

Broads Authority

Minutes of the meeting held on 26 September 2014

Present:

Dr J S Johnson - in the Chair

Mr K Allen	Sir Peter Dixon	Mr G W Jermany
Mr L Baugh	Mr P Durrant	Mr P Ollier
Miss S Blane	Mr C Gould	Mr J Timewell
Mr D A Broad	Mr G McGregor	Mr R Stevens
Prof J A Burgess		

In Attendance:

Dr J Packman – Chief Executive
Mr T Adam – Head of Finance
Mrs S A Beckett – Administrative Officer
Ms M Conti – Strategy and Projects Officer
Ms H Franzen – Press Officer
Mr S Hooton – Head of Strategy and Projects
Ms A Kelly – Senior Ecologist
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr J Organ – Head of Governance and Executive Assistant
Mr C Skinner – For Solicitor and Monitoring Officer
Ms C Smith – Head of Planning
Ms T Wakelin – Director of Operations

Also in attendance

Dr K Bacon – Chairman, Broads Forum and Chairman of Broads Local Access Forum.
Mr Chris Bielby – Broads Water Framework Directive Specialist, Natural England (Project Manager for Hoveton Great Broad)
Mr Michael Whitaker – Vice-Chairman, Navigation Committee

2/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting, particularly Mr Michael Whitaker who had recently been appointed as Vice-Chairman of the Navigation Committee and members of the public including those who wished to ask questions – Mollie Howes and Alan Mallett. He also welcomed George Jermany to his first full Authority meeting since being reappointed by Great Yarmouth Borough Council in July.

Apologies were received from Mr M Barnard, Mrs J Brociek-Coulton, Mr N Dixon, Mrs L Hemsall, Mr J Sharpe, Dr J M Gray and Mr P Warner.

2/2 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

The Chairman referred to Item 2/15 stating that in accordance with the Openness of the Local Government Bodies Regulations 2014 which came into effect on 6 August 2014, members of the public would be able to take photographs, film and audio-record the proceedings, and report on all public meetings as long as they did not make oral commentary during the meeting. He requested that if someone wished to record or film the proceedings they let the Authority know and if there were members of the public who objected to being filmed if they could so indicate.

(2) Various Events and Future Dates to Note

The Chairman confirmed the following dates:

Broads Authority 25th Anniversary Events – Event on 3 November

Professor Matless would be giving a lecture at UEA starting at 6.30pm followed by a reception at 7.45pm. This would follow and supplement the publication of his book on the Nature of the Broads Landscape at the end of July. The invitation would be for all members and staff and the Authority's stakeholders. Arrangements were being made through the Head of Communications and details would follow.

Planning Policy Workshop – 5 December 2014

There would be a workshop for all members of the Authority on the afternoon following the Planning Committee on 5 December 2014. This would help to shape the Broads Local Plan and was timetabled to fit in with the Local Development Scheme agreed by the Planning Committee at its meeting on 12 September 2014.

Secretary of State Appointments

Members' attention was drawn to the Defra advertisement for two Secretary of State appointments to the Authority for 2015. The closing date was 23 October 2014 and details were available through the Authority's website <http://www.broads-authority.gov.uk/news-and-publications/news/new-secretary-of-state-appointed-members-wanted-for-broads-authority> with links to the Defra website.

Members were requested to disseminate the information to anyone who might be interested.

- (3) **Publications available:** Annual Report 2013/14, Business Plan 2014/15 to 2016/17 and Site Specific Policies DPD.

The Chairman reported that the Authority's Annual Report 2013/2014 was now available for members to collect and would be on the Authority's website.

In addition, the Authority's Business Plan for 2014/15 and the Broads Site Specifics Development Plan Documents had also been published and were available on the Authority's website.

http://www.broads-authority.gov.uk/data/assets/pdf_file/0003/487281/Business-Plan-201415-to-201617.pdf

<http://www.broads-authority.gov.uk/planning/planning-policies/site-specific-policies>

2/3 Introduction of Members and Declarations of Interest

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

2/4 Items of Urgent Business

No items of urgent business had been received.

2/5 Public Question Time

Questions had been received from Mrs Mollie Howes and Mr Alan Mallett which were related to the branding of the Broads as a National Park and the Appointment of Members to the Authority. The questions were read out by each and the Chairman provided spoken responses as set out in Appendix 2 to these minutes emphasising that the subject of branding would be discussed at Item 2/8 of this meeting.

The Chairman invited each to ask a supplementary question. Mrs Howes and Mr Mallett commented that they remained concerned about rebranding and the potential implications for operational requirements. Mr Mallett also expressed concerns that with regard to appointments, the navigation interest on the Authority appeared to be unrepresentative in the terms of balance required by the Broads Act.

A further question was withdrawn as the member of the public who posed it was not in attendance. A written answer would be provided in accordance with the procedures for public questions.

2/6 Minutes of Broads Authority Meeting held on 11 July 2014

The minutes of the meeting held on 11 July 2014 were approved as a correct record and signed by the Chairman subject to an amendment at Minute 1/17 in the second sentence to include “of its views and recommendations” .

2/7 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.

In particular, members noted the updates concerning:

Catfield Fen Water Abstraction – “the minded to” decision by the Environment Agency had not yet been issued. The date for and details of the Broadland Fen Seminar to be hosted by the Authority would be finalised once that “minded to” decision had been received.

2/8 Branding the Broads

The Authority received a report from the Chief Executive which set out the proposal in line with one of the strategic objectives identified for 2014/15 for the Authority and other organisations as derived from the Broads Plan to make greater and more explicit use of the National Park identity. It was emphasised that it was not proposed to change the name of the Authority, its legal status, governance, duties and its three purposes which were required to be given equal weight as set out in the relevant Acts of Parliament.

Members noted that the recent work by National Parks UK on branding and corporate sponsorship had highlighted the need for the Broads to be more closely aligned with the way other national parks were presented to the public. Therefore the proposal aimed to capitalise on The Broads Authority’s status as a member of the UK National Park family in order to raise awareness of the special qualities of the area, enhance the economic benefits and promote tourism particularly given the significant economic contribution tourism made to the area. It was also designed to introduce consistency in the way the area was promoted. The proposal involved adopting the term “Broads National Park” when referring to the area of the Broads. It was clarified that the term “Broads Authority” would continue to be used in legal and corporate contexts, where the formal name of the executive body as established by Parliament in 1988 would need to be maintained. Members recognised that from some of the reactions following the recent press articles there had been an element of confusion about what was actually intended.

In the debate members gave consideration to the following questions:

- Did they consider renaming merited further exploration?
- Should the Authority consult?
- How should the Authority analyse and review the responses? And
- what should staff do to aid the process in the meantime?

Comments from two members, who were unable to be present, advocating consultation with caution were noted.

Members noted the advice from the Solicitor and Monitoring Officer and the private advice they had received on the potential risks. Members noted that informal soundings had been taken and there had been positive responses including those from Visit England and Hoseasons. Although it was noted that there had been positive responses from some leaders of various organisations it was recognised that this had not included formal consultation with the members of those bodies. It was noted that the aim was to build consensus with all stake holders, particularly those that were key such as Defra, Natural England, and the 14 UK National Parks.

Some members expressed concern that a formal statement had not been received from Defra and considered that this should be sought in the first instance. However, it was also recognised that Defra would require evidence based justification for the adoption of the name, and that formal consultation would provide this. It was therefore agreed that the Authority should undertake wide ranging formal consultation prior to making a final decision on the branding approach.

The Chairman reinforced the point that the proposal to use the term 'Broads National Park' did not involve formally or legally changing the Authority's name, legal status, governance and its tripartite purposes or duties as set out in the 1988 and 2009 Broads Acts and that by undertaking a consultation procedure this would help in its decision as to whether to proceed in adopting the branding name for promotional purposes. In light of the correspondence received and views expressed, he therefore proposed altering the wording of recommendation 1 within the report to delete: "supports in principle the adoption" and replace it with "welcomes and supports further exploration of" the term Broads National Park and therefore the deletion of "and that preparations are made to use it in promotional material from 2015 onwards". This was seconded by Mr Gould.

Some members stressed that the economic dynamics were changing and had changed over the last few years and it was important to embrace not only the national but also international dimension and work collaboratively. Tourism was of increasing importance to the economy of the area; this was also entwined with the navigational and environmental importance and such branding would help provide consistency in a national and international context for members of the public. In addition the Habitat and Wildlife Regulations had provided a greater level of protection for designated areas.

Members noted that following a number of workshops when developing the Broads Plan in 2010, and in updating the long-term Vision for the Broads they had supported the aspiration that "By 2030, the Broads will be a national park where the traditional rights of navigation are respected and embraced". Members had recognised that this would require primary legislation. However, members were mindful that the Broads Plan was due to be reviewed from

2015 onwards, and therefore this aspiration could be reconsidered as part of that review. If as a result of this consultation exercise on branding the Authority decided to adopt the name “Broads National Park” for the area that would need to be taken into consideration at that time.

Following considerable debate, members concluded unanimously that they were supportive of the proposed amended recommendation 1 of the report, particularly on the basis that the use of the term for branding purposes would make no difference to the Authority’s tripartite legal purposes and emphasised that this would be stated clearly and explicitly at the beginning of the consultation document.

Members noted that consultation would include the Navigation Committee, the Broads Forum and the Broads Local Access Forum as well as parish councils and Broads Tourism. They considered that it should be as wide-ranging as possible and that following that consultation, members should carefully review all the responses at a Seminar/Workshop in the new year, possibly in January 2015, to provide recommendations to staff on how to proceed before bringing a paper to the Authority for a final decision.

With reference to the consultation document, members considered that it was important that the questions to be asked should not be too narrow but provide the Authority with clear and useful guidelines and that having previously sought professional advice for the Stakeholder Surveys, it might be useful to do so for this process. Members considered that agreement to the final form of the questions should be delegated to the Chairman and Vice Chairman.

RESOLVED unanimously

- (i) In order to capitalise on the status of the area as a national park the Authority welcomes and supports further exploration of the term ‘Broads National Park’ to promote the area’s special qualities and encourage more visitors to Norfolk and Suffolk.
- (ii) That the use of the new branding to be confirmed after the Authority has consulted widely to establish:
 - a) the level of support for a more consistent use of the term the Broads National Park as a branding exercise;
 - b) how other organisations would propose using the term the Broads National Park;
 - c) what actions the Broads Authority might need to take to support and help other organisations use the Brand; and
 - d) to delegate to the Chairman and Vice-Chairman the authorisation of the final form of the consultation document after seeking additional independent advice.
- (iii) That the Authority holds a Members’ Seminar to review the responses to the consultation including those from the Surveys in the New Year in

order to provide recommendations to staff on how to proceed before bringing the final decision paper to the Authority.

- (iv) Over the next three months, officers work up a strategy for delivering the brand and guidelines for local corporate sponsorship consistent with the UK initiative.

Presentation

2/9 Broads Lake Review and Hoveton Great Broad Restoration Project

The Authority received a report from the Senior Ecologist on the emerging Broads Lake Review which contributed to the Lake Restoration Strategy of 2008, together with a presentation from Chris Bielby on the Natural England led restoration project involving Hudson's Bay, Hoveton Great Broad and Wroxham Island. The Hoveton Great Broad Project had emerged from the interim findings of the wider Broads Lake Review jointly commissioned by Natural England and the Broads Authority and included a review and assessment of various restoration techniques in the Broads to further inform and provide understanding of the most appropriate sustainable management options for improvement together with criteria for prioritisation. Members noted that sediment removal alone was not enough to improve the water quality status and therefore additional techniques were required. In addition the complexities involved meant that each site required specialist approaches. Members received an explanation of the choice of Hoveton Great Broad over Hickling Broad at this stage due to there being more certainties involved relevant to restoration, and there being more tangible outcomes and less complexity, especially relating to potential stakeholders. It was emphasised that the Lake Review was based on sophisticated analysis of the relevant data involving an internationally reputable team of experts.

Following the setting of the context, Chris Bielby gave a detailed presentation of the Hoveton Great Broad Project concentrating on the aims, outcomes and the concerns that had been raised. The project's main driver was for conservation benefit to improve the ecological condition of wetland habitats in and around the Bure Marshes National Nature Reserve, improve access to those wetlands, inform a greater number and diversity of people about their ecological and cultural importance and provide additional benefits to the middle Bure.

The Planning Committee had granted planning permission for the main elements of the project at its meeting on 12 September taking careful account of the Navigation Committee's comments of 4 September 2014 and subject to conditions to provide appropriate mitigating measures which should overcome the navigation concerns. He emphasised that it was a statutory requirement to provide ecological improvements in accordance with the Water Framework Directive and the techniques to be used were considered robust and suitable for the site. Since those meetings, the access proposals had been further developed with the agreement of the landowner and a planning application would be submitted in November 2014. Natural England had received

Heritage Lottery Funding (HLF) for the first phase of the project to develop it further and was intending to submit a Life+ funding bid in October 2014. It was now seeking support from the Authority before the HLF bid was submitted in February 2015. It was explained that the funding being sought from those sources was dependent on each other with Natural England and the Environment Agency making contributions. As part of the project he clarified that a 20 year management plan was required for the management of fen and trees. In conclusion he commented that there was more to enjoying the Broads than just being out in a boat; there was value in places that preserve tranquillity, provide space for nature to thrive and give people the opportunity to enjoy its diverse wildlife in a peaceful setting.

Members recognised that the conservation benefits to be gained from the project complied with the Authority's objectives and on that basis would wish to welcome it. However, there was empathy with the concerns expressed by the Broads Local Access Forum and Broads Forum about the proposed limited public access when significant public funds were being sought for a project within a privately owned site. However, it was acknowledged that there was no navigation access into the area at present apart from selective access to anglers. Some members expressed strong views that the Authority's support for the project and application for funds should be conditional on achieving much greater public access in accordance with its purposes for promoting opportunities for the understanding and enjoyment of the special qualities of the Broads.

One member expressed considerable reservations regarding the principle, considering that the full findings of the Lake Review project were not yet available or been seen by the Authority and therefore it was not in a position to make a decision as to whether to support this particular project at this stage. Other members were satisfied that the interim findings from the Lake Review built on the Lake Restoration Strategy and provided a satisfactory context and the choice of Hoveton Great Broad would help in delivering the Water Framework Directive.

Some Members also had some concerns that success in seeking funds for the Hoveton Great Broad project could have an impact in terms of competition for funding resources on any future project, including the potential for the restoration of Hickling Broad. However, it was clarified that recent discussions with HLF had indicated that the funding of one project in an area should not preclude another project coming forward, in addition there were different funding pots available even within the HLF, and projects could have differing main purposes as well as different lead agencies promoting them. The key criteria for HLF in making a judgement on whether to fund a particular project was the quality of the project being proposed. From discussions with the HLF, it was understood that each project would be considered on its merits.

Following discussion the Chairman proposed a re-wording of the recommendations in the report, and this was duly seconded by Mr McGregor. On being put to the vote, it was

RESOLVED

- (i) that the emerging findings of the Broads Lake review are noted, and that the Authority recognises the major contribution that the Hoveton Great Broad Restoration Project would provide in the delivery of objectives of the Authority's Biodiversity and Water Strategy (by 12 votes to 1);
- (ii) that the Authority supports Natural England's applications for external funding conditional on the achievement of better public access to the project area (by 11 votes to 2).

2/10 Strategic Direction: Strategic Priorities 2014/15

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority has been identified as the lead partner, following the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011. Members noted the progress made towards the objectives, and the projects and key outcomes to meet the Strategic Priorities for 2014/15 which had been agreed at the meeting on 21 March 2014.

Members noted that four objectives had reached completion and the remaining projects were on track apart from Objective 1.1 concerning the preparation of a Revised Climate Adaptation Plan for Consultation with Stakeholders and Objective 3.2 relating to working with the Whitlingham Charitable Trust on the major development project to enhance public facilities at Whitlingham, which had been discussed at the previous meeting (Minute 1/12). The Authority had agreed to giving consideration to diverting its resources to other projects with the option of pursuing a Landscape Partnership bid, a summary of which was provided in Appendix 2.

RESOLVED

- (i) that the performance of the different projects to meet the Strategic Priorities for 2014/15 in the accompanying schedule Appendix 1 to the report be noted;
- (ii) that the Project at objective 3.2 concerning the Whitlingham Development Project from the 2014/15 strategic priorities be removed; and
- (iii) that the potential for a Landscape Partnership bid to the HLF as detailed at Paragraph 1.6 of the report be noted. (A report would be submitted to the BA on 21 November 2014.)

2/11 Annual Governance Statement

The Authority received a report together with the Annual Governance Statement (AGM) for 2013/14 and Action Plan for 2014/15. Members noted that this provided an annual review of the Authority's systems of internal control and governance arrangements and was a statutory requirement and would be included within the Statement of Accounts.

Members noted that the Financial Scrutiny and Audit Committee reviewed the Annual Governance Statement (AGS) and Action Plan at its meeting on 8 July and made some amendments which had been incorporated. Subject to these, the Committee had recommended that the AGS be approved and assured the Authority that the Authority's governance was in good hands. Members noted that the Human Resources section identified in the Action Plan was an area which had been affected by the review of the organisation as a result of the Government Spending Review. A new Senior HR Adviser and HR and Payroll Coordinator had now been appointed and therefore it was anticipated that the areas identified in the Action Plan would be addressed.

RESOLVED

- (i) that the contents of the report be noted;
- (ii) that the Annual Governance Statement for 2013/14 and Action Plan for 2014/15 be approved;
- (iii) that the Authority confirms, subject to implementation of the improvements identified in the Action Plan, that the Authority's internal control systems and governance arrangements are considered to be adequate and effective; and
- (iv) that the Annual Governance Statement be appended to the Statement of Accounts for 2013/14, once adopted.

2/12 Summary of Statement of Accounts 2013/14

The Authority received a report presenting the Authority's Statement of Accounts for the year ending March 2014 together with final outturn figures for the general and navigation income and expenditure. The external audit had completed the Audit by 11 September, within the timescale stipulated by the The Accounts and Audit (England) Financial Regulations 2011 and the conclusion was the accounts were sound. The Financial Scrutiny and Audit Committee had received the report from the Auditors at its meeting on 23 September and no significant issues were reported. There were no changes to the figures printed at Appendix 1 of the agenda report with only minor changes to narrative disclosures. It was noted that the impact of carry forwards and other budget changes had been incorporated into both future monitoring reports and budget setting activity for 2015/16.

Members noted that the Authority's balance sheet position had improved compared with that of 2012/13, mainly due to the Authority's pension position which was better than the average within the Norfolk Pension Fund.

Members welcomed the report and considered the accounts to be in good order with the outcomes being very close to expected budget and very much improved on the previous year. The overall position of the Authority's reserves was sound and broadly in line with the levels considered when setting the Financial Strategy to 2016/17.

RESOLVED

that the Statement of Accounts 2013/14 be adopted and the revenue account outturn figures be noted.

2/13 Financial Performance and Direction

The Authority received a report providing a strategic overview of current financial issues. They took each matter in turn.

Section 2: Consolidated Income and Expenditure from 1 April – July 2014.

The Authority received the details of the consolidated actual income and expenditure for the seventh month period to 31 July 2014 together with a forecast of the projected expenditure at the end of the financial year 31 March 2015 for the whole Authority (National Park and Navigation). It was noted that income was slightly ahead but expected to be in line at the year end. The operations expenditure was very much in profile although there was an underspend on Planning and Resources budgets due to delayed projects and additional income resulting in an overall favourable variance of £219,713 at the end of July. Members noted that the anticipated deficit for the year was lower than the LAB (Latest Available Budget) at £91,351.

RESOLVED

- (i) that the consolidated income and expenditure figures from 1 April 2014 to 31 July 2014 be noted.

Section 3: The Annual Investment Strategy Update

The Authority received an update on the Annual Investment Strategy. Since its setting in March 2014, a requirement to procure an additional JCB to replace one of the Authority's older items of plant had been identified, in order to continue to deliver the Operations work programmed effectively. Lease purchase had been identified through the procurement process as being the most appropriate method of acquisition. Therefore an amendment was required to accommodate this within the Strategy. The cost could be accommodated within the existing ongoing revenue budgets.

RESOLVED

- (ii) that the proposed procurement of a Long Reach excavator under a lease purchase arrangement be approved, and the associated amendment to the Operational Boundary to £400,000 for the period 2014/15 to 2016/17 be approved.

Section 4: Financial Strategy – Operations directorate allocation options

The Authority received details of options for amending the apportionment of costs for practical works, as set out in the Financial Strategy and Direction agreed by the Authority in March 2014 together with details of consultation with the Navigation committee on 4 September 2014 and their conclusions. Given that the project pot had been reduced as part of the response to the reduction of National Park Grant and the need for future projects to be externally funded, the Committee had endorsed the Operations Allocations Option 2 to increase the Construction and Maintenance(C&M) Allocations only incrementally over two years removing the current C&M programme time allocated for project delivery. New projects could still be developed and designed to be delivered by external contractors as required but this would provide appropriate lead in time to adapt, and design projects. This would enable a move to a change to a 30:70 NPG/Navigation allocation in 2016/17 without major negative impacts but deliver significant benefits.

RESOLVED

- (iii) that Option 2 for the apportionment of costs for practical works for the Operations Directorate as recommended by the Navigation Committee on 4 September 2014 be adopted for the 2015/16 Budget.

Section 5: Apportionment of Organisational Restructure Costs

The Authority received a report on the redundancy cost implications in relation to the minor organisational restructure approved on 21 March 2014 in order to respond to reductions in National Park Grant. The Financial Scrutiny and Audit Committee had received a detailed report at a special meeting on 24 July 2014 and approved the maximum potential cost of £45,000, delegating authority to the Chief Executive to approve redundancy payments up to this level. Since the meeting, implementation had progressed and a number of officers placed in roles in the new structure. The total cost was now projected at £36,500 to be apportioned as £22,500 National Park and £14,000 Navigation on the current basis.

RESOLVED

- (iv) that the apportionment of restructuring redundancy costs between National Park and Navigation budgets as recommended by the Financial Scrutiny and Audit Committee be approved.

2/14 Planning Advisory Service (PAS) – Peer Review of Planning Committee

The Authority received a report outlining the key findings of the recent Planning Advisory Service (PAS) review of the Authority's Planning Committee and associated procedures. Members noted and welcomed the Peer Review report and its findings, noting the overall conclusion that the Planning Committee was performing very well both in general and in relation to the discharge of its functions under the Broads Act 1988 in particular. Members considered the four Areas of Improvement and the six recommendations from the PAS Review that the Broads Authority should investigate in more detail to improve the overall planning committee experience and the responses of the Planning Committee. Members agreed to accept the Planning Committee's recommendations.

RESOLVED

- (i) that the findings of the Peer Review report be noted and welcomed;
- (ii) that the proposed Action Plan be approved to enable the findings of the report to be implemented.

2/15 Openness of Local Government Bodies Regulations 2014

The Authority received a report which set out the details of the Openness of Local Government Bodies Regulations 2014, which came into force on 6 August 2014 and the action required by the Authority to meet the various parts of the Regulations. Members' attention was also drawn to the right to request information held by the Authority by submitting Freedom of Information Act requests. This would include information in emails sent by members from both Authority and personal email accounts where the content was in relation to the Authority's business. Further details on this requirement would be forwarded to members.

RESOLVED

- (i) that the requirements of the Openness of Local Government Bodies Regulations 2014 be noted;
- (ii) that the amendment to Section 12 of the Broads Authority's Standing Orders to reflect the Regulations, as detailed in paragraph 2.6 of the report be approved:

“Members of the public may take photographs, film and audio-record the proceedings, and report on all public meetings as long as they do not make oral commentary during the meeting. The Chairman should ensure that members of the public who actively object to being filmed are not to be filmed, without undermining the broader transparency of the meeting.”;

- (iii) that the sum of £25,000 be defined as the level which will materially affect the Authority's financial position for the purposes of the Regulations, as detailed in paragraph 3.5 of the report;
- (iv) that the approach as to when a written record of an officer decision is required as detailed in paragraph 3.9 of the report be endorsed to include:

"Any decision made against a delegation which has been highlighted within the scheme of delegation within the report and any decision which involves a contract or incurs expenditure above £25,000"; and
- (v) the deletion of delegation (77) within the Broads Authority Scheme of Powers Delegated to Officers, as detailed in paragraph 3.10 of the report relating to Contracts and Financial Regulations in the Authority's Standing Orders, be approved.

2/16 Strategic Partnerships

The Authority received a report providing details of the Strategic Partnerships which were currently registered with the Broads Authority. Members noted the areas where actions were required to address weaknesses and manage risk detailed in the Partnership Action Plan and the Annual Governance Statement if significant. In answer to a member's concerns, it was clarified that the table did not detail all the organisations with which the Authority worked in partnership on a regular basis and did not include day to day liaison with other agencies which had statutory responsibilities which had an impact on, or linked closely with the work of the Authority.

RESOLVED

- (i) that the current Register of Partnerships and Partnership Action Plan at Appendices 1 and 2 of the report be noted; and
- (ii) the results of the Management Team's Annual Review of the Partnership at paragraph 2.3 of the report be noted.

2/17 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 Director of Operations on behalf of the Head of Safety Management reported that there were no items which needed to be raised under this item.

2/18 Minutes Received

(1) Financial Scrutiny and Audit Committee – 8 July 2014

RESOLVED

that the minutes of the Financial Scrutiny and Audit Committee meeting held on 8 July 2014 be received.

(2) Planning Committee: 18 July and 15 August 2014

RESOLVED

that the minutes of the Planning Committee meetings held on 18 July and 15 August 2014 be received.

(3) Navigation Committee: 4 September 2014

Members noted that the Navigation Committee's discussions particularly relating to the items on the agenda had been fed into the discussions at this meeting and would be fed into reports for future meetings.

RESOLVED

that the minutes of the Navigation Committee meeting held on 4 September 2014 be received.

(4) Broads Forum: 31 July 2014

In presenting the minutes of the Broads Forum of 31 July, the Chairman drew members' attention to the presentation which had been well received from Richard Starling on the reed and sedge cutting business. It was considered that it would be opportune and helpful to invite Mr Starling to provide a similar presentation to the Authority.

RESOLVED

that the minutes of the Broads Forum meeting held on 31 July 2014 be received.

2/19 Feedback from Lead Members and Those Appointed to Represent the Authority

(i) Waveney Valley Parish Forum – 25 September 2014

The Parish Forum held at Beccles Town Hall had been a successful event chaired by Mr McGregor with many interesting questions being posed.

(ii) **Broadland Flood alleviation Project**

The Lead member for the Broadland Flood Alleviation Project, Mr Durrant, reported that the construction of the new flood defence cross wall at Petos Marsh was progressing well. In addition repairs were being undertaken for a large piece of floodbank at Haddiscoe.

2/20 Formal Questions

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

2/21 Items of Urgent Business

There were no items of urgent business.

2/22 Date of Next Meeting

The next meeting of the Authority would be held on Friday 21 November 2014 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

2/23 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 they involve 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.

2/24 Purchase of Dredging Disposal Site

The Authority received a report containing exempt information concerning the opportunity to purchase an eight acre site giving potential road access to an existing Broads Authority freehold site as well as a dredging disposal opportunity.

Members considered the advice from the Property advisers on the valuation of the site and noted that the Navigation Committee had supported the purchase on this basis.

Given the need for a dredging disposal site in the area, the added benefit of access to the Authority's existing own site and the advice from the NPS, members considered it appropriate to pursue the freehold purchase of the site funded from the Navigation Property Earmarked Reserve.

RESOLVED

that the Authority approve the purchase of the dredging disposal site as set out in Section 4 of the report.

2/25 Ludham Field Base

The Authority received a report containing exempt information summarising the current option available for the Broads Authority concerning Ludham Field Base taking account of the key principles involved in the reorganisation and restructure of the Broads Authority in 2011 relating to the consolidation of facilities and the focus of its main activity at two primary sites.

Members noted the potential Heads of Terms for a Lease and that the Navigation Committee on 4 September had endorsed that this be taken forward.

RESOLVED

that the Authority proceed with a new 25 year lease based on the terms set out in Section 3 of the report.

2/26 Financial Scrutiny and Audit Committee 24 July 2014

RESOLVED

that the exempt minutes of the Financial Scrutiny and Audit Committee held on 24 July 2014 be received.

The meeting concluded at 14.25

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 26 September 2014

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Louis Baugh	Min No 1/9(i)	Land Management interest in the route of the (Ludham) footpath
Jacquie Burgess	Item 2/9	Member of Norfolk Broads Yacht Club
George Jermany	General	Toll payer
Peter Dixon	Items 2/9	Hickling Resident promoting restoration of Hickling Broad and the Environment
Philip Ollier	General	Toll Payer
David Broad	Items 2/8 - 2/24	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Kelvin Allen	General	Broads Angling Strategy Group

Public Question Time

Questions and Statements submitted by Mrs Howes and Mr Mallett

Question submitted by Mrs Mollie Howes

What has changed, or what advice has the Chief Executive received since the 2009 Broads Act that says he may not change the name to the Broads National Park? I should make it clear that I was present in the House of Lords when they turned down the application to change the name to Broads National Park.

Broads Authority Response

The report for Agenda Item No 8 for this meeting sets out a condensed version of the legal advice provided to the Broads Authority by the Authority's Solicitor and Monitoring Officer on the issue. It is on this advice that the Broads Authority is being asked to consider a range of recommendations, and the Broads Authority will consider this advice and matter further under Agenda Item No 8.

Questions submitted by Mr Alan Mallett

- 1 Will the Chairman confirm that The Chief Executive of the Authority for the time being is answerable to and responsible to the members of The Broads Authority and not the Members who are answerable to the Chief Executive.
2. Will the Chairman confirm that, when future vacancies arise in respect of Secretary of State appointees to The Broads Authority the submission of "desirable skills and experience" supplied to the Secretary of State to assist him in the selection of candidates will be compiled by members and not, as previously, without any form of Member consultation whatsoever..
3. Does the Chairman agree that it is totally improper for The Chief Executive to have a significant say in the appointment of those to whom he is ultimately answerable when the Members themselves have for the past 12 years and more never been consulted?
4. In view of the announcement last week that The Authority is seeking to effectively re-name itself and re-brand itself as The Broads National Park in direct conflict with Chapter I para 1 and Clause 1 (1) and 1(2) of the 2009 Broads Authority Act, which clearly state that the title of The Broads Authority is just that, and mindful of the very clear comments of the then Secretary of State that full National Park status and use of the description National Park without any form of qualification or limitation would not be permitted, and that The Broads Authority was only permitted to style itself as "A Member of The National Parks Family" will the Chief Executive and those Members of The

Broads Authority who vote in favour of the proposed renaming and rebranding enter into a Joint and Several Indemnity to protect the Authority's funds, be they National Park or Navigation purposes, and re-imburse to the Authority any sums by way of legal costs or penalties which may arise in consequence of the breach of the provisions of the 1988 and 2009 Acts and consequent misrepresentation of the Authority's true status?

Broads Authority Response

In response to your first question I can confirm that the Chief Executive is answerable to the members of the Broads Authority.

In response to your second question, please note that the members were asked to identify the skills, experience and expertise that the Broads Authority would wish to see in candidates applying for vacancies in the next round of Secretary of State appointments during the Broads Authority meeting on 11 July 2014. The outcome from this was forwarded to Defra by me as the Chairman of the Broads Authority.

In response to your third question, the Chief Executive does not have any influence on appointments to the Broads Authority. Neither the Chief Executive nor members have been involved in the appointments to the Broads Authority by the Local Authorities, and it is for those Local Authorities to determine such appointments. Natural England run the appointment process for the Secretary of State members and, only since 2007, the Broads Authority Chairman has been a member of the appointing panel. The Navigation Committee co-opted members are also appointed by the Broads Authority's members following the consultation of various stakeholders, the recommendations of a selection panel (consisting of an Independent Chair, the Chairman of the Broads Authority and representatives from the British Marine Federation and the Norfolk & Suffolk Boating Association) and the consultation of the Navigation Committee. The Broads Authority's members also appoint two of the co-opted members of the Navigation Committee to the Broads Authority after consulting the Navigation Committee.

In response to your final question concerning the branding of the Broads, the Broads Authority will weigh the issue accordingly when it considers the matter in Agenda Item No 8 and the Broads Authority will collectively decide the way to proceed. If the Broads Authority decides to proceed, the Broads Authority will address any legal challenge which may be represented. It will not be for individual members, or the Chief Executive (who does not have a vote in the Broads Authority's resolutions), to indemnify the Broads Authority.