

Broads Authority

Minutes of the meeting held on 26 January 2024

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Present

Bill Dickson – in the Chair, Harry Blathwayt, Stephen Bolt, Peter Dixon, Alan Goodchild, Tony Grayling, James Harvey, Paul Hayden, Tristram Hilborn, Tim Jickells, Siân Limpenny, Greg Munford, Keith Patience, Michael Scott, Matthew Shardlow, Vic Thomson, Fran Whymark

In attendance

Lucy Burchnall – Head of Ranger Services (item 14), Andrea Kelly – Environment Policy Advisor (item 12), Emma Krelle – Director of Finance, John Packman – Chief Executive, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting – Senior Governance Officer, and Lorraine Taylor – Governance Officer.

1. Welcome and apologies

The Chair welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

Apologies were received from Martyn Hooton, Kevin Maguire, Leslie Mogford, Melanie Vigo di Gallodoro.

2. Chairman’s announcements

The Chair confirmed that there was no change to the order of the agenda items, however, there were three items to raise:

First, following the Board’s adoption of establishing a Standards Committee in September last year, Members were invited to submit expressions of interest to be a part of the seven-strong committee.

The formation of this committee was part of the implementation of the recommendations from the external review into the formal complaint, and its principal purpose was to promote and maintain the high standards of conduct within the Authority.

The intention was that there would be a minimum of one scheduled meeting a year, as well as any additional meetings if required. The first meeting of the committee would be held during week commencing 4 March 2024, with the time and date to be confirmed.

The Chair said that there were still two vacancies for this committee, therefore he would be grateful for any expressions of interest to be received so that there were sufficient members to ensure that the meeting was quorate. Tim Jickells confirmed that he would be interested in being appointed to this committee. The Senior Governance Officer asked that he confirmed his expression of interest in an email to the Governance Team.

Second, the Chair said that he was delighted to make a presentation to Lottie Carlton, Volunteer Co-Ordinator, for her 25-years of service to the Broads Authority. Lottie joined the Authority on 23 November 1998 as a New Deal Supervisor and during her 25 years' service she had worked in 8 different roles at 6 different locations and had made a tremendous contribution to the work of the Authority. Lottie moved to her current role as Volunteer Coordinator in September 2019 where she continues to make a valuable impact organising and supporting our loyal volunteers.

The Chair said that everyone at the Authority were very grateful for her dedication and hard work and presented her with a gift to say thank you. He added congratulations on reaching this milestone of 25 years with the Authority.

Third, the Chair said that it was the time of year when the Annual Review process starts. In February, Members will receive a copy of their annual review form for completion and return. He added that for Secretary of State appointees, these were mandatory under the terms of Members' appointment, however, it was not a requirement for Local Authority Members but hoped that those Members would find it worthwhile to take part in the process. It was an opportunity for Members to provide some informal input to the Authority's performance which was very valuable. There would be an option to follow up the review through a 1:1 meeting with the Chair or Vice-Chair if Members so wished. The Governance Team would provide Members with further details by email in due course.

The Chair said that lastly, on behalf of all Members, he would like to acknowledge and thank officers for their concentrated effort that went in to consistently providing the committee with high quality papers for the agenda.

3. Introduction of members and declarations of interest

Members indicated they had no further declarations of interest other than those already registered, and as set out in Appendix 1 to these minutes.

4. Items of urgent business

There were no items of urgent business.

5. Public question time

Two questions had been received from Colin Chettleburgh, Chair of the Broads Reform Action Group (BRAG) in relation to item 9 of the agenda, the Funding of the Waterways of the Broads National Park. The Chair confirmed with Mr Chettleburgh that although he was present, he was content for the Chair to read out the questions. Members had received a copy of the questions and accompanying text as set out in Appendix 2, and the Chair said that he would restrict himself to citing the questions. The Chair read out the questions and provided the Authority's response as set out in Appendix 2 to these Minutes.

Mr Chettleburgh then asked a supplementary question: If there was no intention to use the document to either merge funds, merge accounting or remove the ring-fencing around Navigation funds, was there anything preventing this meeting from having the document amended to remove any such references to ring-fencing. The Chair responded that this would be addressed when discussing agenda item 9.

6. Minutes of last meeting

The minutes of the meeting held on 24 November 2023 were approved as a correct record and signed by the Chair.

7. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. The Chief Executive (CE) said that he had one update which was in relation to the reduction of office space at Yare House. Good progress was being made and officers had cleared out the Waveney Room, and much of the material stored upstairs had been sorted through and either disposed of or put into safe storage. He confirmed that there was a potential contractor lined up to do the necessary work and they were ready to start. The only delay was due to the landlord not yet signing the new lease. The Director of Finance was in daily contact with the solicitor and the CE had sent an email to a senior director of one of the companies involved to push the process along.

The report was noted.

8. Strategic priorities update

Members received the report of the Senior Governance Officer (SGO) setting out the latest progress in implementing the Authority's annual strategic priorities for 2023/24.

There were no questions, and **the report was noted.**

9. Funding the waterways of the Broads National Park

The Chief Executive (CE) introduced the report and said that the paper came out of a meeting with representatives of British Marine and the Broads Hire Boat Federation on 6 December 2023. At that meeting there was collective agreement to work together to make the case to central Government for funding to support the maintenance of the Broads waterways.

Since commercial navigation ceased around 1990, the use of the waterways had been entirely for recreational purposes, which was consistent with the Authority's second National Park purpose of 'promoting enjoyment and understanding of the special qualities of the Broads'.

The paper in front of Members proposed that the Government make a substantial contribution towards the maintenance of the waterways as well as the Authority's National Park duties, to avoid tolls exceeding a level that toll payers were able and willing to meet. He added that the Authority had responded to an invitation from Defra to submit a one-off capital bid for National Park monies to buy equipment to maintain the waterways.

The CE reported that the Navigation Committee had considered the paper on 11 January 2024 and unanimously endorsed it.

The CE said that he would like to thank Bill Dickson, Mark Collins, Brian Clarke of British Marine, and Rob Leigh for their help in drafting the paper and hoped that the Board would support it.

The Chair of the Navigation Committee said that at the last meeting of the committee, the paper was debated and discussed and there were no concerns raised on the split of the funding.

A Member commented on the concerns raised earlier in the meeting, that in section 2.5 of the report, it stated that it was "not proposing any change to the ring fence for navigation income and expenditure", therefore, this already answered the question posed and would be a reassurance. A Member said that it was clear enough in the paper that there was no suggestion to amend the ring fencing.

A Member asked, if Defra were not supportive of increased revenue funding, what did that mean for the Authority in the longer term, and what would the tactics be in relation to engagement with Defra officials. The CE replied that the fallback position was that the maintenance of the waterways was going to cost more and more. Climate Change had impacted the Authority in many ways, the most obvious in terms of the maintenance of the waterways was the growth of water plants. If those costs were entirely borne by the hire boats and private users, tolls would continually go up or there would be some difficult decisions made about cutting back on some of the activity currently carried out. He added that before sending the letter off to the Ministers, he and the Chair had already agreed to engage with officials at Defra to seek their advice as to how best to push the matter forward.

A Member commented that it was an election year and that he did not think any Minister would agree to do anything before a general election and that the timing of sending the letter would be crucial. He suggested waiting until after the election.

The CE said that paper made the point that there was an important issue in that as a result of the Landscape Review, Defra had indicated that it would be reviewing its funding formula for the distribution of funds to protected areas. This meant that there was an opportunity for the Authority in terms of making the point that we thought that maintenance of the waterways should have a contribution from Government, but it was also a risk given the current financial

situation of the country as a whole. The Authority would need to be ready to put forward a strong case that the maintenance of Britain's most important wetland and important navigation, was an expensive business. Rather than taking a previous Minister's view that the maintenance of the waterways should be entirely privately funded, the key argument that this paper made was that the maintenance was a public benefit and therefore both the public and private users should contribute.

A Member commented that the Authority should not rely on getting money from Defra, however, it would help if the various interest bodies in the Broads would work together to try and preserve the waterways. The CE said that he took comfort from the fact that the Broads Society and British Marine were right behind the Authority on this matter and if it were possible to get NSBA on board it would be a positive message in terms of securing Defra support.

The Chair said that it did not help that the argument was detracted by the fixation of the assumption of removing the ring fence of the navigation income and expenditure, which had been confirmed was not the case. The central point was to raise revenue and funding on a consistent basis for the maintenance of the waterways and that was all.

A Member asked whether the Authority had a good argument about equal treatment with other navigation authorities. The CE replied that there were a lot of inland navigation authorities, but many were small, and some were run by county councils. They relied heavily on voluntary contributions and activity. In addition, there was the Canal and Rivers Trust, who entered into an agreement with Defra a number of years ago and were given a large sum of money and a commitment over a number of years of generous contributions on the basis that as a charity they would then be successful in raising money; the Environment Agency, responsible for key navigation systems such as the Thames, however, the money that was spent on this waterway was from flood defence funds; and Scottish Canals which was similar in size to the Broads Authority and was heavily supported by the Scottish Government.

A Member asked whether it was true to say that the Broads Authority was the only navigation area where the boating interests was effectively expected to cover all costs of navigation. The CE replied that he did not think that was the case.

A Member commented that realistically it was unlikely to get additional funding in the short-term and that the Authority should look at obtaining annual capital grants. The CE replied that the Authority funded capital purchases out of revenue money, however, if it was possible to have an annual capital allowance from Defra, it would relieve some pressures on the National Park expenditure and also Navigation. The CE added that from recent correspondence from Defra, it was looking unlikely that the Authority would be successful in the recent bid for capital funding, however, if there was some underspending elsewhere – either from that pot or elsewhere – they would be in touch. The CE said that he would like to thank the Director of Finance and the Head of Construction, Maintenance and Ecology for turning around the bid for capital funding in three days. Lessons learned from the previous bid meant that we had already prepared a list of potential projects that was ready to go which enabled the bid to be turned around in quick time.

Stephen Bolt proposed, seconded by Matthew Shardlow.

It was resolved unanimously to endorse the paper and support the Chairman in writing to the Secretary of State for the Environment attaching a copy.

10. Budget 2024/2025 and financial strategy to 2026/2027

Members received the report of the Director of Finance (DF). As the report covered the actual figures up to the end of November, the DF provided an update of the figures to the end of December. She confirmed that in December, staff had received their pay awards as a result of the negotiations, therefore all staff received back-pay to 1 April 2023. This meant that the actual variance had moved to an adverse variance of £73,329 compared to the favourable variance of £67,245 in the report. Between November and December there had been a small increase in toll income of £2,972, and also an increase in investment returns of a further £10,000. Legal fees continued to increase due to legal challenges, delays with lease renewals, and Monitoring Officer advice. The earmarked reserves as at the end of December had decreased slightly to £3,496,176 due to the vehicle purchases that had been made.

The DF said that the budget assumed a flat cash National Park Grant from Defra and an 8.5% increase on tolls. Paragraph 6.3 highlighted the factors taken into consideration and the pay increase meant that salaries now represented 77% of the total budget.

The DF referred to table 5 of the report and said that this provided a high-level overview of the budget, whilst appendix 3 provided it by reporting summary level. Page 51 of the papers provided details by each Directorate where there had been increased expenditure. The DF said that staffing levels had remained the same compared to 2023/24, except where the Authority had been successful with additional funding for projects where that had allowed for additional staff. Table 6 provided details of central costs and noted that the forecasts for 2023/24 looked high compared to the budget for 2024/25 and this was due to the purchase of Hulver Ground and how it needed to be accounted for. The DF added that the costs for Yare House were currently sat in central costs, and it was hoped that in 2024/25 the Authority would be paying less on the lease.

On page 53 of the papers, the key assumptions were set out and the DF highlighted that, as in previous years, staff vacancies could lead to forecast adjustments where there was a gap between the leaver and the new starter, however, all vacancies required Management Team justification before recruitment could go ahead and must be essential to the service. Table 7 set out the sensitivity analysis and what movements in those assumptions might mean.

The DF added that although the budget contained a surplus on both National Park and Navigation, it looked to maintain the recommended minimum levels over the next three years as set out in the paper. During 2024/25 the Management Team would look to seek further cost reductions and would come back to Members in due course.

A Member commented that within the sensitivity analysis, the figure attributed to a 1% salary increase seemed quite low. The DF replied that in previous years the Authority had budgeted

for a percentage increase, however, in the last two years the final agreement had been £1,925 per FTE, therefore the 1% was a percentage increase on the figure of £1,925.

A Member asked whether the DF could explain in more detail paragraph 6.2 of the report regarding the zero-based approach. The DF replied that in previous years the budget had been prepared by budget holders and the report was missing the words "...by budget holders" following "...zero based approach". The aim was to avoid some of the optimistic spending that might have been included in the budget and then not delivered at the end of the financial year. The DF confirmed that Management Team had prepared the 2024/25 budget on a zero-based approach.

A Member asked what the longer-term deficit position meant in terms of the going concern assessment and what was the latest point that a credible turnaround plan would need to be in place before it became an issue with the auditors. The DF responded that as the report played out, the Authority would be running at a deficit in 2025/26 and 2026/27 on the National Park side, however, in line with the reserve policy that would still keep the Authority above the minimum that was required so there was no imminent impact on the reserve for the next three years. However, the pay awards kept increasing and were outside of the Authority's control and there was no increase on the National Park grant. The plan was, in 2024/25, the Management Team would be looking at options and where costs could be further reduced and added that it would not be an easy task as there would be some hard decisions that would need to be made.

A Member commented on the list of planned expenditure in paragraph 12.3 of the report in relation to the piling at Repps bank and asked whether that was an Environment Agency responsibility. The Director of Operations replied that the piling would be on the part of Repps bank which was the responsibility of the Broads Authority.

Greg Munford proposed, seconded by Michael Scott.

It was resolved unanimously to adopt the:

- i. 2024/25 Budget including the endorsement of the assumptions applied in the preparation of the Budget;**
- ii. Earmarked Reserves and Financial Strategy for the period 2024/25 and 2026/27; and**
- iii. Approve the year end transfer of an underspend in Project Funding budget to the medium-term planning reserve for the Yare House downsizing works as set out in paragraph 5.2 of the report.**

11. The Levelling-Up and Regeneration Act 2023 and the Government response to the Landscape Review

Members received the report on the updates to the Levelling-Up and Regeneration Act and the Government's most recent response to the Landscape Review in November 2023. The Director of Strategic Services (DSS) provided an overview of the report and said that the

Levelling up and Regeneration Act received Royal Assent on 26 October 2023 and had implications for the Broads Authority as a local planning authority which would be discussed at the next Planning Committee meeting on 2 February 2024. The paper received by Members was regarding the implications to the Norfolk and Suffolk Broads Act and the amendments made. The DSS said that there were three amendments to note which had been detailed in the report on pages 74 and 75 of the papers. The DSS referred Members to the change to Section 17A of the Norfolk and Suffolk Broads Act in paragraph 2.5 of the report, which stated that authorities must now 'seek to further the purposes of' as opposed to the previous wording 'shall have regard to'. The DSS said that this was positive as public bodies were now required to take a more active role in the preparation and implementation of the Broads Plan.

Regarding the Government response to the Landscape Review, set out in section 3, the DSS said that there had been various announcements, in particular additional funding of the Farming in Protected Landscapes (FiPL) programme and "Access for All". Some provision of the Government's response to the Landscape Review would depend on new legislation and there was no timetable set out. Officers would continue to work with Defra officials as and when, and if proposals develop further.

Local Authority Members confirmed that they would be happy to support the recommendation that they alert their appointing bodies to the amendments to the Broads legislation.

A Member commented that he thought that it was a disappointing conclusion to the Glover Report. The Chair added that he shared that view and that issues had been avoided.

The report was noted.

12. The Authority's role in Local Nature Recovery Strategies and Biodiversity Duty Consideration

Members received the report setting out the provisions under the Environment Act 2021 (and related Guidance & Regulations) in relation to the Broads Authority supporting authority role for Norfolk and Suffolk Local Nature Recovery Strategies, and the responsibilities and reporting under the strengthened Biodiversity Duty. The Environment Policy Adviser (EPA) provided an overview of the report. She reported that the Broads Authority needed to be consulted at the pre-consultation and pre-reporting stages by Norfolk County Council and Suffolk County Council.

The EPA referred the Members to Appendix 3 of the report and said that within a year, the Authority would have to submit its first report under Biodiversity Duty and confirmed that there were no financial implications as it would only be officer time. The EPA added that the project manager of the Local Nature Recovery Strategy process for both Norfolk and Suffolk County Councils was leaving and therefore the councils were having to recruit for this post which may cause a delay, however the Broads Authority would maintain communication channels as best as possible through the transition.

A Member commented that he was surprised that there were no financial implications, and asked whether it was something that was already being done. The EPA replied that within officer time, there was capacity to complete the reports as outlined in the paper and thought that this was achievable under current resources as many elements were already reported which could be linked to. The Director of Strategic Services (DSS) added that it was a criticism of the Local Nature Recovery Strategy that there was money to create the strategy but none to deliver any actions.

A Member commented that it was a long-term opportunity for the Broads Authority in the furtherance of its aims and ambitions and thought that there was some benefit for Member input into the development of the Local Nature Recovery Strategies, and asked whether it would be possible to ask both Norfolk and Suffolk County Councils to present to the Broads Authority. The EPA confirmed that there had already been lots of discussion with partners and that they had already offered to present to the Authority.

A Member commented that building on the comment from the DSS, reports did not deliver anything and asked whether it was possible to build this into future discussion on the funding of the waterways so that it was possible to look into the future with whatever Government comes into power, linking biodiversity work with what the Authority was able to do on the Broads.

A Member asked whether there was a plan for a review of the 2024 strategy and to report back to the committee on how that has gone and then re-draft that strategy, and would it be possible to set a near date for the next consideration, which as he understood was in the next five years. There was a need to look at the actions and what would make a real difference to biodiversity. The EPA replied that the Broads Nature Recovery Strategy would have a five-year delivery plan in it, as did the previous strategy. There was a multi-page table which summarised the projects that had been completed and at what stage all projects were at. That was available to Members who attended the biodiversity workshop in 2023. She confirmed that the next step was to work with the Broads Plan partners to collate a combined delivery plan and then the guiding strategy would follow on from that.

A Member commented that he thought that section 5 of the report could be strengthened as there would be financial implications when this work was carried out. The EPA said that the previous section included mechanisms which could be cross-referenced in section 5, and that there would be a need to raise funds to carry out the actions as there was little chance that the objectives could be met with current budgets.

Michael Scott proposed that the wording to the report be amended to reflect that implementing biodiversity projects would require additional funding.

Proposed Matthew Shardlow and seconded by Michael Scott.

It was resolved unanimously to delegate authority to the Chief Executive, in consultation with the Chair of the Authority, to approve and submit a response to the Responsible Authorities (Norfolk County Council and Suffolk County Council) on any pre-consultation draft of a Local Nature Recovery Strategy within 28 days as required by the Authority's role

as a Supporting Authority under The Environment (Local Nature Recovery Strategies)(Procedure) Regulations 2023. In addition, it was noted that the delivery of biodiversity actions could not be funded through core funding and would require additional funding.

13. Corporate Health and Safety annual report

Members received the report of the Head of Safety Management. The Director of Operations (DO) said that a number of health and safety reports were brought to the committee, mainly about users and visitors to the Broads, however, this report was more specific to the Authority's staff and volunteers carrying out practical and maintenance work across the Broads area. The Authority benchmarked against the construction industry national statistics and through a series of near-miss reporting, which allowed the Authority to find trends before accidents happen, were able to prevent any incidents before they become a danger. The DO said that he was pleased to report that there were no lost days due to accidents at work and continue to show low instances of accidents.

A Member asked how safety observations were shared with staff, how easy was it for staff to report any incidents or near misses when they were working in the field, and was there an alternative to the construction industry to benchmark against such as the Environment Agency who did similar work. The DO replied that the Authority had a health and safety committee made up of representatives from different teams and they looked at trends and at ways to reduce instances. These were shared with staff through a number of methods including toolbox talks, regular briefings, and flyers that promote safety. Reporting was carried out through a card system and an online reporting system available on staff mobile phones, staff could easily and quickly report any incidents or near misses and were encouraged to do so, and in addition, staff could call Broads Control. In terms of benchmarking, the DO said that the Environment Agency also benchmarked against the construction industry, however, the Authority looked at the construction industry as a round because that was where similar plant and equipment was being used.

A Member asked how the Authority was capturing incidents and unsafe practices for those working from home and whether there were any trends. The DO replied that there had been no reports of any incidents from those working from home, however, all staff working from home had to undertake display screen assessments on a regular basis to encourage safe working practices; in addition staff completed online training. He added that all staff were encouraged to report near misses when working from home.

A Member asked whether the Authority had a solo working policy. The DO replied that there was a robust lone working policy and all staff that worked out on the Broads must report to Broads Control when they start work and log out when they finish. He added that for staff that occasionally worked late, there was also an out of hours service.

The report was noted.

Having declared a Disclosable Pecuniary Interest, Alan Goodchild left the meeting for item 14.

14. Pilotage Review

Members received the report from the Head of Ranger Services (HRS). The Chair drew Members' attention to paragraph 5.1 which referred to the view expressed by the Navigation Committee on 11 January 2024. The HRS highlighted some key points from the report and said that it incorporated a general direction which enabled the Authority to keep its competent harbour authority status which would allow the shift back to providing a pilotage service if required. The HRS said that the Navigation Committee felt that the 20m originally suggested was too prescriptive and had therefore amended it to 24 metres which was in line with the Maritime and Coastguard Agency's Small Commercial Vessel and Pilot Boat Code of Practice.

A Member asked how this change related to the aspiration to keep Carrow Bridge as a swing bridge, and the use of barges to bring equipment and building material up the river for the East Norwich Development. The HRS replied that as currently, they would use a Ranger escort to cover that safely, however each vessel would be looked at on a case-by-case basis. There was the possibility of reinstating a pilot if necessary.

A Member asked whether this would restrict any potential Royal Navy visit to the Port of Norwich. The HRS said that, as with other vessels, any visit would be looked at on a case-by-case basis. The HRS emphasised that a Ranger escort was more about providing safety warnings to holiday makers on boats. She added that on a day-to-day basis the proposals set out in the paper were not any different to what already happened with moving barges and other larger vessels around the system.

Peter Dixon proposed, seconded by Harry Blathwayt.

It was resolved unanimously that a General Direction be put in place, to restrict all commercial vessels over 24m from entering the Broads, subject to a risk assessment to see if such vessels could be safely accommodated without a pilot.

Alan Goodchild re-joined the meeting.

15. Broadland Futures Initiative Elected Members Forum – appointment of deputy Member

Members received the report from the Director of Strategic Services (DSS). The DSS commented that this appointment would ensure that the Authority was in compliance with the Terms of Reference of the Broadland Futures Initiative (BFI).

Matthew Shardlow, the Broads Authority representative on the BFI, said that there was an important meeting coming up in June and that they would like the deputy Member also to attend.

A Member commented that it would help Broads Authority Members to attend the BFI to help them understand the pressures on the Broads area brought on by climate change.

Tony Grayling confirmed that he was happy to volunteer to be the deputy but was unable to make the March meeting but could make the June meeting.

Harry Blathwayt proposed, seconded by Paul Hayden.

It was resolved unanimously to appoint Tony Grayling as the deputy member to the BFI Elected Members Forum.

16. Items of business raised by the Designated Person in respect of the Port Marine Safety Code

There were no matters to report under this item.

17. Minutes to be received

Members received the minutes of the following meetings:

30 August 2023 – Broads Local Access Forum

2 November 2023 – Navigation Committee

10 November 2023 – Planning Committee

8 December 2023 - Planning Committee

18. Other items of business

There were no other items of business.

19. Formal questions

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

20. Date of next meeting

The next meeting of the Authority would be held on Friday 15 March 2024 at 10.00am at The King's Centre, 63-75 King Street, Norwich, NR1 1PH.

The meeting ended at 11:41am.

Signed by

Chairman

Appendix 1 – Declaration of interests: Broads Authority, 26 January 2024

Member	Agenda/minute	Nature of interest
Alan Goodchild	Item 14	Commercial boat builders and refurbishers. Disclosable pecuniary interest (employment, office, trade, profession, or vocation carried out for profit or gain) and left the room for this item.

Appendix 2 – Public question time, Broads Authority 26 January 2024

Letter from Mr Colin Chettleburgh/BRAG

To the Chair, Vice chair and Members of the Broads Authority CC: Chair, Vice Chair and Members of the Broads Authority Navigation Committee; Broads Stakeholder MP's; Broads Authority Chief Executive.

19th January 2024

Formal Question for the Broads Authority meeting on 26th January 2024 ref. Document 'Broads Authority Navigation Funding – Briefing Note'

For information, our membership now stands at 1,387. This group fully supports any initiative aimed at relieving the financial burden on toll payers in maintaining the Navigation. As such, we applaud the Authority for recognising it is not just of 'private' benefit for navigators, but has a much greater, 'public' role in supporting the ecosystem by keeping the waterways open; providing drainage for a catchment area many times the size of the BA's territory; providing land-based recreation; providing employment and valuable revenue in our communities and preserving a most valuable national asset. We therefore fully support this initiative, but not the above document in its current form. All references to it herein will be titled 'the Document'.

It is regrettable that, **of the 1,352 words it contains, 218 of them argue for the removal of the requirement to account separately for Navigation income and expenditure**, as required by sec. 17(5) of the 1988 Norfolk and Suffolk Broads Act ('the Act'). By consequence, should this essential protection be removed, it will be impossible to measure compliance with Sec 17(6) of the Act, the so-called 'ring fence' around Navigation funds, thereby rendering that requirement unenforceable. (Appendix 1 contains the detail of those clauses.)

After the recent, swingeing tolls increases, toll payers now provide well in excess of half the Authority's budget, excluding ad-hoc grants. Yet their levels of trust in the Authority are at an all-time low and in free-fall. Despite fully supporting the initiative, **our members are deeply suspicious of the Document.**

You may be aware there have been several attempts to 'merge accounts' over the last 24 years, the most recent being a **random and barely noticed sentence in the Landscapes ('Glover') Review final report in 2019**. On page 142, it says: *"...Other unnecessary complexities, such as the requirement for the Broads Authority to account for income and expenditure from National Park Grant and Navigation separately..."* The issue was not mentioned in the Authority's own submission to the review. However, there was a previous Authority Member on the panel. Sections 17(5) and (6) of the Act exist to provide transparency to toll payers on how their tolls are being spent and ensuring they are not used for non-Navigation purposes. They are not there by chance. Some of the petitioners for the Act are members of this group. **They, the Norfolk and Suffolk Yachting (now Boating) Association, the Royal Yachting Association and others went to great lengths to ensure they were included**, to protect the interests of toll payers. They are there for a very good reason.

At the Navigation Committee meeting on 11th January 2024, a member asked directly whether it was intended to cease providing separate accounts for Navigation as part of this exercise. The chief Executive replied: 'that is not the intention'. **That begs the question why 218 words of the Document argue in favour of exactly that.** Forgive us, but we are very confused by that. We therefore put it to you that, **if this document is approved in its current form, the Authority will be sending a clear mandate to DEFRA to rescind 17(5) and by consequence 17(6) of the Act,** removing what little accountability toll payers have available to them.

For that reason, we urge the Authority to amend the Document before approving it, to remove any references to 'merging accounts'. We would then wholeheartedly support it.

Furthermore, after further consideration of the Chief executive's report, a further question has arisen: If sufficient funding can be deemed to be of 'public interest', and therefore funded by central government, could a point be reached where the third 'Purpose' of the Authority (Navigation) could be merged with the second and the Sandford Principle becomes applicable? Our question, therefore, is in two parts:

- 1. Can the Authority confirm this initiative will NOT be used as a vehicle to remove the requirement to account for Navigation funds separately, NOR remove the so-called 'ring fence' around them? The answer given in the recent NavCom meeting of there being no 'intention' to do so does not answer this question.**
- 2. Can the Authority confirm likewise that it will NOT be used in any attempt to subjugate its third purpose, Navigation and merge it with the second purpose?**

A different question was asked at the NavCom meeting on 11th January 2024. An important reference in the question was omitted from the agenda and when a member raised a point of order on that, he was summarily shut down by the Chief Executive. With all due respect, isn't it the Chair's job to do that if he sees fit? Furthermore, of the three points raised in the question, only two were answered.

You, the Members, and nobody else have **absolute authority on whether the Document is approved, amended or rejected.** With that goes the responsibility of ensuring the **Authority conducts itself in the public interest, not its own,** as required by numerous public body codes of conduct in legislation and common law. You therefore have the **authority and responsibility to ensure our question is answered fully and properly.**

By virtue of your appointment, **you have the absolute right, indeed responsibility, to articulate your views at any Authority meetings.** The Chief Executive does not have the power to shut speakers down at those meetings.

We do not intend to read this question at the meeting, but we will be delighted to receive the Authority's assurances our members' concerns are unfounded.

Yours sincerely,

Colin Chettleburgh, Chair
For and on behalf of the Broads Reform Action Group.

Response by the Chair on behalf of the Authority:

The purpose of the paper is to seek Government revenue funding for the maintenance of the waterways. This does not extend to the removal of the ring fence for navigation income and expenditure nor any amendment to the Authority's purposes.