe access, land access, extension of the water space, local access hubs, River Wensum Strategy, moorings, earth floodbank works, extension of Broads cycling offer, railway stations/public transport, disabled access 'access for all', information and angling.

Comments and answers to questions as follows:

- The canoeing section should include small craft.
- Facilities, toilets and refuse collections, were a central Government cuts led issue and were the responsibility of Councils not the Broads Authority, but lobbying would continue.
- Horse riding was included in the 'access for all'/multi-use section.
- The term 'access for all' rather than 'disabled access' was preferred.

- Trailer facility provision not just car parking was important.
- The Forum agreed that the highlighted themes reflected the workshop results.
- It was noted that currently the Broads Plan is under review and the first draft is out for consultation. The access chapter had been informed by the work of the Forum. Members were thanked for their work towards this end.

3/7 Setting the First Cycling and Walking Investment Strategy

The Government is committed to changing attitudes towards walking and cycling and were therefore investing in a strategy to provide infrastructure and capital works. The LAF conference had discussed the strategy plans and were currently awaiting a consultation document, due before the next Forum meeting.

Currently the strategy was very urban centred. National Parks England would be emphasising the importance of inclusion of rural cycling with links to urban areas in their response. Responses were being sought from LAFs prior to the official consultation start date.

As the consultation was happening before the next Forum meeting it was agreed that the SWRO and Chairman would write a letter on behalf of the Broads Local Access Forum stressing the importance of rural cycling and the benefits to health and wellbeing, and tourism and the economy, stressing that a low tech rather than over-engineered solutions were required for more rural areas. Funding feasibility studies and phased, realistic timescales were also key to successful projects.

Norfolk County Council were about to go to consultation on their own cycling and walking action plan (7th March to 19th April) and would be working with District Councils and the BA to investigate potential investment/funding from government.

Highways England has £100million available for improvements alongside road networks and a Department for Transport competition launch for the Sustainable Travel Transition Year Fund had a 4-week deadline for bids. These short periods of run-in time highlighted the need to have 'off the shelf' project ideas ready for such potential funding.

3/8 'Access All Areas'

Ms Karen Sayer, Design and Information Supervisor, Broads Authority updated the Forum on a video to be produced by Geocast TV 'Access All Areas' to be filmed at 6-7 locations in the Broads with water and land access and close to the city (to highlight the only National Park with a city aspect). The video would be available for viewing on the Broads Authority website.

Various locations had been selected for potential inclusion: Whitlingham, Barton Broad boardwalk, Broads Tours, Wroxham Barns, Nancy Oldfield Trust, Waterside, Rollesby 'wheelie boats', Fairhaven Gardens. Suggestions for other locations were welcome.

The Forum offered the following additional suggestions:

Oulton Broad Sailability and Waveney Stardust, Landbased bird watching e.g. at Hickling or Strumpshaw, disabled fishing platforms (although filming coincided with the closed fishing season), wheelie-boats for pike anglers.

3/9 Boudica Way by Powerchair

Mr George Saunders gave a presentation on the disabled access audit he and Martin Symons had carried out using powerchairs on the Boudica Way.

The audit highlighted many relatively cheap alterations that could be made to avoid the many detours they had to undertake to get around certain sections that were not accessible due to stiles, gates that were too narrow and other obstructions. Some bridges were found to be accessible and others could be if they had ramps added to the ends rather than steps; some however were just too narrow and detours had to be made.

They were also able to provide information about unpredictable surface issues that users may encounter (e.g. ploughed tramlines in fields, weather condition changes) and where detours could be taken to get around such obstacles if they arose.

Busy main roads and crossings highlighted sections of the path where it would be advisable to have a companion or an alternative exit strategy.

At some sections of the audit it appeared that the barriers were insurmountable but with better maps and creative detours planned the audit was able to continue.

The audit highlighted some relatively cheap works that have since been carried out to improve the path for powerchair users, coming in at <£2k. Information has also been provided to highlight the Boudica Way as a recreational facility for all.

Norfolk County Council has been pleased to support the audit and was planning on doing more. It highlighted the benefits of partnership working, volunteering and how relatively minor works can make huge improvements to access on public paths.

3/10 Hoveton and Wroxham Station Improvements

Ms Andrea Long, Director of Planning and Resources, Broads Authority updated the Forum on the issue of Hoveton Riverside Park regarding flooding and maintenance.

The Park linked paths to and from the railway station, to the Broads Authority Information Centre and along the riverside. Moorings along the Hoveton viaduct also linked to the Park. Cycle hire would also soon be available near to the TIC. The Hoveton Riverside Park was unfortunately sinking and was now at a lower level than the river. Investment was needed but it would take a large amount to fix the problem successfully and there was currently no BA budget available.

There was not an easy solution available for the site. Responsibility for much of the area lay with the parish council, but the Broads Authority may be able to assist with funding application bids that the parish council could be eligible for that the BA, as a public body, was not able to apply for. The BA would also help with the 'look' of the

area with maintenance, tidying up using volunteers prior to the start of the season and the opening of the TIC.

3/11 Broads Forum updates

Unfortunately Martin George had had to resign from the Broads Forum due to ill health. His invaluable contribution would be missed.

The following items were discussed at the last Broads Forum:

- (1) Review of waste facilities
- (2) Broads Local Plan and Broads Plan consultations
- (3) Draft action plan for sustainable tourism. Review for European Charter for Tourism in protected areas
- (4) First stage success of Landscape Partnership Scheme Heritage Lottery Fund bid
- (5) Funding for National Parks and AONBs. Defra grant was set and would increase 1.7% year on year for 4 years. It was a relief to find there would be no further cuts to National Park funding
- (6) Environment Agency water quality data – pressure on them to make the data more accessible

3/12 To receive any other items of urgent business

A request was made by Mr Ray Walpole to include the need for ferries and help for access in the Broads in the revised Broads Plan. The importance of strategic links between Norfolk and Suffolk also needed highlighting.

A request was made by Mr Chris Yardley to have a report on works planned, and being carried out, at Hickling Broad. An update on the Stage 1 proposals for the future and how these would impact on small craft were of particular concern. It was agreed to include an update in the June meeting.

3/13 To note the date of the next meeting

It was noted that the next meeting was scheduled to take place on Wednesday 8 June 2016 at 2pm.

The meeting concluded at 5.00pm.

Chairman