

Broads Authority

Minutes of the meeting held on 22 March 2013

Present

Dr J S Johnson – in the Chair

Mr M Barnard	Mr C Gould	Dr J M Gray
Mr L Baugh	Mr N Dixon (Item 24)	Mr A S Mallett
Miss S Blane	Sir Peter Dixon	Mr G McGregor
Mrs J Brociek-Coulton	Mr P Frost	Mr P E Ollier
Mr D A Broad	Mr M T Jeal	Mr R Stevens
Prof J A Burgess	Mr P Durrant	Ms R Varma

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management
Mr C Brown – for the Solicitor
Mr A Clarke – Senior Waterways and Recreation Officer
Ms H Franzen – Press Officer
Mr R G Holman – Director of Change Management and Resources
Mr S Hooton – Head of Strategy and Projects
Mr R Rogers – Head of Construction and Maintenance
Ms A Kelly – Senior Ecologist
Ms A Leeper – Asset Officer
Ms A Long – Director of Strategy and Planning
Ms L Marsh – Head of Communications
Mr N Punchard – Broadland Catchment Partnership Officer
Ms T Wakelin – Director of Operations

Also in attendance:

Mr K Allen – Guest (member as from 1 April 2013)
Mr C Fox – Member Great Yarmouth Borough Council

5/1 Apologies and Welcome

Apologies for absence were received from Mr J Sharpe, Mr P Rice, Mr R Stevens and Mr N Dixon, who would be arriving for the latter part of the meeting.

The Chairman welcomed everyone to the meeting. In particular he welcomed Mr Kelvin Allen, who had been newly appointed by the Secretary of State for a four year term as from 1 April 2013. He also welcomed Mr Colin Fox from Great Yarmouth Borough Council, a prospective member.

The Chairman also welcomed Neil Punchard – Broadland Catchment Partnership Officer who was based with the Authority on a 15 month contract examining water catchment issues and biodiversity. Neil was funded through the Authority's partnership with Natural England, the Environment Agency, and Essex and Suffolk Water.

5/2 Chairman's Announcements

(1) Membership

Farewell: Peter Frost and Rashmi Varma

This was the last meeting as members of the Authority for Peter Frost and Rashmi Varma as their terms of office came to an end on 31 March 2013.

On behalf of all members the Chairman thanked them for their assiduous attendance and commitment to the Authority particularly as Lead Members on Communications and Equality respectively. He paid tribute to Peter for his contributions to the Newsletter/Monthly Bulletin, for his involvement with the Communications Strategy and providing wider and different perspectives on matters. He also thanked him for his involvement as the Authority representative on the How Hill Trust, particularly over the last two years where his contribution had been very beneficial.

In paying tribute to Rashmi, the Chairman commented that it was apposite that the Authority would be considering the adoption of the Equality Strategy at this meeting, for which she had been an enthusiastic advocate. The Chairman also thanked her for representing the Authority on the Campaign for National Parks where she had been helpful in raising and maintaining the Authority's profile within the family of national parks. He also thanked her for her challenging and probing questions.

Both Peter Frost and Rashmi Varma thanked all the members and staff of the Authority for making their eight and ten year association with the Authority such an interesting and rewarding experience.

(2) Staff – Rob Holman, Director of Change Management and Resources

This was also the last meeting for Rob Holman the Director of Change Management and Resources who would be leaving the Authority after twenty-six years. The Chairman paid tribute to his professionalism, ability to deal with complex figures with great understanding and his selfless loyalty to the Authority. On behalf of all members he thanked him for being a faithful servant to the Authority who would be leaving with a great deal of good will. Members wished him well for the future.

Mr Holman thanked the Chairman commenting that on coming to the Authority he had not intended to stay as long, but this illustrated what a pleasure it was to have worked for the Authority. He thanked members for their challenging questions as well as their support.

(3) **Workshop on Development of Broads Mills Strategy: 12 April 2013**

Members welcomed the proposal for a potential workshop to be held in conjunction with the millowners. It was noted that the response had been positive, but the date, originally planned for 12 April was yet to be confirmed due to availability.

(4) **Workshop on Navigation Channel Management in Breydon Water at 10.00am on 18 April 2013 prior to Navigation Committee**

Members noted that there would be a Member Workshop to go through the management options and implications of removal, replacement or extension of the channel training wall structures on Thursday 18 April 2013 starting at 10.00am. The Navigation Committee would then follow at the earlier time of 1.00pm.

(5) **ANPA Conference 25 – 27 September 2013 at the Hawkhills Conference Centre, Easingwold, North York Moors National Park**

The Chairman announced that the next ANPA conference would be held in the North York Moors National Park when the theme would be “Landscape at Heart” which would be opened by Andrew Motion. Places were limited to five delegates from each park authority. Those who wished to express an interest should contact the Administrative Officer.

(6) **Members’ Development Interviews and Agenda Structure**

The Chairman reported that he had nearly completed all the Member appraisals for the year which would help to develop the Member Development Programme for 2013/14. The interviews had provided some interesting points, one of which was that Authority meetings should focus on the strategic direction of the Authority. Therefore, with this in mind, changes had been made to the agenda format which grouped items together under a series of headings: Strategy and Policy, Project Monitoring and Updates, Governance and Administration. He would welcome feedback.

5/3 Introduction of Members and Declarations of Interest

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

5/4 Items of Urgent Business

There were no items of urgent business.

5/5 Public Question Time

No questions had been received.

5/6 Minutes of Broads Authority Meeting held on 18 January 2013

The minutes of the meeting held on 18 January 2013 were approved as a correct record subject to an amendment to:

Minute 4/14 (Page 12 of 20) Sediment Management Strategy 2nd paragraph, 4th line delete “rather than” and replace with “as well as” to read:
“that the focus in future should be on achieving more effective dredging operations as well as concentrating on volume targets.”

Subject to the amendment, the minutes were signed by the Chairman.

5/7 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 addition, members noted the updates concerning:

- **Transfer of Responsibilities for Breydon Water and the Lower Bure**

The vessel to patrol Breydon Water had been officially launched on 13 March 2013 and thanks were conveyed to all those members who had braved the cold for the successful event.

- **Local Development Framework: Broads Site Specifics DPD**

It was noted that a new Planning Policy Officer had been recruited and was due to start with the Authority in April.

- **Growth and Infrastructure Bill**

The Chief Executive reported that amendments had been made to the Growth and Infrastructure Bill that satisfied the Chairpersons of the National Park Authorities, following the representations made by ENPAA. This demonstrated how the national parks working collectively could influence government.

- **Whitlingham Country Park: Next Stage of Development**

It was noted that the meeting on 20 March 2013 with the Whitlingham Charitable Trust, members and key partners had been very productive, with all parties agreeing to the next two stages: development of the overall vision; and commissioning an architect to design facilities to be

provided in a new building either adjacent to or within the Flint Barn or on the Plant site.

5/8 Minutes Received

(1) Planning Committee: 4 January 2013, 1 February 2013 and 1 March 2013

It was noted that since raising a strong objection to Waveney District Council on the application for a single wind turbine at Laurels Farm, Shipmeadow, Waveney District Council had refused the application.

As well as the various applications and enforcement issues dealt with, members attention was drawn to the implications of the Flood and Water Management Act 2010 in that all planning applications would need approval for Sustainable Drainage Schemes (SUDS) and the necessity to work with the County Councils as the Lead Local Flood Authorities.

RESOLVED

that the minutes of the Planning Committee meetings held on 4 January 2013, 1 February 2013 and 1 March 2013 be received.

(2) Broads Forum: 7 February 2013

The Chairman referred to relevant matters raised at the Broads Forum meeting on 7 February 2013 and confirmed that these, particularly relating to the review of consultative procedures had been taken into account when considering the items on this agenda.

He drew attention to the Forum's comments on the Broads Climate Change Adaptation Panel including the requirement for a timescale for meaningful progress; the welcome support for the Broads Biodiversity and Water Strategy and requirement for increased public awareness using non-technical language and the issue of High Speed Boat Testing outside Strumpshaw Fen. It was noted that the Boat Safety Management Group would be further investigating the issue of high speed boat testing before reporting back to the Forum and the Authority.

RESOLVED

that the minutes of the Broads Forum meeting on 7 February 2013 be received.

(3) **Financial Scrutiny and Audit Committee: 12 February 2013**

RESOLVED

that the minutes of the Financial Scrutiny and Audit Committee meeting held on 12 February 2013 be received.

(4) **Navigation Committee: 28 February 2013**

It was noted that the Committee had been very concerned about the provision of moorings and dredging and would be examining the potential for increased dredgings in association with the assets available.

In association with the operation of works being carried out on the Swing Bridges (Minute 4/6), a member expressed concern about the limited notice having been given to interested parties and users concerning access via the railway crossing in Thorpe . The matter of sufficient notice would be raised with Network Rail at a future meeting with them.

RESOLVED

that the minutes of the Navigation Committee meeting held on 28 February 2013 be received.

Strategy and Policy

5/9 Strategic Direction including

- ***Strategic Priorities for 2012/13 progress***
- ***Setting of Strategic Priorities for 2013/14 and***
- ***Progress against Broads Plan Strategic Objectives***

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 which were designed to meet those objectives where the Authority has been identified as the lead partner. It was recognised that the Authority's Strategic Priorities, along with the Business Plan provided the golden thread between the objectives in the Broads Plan and Authority's work programme. The strategic priorities followed the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011.

Members were mindful that there would be a further Government Spending Review commencing in June 2013 which included the fact that Defra would be facing a further £3.7million reduction in its budgetary provision. Members also noted that the Minister for National Parks, Mr Richard Benyon MP, in a recent meeting with ENPAA had signed up to a Love Your National Parks celebration recognising their importance to the nation as a whole not just for their environmental and ecological qualities but also for their contribution to the economy.

Members welcomed the progress made towards the objectives, projects and key milestones for the Strategic Priorities for 2012/13, particularly given its ambitious nature and the unforeseen circumstances with regard to the office move. Some disappointment was expressed about the delays relating to the development and re-launching of the Authority's website but they appreciated the difficulties and noted that this together with some of the outstanding 2012/13 priority objectives, projects and key milestones had been incorporated within those proposed for 2013/14.

They considered the series of draft objectives projects and key milestones to meet the strategic priorities for 2013/14, following consultation with the Broads Forum and Navigation Committee. They welcomed the reduction in the overall number but noted that the programme was still innovative and ambitious. They welcomed the revised set of priorities and the inclusion of the key areas such as continuing the work on climate change and engaging with the communities and stakeholders, the work on catchment appraisal with the assistance of the new Catchment Partnership Officer as well as taking forward three major projects which would run over more than one year namely: Whitlingham Country Park Development; Breydon Water Water Space Management Plan due to the complexity of the various interests involved in the European legislation requirements, and the long term commitment of acquiring National Park status for the benefit of the local economy and establishing a consensus and agreement to achieve that status.

The responses from the Parish and Town Councils together with officer comments were tabled for members' information and welcomed. The officer comments were endorsed. Members considered that the comments underlined the importance of engaging with them to improve understanding (Priority 1.1 outcome).

However, members expressed disappointment that only 7 out of 93 parishes associated with the Broads had responded. It was recognised that no one single parish had the whole of its area within the Broads and there could be a case of consultation overload. In addition some parishes had very limited resources. It was anticipated that the development of parish forums as proposed under Agenda item 17 following the review of consultative arrangements would help to address the issue of engagement and improve liaison.

Members noted that the Authority had now undertaken two years of strategic priorities to contribute towards the strategic objectives of the Broads Plan 2011 and that action had been taken against many of the Broads Plan 2011 objectives even if these had not been specifically included in the list of Broads Authority Strategic Priorities. A member made a plea that the objectives should be measureable and quantifiable. It was confirmed that this was available from the online version of the Broads Plan and that the method of accessing the information would be investigated and clarification provided where applicable.

RESOLVED

- (i) that the performance of the different projects to meet the Strategic Priorities for 2012/13 in the accompanying schedule Appendix 1 to the report be noted;
- (ii) that the objectives, projects and key milestones to meet the Strategic Priorities for 2013/14 as detailed in Appendix 2 of the report be adopted with additional wording reflecting parish council comments where appropriate and in accordance with the officer's response; and
- (iii) that the contribution of the Broads Strategic Priorities for 2011/12 to 2013/14 towards meeting the Broads Plan 2011 priority strategic objectives as detailed in Appendix 3 of the report be noted.

5/10 Financial Performance and Direction

The Authority received a report providing a strategic overview of current key financial issues and items for decision, alongside an update on actual and forecast performance against the budget for the year. They took each of the matters in turn.

Section 2: Consolidated Income and Expenditure 1 April 2013 to 31 January 2013

Members noted the summary of actual income and expenditure for the ten month period to 31 January 2013 and details for the forecast projected income and expenditure at the end of the financial year. It was noted that the total income for the period was £6,583,708 with total net expenditure being £5,690,505. These figures resulted in an overspend against the original profiled budget and this was expected to continue to the end of the financial year. The forecast out turn indicated that income was expected to be £6,629,174 with a total expenditure forecast at £7,694,824. Members noted that the forecast out turn continued to anticipate that there would be a significant deficit position by the end of the year, in line with the planned drawing-down of reserves to fund capital and one-off expenditure in 2012/13 as agreed by the Financial Scrutiny and Audit Committee and the Authority.

RESOLVED

- (i) that the current actual income and expenditure and the latest forecast outturn position for the year as set out in section 2 of the report be noted; and
- (ii) that the transfer of underspend from the Practical Maintenance budget to provide a Navigation budget within the 2013/14 Projects budget as set out in paragraph 2.8 be approved.

Section 3: *Financial Planning and Budgeting: Earmarked Reserves Strategy*

Members received an update on the development of the Authority's Strategy for the use and consolidation of earmarked reserves and wider asset management. It was noted that the Financial Scrutiny and Audit Committee and Navigation Committee endorsed a proposal to consolidate a number of earmarked reserves under three headings property: Property Plant, Vessels and Equipment, and Premises and that a clear distinction between National Park Grant and Navigation balances within these three main reserves would need to be maintained. There would also be the need to retain a number of further earmarked reserves after consolidation where they related to specific earmarked sums and also in respect of the STEP and PRISMA projects.

Members were pleased to note that the call on the earmarked reserve to support the Authority's relocation to Yare House had been significantly less than budgeted and congratulated staff on the successful outcome of the move. They supported the proposal to transfer that balance of monies to delivering flagship projects.

RESOLVED

- (iii) that the consolidation, closure and establishment of earmarked reserves as approved by the Financial Scrutiny and Audit Committee and set out in section 3 of the report be noted;
- (iv) that the shortfall in projected contributions to reserves as set out in Appendix 4 be noted;
- (v) that the reinstatement of the £25,000 2012/13 contribution to the Mutford Lock earmarked reserve set out in paragraph 3.7 of the report be approved;
- (vi) that the proposed reserve contributions set out in paragraph 3.8 of the report be approved; and
- (vii) that the proposals for the transfer of the residual balance from the New Office Accommodation reserve to a new Flagship Projects reserve as set out in paragraph 3.9 of the report be approved.

Section 4: *Annual Investment Strategy*

Members received the details of the proposed Annual Investment and Capital Financing (borrowing) Strategy for the next financial year as required by the Prudential Code for capital finance in local authorities. This set out the prudential indicators designed to support and record local decision making in a manner that was publicly accountable. The Authority's borrowing was limited to the acquisition of the dredging operation and it was noted that the expenditure proposed including the loan interest and capital repayments to the Public Works Loan Board, had been incorporated into approved budgets.

RESOLVED

- (viii) that the Annual Investment Strategy for 2013/14 set out in Appendix 5 of the report, including an authorised limit for external debt of £500,000, be approved.

Section 5: Asset Management Premises Strategy

Following the Authority's decision to consolidate the Authority's facilities and focus its main activities at two primary sites as part of the recent reorganisation and restructuring of the Authority, members gave consideration to the lease of the Ludham Field Base site. It was noted that members had agreed in principle to lease the Field base to a third party to save on running costs and generate income. Following investigation and expressions of interest, with a ten year lease period being offered members were informed that it was considered not to be sufficient to give potential tenants security or justify any investment required for their operational needs.

Members expressed concern that an alternative lease term of between 50 to 99 years could be too great without sufficient legal safeguards including appropriate break clauses being included. It was clarified that any changes of use of the base would be subject to the usual planning policies and procedures and highway requirements and in addition the requirements of the Authority as landlord. Members considered that more details were required before they could agree to a longer term lease.

RESOLVED

- (ix) that a decision on extending a lease term for the Ludham Base to between 50 and 99 years be deferred and officers be authorised to carry out further investigations and report back to the Authority on the details of such an agreement including break clauses prior to a decision.

Section 6: Standing Tender List: Piling Contracts

Members recognised that the Construction Team's work programme gave a very high priority to navigational dredging and therefore noted that further piling work would need to be outsourced. They further endorsed the benefits of selective tendering by a standing list of contractors for the undertaking of piling work. Members noted the process through which contractors had been invited and assessed for inclusion on such a standing list in accordance with Section 15 of the Authority's Standing Orders relating to contracts. It was noted that nine of the eleven contractors who had expressed an interest would be suitable and that since the report had been written all nine had satisfactorily met the Authority requirements including having systems for managing exposure to vibration and HAVS and public liability cover. It was agreed that the standing list would be renewed after a review on a three yearly basis following the same approved process.

RESOLVED

- (x) that the establishment of a standing list of contractors for the undertaking of piling work, as set out in section **Error! Reference source not found.** of the report, be approved.
- (xi) that the nine contractors listed in paragraphs 6.10, 6.12 and 6.14 be approved for inclusion in the standing list:
- J Breheny Contractors Ltd
 - Land and Water Services
 - Miles Waterscapes
 - D & R Marine
 - Drake Towage
 - Olympic Ltd
 - G T Rochester Plant
 - Red 7 Marine
 - BAM Nutall
- (xii) that the arrangements for the review and renewal of the standing list as set out in paragraphs 6.15 and 6.16 of the report be approved. (*On a three yearly basis – next review 2016*)

5/11 Broads Biodiversity and Water Strategy

The Authority received a report setting out the process for formation and consultation on and the main contents of the Biodiversity and Water Strategy which fitted in with the Broads Plan. In addition to the Broads Biodiversity Forum on 5 February, some members had had the benefit of attending a workshop on 15 March 2013 which had provided opportunity for more detailed discussion on the issues raised.

Members acknowledged that the aim of the Strategy had been to refresh and combine the existing habitat strategies in the Broads in line with the recommendation of the National Park Peer Review to make the Authority's vision clearer, as well as align it to the Government's Biodiversity 2020 national strategy. Members noted and welcomed that the emphasis was on the Strategy being very much a partnership between the Authority and other conservation bodies in order to clarify areas of focus and set out the prioritisation process for assigning resources. It was also aimed at combining the biodiversity and water messages to include new partners and not only raise the profile of biodiversity but put it at the heart of a wider number of businesses. Members noted the four key priorities identified in the Strategy and that the extensive consultation exercise had helped in its development.

It was noted that the major challenge would be to work effectively in partnership to efficiently use limited resources and that the Biodiversity and Water Strategy would provide such a framework, recognising that there was a balance between coordinating data and delivering outcomes as well as raising

awareness of the priority gaps. It was recognised that improvements in the environment especially water quality might only be achieved over long periods of time but that simple steps could make a difference.

Members considered that the report was excellent and had successfully coordinated a number of complex issues. They congratulated the officers on the considerable efforts to develop the strategy and endorsed the strategy wholeheartedly.

RESOLVED

that the Broads Biodiversity and Water Strategy be adopted as the new way of partnership working, resource prioritisation and target setting for Biodiversity and Water work in the Broads and the Broads Authority.

5/12 Integrated Access Strategy and Action Plan

The Authority received a report that provided details of the Draft Broads Integrated Access Strategy and Action Plan in line with the long term aim for tourism recreation and access set out in the Broads Plan 2011. It was noted that wide consultation had taken place and the BLAF, Navigation Committee and Broads Forum had fully supported the Strategy. Members advocated the emphasis on collaborative and partnership working between agencies and local communities in light of the limited resources available. Members noted that the strategy provided a broad framework for the development of recreational and integrated access in the Broads and welcomed the fact that it was intended to be a living flexible document taking account of changing priorities, consultation on project development and opportunities. It was noted that following discussions with angling organisations, minor adjustments would be required within the action plan to take account of these comments.

RESOLVED

that the Draft Integrated Strategy and Action Plan attached at Appendix 1 of the report be endorsed subject to officers taking account of additional consultation responses particularly with regard to angling access.

5/13 Equality Policy

The Authority received a report and gave consideration to a Draft Equality Policy as well as the further actions needed to ensure that the Authority complied in full with the Equality Act 2010. Although a few members had attended a workshop in November, it was noted that Jeanette Wheeler of Birketts would be giving a presentation on the provisions of the Equality Act 2010 and the Role of Members to the May meeting to ensure that all members were aware of its provisions.

Members noted that the Policy applied to all individuals associated with the Authority as either member, employee, (current, prospective or previous) or volunteer. It provided guidance in complying with good practice and a process

for dealing with complaints particularly for officers, backed up by the Code of Conduct for Employees. However, the existing Code of Conduct for Members as adopted in May 2012 did not make reference to the key principles enshrined in the legislation particularly with regard to respect. As this omission would need to be remedied, members advocated and considered that it was important that a revised version of the Code of Conduct should be prepared for adoption at the next meeting on 10 May 2013. It was also considered important that members and officers received training on the Equalities Policy as part of their induction. Although it was recognised that some members might receive training through their nominating organisation, it was considered that this needed to be applied within the context of the Broads.

Members noted that the Policy provided a framework to ensure that it complied in full with the equality legislation and good practice and they welcomed the setting up of an Equality Working Group comprised of officers to ensure it maintained its obligation. It was noted that the Group would report regularly to the Lead member on Equality, who was yet to be appointed to replace Rashmi Varma. The Chairman made a request for a volunteer to take on the role.

RESOLVED

- (i) that the report be noted;
- (ii) that the Equality Policy as appended to the report be adopted;
- (iii) that the Code of Conduct for Members be reviewed and updated, and that a revised Code be considered by the Authority at its next meeting on 10 May 2013; and
- (iv) that a member of the Authority be appointed as Lead Member on Equalities either voluntarily or nomination by the Chairman.

Project Monitoring and Updates

5/14 Breydon Water and Water Ski and Wakeboarding Zone Designation

Further to Minute 4/15, the Authority received a report on the further discussions and investigations that had taken place on the potential monitoring processes and costs and benefits of designation of a water ski zone on Breydon Water. Following a meeting with Natural England, it had been agreed that, if the Authority could identify the level of historic use of waterskiing on the site and ensure that the proposed use would not exceed those levels, it might be possible to conclude no significant adverse effect on the features of the site and therefore that additional external monitoring need not be required.

From the consultations and investigations members noted that the identified potential use was approximately 50% of the previous reported level of activity

and that the agreed trial zone was also recognised as having a 59% reduction on the area which had previously been used for the activity. Members concurred that from this evidence together with proposed additional control measures, there was not likely to be a significant effect on the interest features of the site.

It was noted that Natural England had been very helpful and was considering the updated report in order to ensure that the temporary designation of the water ski zone with the limitations proposed did not have any detrimental effect on the site in accordance with the Habitats Regulations. It was therefore considered that subject to final negotiations with Natural England, the implementation of any monitoring process would not put any strains on the Authority's budget and therefore the trial period could proceed from 1 April 2013 as agreed.

It was noted that following the trial the Water Ski Review Panel would review the outcomes and prepare recommendations for the future management of water skiing on Breydon Water and these would be submitted to the Authority for consideration.

RESOLVED:

- (i) that the further discussions be noted;
- (ii) that the assessment set out in Section 3 of the report be endorsed, and
- (iii) that subject to any further comments from Natural England officers be delegated to:
 - designate a zone for water skiing on Breydon Water for a trial period of at least one year commencing from 1 April 2013 as set out in Appendix B of the report to the January 2013 meeting;
 - that the proposed zone would be used for water skiing and a form of wakeboarding including/or involving manoeuvres and momentarily leaving the surface of the water, for the trial period of one year.

5/15 The Port Marine Safety Code: Development of the Safety Management System and To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Authority received a report outlining the further development of the Port Marine Safety Code, Safety Management System Issue 3. It was noted that the Authority as duty holder for the Broads had developed a Safety Management System as a clear commitment to the standard of safety required within the Broads to comply with the Port Marine Safety Code published in March 2000. They noted the reporting structure to the Authority as duty holder in association with the appointed Designated Person as defined by the Code. Members gave consideration to the arrangements to

deliver the necessary assurances outlined in Appendix 1 of the report in light of the recent restructuring of the Authority and were content.

Members noted the key areas of updates to the Safety Management System.

RESOLVED

- (i) that the arrangements relating to the Designated person be confirmed as the appropriate level of independent assurance to comply with the PMSC;
- (ii) that the Safety Management System be adopted; and
- (iii) that the ongoing development of detailed supporting operational procedures be supported.

The Head of Safety Management confirmed that there were no items which needed to be raised under this item.

5/16 Update on Broads Climate Change Adaptation Plan

The Authority received a report which provided an update on the Broads Climate Change Adaptation Plan following the submission to Defra of a preliminary Adaptation Plan in 2011 as part of the Adaptation Reporting programme to help create the Government's Climate Risk Assessment (published in 2012).

Members noted that as part of the next stage the Climate Change Adaptation Panel, chaired by Professor Kerry Turner was guiding the development of a wider programme of stakeholder engagement to debate the issues and options for climate change adaptation in the Broads. Members welcomed this wider stakeholder group particularly the inclusion of the younger population to be achieved with advice from education advisers. Members endorsed the Panel's view that it was necessary to work in partnership and retain an open and transparent process and concentrate on aspects of adaptation concerning those issues which related directly to stakeholder needs.

Members noted the proposed programme of work required and the four phases involved relating to information sharing, working with stakeholders on understanding and reviewing the implications, devising a framework for change, all of which would inform a revised plan timetabled for submission to Defra in Summer 2014.

RESOLVED

that the report be noted and that the programme for engagement as set out in Appendix 1 of the report be endorsed.

5/17 Review of Consultative Arrangements and Community Engagement: Final Report

The Authority received a report on the findings of the Review of Consultative Arrangements and Community/Stakeholder engagement that took place during 2012/13 together with the deliberations of the Member Working Group and the Final Report. Members noted the key findings against the three separate projects as part of the review namely: Strategy Preparation and Consultation, Community Engagement Mechanisms and the Review of Consultative Arrangements. Members gave consideration to the recommendations within the report, the actions outlined in Table 1 of the report and the proposed revisions to the Terms of Reference of the Broads Forum, which had been developed in consultation with the Forum itself.

In particular members noted the proposal to establish area based Parish Forums in consultation with parish councils, possibly four in the first instance.

Members recognised that as a result of the review and other initiatives, it was likely that there would be areas that required further investigation and discussion. It was therefore agreed that progress against the actions in Table 1 be formally reviewed in two years time.

It was noted that the Members Working Group would meet for a final time following the Authority's meeting to review the process.

RESOLVED

- (i) that the report be noted.
- (ii) that the Recommendations and Actions in Table 1 of Appendix 1 of the report be adopted.
- (iii) that the progress against the actions agreed be reviewed in two year's time in 2015.
- (iv) that the Terms of Reference of the Broads Forum be adopted.

5/18 Terms of Reference of Committees and Scheme of Powers Delegated to Officers

The Authority received a report which set out the proposed changes to the Terms of Reference of Committees and Scheme of Powers Delegated to Officers in order to update these since the last full review in 2007, and the outcome of the review of consultative arrangements this last year. It was noted that the Terms of Reference of the Navigation Committee had been reviewed and accepted more recently following the adoption of the Broads Authority Act 2009. The review also took into account changes as a result of recent Government legislation and financial regulations.

A member expressed concern that the terms of reference for the Navigation Committee (as detailed on page 8 and 9 (1) of the report) did not mirror precisely the wording in the legislation and therefore there was potential for confusion. It was agreed that appropriate amendments be made.

Under the Scheme of Powers Delegated to Officers under General Powers of All Officers (page 18 of the report) concern by a member was expressed about the inclusion of para (i) *that the decision of the Chief Executive in consultation with the Monitoring Officer as to the scope and interpretation of these delegated powers shall be final*, as it was said that this could fetter the Authority and deprive members of the Authority, and the Navigation Committee of the opportunity to consider certain matters. The Solicitor confirmed that this was a typical and universal clause in schemes of delegation as there was scope for interpretation and the need for that to be exercised when officers were required to take the day to day decisions. Members considered that the other clauses within the general powers, notably (b) would also be applicable and would provide safeguards. The Chief Executive was accountable to the Authority and as the executive officer, was there to oversee and implement the overall policies of the Authority by taking the day to day decisions in accordance with those policies.

Mr Frost proposed, seconded by Mr Barnard that paragraph (i) under General Powers be retained and on being put to the vote, it was accepted by 12 votes to 3 with one abstention.

Within the scheme of delegated powers, a concern was expressed about the wording of paragraph 44A relating to decisions as to whether planning applications should be referred to the Navigation Committee for consultation. However, members considered that the wording “in accordance with Section 9 (6)(a)(iv) of the Norfolk and Suffolk Broads Act” was appropriate and the necessary procedures were in place to safeguard the interests of navigation, as discussed at the February meeting of the Navigation Committee. It was considered that the scheme of delegation was one of the tools of democracy and caution should be exercised so as the distinction between the role of members and the executive was not blurred. Members agreed that the clause 44A should be retained as proposed.

RESOLVED

- (i) that the revised Terms of Reference of Committees and Scheme of Powers Delegated to Officers, as appended to the report be adopted subject to ensuring that the wording concerning the powers reserved to the Navigation Committee 1(1) particularly (ii) (a) – (g) was exactly the same as that in the Norfolk and Suffolk Broads Act 1988 as amended by the 2009 Act.
- (ii) that the Terms of Reference of Committees and Scheme of Powers Delegated to Officers be reviewed after three years in 2016.

5/19 Committee Timetable 2013/14

The Authority considered the proposed timetable for Authority meetings from July 2013 to 2014.

RESOLVED

that the Committee Timetable for 2013/14 be adopted as set out in Appendix 2 to these minutes.

5/20 Investors in People Re-Recognition: Silver Standard

The Authority received a summary of the outcome of the Authority's reassessment in December 2012 against the national Investors in People Standard. Members were pleased to note that the Authority had successfully attained the Silver standard. They welcomed the fact that the Investors in People report had been positive and complimentary and that an Improvement Plan to attempt to address weakness issues had been drawn up.

RESOLVED

that the report be noted.

5/21 Department of Transport Funding for Cycling in National Parks

The Authority received a report setting out a summary of the recently published Department for Transport (DfT) proposals for the funding of cycling improvements in National Parks. Members noted that the DfT was inviting Local Authorities, in partnership with National Park Authorities, to bid for grants to support improvements in cycling infrastructure to enable people to cycle in and around National Parks. Applications had to be submitted by 30 April 2013. The grant covered the period 2013-2015 and would be distributed through the Linking Communities programme which was administered by the transport charity Sustrans.

Officers were in discussions with Norfolk County Council regarding the potential for submitting a bid to the scheme and had identified a section of the 3 Rivers Way linking Hoveton and Horning and possibly Horning with Ludham Bridge as a potential candidate. The scheme had been supported by the BLAF, the Local Sustrans Officer and was identified in the Integrated Access Strategy Action Plan. Discussions had intimated that Norfolk County Council was prepared to provide funds for match funding with the Broads Authority over two years. It was noted that there was £40,000 in the Authority's project pot for such a project. Members supported the decision to investigate with Norfolk County Council the feasibility of a bid for funding being submitted with an appropriate matched funding sum from the Authority.

RESOLVED

that the report be noted and the possibility of submitting a bid with an appropriate sum be endorsed.

5/22 Feedback from Lead Members and Those Appointed to Represent the Authority

Campaign for National Parks

The Authority's representative on the Campaign for National Parks, Ms Varma reported on the meeting she had attended on 28 February 2013. Lesley Marsden, the Authority's Landscape Officer had provided a presentation on the Broads Study of Landscape Sensitivity which had been very well received and was considered to be leading the way. The organisation had begun to work on the manifestos of all the political parties in preparation for the next general election in 2015. The organisation was also arranging a meeting with all the "Friend" Societies, such as the Broads Society, within National Parks as part of effective partnership working. In addition, the Mosaic Youth Project had been launched within 5 national parks and it was hoped that there would be the opportunity for this to be extended to the Broads in the future.

Ms Varma thanked the Authority's Press Officer for identifying the key issues relating to the Broads through the News around the Parks as well as all the staff for their support.

5/23 Date of Next Meeting

The next meeting of the Authority would be held on Friday 10 May 2013 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

5/24 Items of Urgent Business

There were no items of urgent business.

5/25 Formal Questions

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

5/26 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 following items 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 of the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

Members of the public left the meeting during consideration of the following items

Summary of Exempt Minutes

5/27 Exempt Minutes of Broads Authority meeting held on 18 January 2013

RESOLVED

that the exempt minutes of the Broads Authority meeting held 18 January 2013 be agreed as a correct record and signed by the Chairman.

5/28 Exempt Minutes of Financial Scrutiny and Audit Committee 12 February 2013

RESOLVED

that the exempt minutes of the Financial Scrutiny and Audit Committee 12 February 2013 be received and adopted.

5/29 Update and Proposed Action at Wayford Mill, Smallburgh

The Authority received a report containing exempt information concerning Wayford Mill where there was a history of planning breaches. Members were provided with an update on the recent actions together with legal advice on the next steps in respect of resolving those matters. Members considered the options available to them.

RESOLVED

that the Authority proceed to take action in accordance with legal advice and the option set out in sections 4.5 to 4.16 of the exempt report in order to

- (i) demonstrate that breaches of planning control are not to be tolerated and should not result in personal advantage;
- (ii) end the considerable expense and officer time in dealing with ongoing breaches of planning control; and
- (iii) to secure restoration of the Mill in accordance with the 2001 Agreement.

The meeting concluded at 2.50 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority

Date of Meeting: 22 March 2013

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
P E Ollier	General	Toll Payer, Member of NSBA, RYA, and member of several sailing clubs
A S Mallett	Items 5/6 – 5/8	Re Minutes - as previously declared at meetings including Minutes of Planning and Navigation Committees
	5/8 – 5/18	Toll Payer
Sir Peter Dixon	General	Toll Payer
G McGregor		Member of Suffolk County Council
D A Broad	Items 5/9 – 5/24	Toll Payer, Member of Great Yarmouth Port Consultative Committee
L Baugh	Minute 5/4	Ludham Bridge Access Land Management interest

DRAFT Committee Timetable 2013/14

		2013							2014							
	Day	Time	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Planning	Fri	10.00 am	19	16	13	11	8	6	3/31	28	28	25	23	20	18	15
Planning Cttee Site Visit	Fri	10.00 am	5	2/30		4/25	29	20	24	14	14	11	9	6	4	1
Broads Forum	Thurs	2.00 pm	25				7			6			1		31	
Local Access Forum	Wed	2.00 pm			11			4			5			11		
Navigation Committee	Thurs	1.00* pm			5	24		12		27		24		5		
Financial Scrutiny and Audit Committee	Tues/Thurs	2.00 pm	9		19					11					8	
BROADS AUTHORITY	FRI	10.00 am	12		20		22		17		21		16		11	
Member Development Day																
New Members Induction Day	Wed				10											

* To be confirmed - this has subsequently been agreed to be held at **2pm**.

ANPA New Members Induction Courses	Tues 17 – Thurs 19 September 2013 – Snowdonia Tues 21 – Thurs 23 January 2014 – New Forest
ANPA Conference	25-27 September 2013 – North York Moors National Park