

Appointments to the Navigation Committee
Report by Chief Executive

Summary: The process for the appointment of the co-opted members of the Navigation Committee by the Broads Authority has worked well since it was modernised in 2008. Following consultation with officers of the Broads Hire Boat Federation and Norfolk and Suffolk Boating Association a series of minor changes to streamline and improve the process are proposed.

Recommendation: The report contains seven recommendations for the Authority to consider.

1 Introduction

1.1 At its meeting on 25 January 2008, the Broads Authority adopted a set of principles and processes for the appointment to the Navigation Committee. The Authority agreed that the principles of merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality should guide the process, and that the processes for the appointments should include:

- consultation with relevant bodies as required by the Broads Act
- a job description and person specification for the role
- open advertisement and invitation to all toll payers and other users to apply for membership of the Committee
- interview by a selection panel comprising the Chairman of the Authority and representatives of the Norfolk and Suffolk Boating Association, British Marine Federation and with an independent Chair, John Edmonds, the former Chair of the Inland Waterways Advisory Council
- an aggregated maximum term for these appointments to the Committee of ten year.

1.2 Subsequently, the Authority received a report on the Government's published response to the consultation on governance of national park authorities (NPAs) and the Broads Authority at its meeting on 18 May 2012. One of the Government's key decisions was to impose a consistent maximum limit of an eight year aggregated term on Secretary of State appointments.

1.3 The new arrangements have generally worked well, and while the appointment process has been rather lengthy it has been thorough and well received. It is now appropriate to review it and see if there is an opportunity to streamline and make improvements. This paper has been drafted and

amended with the benefit of active consultation with the officers of the Broads Hire Boat Federation and Norfolk and Suffolk Boating Association and thanks are extended to them.

2 Composition

- 2.1 The membership of the Navigation Committee is set out in the Norfolk and Suffolk Broads Act 1988: five Members of the Authority and eight co-opted Members all appointed by the Authority. The appointment parameters for the eight co-opted Members is set out in s 9 (5) which states:

Of the other eight members of the Navigation Committee, all of whom shall be appointed from persons who are not members of the Authority –

(a) two shall be appointed after consultation with such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;

(b) one shall be appointed after consultation with such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;

(c) one shall be appointed after consultation with such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;

(d) two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate;

(e) one shall be appointed after consultation with such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and

(f) one shall be appointed after consultation with the Great Yarmouth Port Authority.

- 2.2 The clear implication of s 9(5) is that there should be a balanced representation from the different user groups: (a) two from the hire boat industry, (b & c) two private users, (d) two toll payers (Commercial or Private) and one (e) other users of the navigation area. The final category (f) one appointment “after consultation with the Great Yarmouth Port Authority” is perhaps less obvious since the transfer of responsibility for Breydon Water and the absence of commercial traffic from the Port.

- 2.3 The Broads Authority has always interpreted category (d) as a requirement to consult bodies representing the payers of tolls on craft in general for the following reasons.

- 2.4. The reference to “*bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues*” has to be understood in the context of the Harbours Act 1964 where the term “ship, passenger or goods dues” appears. The Authority is a harbour authority and by s 26(2) it has power to charge such ship, passenger or goods dues as it thinks fit, something which is recognised by s 13(1) of the Broads Act.

- 2.5 The term "ship, passenger or goods dues" is defined by s 57(1) of the Harbours Act 1964. The Authority does not currently charge "passenger or goods dues" within the meaning of that term but the tolls on craft which the Authority charges fall within the definition of "ship dues" regardless of the type of 'ship' (defined as any type of vessel used in navigation by Harbours Act 1964, s 57(1)).
- 2.6 Thus, the reference to "bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues" is interpreted as referring to organisations representing the payers of tolls on craft in general.

Recommendation 1

The Authority continues to interpret Category (d) as referring to organisations representing the payers of tolls on craft in general.

3 Consultation with Relevant Interest Groups

- 3.1 The key point in s 9(5) of the Broads Act is that it requires the Authority to consult relevant interest groups. Consultation has to be meaningful and the views provided properly considered but they do not necessarily have to be implemented.
- 3.2 The Authority uses a list of organisations to be consulted on the appointments (see Appendix 1). In Appendix 1 the list of organisations commenting on the Panel's recommendations is shown in red for 2011 and 2015 showing that comparatively few organisations have engaged in the process at the final stage of the process. The list of organisations needs to be reviewed and members are invited to give their views on the list of bodies consulted on appointments.
- 3.3 In the past all the organisations on the consultation list have been informed of the timetable and process, invited to submit nominations and then consulted on the Panel's recommendations. It has been suggested that it might promote more interest if the organisations were informed who had been nominated and to request who their preferred candidate would be from the list of nominations. It is therefore suggested that the practice of consulting on the Panel's recommendations be replaced by consultation on the Panel's shortlisted candidates.

Recommendation 2

The point of consultation with listed organisations be amended so that they are informed of the process and timetable at the outset but then consultation on the appointments takes place only once, when the Appointment's Panel has shortlisted the applicants.

4 Appointment Process

- 4.1 In appointing the eight co-opted Members it is suggested that the ambition should be to appoint the best and most appropriate candidates able to speak on behalf of a cross-section of user interests. The public appointment

principles of merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality should continue to guide the process.

- 4.2 Information about the vacancy or vacancies, the requirements of the role set out in the job description and person specification and the process to be used are widely advertised, usually through an article in Broadsheet, advertisement on the Authority's website, through social media and notification to relevant organisations. There seems no reason to make any changes to this.

5 Composition of the Appointments Panel

- 5.1 The current composition of the Panel is an independent Chair (John Edmonds, formerly Chair of the AIWAC, General Secretary of the GMB and President of the Trade Unions Congress), Chair of the Broads Authority, a person appointed by the Norfolk and Suffolk Boating Association (representing private boat owners) and a person appointed by British Marine (representing commercial operators). Shortlisting and Interview are carried out by the Appointments Panel.
- 5.2 This format for the Panel has worked well, a national organisation from the commercial boating interests and a local organisation for the private boating sector together with the Chair of the Authority. The Panel has been chaired by John Edmonds who has done an excellent job for the Authority. It is now timely to think about a process for selecting an Independent Chair into the future. The Authority has successfully appointed two Independent Persons to oversee the Authority's Code of Conduct and it is recommended that one of them be invited to fulfil the role in the future.

Recommendation 3

The independent Chair of the Appointments Panel be one of the two Independent Members.

6 Consultation with the Navigation Committee

- 6.1 S 9 (6) of the Broads Act states:
(6) In addition to consulting the Navigation Committee in accordance with requirements imposed by other provisions of this Act, the Authority shall consult the Committee before—
(a) appointing any member of the Navigation Committee under this section;
- 6.2 Consulting the Committee on these appointments seems rather anomalous and has proved rather embarrassing. In recent times the Committee has been consulted at various stages of the process including after the Appointments Panel has met. The names of those recommended for appointment/reappointment by the Appointments Panel have been presented to the Committee for comment. This could not be said to be meaningful consultation as at that stage it is difficult to see the circumstances that would lead to changes to the recommendations of the Appointments Panel.

- 6.3 It is therefore proposed that, as part of the streamlining procedure, the Navigation Committee should be consulted once and this should be on the names on the shortlist, once the individuals have been selected by the Appointments Panel. It is proposed that would be in a confidential section of a Navigation Committee agenda and would clearly have to exclude those under consideration. The views of the Committee would be taken into account by the Appointments Panel.

Recommendation 4

The Navigation Committee be consulted once, at the shortlisting stage, before the Panel interviews the shortlisted candidates.

7 Length of Appointment and Reappointment

- 7.1 The current length of appointment and maximum term of appointment is synchronised with that for the Secretary of State Members, four-year terms with the possibility of a 2nd Term and maximum term of office of 8 years. The lobbying on this issue by the National Park Authorities and the Broads Authority has been successful and Ministers have decided to return the length of Secretary of State appointments to a maximum of 10 years. Given this it would be appropriate to amend the arrangements for the co-opted members.
- 7.2 The current arrangements are that at the end of a co-opted member's appointment either a first term of 4 years or second term of 8 years those wishing to apply for a further term are put back into the pool with any new applicants and considered alongside them using the same process. No change is recommended to this.

Recommendation 5

The maximum term of office be amended to ten years for Co-opted Members of the Navigation Committee to realign it with the return to this arrangement for Secretary of State appointees.

8 Timetable for Appointment Process

- 8.1 There has been a difficulty in timetabling the process to ensure that appointments have been made to the Committee of Members who could potentially be appointed to the Broads Authority and could vote in the appointment of its Chair at the Annual Meeting in July. It is therefore suggested that the appointment of co-opted members to the Navigation Committee should run from the 1 April to enable that to happen.

Recommendation 6

Appointments to the Committee be made from 1 April and the timetable for the process designed to meet that deadline.

9 Current Vacancy

- 9.1 The present list of co-opted Members of the Committee and their length of service is as follows:

Mrs L Aspland	(1 st term)	Mrs N Talbot (Vice-Chair)	(1 st term)
Mr A Goodchild	(2 nd term)	Mr B E Wilkins	(1 st term)
Mr M Heron	(2 nd term)	Mr M Whitaker (Chair)	(2 nd term)
Mr J Knight	(2 nd term)	(1 Vacancy)	

They are all appointed until the Authority's Meeting in March 2019.

Recommendation 7

There is one vacancy, from when Mr Dickson was appointed by the Secretary of State to the Broads Authority. It is proposed that this be advertised for a replacement in October with an appointment running concurrently with the existing appointments until March 2019.

Background papers: None

Author: John Packman

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Broads Plan Objectives: Not applicable

Appendices: APPENDIX 1 - List of organisations to be consulted

APPENDIX 1

List of organisations to be consulted on the appointments to the Navigation Committee and the relevant paragraph under Section 9 of the 1988 Norfolk and Suffolk Broads Act

Anglers Trust (E)
Association of Freight Transport (D)
British Canoe Union (B)
British Marine (A, D) 2011, 2015
British Marine – East Anglia (D) 2015
British Rowing (B) 2011
British Waterski (B)
Broads Angling Strategy Group (E)
Broads Canoe Hire Association (A)
Broads Hire Boat Federation (A, D) 2011, 2015
Broads Reed and Sedge Cutters Association (D, E) 2011, 2015
Canoe England (E)
Chamber of Shipping (D)
East Anglian Waterways Association (C)
Eastern Region Rowing Council (C, D) 2015
Eastern Rivers Ski Club (C, D)
Great Yarmouth Port Authority (F)
Great Yarmouth Port Users Association (D)
Hickling Windsurfers (E)
Hoseasons Holidays Ltd (A, D) 2015
Inland Waterways Association (B)
Inland Waterways Association – Eastern Region (C, D)
National Association of Boat Owners (B)
Norfolk Anglers Conservation Association (E)
Norfolk and Suffolk Anglers' Consultative Council (E)
Norfolk and Suffolk Boating Association (C, D) 2015
Norfolk and Suffolk Pleasure Boat Owners Association (A, D)
Norfolk Broads Day Boat Owners Association (A)
Passenger Boat Association (D) 2011, 2015
Royal Yachting Association (B, D) 2011
Sport England (E)
Suffolk County Amalgamated Angling Association (E)
Transport on Water Association (D)
UK Windsurf Association (E)

Categories:

A = such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;

B = such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;

C = such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;

D = such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate;

E = such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and

F = after consultation with the Great Yarmouth Port Authority.