

## **Guidance from the Members' Annual Review 2015/16**

Report by Chairman and Chief Executive

**Summary:** In this report the Chairman of the Authority summarises the key points arising from this year's 1:1 meetings with Members, and recommends proposals discussed and agreed with the Chief Executive as to how the concerns of Members can be addressed.

**Recommendation:** To note that 22 out of 27 Members of the Authority and the co-opted Members of the Navigation Committee completed the Annual Review 2015/16 process. This represents nearly 85% of all Members and the results indicate there is considerable agreement amongst Members on a number of key issues:

### **Governance**

- (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 be reviewed this summer.
- (b) To build a common understanding 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 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.

### **Planning**

- (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.

### **Communications**

- (a) To ask the Chief Executive to 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.

### **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.

## **1 Background**

- 1.1 The Authority is required to carry out an annual appraisal of each Member appointed by the Secretary of State, which is sent to Defra in May. For a number of years, there has been an opportunity for all Members of the Authority to complete an annual review and to meet the Chairman of the Authority for a face-to-face discussion. In January 2016, the Authority agreed to extend the offer of annual review to include the co-opted Members of the Navigation Committee.
- 1.2 The Chair of the Authority, working with the Vice-Chairman and the Chairman of the Navigation Committee, redesigned the Member Annual Review questionnaire which was approved by the Authority at its January 2016 meeting. This is contained in Appendix 1.
- 1.3 The questionnaire was emailed to all 21 Members of the Broads Authority (ten Secretary of State appointees; nine nominated Elected Councillors; the two co-opted Members of the Navigation Committee) and the other six co-opted Members appointed to the Navigation Committee in 2015. Interviews were offered with the Chairman, Vice-Chairman or Chairman of the Navigation Committee, and these were held during February and March 2016.
- 1.4 The response has been considerably higher than in previous years. Sixteen Members of the Authority and six co-opted members of Navigation Committee completed interviews. Of the remaining five, three Members were leaving the Authority in the Spring/Summer of 2016. The revised questionnaire has encouraged Members to comment more freely than in previous years and discussions have been lively. In this report, anonymised responses to each section of the Review have been collated and grouped into a number of themes which thread through the reviews of 2015/16 and Members' expectations and aspirations for 2016-17.
- 1.5 In section 2 of this report, Members' views of the high and low points of 2015/16 are summarised. This is followed by Members' assessment of the effectiveness of the committees and workshops they have attended.
- 1.6 In section 3, Members' views on the year ahead are reported, which generated a number of significant issues relating to the capabilities of the Authority to progress its three statutory purposes, and concerns about potential risks for the Broads Authority in the coming year.

## **2 Section 2 - Reviewing 2015/16**

- 2.1 **High points for individual Members and for the Authority.** Members referred to a wide range of notable events and activities. In addition to 18 individual items which included topics such as 'seeing waterside chalets added to our local list'; 'the volunteer day at Oulton Broad', 'the completion of the Turn Tide Jetty work which secures a key navigation point for a long way into the future'. It is clear that Members shared many positive experiences. At the top, was the Annual Members' site visit to Halvergate Marshes which was followed

soon after by the news that the Heritage Lottery Fund had agreed to fund the Round 1 development of the Landscape Partnership Scheme. If successful at Round 2, it will bring £4.5M into the partnership for projects.

2.2 There is consensus among Members that workshops and site-visits are the preferred mechanism for learning more about the Authority's work and building stronger working relationships among themselves, and with officers and Broads Authority stakeholders. One Member commented that the Induction site visit for the new 2015 intake of co-opted Members to the Navigation Committee demonstrated 'right from Day One that the Authority is a highly professional organization that values and invests in its Members'. Another Member, commenting on the Tolls Workshop held in September 2015 said: 'the tolls workshop enabled a deeper understanding of the issues and an opportunity to gain knowledge from a wide group of stakeholders.' Ranked by the number of Members who referred to the event, the top five events of 2015/16 were as follows, including examples of verbatim comments:

1. **Annual Member site visit to Halvergate:** *'to learn more about the Landscape Partnership Scheme and water management; providing opportunities for members and staff to meet; deepening understanding of the landscapes the Broads Authority looks after; helping see where/how the money is to be spent.'* (Mentioned by 10 Members)
2. **Tolls Workshop and Tolls Review Group:** *'with potential to recommend fair and transparent system; provided information useful to answer external critics of the Authority; agreement to undertake new Tolls Review, which is Member-led.'* (Mentioned by 7 members)
3. **Navigation Committee site visit last April:** *'which got the new committee off to such a positive start, and was so informative.'* (Mentioned by 6 members)
4. **Success of Landscape Partnership Scheme bid to the HLF:** *'highly effective, partnership working; demonstrated the enthusiasm and forward thinking the Broads Authority is capable of.'* (Mentioned by 4 Members)
5. **Hickling Broad Enhancement Project:** *'many qualities to welcome; dredging will improve water quality, benefiting boating and conservation; a positive reception at the Hickling Parish Forum and good media coverage.'* (Mentioned by 4 Members)

2.3 **Low points for individual Members and for the Authority.** In 2015/16, the Broads Authority dealt with a number of difficult issues, including the impact of the Judicial Review into the decision by the Authority in January 2015 regarding the branding of the Broads, and the enforcement of planning regulations regarding Jenners' Basin at the western end of Thorpe Island. There was evidence of consensus among Members. There was widespread concern that the principle of collective responsibility for decisions made by the Authority appeared to have been breached, risking reputational damage and loss of trust. This raised questions about whether the Authority's Code of

Conduct for Members was sufficiently robust. Ranked by the number of Members who referred to the event, four low points during 2015/16 mentioned by more than two Members were as follows, including examples of verbatim comments:

1. **Members' conduct issues:** *'Broads Authority's Code of Conduct does not cover situations like this. Lack of understanding about conflict of interest shown by 'experienced members'; abandonment of the collective responsibility principle and breach of confidentiality by individual members; Members should stand together and accept democratic process.'*  
(Mentioned by 15 Members)
2. **Negative perceptions of the Broads Authority:** *'some members of the public hold strident negative views about the Authority and its work; negative public perceptions – BA seen as unapproachable and stuffy; negative views of the BA by Parish Councils, people who live and work in the Broads.'* (Mentioned by 7 Members)
3. **Jenners Basin/Thorpe Island:** *'general concern, relating to the role of social media; the legal issues and cost.'* (Mentioned by 5 Members)
4. **The Judicial Review of the Broads Authority's branding decision:** *'a serious distraction and expense when the term is being used in good faith; costs and tying up valuable resources, delayed roll-out of benefits from marketing; not everyone has best interests of the Broads as a priority.'*  
(Mentioned by 5 Members)

2.4 **The Effectiveness of committees.** Members were asked to score the effectiveness of each of the Authority's Committees, Forums and the workshops/training events they had attended during 2015/16, using a 1-5 scale. Table 1 summarises the results.

	Not effective 1	2	3	4	Completely effective 5
Authority Meetings			6	10	3
Planning Committee			10	5	2
Planning Committee Site Visits			2	6	4
Navigation Committee			4	9	3
Navigation Committee Site Visit 23 April				3	6
Broads Local Access Forum		1	3	3	1
Broads Forum		2	1	4	1
Lake Review Project Workshop 17 April				6	6
Annual Site Visit LPS/Water Level Management 23 July				3	13

Statement of Accounts Training 22 Sept.			4	3	2
Tolls Workshop 23 Sept.	1	1	3	6	4
Broads Plan Review 7 October		1	3	8	3
Legal Updates/Housing Needs/Duty to Cooperate 9 Oct.				5	2

- 2.5 The results suggest that the main committees are functioning reasonably well, with comments such as *'committees and workshops are well-chaired and effectively serviced by the staff members'*; and *'most meetings of the Authority and its committees and working groups seem to be reasonably effective in reaching balanced decisions in line with agreed plans and strategies.'* On the other hand, some members said they felt meetings were too long, and that verbal presentations prior to discussion could be shorter. Individual comments provide further support for the workshop approach in Authority business. For example: *'the accounts workshop for me gave a good refresher on the basics of the accounts and an opportunity to hear of the changes past or future since the last workshop'*; and *'I enjoyed the Broads Plan Review, the officers set the tone and required direction very well from the start, the venue and working groups worked effectively, it generated sufficient material for the officers to work into the draft plan.'* The Tolls Workshop held on 23 September 2015 generated the widest range of scores with evidence that members' had different expectations about the event and what it was to achieve.

### 3 Section 3 – The Year Ahead, 2016-2017

- 3.1 Members were invited to contribute to the forward planning of the Authority's work by:

- (i) identifying specific issues and topics about which they wished to be better informed;
- (ii) identifying areas which the Authority needed to consider in meeting its three purposes;
- (iii) identifying potential risks associated with the Authority's strategic and operational activities in 2016-17.

- 3.2 In the responses Members raised a number of significant issues concerning governance, planning and communications. They also made a number of useful suggestions of topics for workshops, briefings and site visits.

#### **Governance**

- 3.2.1 In acknowledgement of the difficulties experienced in 2015/16 and the significant risks to the cohesiveness and effectiveness of the Authority, including working relations between Members and officers, Members recommend that a number of measures be instigated, including a review of the Authority's Code of Conduct, the Complaints Procedure, reviewing the terms and conditions of appointment and improving the process for inducting new Members. In particular, Members wanted to strengthen the induction for new Members so everyone joining the Authority understood its statutory obligations,

especially in relation to other agencies, institutions and organisation with responsibilities in the Broads area.

3.2.2 In the words of one Member: *'our overarching priority must be to resolve the governance problems, requiring bold confrontation of the issues and decisive action to solve them. Following this, we need to rebuild the team working abilities of confidence of Members and the professional relationship Members need with officers. If we fail to do this our strategic priorities will be seriously undermined or at least at risk.'*

3.2.3 The new Solicitor and Monitoring Officer, David Harris, starts work at the end of the May. An early priority for him will be reviewing the relevant documents, including the Code of Conduct for Members, Complaints Procedures and the Training Strategy for Members.

### **Planning**

3.2.4 Among a number of points, many Members supported a proposal workshop/training event for all full and co-opted Members to gain a better understanding of the legislative/political framework and implications of being a Planning Authority with obligations to meet National Park purposes. As one co-opted Member (who does not sit on the Planning Committee) said; *'I'm not expert but concerned about how planning can raise blood pressures - it's a very complex area.'* Others asked that consideration be given to *'how planning applications referred to the Navigation Committee for advice should be dealt with'*; and whether the current complement of full-time and part-time planning staff is adequate for the volume of work the department handles. The new Chair of the Planning Committee will look at how the Authority will ensure that all members have full understanding about how planning decisions are made. Furthermore he will seek assurance of the quality of our planning process, following the recent positive feedback from an independent review.

### **Communications**

3.2.5 Concern among Members about the effectiveness of the Authority's communications capability is high. These include concerns about negative public perceptions of the Authority combined with a view among some Members that the Authority's ability to develop its three purposes could be compromised if they were not being communicated effectively. Effective delivery of the tourism strategy could be compromised by inadequate staff resources. The impact of social media on all aspects of the Authority's work and reputation was raised by several Members. One Member asked: *'Is the staffing of the communications team adequate for the job the BA needs to do?'*

- 3.2.6 It should be noted that the Authority made further cuts to its support functions, Human Resources, Governance, Legal and Communications in 2014 to bring income and expenditure into alignment. Two posts were cut from the Communications Team, the Press Officer and the Web Officer. The changes as a whole have put pressure on all four areas of activity and the Communications Team in particular. Responding to the challenges posed for example by the social media campaign associated with Thorpe Island and the Judicial Review, has highlighted the need for a more proactive approach by the Authority particularly in relation to social media.
- 3.2.7 When the number of staff directly dealing with press and social media is benchmarked with the National Park Authorities, the Broads Authority appears to be well below the other authorities. Only one officer, the Head of Communications, has as her prime role, the task of dealing with press and PR issues. This offers limited resilience for the Authority, especially in the case of staff absence.

### Workshops and Site Visits

- 3.2.8 Given the support from Members for additional workshops and site visits suggestions for 2016/17 have been collated and shown in the Table below.

Table 2 Proposals for workshops and site visits, 2016/17

1. <b>Catchment partnership/water management issues</b> , including recent EU regulatory changes, implications of DEFRA's 25 year Environment Plan due to be published later in 2016; and water quality/ quantity issues.	5 members
2. <b>Planning matters</b> , including a joint meeting to discuss the River Wensum Partnership; planning enforcement processes; recent changes in planning law and their implications for the B.A.	4 members
3. <b>More off-site activities</b> , in particular to instate an annual site visit to see operations of interest to Navigation Committee members.	4 members
4. <b>Update on Moorings Strategy</b> , particularly helpful for new co-opted and full members of the Authority.	3 members
5. <b>Other suggestions</b> include: a Summit on the Southern Rivers; workshop on waste facilities; workshop on community engagement and partnership working; and a workshop on the new 8 Point Plan for National Parks.	Individuals

- 3.2.9 Whilst these suggestions are very welcome they present significant demand on staff resources in preparing material for them, organising and attending the events. At present there are 28 meetings a year of the main Committees (Broads Authority 6, Planning Committee 13, Finance Scrutiny and Audit Committee 3 and Navigation 6). On top of this there are 4 meetings of the

Broads Forum and also the Local Access Forum. Servicing these Committees with reports and minutes as well as attending them is a considerable time commitment for officers. It is therefore proposed that the Authority considers how it might streamline its meetings – for example replacing meetings if possible with a site visit rather than adding site visits and workshops to the existing timetable. The following arrangements are already proposed or in place for site visits, workshops and other events for the next five months.

6 May	Tolls Working Group
7 May	Open Morning at Whitlingham for the public
2 June	Potential Navigation Committee site visit to Hickling Broad in place of the Committee meeting
8-9 June	Hosting meetings of National Parks UK and National Parks England
20-30 June	Royal Norfolk Show
15 July	Waste Review Workshop
21 July	Member Development Day – site visit to How Hill
29 September	Governance/Chairing Skills/ Effective committees workshop

3.2.10 If the recommendations of this report are accepted there will be the need for additional workshops, briefings and site visits. For example, we will need to schedule dates for governance training, thorough induction of new members and planning training for all Members. Members are also reminded that individual visits can be arranged for members on a 1:1 basis to shadow a member of staff or to visit practical work sites, through liaison with any member of the Management Team.

Background papers: Nil

Author: Jacque Burgess and John Packman

Date of Report: 22 April 2016

Broads Plan Objectives: None

Appendices: APPENDIX 1 - Copy of Interview Form



**In Confidence**

**Broads Authority: Member Annual Review for April 2015 - March 2016**

The Authority is required to send an annual appraisal of the performance of those Members appointed to the Authority by the Secretary of State to Defra. For a number of years this process has been extended to support all Members of the Authority. In summer 2015, we agreed to include the co-opted Members of the Navigation Committee as well.

**Purposes** of the Annual Review

1. To encourage critical reflection by each member on their personal performance as a member of the Authority or its Navigation Committee in relation to the performance of the Authority and its committees and forums over the last 12 months.
2. To develop plans/actions to strengthen the contribution each member will make to the achievement of their personal goals and the collective goals of the Authority over the next 12 months.
3. To provide information/evidence to allow a useful summary of member performance for the ten Secretary of State members to be sent to DEFRA.

**Process** for the Annual Review

A copy of this form, designed to assist the process, will be distributed in January. All full and co-opted Members are invited to review Section A and complete Sections B and C. The Chair/Vice Chair will contact Members of the Authority and the Chairman of the Navigation Committee will do the same for the co-opted Members, to arrange a review meeting in February or March. The completed form should be returned to the reviewer at least a week in advance of the meeting. After the meeting, the Reviewer will send the form to the Member for signing and take forward any agreed actions. The forms will be retained with other confidential information for a period of five years.

**A Personal Information**

Name	
Appointing Body (SoS/LA/BA/Category)	
Date Joined	
Date Current Appointment Expires	
Committee Membership	
Attendance	
Authority responsibilities and representations on external organisations	

**B Review of the last year (2015-16)**

1. What have been the high points (events, activities, etc.) for you, and for the Authority, over the last year? Please explain why you have chosen these examples.

2. Similarly, what have been the low points for you, and for the Authority, over the last year? Please explain why you have chosen these examples.

3. Over the last year, how effective do you consider the following Broads Authority's committees, forums, working groups and other events have been in completing their business?

	<b>Scale</b> Please indicate using a x in the appropriate column 1 = not effective to 5 = completely effective				
	Not effective 1	2	3	3	Completely effective 5
Authority Meetings					
Planning Committee					
Planning Committee Site Visits					
Navigation Committee					
Navigation Committee Site Visit 23 April					
Broads Local Access Forum					
Broads Forum					
Lake Review Project Workshop 17 April					
Annual Site Visit LPS/Water Level Management 23 July					
Statement of Accounts Training 22 Sept.					
Tolls Workshop 23 Sept.					
Broads Plan Review 7 October					

Legal Updates/Housing Needs/Duty to Cooperate 9 Oct.					
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4. What reasons underpin your assessments in Question 3?

**C The year ahead 2016-2017**

The Authority's Strategic Priorities for the coming year are as follows:

- a. Broads Plan Review
- b. Broads Landscape Partnership
- c. Hickling Broad Enhancement Project
- d. Promoting the Broads
- e. Stakeholder Action Plan
- f. Adaptation to Climate Change and Sea Level Rise

1. Do you have interests and/or skills which you would like the Authority to make better use of in 2016-17? These may relate to our strategic priorities or be something else you would like to offer.

2. Are there specific issues/topics that you would like to be better informed about via, for example, member-officer workshops, training sessions, site visits, or other activities?

3. Are there areas where you would like to see the Authority develop its understanding or capabilities in relation to each of its three purposes?

4. Do you consider the Authority faces any specific risks in relation to its activities over the coming year?

**D    Comments by the Reviewer**

**E    Issues to be raised with Chief Executive /Other actions to be taken**

Date of Review Meeting: .....

Member's Signature: .....

Reviewer's Signature: .....  
Chairman/ Vice-Chairman / Chairman Navigation Committee