

## Navigation Committee

Minutes of the meeting held on 27 February 2014

### Present:

Mr D A Broad (Chairman)

Mr K Allen	Mr A Goodchild	Mr J Knight
Mr L Betts	Mr P Greasley	Mr P Ollier
Ms S Blane	Ms L Hemsall	Mr M Whitaker
Sir P Dixon	Mr M Heron	

### In Attendance:

Dr J S Johnson – Chairman of the Authority  
Mr S Birtles – Head of Safety Management  
Mr A Clarke – Senior Waterways and Recreation Officer  
Ms A Leeper – Asset Officer  
Ms A Long – Director of Planning and Resources  
Ms L Marsh – Administrative Officer (Governance)  
Mr J Organ – Head of Governance and Executive Assistant  
Dr J Packman – Chief Executive  
Mr R Rogers – Head of Construction and Maintenance  
Ms T Wakelin – Director of Operations  
Ms K Wood – Planning Officer

### Also in attendance:

Mr Richard Block – Broadland District Council  
Ms Sarah Bruton – Broadland District Council

### 5/1 To receive apologies for absence

Apologies for absence received from Mr P Durrant.

The Chairman welcomed Mr Richard Block and Ms Sarah Bruton to the meeting as well as Ms Lorna Marsh, the new Administrative Officer (Governance) replacing Ms Helen Ayers.

### 5/2 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

**53 To receive Declarations of Interest**

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

**5/4 Public Question Time**

There were no public questions.

**5/5 To receive and confirm the minutes of the meetings held on 12 December 2013**

The minutes of the meeting held on 12 December 2013 were confirmed as correct and signed by the Chairman.

**Request for inclusion of Matters Arising in future agendas**

Members asked for the opportunity to include an agenda item for matters arising. The Chairman noted an action point to determine the possibility of this for future meetings. The particular matter that one member wanted to raise related to the enforcement of HLS landowner tree maintenance schemes, specifically around the River Ant. Members were informed that the Authority had no enforcement powers to ensure trees were maintained and that this was the remit of Natural England but that officers would discuss the matter with them. It was also noted that the Authority had recently carried out six weeks of tree maintenance in the Ant area.

**Variation in the Order of Business**

The Chairman gave notice that there would be a Variation in the Order of the Agenda to allow Ms Lana Hemsall to be present during the discussion of item 5/6.

**5/6 Waste Disposal Policy (This item was taken after 5/7)**

The Committee received a report from the Asset Officer detailing how new Controlled Waste Regulations were being interpreted by district councils to mean that boat waste was now considered to be commercial waste and district councils were looking for the 'polluter' to pay for collection and disposal to recoup costs imposed on them by the county council. Broadland District Council, which was reducing its Broads mooring waste facilities from seven locations to three key sites to be reviewed annually, was suggesting that the Authority should pay a contribution towards disposal costs. North Norfolk District Council was retaining facilities at six locations but removing 11 sites.

Members views were sought on whether the Authority should contribute to Broadland District Council's costs and whether the Authority should be responsible for the provision of waste facilities at its own sites. Members noted there was no current budget provision for the costs and the reduction of National Park grant would require further spending cuts by the Authority.

Members of the Broads Forum concluded at its meeting on 6 February 2014 that it was inappropriate for the Authority to either provide waste facilities or contribute to costs.

Mr Richard Block confirmed that the contribution being sought from the Broads Authority was a minor proportion in recognition of the significance of the Broads as an important infrastructure for development and Ms Sarah Bruton reassured members that the sufficiency of the waste sites Broadland District Council had proposed would be monitored and upscaled if necessary although this would mean a greater cost to the Authority if it did make a percentage contribution. She also suggested the Norfolk Waste Partnership as a useful forum to discuss the issue.

Members expressed concern over adopting a 'piecemeal' approach whereby different arrangements were agreed with different district councils, and they suggested that wider discussions with the county council and the district councils concerned would be useful. They recognised the problems the change in legislation meant for district councils but were opposed to the Authority paying for or providing waste facilities commenting it was not in the Authority's remit. They concurred that as a member of the National Parks family the Broads should have high quality facilities to avoid degradation of sites and maintain the area as a tourist attraction.

Members questioned the grading of boat waste as commercial when taking the same waste home would reclassify it as domestic. While it was noted that National Park and Inland Waterways Authorities had not faced the same issue as the Broads Authority, which was in a unique position in the number of mooring and staithe facilities it managed on land it did not own, members recommended that the Chief Executive and the Chairman ascertain what support they could get from other NPAs in challenging Defra's decision on grading boat waste as commercial. Members also recommended that the Chief Executive ascertain what can be done locally in conjunction with the Norfolk Waste Partnership and for records to be updated, where possible, to indicate the ownership of the currently services sites.

The Chairman thanked Mr Richard Block and Ms Sarah Bruton for attending and contributing to the meeting.

## **5/7 Private Boat Owners' Survey**

Members received a presentation and report from the Senior Waterways and Recreation Officer which provided an update on progress made on the proposed survey of private boat owners which was due to take place this summer. A sample analysis of all boat owners (current and past) listed on the tolls database by CACI using the ACORN postcode classification system purchased by the Authority for £8,000 over two years, suggested that while the majority of boat owners might be classified as affluent the Authority needed to recognise that a proportion were not. The profiling also indicated that boat owners came from a wide geographical range taking in all areas of the UK. Indications were that engaging an external company to build on this

initial profiling would cost in the region of £17,000 to £25,000 in order to provide trustworthy, reliable and objective data which would be of value to the Authority and its stakeholders.

The Chief Executive suggested that the ACORN profiling could be extended to boat hirers by using postcodes collated by hire companies and it was suggested that Hoseasons might be the best source of this information. Members noted that data could be compared over time and could also pinpoint such useful marketing intelligence as shopping habits.

On expressing concern that the ACORN profiling had been run on the postcodes of all those registered on the Authority's toll paying system not just those currently paying tolls, members were informed that it could be limited to current toll payers if that was deemed the most appropriate data set.

Members expressed concerns over the potential cost of the project and that it had developed from one that was going to be undertaken using the Authority's internal resources. The Chief Executive emphasised the Authority's desire to collect useful, objective and reliable information and that the report's conclusion followed expert advice that this could only be achieved through an external professional company. The Chief Executive advised that any internally resourced work might be statistically sufficient but would not offer the same depth of insight that a professional survey could provide. The Committee supported the concept of the survey but recommended that the Authority carry out further research into what work could be done for less cost, suggesting an indicative price of £10,000.

## **5/8 Consultation on the Draft Strategic Priorities 2014/15**

The Committee received a report from the Chief Executive setting out revised draft objectives, projects and key milestones to meet the strategic priorities for 2014/15 following the Broads Authority's endorsement of the strategic context at its meeting on 22 November 2013. The Chief Executive also informed members about the joint National Parks work with Visit Britain on the Great campaign to attract visitors from overseas and gave an update on the National Parks corporate sponsorship programme which included Airwick and Merrell footwear.

In response to the Vice Chairman's concerns over the final sentence of Appendix 3 Theme 4 members were advised that the linking of the Authority's governance and structure review with its review of National Park status was merely a pragmatic one and the Chief Executive informed the Committee he was meeting the Chairman of the Norfolk and Suffolk Boating Association to involve him in discussions over the matter of National Park status.

The Chairman enquired on the status of the other priority activities referenced in Appendix 3 of the report. Particular attention was drawn to the requirement to address income generation. The Chief Executive explained that much of this work would still be undertaken within the work programmes and that the strategic priorities concentrated on just a few areas, rather than replicating all

the work which would be undertaken by the Authority. Completion of some of the additional work priorities would be dependent on resources being available to undertake the activities.

Members noted the report and endorsed the Draft Strategic Priority Objectives for 2014/15 as detailed in Appendix 2 of the report, taking into account the strategic context detailed in Appendix 1 and recognising that other priority activities as detailed in Appendix 3 would be undertaken within work programmes as resources allowed.

## **5/9 Navigation Committee Engagement**

Members received a report detailing the points raised during a meeting in November 2013 between the Chairman and Vice Chairman of the Authority, the Chairman and Vice Chairman of the Navigation Committee, Mr Knight and the Chief Executive to discuss how the work of the Navigation Committee could be better managed to make sure that its guidance and advice to the Authority on strategic matters was of high quality, timely and focused.

With regard to section 1 concerning Improved Consultation and Arranging the Business of the Committee the Chairman highlighted the increased requirement for him and the Vice Chairman to remain informed of Authority business in order to bring relevant agenda items forward. This would require the Chairman and the Vice Chairman of the Committee to keep in very good touch with all other members and to be constantly made aware of their concerns and issues. Though some members supported the audio recording of Committee meetings in their entirety, the more general consensus was that this was not currently necessary and that the Chairman should summarise the key discussion points and conclusions of the Committee at the end of each agenda item for the minutes.

With regard to section 2 concerning Communications About the Work of the Committee, the Authority's policy concerning members speaking to the media on behalf of the Committee or the Authority was discussed. Some members questioned the policy and felt it needed further clarity, using blog comments as an example, while the Chairman of the Authority and other Navigation Committee members saw the policy as beneficial in ensuring correct and united representation.

In response to one member raising concerns that he felt the report suggested this matter was no longer under review and the Authority had concluded the process, the Chairman of the Navigation Committee highlighted the report's statement that the Communications Strategy would be updated to reflect the continuation of the approach of contacting him for comments in press releases where relevant. The Chairman also suggested further consultation and discussion in line with the wishes of some members to further define the roles of members, including the Chairman and vice Chairman, in explaining the Committee's work. Members noted that any changes to the Communications Strategy would need a clear rationale.

With regard to section 3 concerning Finance and Overall Governance the Chairman of the Navigation Committee welcomed the report and emphasised the need for members to highlight matters important to them for possible inclusion in agenda setting. The Chairman of the Authority commented that now structures were in place the focus needed to be on members making sure they were fully acquainted with strategic issues and on the Authority to use their advice in a sensible way.

Members noted the report and welcomed an improved approach formalising the effective contribution of the Chairman and the Vice Chairman to the organisation of the Committee's business and would welcome hearing of further progress in due course.

#### **5/10 Wakeboard Trial Findings**

The Committee received a report from the Head of Safety Management setting out the findings of the extended trial of recreational wakeboarding including 'getting air' on the River Yare and Waveney. The Head of Safety Management informed members that the trial was necessary as it was a deviation from the existing rules requiring wakeboarders to stay on the water but involved no more than skips and jumps.

Members noted the report and supported the findings of the review panel that option 3, to allow the practice of getting air in all zones except Yare 1 with no requirement to log on and off with Broads Control, be recommended to the full Authority for implementation from 1 April 2014.

#### **5/11 Hirer Safety Review**

Members received a report from the Head of Safety Management setting out the process of the Hirer Safety review which is being carried out on behalf of the Navigation Authorities. Members were informed that the Broads Authority was at an advantage, as it had previously addressed some of the issues raised by the review and already had a licensing scheme. Comments were requested from members on the requirement from 2015 for speed indication in powered hire vessels. Members noted this was over and above the requirements of the review.

Members noted the report and supported the postponement of the introduction of the proposed requirement for speed indication in all powered hire vessels until 2015 to avoid revising the hire boat licencing requirements in two successive years.

#### **5/12 Power Boat Racing**

The Committee received a report from the Head of Safety Management outlining the background to power boat racing on Oulton Broad. The Committee's views were sought on the management of racing and the proposed fixture list for the 2014 season. Members noted the typographical

error in the proposed fixture list and that Monday 28 August should read 25 August.

Members were informed that not all income from race tolls relating to 2013 had been received. In relation to the fact that 11 incidents had been recorded for 2013 the Head of Safety Management informed the Committee that the Royal Yachting Association had increased its safety procedures, had robust measures in place and provided its own insurance so there was no liability on the Authority.

Members noted the Annual Review, the occurrence of incidents in 2013 and the steps that the RYA have implemented and welcomed the risk management's conclusions that no further changes were necessary to the management plan for powerboat racing for the 2014/15 season. They endorsed the management plan and the proposed fixture list subject to outstanding racing tolls being paid by the beginning of the season.

### **5/13 Planning Applications with Navigation Implications**

#### **(i) Broadland Flood Alleviation Project: Planning Application for Flood Defence Works in Compartment 17 – Postwick Marshes**

Members received a report from the Senior Waterways and Recreation Officer providing a summary of planning application proposals from Broadland Environment Services Ltd (BESL) for Compartment 17 (Postwick Marshes) on the true left bank of the River Yare between Postwick Grove and Ferry Lane Postwick. Members noted that officers proposed to raise no objections but to recommend a planning condition requiring BESL to agree the details of the proposed gabion baskets, channel marking and erosion monitoring. The Senior Waterways and Recreation Officer informed the Committee of the process involved in notifying BESL of any issues with these or other gabion baskets.

Members supported officers' recommendations to raise no objections but to impose planning conditions in relation to agreeing the details of the gabion baskets and their support, channel marking and erosion monitoring.

#### **(ii) Part Retrospective Application for Installation of Three Pontoon Moorings**

Members received a report and presentation from the Planning Officer detailing a part retrospective application for installation of three pontoon moorings at Johnson's Yacht Station, St Olaves. The Planning Officer informed members that two of the pontoons had already been installed. Members considered the impact of reducing the navigable area by approximately four metres and the safety implications of this. On balance, the new pontoons would offer a much safer mooring approach in conditions of fast flowing tides and ranges experienced in this location. They noted that while the provision of a demasting

mooring could be discussed with the applicants the application the application would have to be considered on its merits.

A vote was taken on whether to support the application which resulted in eight members supporting it, one objecting to it and the three members who were also members of the Planning Committee abstaining.

#### **5/14 Navigation Income and Expenditure: 1 April to 31 December 2013 Actual and 2013/14 Forecast Outturn**

The Director of Planning and Resources presented the Committee with a report from the Head of Finance providing the details of the actual navigation income and expenditure for the nine month period to 31 December 2013 and a forecast of the projected expenditure at the end of the financial year (31 March 2014).

Members noted that a significant spend was to be delivered in January, February and March but that this was not unusual for the Authority and not a cause for concern. The forecast navigation reserve was also below the recommended 10% of total spend but this was not a significant cause for concern. Members also noted the forecast for the Outturn deficit was £108,000 compared with £90,000 in December but the Latest Available Budget was unchanged at a deficit of £132,000. The prediction for the year end Navigation Reserve was £246,000 at the end of 2013/14 compared with last month's prediction of £264,000.

The issues around damage to Mutford Lock were discussed with the Committee supporting the decision by the Authority to waive standing orders and allocate money from earmarked reserves for urgent repair work, following consultation with the Authority Chairman and the Chairman and Vice Chairman of the Navigation Committee. Members were informed that the lock was not insured by the current owners prior to the transfer of ownership to the Authority.

The Committee noted that the reduction in recorded income from yacht stations was in part due to additional costs and changes in the profiling of income to make profiling more accurate.

Members noted the report and the Chairman thanked the Committee for supporting the decision to carry out urgent repairs to Mutford Lock. Members also supported the idea of using a temporary portable hydraulic power pack to operate the lock after being informed that manual operation was no longer possible. The Committee requested further clarification regarding how the profiling of yacht station income had changed and were advised that the Head of Finance would respond following the meeting.



## **5/15 Construction and Maintenance Work Programme**

Members received a report from the Head of Construction and Maintenance setting out the progress made in the delivery of the 2013/14 Construction, Maintenance and Environment Section work programme to date. Members were informed that the Authority was exploring options to build on the partnerships established within the Prisma project which, if taken forward, would be brought to the Committee in due course.

The Committee noted the report and welcomed the assurance that the programmed dredging target of 50,000m<sup>3</sup> would be reached by the end of the financial year (31 March 2014). The Chairman recorded the Committee's thanks for the work towards completing this target.

## **5/16 Chief Executive's Report**

The Committee 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 were reminded to confirm attendance to Network Rail's Whole Life Management Study workshop on 24 March 2014. The Committee discussed the issue of charging at Reedham Quay and were informed that officers were meeting with Reedham Parish Council on 5 March 2014 to listen to concerns and that the lease with Broadland District Council had yet to be signed but noted the Authority had made the decision to charge with support from the Navigation Committee.

Members questioned whether the trial of the SMS text service to notify users of slack water times at Great Yarmouth during May and June would be long enough to ascertain its success. The Committee was also informed of possible future partnership work with Norfolk County Council to address the uncontrolled breaches between Hardley Flood and the River Chet and improve the condition of the Wherryman's Way in that area.

The report was noted.

## **5/17 Current Issues**

### **Breydon Bridge**

Mr Goodchild advised the Committee that the Highways Agency was working on resolving issues with the operation of Breydon Bridge and thanked the Authority for its support on the matter.

### **Broken Flood Defences**

Sir Peter Dixon reported that around 20 metres of flood defence bank had broken off into the river upstream of Reedham and the Senior Waterways and Recreation Officer advised that BESL had been made aware of the issue.

**5/18 Items for future discussion**

No items were recommended but the Chairman requested that members ensure any items of importance to them were put forward in future.

**5/19 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 24 April 2014 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

**5/20 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 items below on the grounds that it involves 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.

**5/21 To receive the exempt minute of the Navigation Committee meeting held on 12 December 2013**

The exempt minute of the meeting held on 12 December 2013 was confirmed as correct and signed by the Chairman.

**Summary of Exempt Minutes**

**5/22 Future Management of Ranworth**

The Chief Executive presented the Committee with a report from the Asset Officer and Director of Operations containing exempt information relating to the future management of Ranworth.

Members supported the officers' professional advice and endorsed the approach detailed in option 1 (no change) while recommending that the matter be considered in further detail in the development of an overall strategy.

The meeting concluded at 4.43pm

Chairman

**APPENDIX 1**

Code of Conduct for Members

**Declaration of Interests**

Committee:            Navigation Committee

Date of Meeting:    27 February 2014

<b>Name Please Print</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest (Please describe the nature of the interest)</b>
Mr K Allen	5/6 – 5/22	Regional Chairman for the Angling Trust, Member of the Broads Angling Strategy Group
Mr L Betts	5/6 – 5/22	Toll Payer and Landowner
Ms S Blane	-	(No relevant interests)
Mr D A Broad	5/6 – 5/22	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Sir P Dixon	-	(No relevant interests)
Mr A Goodchild	5/6 – 5/22	Toll Payer, Land Owner, Member of ABA, Chairman of BMF Commercial Marine
Mr P Greasley	5/6 – 5/22	Toll Payer, Chair of BHBF, Passenger Boat Operator, Hire Boat Operator
Ms L Hemsall	5/6	Personal and pecuniary interest
Mr M Heron	5/6 – 5/22	Toll Payer, Land Owner, Member of British Rowing, NRC, NSBA, NBYC, RCC and Chair of Whitlingham Boathouses
Mr J Knight	5/6 – 5/22	Toll Payer, Hire Boat Operator, member of NSBA, NBYC, WOBYC, BHBF, RYA, BMF
Mr P Ollier	5/6 – 5/22	Toll Payer, NSBA Committee member, RYA and various sailing clubs
Mr M Whitaker	5/6 – 5/22	Toll Payer, Hire Boat Operator, member of BHBF Executive Committee