

Navigation Committee

10 June 2021

Agenda item number 7

Chief Executive's report and current issues

Report by Chief Executive

Purpose

To give a briefing on significant matters relating to the maintenance and management of the waterways, and allow members to raise any such issues.

Contents

1.	Appointment of two co-opted members to the Broads Authority	2
2.	Appointment of Monitoring Officer	2
3.	East Norwich Masterplan	2
4.	Clean Maritime Bid	2
5.	Enforcement Policy: Navigation functions	3
6.	Navigation patrolling and performance targets	3
7.	Sunken and abandoned vessel update	3
8.	Planning enforcement update	3
	Appendix 1 – Rangers exercise of powers analysis April 2021 – May 2021	4
	Appendix 2 – Ranger duties: total time allocated and actual days	6
	Appendix 3 – Sunken and abandoned vessels current position as at 24 May 2021	7
	Appendix 4 – Prosecutions dealt with in court for non-payment of tolls since 08 April 2021	8
	Appendix 5 – Enforcement Policy: Navigation functions	9
1.	Introduction	9
2.	The Policy	9
	2.1. Setting clear standards	9
	2.2. Providing information clearly and openly	10
	2.3. Helping businesses and users of the navigation by advising and assisting with compliance	10
	2.4. Having a clear complaints procedure	10

2.5.	Ensuring that enforcement action is proportionate to the risks involved	10
2.6.	Ensuring consistent enforcement practice	11
2.7	Deterrent to others	11

1. Appointment of two co-opted members to the Broads Authority

- 1.1. At its meeting on 30 April, the Broads Authority appointed Nicky Talbot and Simon Sparrow as members of the Authority for one year until 13 May 2022.

2. Appointment of Monitoring Officer

- 2.1. At its meeting on 30 April, the Broads Authority appointed Christopher Bing as the Authority's Monitoring Officer with effect from 15 May 2021, under an agreement with East Suffolk Council. Mr Bing replaces Mrs Hilary Slater, who retired from East Suffolk Council at the end of May.

3. East Norwich Masterplan

- 3.1. Consultation will commence soon on the high-level principles for the re-development of three key sites in the east part of Norwich. This potentially involves significant implications for navigation particularly around the treatment of the river and the provision of moorings.

4. Clean Maritime Bid

- 4.1. The Department for Transport (DfT) has announced the Clean Maritime demonstration and will be investing up to £20m for innovative clean maritime and smart shipping projects. The aim is to support the design and development of technologies for the reduction of greenhouse gas emissions by the UK's maritime sector. £10m has been allocated for prototypes, and £10m for feasibility studies.
- 4.2. A bid will be submitted for an Electrifying the Broads feasibility study. Ren Energy will be the lead partner working with the Broads Authority, Net Zero East and Norfolk Broads Direct. The application deadline is 2 June 2021 and applicants will be notified if they are successful on 26 July 2021. The objective of the project is to produce a roadmap to a decarbonised hire boat sector, and to plan for the network of supporting infrastructure across the Broads. It will seek to identify the measures needed to enable the transition to a zero-carbon boating industry, and to ensure a zero-carbon boat can access the entire Broads network. This will be achieved by:
 - Defining a case study boat

- Considering retrofit options
 - Considering new build options for boats
 - Mapping for charging options
 - Proposals for charging infrastructure
- 4.3. The project will be 70% funded, with no cash costs and needs to be completed by 31 March 2022. The majority of staff time will come from the Carbon Reduction Project Manager. He has spoken to the Planning Policy Officer, and GIS Officer for planning policy and mapping support.

5. Enforcement Policy: Navigation functions

- 5.1. Minor changes have been made to the Authority's Enforcement Policy for navigation functions (Appendix 5). In practice, the policy is continually reviewed each time a case is taken to court, but it has not been reviewed by this Committee since 2009.

6. Navigation patrolling and performance targets

- 6.1. The report of the significant use of powers by the Rangers is at Appendix 1 and reflects the busy period. Appendix 2 shows the average navigation/countryside splits; these are higher on the navigation side, as expected during the summer when patrolling is a priority.

7. Sunken and abandoned vessel update

- 7.1. The sunken and abandoned vessel update is at Appendix 3. A large number of sunken vessels were dealt with over the winter period, with one historic case and two current cases.

8. Planning enforcement update

- 8.1. There are no further enforcement matters with navigation implications to report.

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Date of report: 26 May 2021

Appendix 1 – Rangers exercise of powers analysis April 2021 – May 2021

Appendix 2 – Ranger duties: total time allocated and actual days

Appendix 3 – Sunken and abandoned vessels current position as at 24 May 2021

Appendix 4 – Prosecutions dealt with in court for non-payment of tolls since 08 April 2021

Appendix 5 – Enforcement Policy: Navigation functions 08 April 2021

Appendix 1 – Rangers exercise of powers analysis April 2021 – May 2021

Table 1

Verbal warnings	Wroxham launch Wroxham and upper Bure	Irstead launch Ant	Ludham launch Hickling, Potter Heigham, upper Thurne	Ludham launch 2 lower Thurne and lower Bure	Norwich launch Norwich and upper Yare	Hardley Launch Reedham, Chet and middle Yare	Burgh St Peter launch Oulton Broad and upper/middle Waveney	Breydon launch Breydon water, lower Waveney and Yare
Care and caution	14	0	2	3	8	1	0	0
Speed	411	117	112	34	3	14	8	17
Other	12	10	1	6	2	3	0	0

Table 2

Written warnings	Wroxham launch	Irstead launch	Ludham launch	Ludham launch 2	Norwich launch	Hardley Launch	Burgh St Peter launch	Breydon launch
Care and caution	2	1	0	1	0	1	0	0
Speed	6	0	0	0	0	0	2	1
Other	1	6	2	0	2	10	2	0
Special directions	0	30	20	11	0	0	0	1

Table 3

Launch patrols	Wroxham launch	Irstead launch	Ludham launch	Ludham launch 2	Norwich launch	Hardley Launch	Burgh St Peter launch	Breydon launch
Launch staffed by ranger	61	61	61	60	60	58	58	61
Volunteer patrols	0	0	0	0	0	0	0	0
IRIS reports	6	8	8	11	9	5	3	9

Table 4

Broads Control total calls

Contact method	Number of calls
Telephone	4683
VHF	1377
Total	6060

Appendix 2 – Ranger duties: total time allocated and actual days

Table 1

Broads Authority corporate duties

Work area	Annual allocation (days)	Actual days to date
Training	134	14.19
Broads Control	362	55.07
Team meetings, work planning	356	69.66
Partnership working	76	5.00
Assisting other sections	76	21.01
Billets and boatsheds	25	7.36
Launch – general	0	3.85
Trailers - general	0	0
Vehicle maintenance	0	0.14
Other equipment repair	0	1.35
Total	1029	177.63

Table 2

Navigation duties

Work area	Annual allocation (days)	Actual days to date
Patrolling	2136	410.20
Escorts	49	15.81
Prosecution files	0	3.11
Bankside tree management	53	0
Obstruction removal	36	7.50
Channel markers and buoys	25	1.28
Signs and boards maintenance	34	8.85
Adjacent waters	100	0
Reactive mooring maintenance	104.5	4.26
Total	2537.5	451.01

Table 3

Conservation, recreation, countryside maintenance

Work area	Annual allocation (days)	Actual days to date
Fen management	195	1.01
Lake, riverbank restoration	126	4.05
Invasive species control	22.5	3.45
Other conservation work	148	4.12
Pollution response	0	1.35
Visitor site maintenance	209	85.24
Public engagement	301	7.90
Public footpath work	44	2.03
Education work	69	3.04
Total	1114.5	112.19

Team total up to 21 May 2021

Percentage Navigation: 80%

Percentage National Park: 20%

Appendix 3 – Sunken and abandoned vessels current position as at 24 May 2021

Description	Location found	Action	Notice affixed	Result
Motor Cruiser	River Yare, old River Thorpe	Vessel sunk at owners' moorings	No	Not affecting navigation
Motor Cruiser	Sutton/Stalham Cut	Landowner has removed top section of vessel. Hull is marked and an assessment made if this can be raised by the dredging rig when it is next in the area.	No	Top section removed by landowner
Workboat	River Yare, old River Thorpe	Vessel sunk at owner's moorings	No	Working with owner to raise
Motor Cruiser	River Yare, Thorpe Island	Vessel sunk at mooring	Yes	Vessel removed

Appendix 4 – Prosecutions dealt with in court for non-payment of tolls since 08 April 2021

Type of vessel	Vessel name	Fined	Costs awarded	Victim surcharge	Compensation
Motor Boat	Lady Kay	£440.00	£380.00	£44.00	£377.46
Auxiliary Yacht	Sea Wyvern	£220.00	£170.00	£34.00	£103.40
Auxiliary Yacht	Jolly Roger	£220.00	£170.00	£34.00	£124.08
Auxiliary Yacht	Unnamed	£500.00	£175.00	£50.00	£227.48
Motor Boat	Valencia	£500.00	£175.00	£50.00	£149.18
Motor Boat	Alcedo Atthis	£220.00	£175.00	£34.00	£223.68
Auxiliary Yacht	Sunshine	£250.00	£175.00	£34.00	£258.50
Houseboat	Salvager 1	£1,000.00	£170.00	£100.00	£256.20
Sailing Boat	Physco Lea 10	£500.00	£170.00	£50.00	£97.68

Appendix 5

Enforcement Policy: Navigation functions

~~April 2009~~ June 2021

1. Introduction

Effective enforcement of the legislation relating to the Authority's navigation function is essential to protect the health and safety of users of the Broads waterways. The purpose of this policy is to provide guidance on the general principles the Authority will apply when carrying out its enforcement responsibilities.

This policy has been agreed by the Authority following consultation with its Navigation Committee on ~~16 April 2009~~ 10 June 2021.

This policy incorporates the following principles of good enforcement for regulating bodies:

- Setting clear standards.
- Providing information clearly and openly.
- Helping businesses and users of the navigation by advising and assisting with compliance.
- Having a clear complaints procedure.
- Ensuring that enforcement action is proportionate to the risks involved.
- Ensuring consistent enforcement practice.

If you have any questions about this policy, please contact the Director of Operations.

2. The Policy

2.1. Setting clear standards

- For 3rd Party complaints, the Authority will:
 - Respond within 10 days with a decision on whether or not to pursue.
 - Carry out a preliminary investigation within 28 days.
 - Fully investigate and forward case papers to the Authority's Solicitor within 4 months.
 - Keep complainants informed as to progress with the investigation and any decisions relating to the complaint.

2.2. Providing information clearly and openly

- The Authority will produce guidance (e.g. publication of byelaws/directions, signage etc) in an easy to understand format for users of the Broads navigation area and ensure that it is kept up to date. This will be made available as widely as possible.

2.3. Helping businesses and users of the navigation by advising and assisting with compliance

- The Authority's officers will work closely with the hire boat industry, sailing clubs, user groups and landowners to make sure they and their staff/members are fully aware of the requirements of the legislation relating to the Broads navigation, such as the Hire Boat Licensing Code.
- Where remedial action is required, the Authority will clearly explain (in writing, if requested) why the action is necessary and when it must be carried out; a distinction will be made between best practice advice and legal requirements.

2.4. Having a clear complaints procedure

- A well-publicised complaints procedure for the Authority is already in place and this will be maintained.

2.5. Ensuring that enforcement action is proportionate to the risks involved

- Enforcement powers will be exercised only to achieve the legislative purpose for those powers. Generally, this purpose will be health and safety, but in certain circumstances the purpose of the power is to protect the environment, to avoid nuisance or to enforce the collection of tolls ~~and the display of toll plaques~~.
- Reasonableness is also key. This will include avoidance of unnecessary expense and a consideration of the likely outcome of any enforcement action, together with an assessment of the risk.
- In deciding whether or not to prosecute, the Authority will take into account:
 - The foreseeability of the offence or the circumstances leading to it.
 - The intention of the offender (including any clear disregard or contempt for the byelaws).
 - The flagrancy of the offence.
 - Any history of offending (including any previous warnings).
 - The attitude of the offender.
 - The deterrent effect of a prosecution on the offender and others.
 - Whether the offender has acted inconsiderately or in disregard for the safety or amenity of others.

- Whether the offence is compounded by offensive, loud, aggressive or drunken behaviour.
- The personal circumstances of the offender.

2.6. Ensuring consistent enforcement practice

- With a view to ensuring consistent enforcement practice, the Authority will:
 - Maintain a procedure for ensuring (as at present) that decisions to enforce are taken by officers with responsibilities across the navigation system.
 - Provide full and effective training in the relevant procedures and requirements.
 - Hold regular meetings of Rangers.
 - Ensure the prompt cascading of information.

2.7 Deterrent to others

- The use of Court Results may be used where appropriate ~~for~~ to deter bad behaviour and promote safety messages. This will ~~be~~ in line with the “Publicising Sentencing Outcomes” Policy.