

Navigation Committee

Minutes of the meeting held on 6 September 2012

Present:

Mr D A Broad (Chairman)

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| Mr L Betts | Mr M Heron | Mr P E Ollier |
| Mr A Goodchild | Mr J Knight | Mr M Whitaker |
| Mr P Durrant | Mr A S Mallett | |

In Attendance:

Dr J S Johnson – Chairman of Broads Authority
Ms R Evitt – Administrative Officer
Mr R G Holman – Director of Change Management and Resources
Mrs A Leeper – Asset Manager
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction and Maintenance
Mrs C Smith – Head of Development Management
Mr A Vernon – Head of Ranger Services
Mrs T Wakelin – Director of Operations

1/1 To receive apologies for absence

Apologies for absence were received from Miss S Blane, Mr P Frost and Mr P Greasley.

1/2 To note whether any items have been proposed as matters of urgent business

- **Appointment of Chairman**

The Chief Executive invited nominations for the position of Chairman for the forthcoming year.

It was proposed and duly seconded that Mr Broad be nominated.

There being no other nominations it was

RESOLVED

that Mr Broad be appointed as Chairman of the Navigation Committee for the forthcoming year.

Mr D Broad (in the Chair)

The Chairman thanked members for their continued support.

- **Appointment of the Vice Chairman**

It was proposed and duly seconded that Mr Ollier be appointed as Vice Chairman for the forthcoming year.

There being no other nominations it was

RESOLVED

that Mr Ollier be appointed as Vice Chairman of the Navigation Committee for the forthcoming year.

It was noted that Mrs Mollie Howes had been awarded the RYA Community Award (Lifetime Commitment) by the RYA Honours and Awards Panel. Members congratulated her on this achievement and commended her continued dedication to boating on the Broads.

Members requested that their thanks be passed on to the local constabulary for their outstanding support during a recent serious incident. The Committee also wished to pass on their thanks to the appropriate Authority staff for their professionalism and compassion in dealing with the same difficult event.

1/3 To receive Declarations of Interest

Members expressed their declarations of interest as set out in Appendix 1 to these minutes.

1/4 Public Question Time

Members received a question and statement submitted by Mr Brian Topliss as detailed in Appendix 2. The Authority's response was provided by the Chairman as detailed in Appendix 2.

1/5 To receive and confirm the minutes of the special meeting held on 11 July 2012

The minutes of the meeting held on 11 July 2012 were approved as a correct record and signed by the Chairman, subject to an additional sentence at the end of the fifth paragraph of Minute 5/9 to read:

'A member raised the concern that a number of vessels would appear to be outside any regulatory framework.'

1/6 Summary of Progress/Actions/Response Taken Following Discussions at Previous Meetings

A report detailing progress on various items was received.

1/7 Controlled Waste Regulations 2012 Relating to Boat Waste

The Committee considered a report regarding the Controlled Waste Regulations which had been introduced on 1 April 2012. Members noted that the regulations affected the way local authorities would treat waste from boats. The local authorities were now looking for the “polluter” to pay for the collection and disposal of boat waste. Members’ views were sought on the response to be given to the local authorities in respect of potential boat waste charges and a way forward.

Schedule 1, Article 4 of the Regulations state that if a vehicle or vessel is used as full time living accommodation, any waste produced by this vessel and its occupants is specified as household waste. The regulations state that waste generated “Where the vehicle or vessel is used in the course of a business for the provision of self-catering accommodation” is business waste. The definition thus excludes waste generated by private owners using their own boats.

Members were informed that some waste facilities had already been removed and that the local authorities were considering the removal of other boat waste bins in the absence of a formal agreement of responsibility. The local authorities were still obliged to collect waste from households, and therefore from houseboats and ‘live a board’ vessels and vessels used for short term accommodation not in the course of a business. There was however a caveat that if the type of waste was not specified it defaulted to commercial waste, making it more expensive to dispose of.

The Authority was already paying for waste collection at Bramerton, which included waste from visitors, tourists and anglers. Members noted that the Authority also paid a 25% contribution to boat waste collection at Aldeby Hall which was a condition in the lease for the moorings.

The Navigation Committee supported the view expressed in the report that it would be unreasonable for these charges to fall entirely upon navigation expenditure. Members supported officers in their ongoing negotiations and requested that any developments be reported back to a future meeting.

1/8 NSBA Survey Results

The Committee considered a report which summarised the results from the survey carried out by the Norfolk and Suffolk Boating Association (NSBA) which had paralleled the Authority’s own boat owners’ survey asking a different but related set of questions.

The report looked at the output from the NSBA survey, and compared the findings with the Authority’s own survey, drawing out key issues.

With regard to comments about the lack of moorings, a member commented that it would be possible for the Authority to provide pontoon moorings with no access to the land without landowner consent - even though planning

permission would still be required and the landowner would have the opportunity to object. A recent case had been negotiated at a suitable location for both the landowner and Authority. However, members agreed that this type of mooring should only be provided in appropriate locations.

Members noted that if the Authority was going to improve moorings in the system they had to look at why landowners were not happy or willing to look at alternatives. There was also agreement to look at making these options more attractive to add more 24 hour moorings to the system.

1/10 Navigation Income and Expenditure: 1 April to 30 June 2012 and Forecast Outturn

The Committee agreed to take item 10 on the agenda before item 9, and considered a report which provided details of the navigation income and expenditure for the three month period to 30 June 2012, the forecast projected expenditure at the end of the financial year and the outturn income and expenditure figures for 2011/12.

Members noted the new format for reporting income and expenditure and that it enabled comparisons to be made with the original budget. The Chairman confirmed with members that the new layout was agreeable subject to the inclusion of profiled income and expenditure also being included in future reports.

Members were unclear about the PRISMA accounting methodology and how the funding was coming in and going out of the accounts system. It was noted that this was largely a presentational issue as the Authority had to submit an invoice for expenditure and then reclaim 50% of the expenditure back as a grant.

It was agreed that a report be brought to the next meeting on the financial aspects of the PRISMA Project.

A member expressed concern that the outturn figures for 2011/12 had been very different to the original expectations. It was explained that the outturn figures were based on the revised budget. The member identified that the total under spend was 8%, and that it had been 8% in 2010/11 and 4% in 2009/10. He raised concern that the Authority was under spending on operations and over spending on overheads.

Members were reminded that 2011/12 had been an exceptional year and that there had been some difficulty in spending on specific issues for a variety of reasons, including the major reorganisation which had also produced efficiencies above those anticipated. Another element to take into consideration was the additional income and external funding that the Authority had received from a variety of sources. It was anticipated that future expenditure patterns would be closer to budget.

A member considered that there needed to be a measure of balance over the reasons for previous budget variations, but that it would be important for officers to conform to budget profiles in future and to provide early warning and reasons for any variations. Officers needed to be given the time to deliver against the new budgets and profiles.

Officers noted the concerns regarding the under spend and variance of the budgets and revised budgets. Members were assured that the Authority's budgets were now subject to robust financial profiling and monitoring.

1/9 Financial Strategy 2013/14 – 2015/16

The Committee considered a report which sought its views on the Authority's draft Financial Strategy for the period up to 2015/16, and in particular on the proposals for navigation income and expenditure.

Members noted that the proposed expenditure on Breydon Water, previously supported by the Committee, together with the costs of the Dockyard workshop and implementation of the Premises Strategy, would result in Navigation general reserves falling below 10% of net expenditure for 2012/13 and 2013/14 before recovering in 2014/15. However, members noted that the Navigation earmarked reserves, which were set up for specific purposes, were very strong and that these could be used in the event of an emergency to support general reserves.

It was suggested that the proposals as set out in the report could be afforded on the basis of a 3% increase in tolls over the period 2013/14 to 2015/16. This assumption would not preclude the Committee from making its recommendations in due course. The Committee considered that such an increase would be generally acceptable and noted that it was broadly in line with the anticipated rate of inflation.

Members were requested to comment on whether they regarded tourism as an important issue and whether they considered it would be appropriate for Navigation expenditure to make a contribution towards the costs of supporting tourism. Members considered that the Authority needed to promote and support tourism under its general duty to have regard to the well-being of the local economy. The Authority had to continue to encourage people to spend their time and their money in the area as it benefited a wide variety of different organisations and businesses. The Committee was generally supportive that this encouragement continued under appropriate funding.

1/11 Planning Application with Navigation Implications: Planning Application at Deal Ground, Trowse for Mixed Use Development Comprising a Maximum of 670 Residential Units, a Local Centre with Commercial and Leisure Uses, Parking plus a Vehicular Bridge over the River Yare

The Committee considered a report which detailed the amended proposals for the redevelopment of the Deal Ground. Members noted that the proposals no longer included the provision of a bridge, although this was proposed in the

longer term. This compromised the full and timely consideration of how best to address the impact of a bridge on navigation.

Members seriously questioned the projected costs of £5 million to build a marina of the size demonstrated. It had also been recommended that the parties concerned should look strategically at the whole project and not just at individual sections.

There was a minimum requirement of de-masting moorings to mitigate the impact of any bridge and this had to be taken into consideration, within the proposal. Members considered that a 10ft bridge was highly inappropriate and would sterilise the Port of Norwich area. Members noted that the proposal did not currently provide recommended mitigation requirements.

Members requested that officers go back with clear indications of the Committee's concerns to Norwich City Council including a strong message that proposals for the Deal Ground site should be considered on a holistic and integrated basis and that if a subsequent plan was received for a 10ft bridge on its own without mitigation and navigational benefits, then it would be resisted robustly.

1/12 Construction and Maintenance 2012/13 Work Programme Progress Report

Members received a report which set out the progress made in the delivery of the 2012/13 Construction and Maintenance Work Programme to date and updated members on changes to the programme.

Members noted that the location of the new workshop was being moved 300mm to prevent the eaves from overhanging another property. The project was on track and contractors were due to commence work at the end of September with a completion date predicted for the end of March 2013.

1/13 Chief Executive's Report

Members received a report which summarised the current position in respect of a number of important projects and events, including decisions taken during the recent cycle of committee meetings.

Members noted that officers were continuing to be involved with a variety of related organisations to monitor the current bridge situations and highlight ongoing issues.

1/14 Current Issues

The Vice Chairman reported that the Boat Safety Management Group had met in its new format and had now agreed to meet twice a year. The following items had been highlighted as current issues:

- The Group accepted officers' views on the level of risk of four previously unassessed hazards. Ringos and towed inflatables and kite surfing were considered unacceptable activities for the Broads. Punting and gun punting were considered manageable activities which, while not yet ALARP, could be mitigated to that end.
- The Group considered a proposal to amend the Navigation Dimension Bylaws to increase the maximum allowable vessel width. They agreed a methodology for judging acceptable vessel widths in the context of available river widths. The Hire Boat Federation would be consulted.
- The new punting operation in Norwich would be in the hands of qualified and trained operators and there would be no unmanned punts. It would be monitored under the Authority's existing procedures and, if considered necessary, a Code of Practice would be agreed with the operators.

A member raised concerns about the Authority's emergency contact system. Members were reassured that there was a well established and effective emergency system and procedure in place for responding to incidents, serious or otherwise, which was initially handled by the Coastguard Control with the Broads Authority Duty manager being paged if required.

1/15 To note the date of the next meeting

The next meeting of the Navigation Committee would be held on Thursday 11 October 2012 at Dragonfly House, 2 Gilders Way, Norwich commencing at 2.00pm.

1/16 Exclusion of the Public

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the following item 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 outweighed the public benefit in disclosing the information.

1/17 To receive and confirm the exempt minutes of the Navigation Committee meeting held on 11 July 2012

The exempt minutes of the meeting held on 11 July 2012 were approved as a correct record and signed by the Chairman.

The meeting concluded at 4.50pm

Chairman

Code of Conduct For Members

Declaration of Interests

Committee: Navigation Committee

Date: 11 July 2012

| Name Please Print | Agenda/ Mins No(s) | Nature of Interest (Please describe the nature of the interest) | Please tick here if the interest is a Prejudicial interest ✓ |
|------------------------------|-------------------------------|---|---|
| A S Mallett | All items | Toll payer, Appointed Broadland District Council Member BA Planning Committee, Vice Commodore Norwich Frostbite Sailing Club, NSBA | ✓ |
| M Whitaker | 1/4 – 1/15 | Toll payer, NHBF Committee, Hire Boat Operator | |
| D A Broad | 1/4 – 1/15 | Toll payer, Great Yarmouth Port Authority | |
| L Betts | | Toll payer and Landowner | |
| P E Ollier | 1/4 – 1/15 | NSBA committee member, toll payer, member of BA Planning Committee, member of Broads sailing clubs | |
| J Knight | 1/4 – 1/15 | Toll payer, Boat Hirer and Operator | |
| M Heron | 1/4 - 1/15 | Toll Payer, Whitlingham Broad Boathouses, NRC, BR, NBYC, NSBA, Landowner | |
| A Goodchild | 1/7 Onwards | Toll Payer, Chairman BMF CM, Marine East, | |