



Membership at 19/01/24: 1,387

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 tollpayers 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, tollpayers 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 tollpayers 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 tollpayers. 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 tollpayers 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.

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Appendix 1: Extract from Sec. 17 of the Act

17 Accounts and auditing.

(1) The Authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs.

[F1 (2) The Authority shall keep proper records of its finances.]

F2 [(3) All receipts of the Authority shall be carried to, and all liabilities falling to be discharged by the Authority shall be discharged out of, the general fund]

F2 [(4) The Authority shall keep an account of all receipts carried to, and payments made out of, the general fund.]

[F3 (5) The Authority shall prepare a report as soon as reasonably possible after the end of each financial year describing the navigation income received by it and the navigation expenditure incurred by it in that year.

(6) It shall be the duty of the Authority to secure that taking one financial year with another navigation expenditure is equal to navigation income.