

Broads Authority

Minutes of the meeting held on 20 March 2015

Present:

Dr J S Johnson - in the Chair

Mr K Allen	Mr N Dixon	Dr J M Gray
Mr M Barnard	Sir Peter Dixon	Mr G W Jermany
Mr L Baugh	Mr P Durrant	Mr P Ollier (Up to 5/4)
Miss S Blane	Mr C Gould	Mr J Sharpe
Mr D A Broad (up to 5/4)	Mr G McGregor	Mr P Warner
Prof J A Burgess		

Also Present: Mr M Whitaker – Vice Chair Navigation Committee
Mr A Goodchild – Member of Navigation Committee

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways and Recreation Officer
Mr S Hooton – Head of Strategy and Projects
Mr P Ionta – Solicitor and Monitoring Officer
Ms E Krelle – Head of Finance
Ms A Leeper – Asset Officer
Ms A Long – Director of Planning and Resources
Ms L Marsh – Head of Communications
Mr J Organ – Head of Governance and Executive Assistant
Ms T Wakelin – Director of Operations

Also in attendance

Dr K Bacon	Chairman, Broads Forum and Chairman of Broads Local Access Forum
Mr R Starling	Broads Forum and Reed and Sedge Cutters Association

Prospective members of the Navigation Committee and the newly appointed Secretary of State members.

Public in attendance who spoke: Mrs Geli Harris – Catfield Hall
Mr N South – Thorpe Island
Mr Peter Riches
Ms Alison Norman – Chairman Geldeston Parish Council

5/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting including members of the public, prospective members of the Navigation Committee and those appointed by the Secretary of State as from 1 April 2015, Matt Bradbury and John Ash. He also welcomed Keith Bacon, Chairman of Broads Forum, Richard Starling from the Reed and Sedge Growers' Association and member of the Broads Forum and those who wished to provide Questions.

Apologies were received from: Mrs J Brockiek-Coulton, Mrs L Hemsall, Mr R Stevens and Mr J Timewell. Mr N Dixon would be arriving later.

5/2 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

Following a request from the Chairman, no members of the public indicated that they would be recording or filming the proceedings.

(2) Various Events and Future Dates to Note

The Chairman confirmed the following dates:

Lake Review Workshop for Members – 17 April 2015

A Member Workshop on the Lake Review was now confirmed for Friday 17 April 2015 to be held at Dragonfly House, 2 Gilders Way, Norwich. The morning would be specifically designed for members while the afternoon would be aimed at lake managers and academics. Timings and an agenda would be confirmed.

Annual Open Day – 27 June 2015

The Annual Open Day to the public will be held on Saturday 27 June at the Dockyard in Thorpe, from 10.00am with a presentation at 11.00 am. Staff and members are to be on hand to answer questions about the work of the Authority.

(3) Staff leaving the Authority

The Chairman announced that four members of staff would be leaving at the end of March – Hilary Franzen Press Officer after 15 years, Lynda Smith Planning Support Officer after 18 years, Jane Bryant from HR after 20 years all whom had provided immensely good service; and John Organ, Executive Assistant and Head of Governance, after 7 years. He thanked John for his clear sighted rigorous attention to detail and proper handling of business being tough and uncompromising at times which as Head of Governance was required and much appreciated. He will be much missed.

Members joined the Chairman in saying a fond goodbye to all four members of staff and thanked them for their service to the Authority.

(4) **Membership**

The Chairman stated that this would be the last meeting for four members other than himself - Julie Brociek-Coulton who would not be standing again for Norwich City Council, John Sharpe as a Secretary of State appointee, David Broad and Phil Ollier as co-opted members of the Navigation Committee. He explained that all had served on the Authority for a number of years with four having served for 7-8 years.

The Chairman provided a review of the last few years and the achievements of the Authority which included highlights such as taking over from May Gurney the operation of the Dockyard site and redeveloping it, squarely meeting the challenges from the coalition government following the spending reviews resulting in two reorganisations as well as moving offices, implementing the Broads Authority Act 2009 and taking over the responsibility for Breydon Water, finding European money for tourism and sediment management, developing a Lake Review Strategy, Biodiversity Strategy and introducing the Fen Raft Spider, preparing a Catchment Plan and continuing with the successful Sustainable Development Fund for longer than most other Parks.

He paid tribute to all four of those who would be leaving and for being key in their areas of expertise of Broads navigation, planning, safety, conservation and climate change, tourism and Whitlingham and thanked them for being involved in so much that has been good. Now was the time to pass the responsibility on to others and to a new generation of members.

David Broad provided a few words of thanks to the Chairman and members particularly of the Navigation Committee and staff for their support. He expressed the hope that the new members would help to provide the continuity and confirm the process of increasing understanding between navigation and conservation. He thanked members and wished the Authority Good Luck for the future. John Sharpe echoed these sentiments and also thanked members and staff over the sometimes challenging, fascinating and unmissable 8 years.

(5) **Variation in the Order of the Agenda**

The Chairman proposed to vary the order of the agenda to consider Item 17 concerning Member Appointments following item 4. Members agreed.

5/3 Appointments

(a) Appointment of Interim Chairman

The Chairman stated that as this would be his last meeting since his term of office would be ending on 31 March 2015, it was opportune and necessary for him to step down and for the Authority to appoint an Interim Chairman of the Authority until the annual meeting in July 2015. He therefore invited nominations.

Guy McGregor proposed the nomination of Professor Jacquie Burgess and this was seconded by Murray Gray.

There being no further nominations

RESOLVED

that Professor Jacquie Burgess be appointed as interim Chairman until the Annual meeting of the Authority in July 2015.

Jacquie Burgess in the Chair

The new Chairman thanked Members for their support. She explained that one of her first and pleasant duties was to pay tribute to Stephen for his amazing contribution to the Authority over the last 6^{1/2} years. On behalf of Members she presented him with an original Robert Gillmor picture of shelducks together with a signed copy of the artist's latest book.

Stephen thanked everyone for their confidence in him and support. He commented that he had been humbled and honoured to have been elected as the Authority's Chairman, It had been a big responsibility to serve all members as well as to the landscape, wildlife, residents and visitors and all those who enjoyed the area whether afloat or ashore. He wished the Authority well for the future.

(b) Appointment of Vice-Chair

In view of the Vice-Chair having been appointed as interim Chair, the Chair invited nominations for an interim Vice-Chairman.

Phil Durrant nominated Sir Peter Dixon, seconded by Sholeh Blane. There being no further nominations,

RESOLVED

that Sir Peter Dixon be appointed as interim Vice-Chairman until the Annual meeting of the Authority in July 2015.

(c) **Change of Solicitor and Monitoring Officer**

The Authority received a report on the role, functions and requirements of the Solicitor and Monitoring Officer and the need to make a formal appointment. Following consideration of the latest Government Spending Review and subsequent reorganization, the Authority had agreed to take part of the legal service to the Authority in house and create the post of Solicitor and Monitoring Officer. Mr Piero Ionta was appointed and began in post as of 2 February 2015.

RESOLVED

that the appointment of Piero Ionta as the Monitoring Officer for the Broads Authority, with effect from 20 March 2015 be approved.

(d) **Appointment of the Navigation Committee and Appointment of Two Interim Co-opted Members of the Broads Authority**

The Authority received a report which outlined the process which had been used in making the appointments to the Navigation Committee in accordance with Section 9 of the Norfolk and Suffolk Broads Act 1988, and the need to appoint two co-opted Members from the Navigation Committee to the Authority. The consultee groups, and the Navigation Committee had subsequently been consulted on the recommendations of the selection panel. Having considered the concerns relating to Category D appointments and receiving clarification from the Solicitor that all toll payers came under Category D status and therefore the process was considered to be legally sound, the Navigation Committee had recommended that the recommendations of the Selection Panel appointments be accepted.

Members concurred with the views of the Navigation Committee that improvements could be made to the selection process and that it would be helpful to have a common understanding of how the categories were interpreted. They therefore agreed that this area be reviewed but that this would need to be within the confines of the Act and the Government's guidance.

Members also supported the recommendations from the Navigation Committee relating to co-opted members.

RESOLVED

- (i) that the recommendations of the Selection Panel be accepted and the following be appointed as Co-opted members to the Navigation Committee until the Authority's Meeting in March 2019:
- *Category A:* James Knight (nominated by the BHBF and BMF)
Michael Whitaker (nominated by the BHBF and BMF)
 - *Category B:* Nicky Talbot (nominated by the NSBA and RYA)
 - *Category C:* Brian Wilkins (nominated by the NSBA and RYA)
 - *Category D:* Linda Aspland and William Dickson

- *Category E:* Max Heron (nominated by British Rowing and the Eastern Region Rowing Council)
 - *Group F:* Alan Goodchild
- (ii) that Mr Alan Goodchild and Mr Michael Whitaker be appointed to the Authority until 15 May 2015; and
- (iii) to support the suggestion that the appointment process be reviewed on the lines outlined within the report and that in due course a further report on the matter be prepared; and
- (iv) that the future appointment of the two co-opted members should be for a period of one year.

Mr Broad and Mr Ollier duly stepped down as Members of the Authority. Their places were taken by Mr Whitaker and Mr Goodchild as the newly co-opted Members.

5/4 Introduction of Members and Declarations of Interest

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

Item 5/17 on the Appointment of Committees was taken at this point in the meeting.

5/5 Items of Urgent Business

No items of urgent business had been received.

5/6 Public Question Time

Four sets of questions were provided for the Authority. One question was from Mr Nick South concerning the eligibility of members of constituent Local Authorities to be appointed by the Secretary of State and two other sets of questions came from Mrs Geli Harris and Mr Peter Riches relating to the branding of the area as a National Park following the assessment of applications for water abstraction licenses and the monitoring and protection of wetlands in particular. Mr South, Mrs Harris and Mr Riches read out their questions. The Chairman thanked them and provided the Authority's responses (As attached at Appendix 2 to these minutes.)

Mrs Harris and Mr Riches asked supplementary questions to seek clarification on the answers provided as follows:

- Why can the Authority's decision to rebrand the area be considered as being any different to that of the supermarkets' selling horsemeat in beef burgers, for which they were prosecuted, having given away conservation concessions to appease the boating community?

- Does the answer to Mr Riches question 1 mean that the consultees were not specifically told that the BA would drop the desire to become a National Park in law and that it would drop the Sandford principle?
- Although accepting that the Broads Authority does good work, in relation to the 75% of the area not covered by the Habitats Directive, if there is a conflict between conservation and navigation, who wins – how is the issue resolved?

The Chairman undertook for the Authority to provide written responses to the supplementary questions within 20 working days.

The Authority also received a statement and questions from Geldeston Parish Council relating to Geldeston Woodland which was read out by the parish council Chairman Alison Norman. The Chairman thanked Alison Norman for her statement and explained that the questions would be referred to when the Authority came to consider Agenda Item 14 on the Disposal of Geldeston Woodland and a written response provided within 20 working days. The Chairman agreed to take Alison Norman's supplementary question following the Authority's decision on the matter.

5/7 Minutes of Broads Authority Meeting held on 23 January 2015

The minutes of the meeting held on 23 January 2015 were approved as a correct record for signing by the Chairman.

5/8 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.

Members noted that some of these also linked in with the Strategic Priorities report at Minute 5/11. In particular, members noted the updates concerning:

National Parks UK Commercial Sponsorship Project

The Financial Scrutiny and Audit Committee had agreed and supported the establishment of "National Park Partnerships Limited" and arrangements for its establishment were progressing. Invitations were extended to all the National Parks to put forward potential candidates to represent the parks initiative. Sir Peter Dixon undertook to consider applying as a representative on the Company.

5/9 Broads Reed and Sedge Cutting Association BRSCA

The Authority received a presentation from Mr Richard Starling based on a report which had been considered by the Broads Forum at its meeting in July 2014 which outlined the main issues and problems facing reed and sedge cutting in the Broads. In particular he emphasized the problems of saline intrusion and the need for excellent water quality as well as the need to

secure the future of the industry by engaging with and encouraging younger people to be part of it.

Members thanked Mr Starling for his interesting and informative presentation which demonstrated that the Broads was a managed landscape of complex sensitivity and the need for the Authority to take its responsibilities sensibly and in a balanced way.

RESOLVED

That the report be noted.

5/10 Stakeholder Surveys Analysis

Further to Minute 4/8 the Authority received a report from the Director of Planning and Resources outlining a draft Action Plan for 2015-16 as a response to the key findings of the recent suite of stakeholder surveys undertaken on behalf of the Broads Authority by Insight Track.

Members noted the main themes from the findings and that the action plan appeared to address the main concerns summarized by Insight Track and as raised by the Hire Boat Operators, the attempts to increase and improve understanding of the uncertainties relating to tolls and also improve communication with residents and parish councils. Members supported the aim of engaging and communicating to a greater degree with local communities and in particular having a series of workshops with stakeholders, which in many cases would be part of the review of the Broads Plan and cover the wide range of complex issues associated with the purposes and functions of the Authority. It was noted that the first of these workshops would be with the Hire Boat Industry, potentially in June 2015. The proposals to use social media and engage more with younger people was also supported. Although it was considered right to promote sustainable tourism and encourage land based activities, it was important not to neglect the actual landownership of the Broads area.

Members were mindful that there was considerable detail in the data obtained from the Stakeholder Surveys and noted that the Senior Waterways and Recreation Officer would be meeting with Insight Track in the week beginning 23 March 2015 to follow up on certain details.

Members noted that the main challenges would be in responding to the outcomes in the context of the Authority's ability and capacity to deliver those areas which had been identified. Members were very supportive of the Action Plan and viewed this as a foundation for taking matters forward in a positive manner as part of the strategic approach. They recognised the time and work involved from both members and officers to have reached this stage and paid tribute to their efforts.

RESOLVED

that the Proposed Action Plan in response to the survey results be endorsed and adopted.

5/11 Strategic Direction: Strategic Priorities 2014/15

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 designed to meet those objectives where the Authority had been identified as the lead partner, following the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011. Members noted the progress made towards the objectives, and the projects and key outcomes to meet the Strategic Priorities for 2014/15 which had been agreed at the meeting on 21 March 2014.

Members noted that of the objectives eight had reached completion and the remaining projects were on track apart from five, but that these were progressing as indicated in some of the reports to this meeting. The completion of these Strategic Priority Objectives would be carried forward to the Strategic Priorities for 2015/16 including the Climate Change Adaptation Plan and would be pursued with any key matters being reported to the Broads Authority.

RESOLVED

that the performance of the different projects to meet the Strategic Priorities for 2014/15 in the accompanying schedule Appendix 1 to the report be noted.

5/12 Strategic Priorities 2015/16

The Authority received a report setting out the Broads Authority's proposed activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority had been identified as the lead partner for the year 2015/16. These were finalised for members' consideration following consultations with the Navigation Committee, Broads Forum and Parish Councils. The priorities included The Broads Plan Review, Broads Landscape Partnership Project, Hickling Broad Lake Restoration Project, Promoting the Broads and the Stakeholder Action Plan. Although the topics appeared to be few in number, Members recognised that it was an ambitious programme with major pieces of work demanding resources and, particularly in terms of Hickling, complex solutions and involved projects which would not be deliverable in a single year and therefore extend beyond 2015/16.

Members acknowledged that the Authority had seen a total reduction in National Park Grant of 20% since 2010/11 and that further cuts in 2015/16 were possible and therefore it would continue to face difficult choices with limited resources. The priorities listed did not include other objectives which the Authority would continue to carry out and work with local partners and

local communities to deliver, as well as routine operational works as resources allowed. They noted that the Broads Plan Review would have forward policies for the management of the Navigation Area and the Climate Change Adaptation Plan embedded within it. As stated at Minute 5/11, the strategic priorities from 2014/15 not yet completed would be taken into account.

It was suggested that the Broads Plan be called the Broads Management Plan which would then be consistent with the other National Park Authorities. It was noted that budgetary considerations would automatically be included within the development of the various strategic priorities. The Duty to Cooperate would be contributory to the overall engagement with elected and statutory bodies.

A member commented that the Landscape Partnership Project was dependent on another decision making body and it would be important to consider alternatives in order to capitalise on and take forward the enthusiasm created should the bid be unsuccessful.

RESOLVED

that the Strategic Priorities for 2015/16 as detailed in Appendix 1 to the report be adopted.

5/13 Financial Performance and Direction

The Authority received a report providing a strategic overview of current financial issues.

Section 2: Consolidated Income and Expenditure from 1 April – 31 January 2015

The Authority received the details of the consolidated actual income and expenditure for the ten month period to 31 January 2015 together with a forecast of the projected expenditure at the end of the financial year 31 March 2015 for the whole Authority. It was noted that core income was slightly above the profiled budget at the end of the 10 month period and the variances within Private Tolls and Hire Tolls continued to offset one another. It was currently anticipated that Navigation Income would be broadly in line with the total budget. It was noted that there was still an underspend against profile within the Planning and Resources directorate budgets for reasons previously stated. The overall position as at 31 January 2015 showed a favourable variance of £287,850 against the profiled latest available budget, an increase compared to the October position.

Members noted that the forecast outturn indicated income was expected to be broadly in line with budget with total forecast income of £6,230,354. Total expenditure forecast was £6,309,199 resulting in a forecast deficit for the year to be £78,844 (£70,479 national park and £8,366 navigation) in the consolidated budget.

It was noted that as from the 1 April 205 the intention was to improve the clarity of the figures by using black text and showing favourable and adverse variances, which was considered would be helpful.

RESOLVED

- (i) that the consolidated income and expenditure figures from 1 April 2014 to 31 January 2015 be noted.

Section 3 Annual Investment Strategy

Members received a report on the Annual Investment Strategy as required by the Prudential Code for capital finance in local authorities including the Broads Authority.

RESOLVED

- (ii) that the Annual Investment Strategy for 2015/16 be adopted.

5/14 Disposal of Geldeston Woodland

The Authority received a report from the Asset Officer summarizing the proposals submitted in the informal bid process following the agreed disposal of Geldeston Woodland at the 21 November 2014 meeting Minute 3/14. The Authority had agreed to proceed with the sale of the woodland with a restriction which would allow for the continuation of public access and its maintenance. Members noted the four bids which had been received and the recommendation from the Navigation Committee following consideration at its meeting on 26 February 2015. This was for the Authority to accept the bid by the owner of the Locks Inn public house as it appeared to encompass all the aspects which had been identified as important for the future of the site such as continuation of public access and the proposal of entering into a written five year management agreement with the River Waveney Trust and having public liability insurance already in place. Members also took into account the questions posed by Geldeston Parish Council.

The Director of Operations reminded members of the review of the Authority's Asset Management Strategy adopted in July 2012 in which the woodland area at Geldeston Locks Inn had been identified as no longer being required for any specific purpose, in that it no longer supported the delivery of objectives as set out in the Broads Plan and the Authority's Business plan 2011-2015. In light of the reduction in the Authority's central government funding, the offer received from the Locks Inn was in line with the NPS valuation of the site and an opportunity to divert resources to other sites to deliver the Authority's statutory duties.

Members were reminded of their need to be mindful of the Authority's obligation to ensure that the best consideration for the land was achieved.

Members noted that the 24 hour moorings would remain in the ownership of the Authority and the Rangers would continue to monitor these and would be aware of any activities in the area. It was clarified that the boundary dispute with the Locks Inn had now been resolved.

Some Members expressed concerns that transferring ownership to a commercial owner would have considerable risks associated with it and there would not be a guarantee that the Locks Inn would necessarily achieve the collaborative arrangements with local volunteers through the River Waveney Trust as desired. In agreement with this and given that the amount of funds involved were relatively small but the risks involved considerable, some members considered it would be more appropriate in gaining community benefits and in the spirit of openness to accept the bid from the River Waveney Trust. These Members were of the view that the Authority would be obtaining best value by allowing the River Waveney Trust to purchase the Site rather than rely upon the Locks Inn making good on its proposals, including completing a five year management plan with the Trust.

Another member took the opposite view commenting that the viability of the Geldeston Locks Inn was helped by the woodland area being accessible to those who visited the Inn. It was in the best interests of the Locks Inn to maintain the woodland in a reasonable state.

In discussing whether a motion be proposed that the Authority amend the Officer's recommendation to accept the Locks Inn bid, Members considered if any terms over and beyond those proposed by the River Waveney Trust ought to be sought in order to achieve best value for the Authority. Members expressed the view that in order to protect the site for public access and maintain the area as wet woodland, there should be a clause whereby if the Authority sold to the River Waveney Trust, should the River Waveney Trust no longer wish to continue as landowner, the Authority be able to buy back the land for the same price as it is proposing to buy it from the Authority as well as express permission for users of the Public Inn to access the site.

Guy McGregor proposed, seconded by Peter Dixon and it was

RESOLVED by 10 votes in favour, 2 against and 5 abstentions

that the Chief Executive be authorized to accept on behalf of the Authority, the bid made by The River Waveney Trust of £1 on the basis that the copse would remain as a public amenity and that the Authority have first option on sale for the same price, if the River Waveney Trust did not wish to continue as landowners.

Alison Norman on behalf of Geldeston Parish Council and the residents of Geldeston thanked the Authority for the decision. As a supplementary question she asked if the Authority was considering decisions on other pieces of land in its ownership within the area would the Authority engage with the Parish Council at the beginning of the process?

The Chair gave assurances that the Authority would consult at the earliest opportunity, should any significant matters arise.

5/15 External Funding Opportunities

The Authority received a report providing members with information on the considerations for external funding opportunities following a meeting on 6 February. Two Members and two officers had considered that the Broads Plan Review and the National Park Branding presented the potential hooks for seeking external funds and presented opportunities to engage with local businesses, the Broads Charitable Trust and the University of East Anglia(UEA) to explore areas of common interest in doing so.

The Group had identified the following four potential pathways:

- *Making more of corporate support;*
- *Building closer links with Love the Broads/Broads Charitable Trust.*
- *Building closer links with the UEA over research funding.*
- *Developing a clear message on 'priority effort' to maximise external support.*

It was recognised that the Authority's resources were limited, and therefore these areas should be pursued in terms of the Authority's strategic objectives, corporate priorities and current staffing resources and the Authority needed to be mindful of its statutory duties and sensitivities involved as a publicly funded body.

Members noted that the Authority was already involved in pursuing opportunities for potential external funding for the Landscape Partnership Project through the Heritage Lottery Fund and European Interreg support for activities at Hickling where such opportunities involved match funding. Members considered that working with the National Parks in relation to corporate sponsorship was beneficial as well as important and in order to make more of corporate support the proposal to develop a prospectus for engagement with local businesses was welcomed. It was also suggested that developing further the links with UEA should not be to the exclusion of other universities, particularly those with which the Authority already had links and/or where there was interest in the Broads area.

Members welcomed the progress and supported the proposals for pursuing external funding opportunities.

RESOLVED

that the following actions be undertaken:

- (i) A prospectus for engagement with local businesses is prepared in tandem with the Broads Plan Review setting out opportunities for local companies to engage with the Authority on a range of areas including volunteering, training for staff, secondments and sponsorship.

- (ii) Discussions are held with the Broads Charitable Trust to review the progress it is making and the scope for closer collaboration.
- (iii) The scope for a deeper relationship with the University of East Anglia be explored but not to the exclusion of other Universities.
- (iv) Consider the potential of 'crowdfunding' for specific Broads Authority projects.

5/16 PMSC Safety Management System External Audit

The Authority received a report setting out the findings from the recent Port and Marine Safety Code's Safety Management System External Audit as set out in Appendix one of the report and the Draft Audit Action Plan as set out in Appendix 2 of the report. The Navigation Committee had welcomed and commended the report.

Members noted that the Authority was considered to comply with the PMSC and had adequate systems in place to manage safety and it continued to discharge its statutory functions effectively and efficiently and to high standards. Areas for further development included competency standards, training records and incident data analysis to measuring performance.

RESOLVED

- (i) that the Audit Report as set out in Appendix 1 of the report be noted.
- (ii) that the Draft Audit Action Plan as set out at Appendix 2 of the report be adopted..

5/17 Committee Membership and Member Appointments to Outside Bodies

The Authority received a report concerning the appointment of members to the Planning Committee and potential appointment of Members to outside bodies as well as take on Lead Member roles in light of the departure of Stephen Johnson and Phil Ollier as well as David Broad, John Sharpe and Julie Brociek-Coulton. It was noted that the Lead member for Safety Management also chaired the Boat Safety Management Group.

The Chairman of the Planning Committee considered that it would be possible to conduct the business of the planning committee adequately with 11 members in the interim, but that it would be necessary to ensure that as many members as possible attended the meetings.

RESOLVED:

- (i) that replacement appointments and review of the Planning Committee membership be deferred until the Annual Meeting of the Authority in July.

- (ii) that Mr Michael Whitaker be appointed as Lead Member for Safety Management until the Annual Meeting in July 2015 when all the Lead member roles would be reviewed.
- (iii) that Louis Baugh be appointed as a Director of the Whitlingham Charitable Trust.

5/18 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

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

5/19 Consultation on the River Basin Management Plan

The Authority received a report on the suggested response to the consultation questions on the Proposed Cycle 2 update to the River Basin Management Plan. Members noted that the main message was the importance of the Catchment Partnership Approach in determining the detailed needs and solutions to meet Water Framework Directive requirements in the area and which the Broads Authority had helped to establish.

It was noted that the paper included specific mention of proposed changes to the usage definitions for Heavily Modified Water Bodies that had raised concerns at the Navigation Committee. The Authority's response suggested maintaining a consistent approach across the whole system by using the 'navigation' usage definition for this to avoid possible conflicts with the definitions within the Marine Management Organisation.

It was considered that salt water incursion as a result of flooding was inadequately addressed in the consultation document and this should be highlighted within the response.

Members considered that as the plan covered the whole region there would be some places which would require more attention than others and therefore the priority ecosystem value areas should be strengthened. Given the government investment in ESAs, their value in ecological and landscape terms, particularly in the Broads, should not be lost.

Members congratulated the Head of Strategy and Projects on the excellent response provided on the complex issues involved. They advocated a watching brief be maintained in light of the detailed data and information provided.

RESOLVED

that the consultation invitation be welcomed and noted and the proposed response to the main questions asked be endorsed.

5/20 Feedback from Lead Members and Those Appointed to Represent the Authority

Peter Warner reported that he had attended a council meeting of the Campaign for National Parks, a note of which he had provided and would be circulated. He explained that the meeting had offered opportunities to debate the issues around farming in the uplands and to influence the CNPs emerging Strategic Plan.

5/21 Minutes Received

(1) Planning Committee: 9 January 2015 and 6 February 2015

RESOLVED

that the minutes of the Planning Committee meetings held on 9 January and 6 February 2015 be received. This included the adoption of the Halvergate Conservation Area Re-Appraisal.

(2) Broad Forum: 5 February 2015

RESOLVED

that the minutes of the Broads Forum meeting held on 5 February 2015 be received.

(3) Financial Scrutiny and Audit Committee: 10 February 2015

RESOLVED

that the minutes of the meeting of the Financial Scrutiny and Audit Committee meeting held on 10 February be received.

(4) Navigation Committee: 26 February 2015

Members noted that the Navigation Committee's discussions particularly relating to the items on the agenda had been fed into the discussions at this meeting and would be fed into reports for future meetings.

RESOLVED

that the minutes of the Navigation Committee meeting held on 26 February 2015 be received.

(5) Broads Local Access Forum

The Chairman of the Broads Local Access Forum commented that the minutes from the 4 March 2015 meeting would be available for the next

Authority meeting. He reported that the Access Forum had received a presentation from Trevor Davis, from UEA on the pre-application proposals for the Utilities Regeneration Site. He wished to take the opportunity to thank David Broad for his contribution to the Local Access Forum.

He stated that the Forum had considerable areas of concern relating to public footpaths the bulk of which were the responsibility of Norfolk County Council.

5/22 Date of Next Meeting

The next meeting of the Authority would be held on Friday 15 May 2015 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

5/23 Items of Urgent Business

There were no items of urgent business.

5/24 Formal Questions

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

5/25 Exclusion of Public

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

5/26 Exempt Minutes – Navigation Committee 26 February 2015

RESOLVED

That the exempt minute of the Navigation committee meeting held on 26 February 2015 be received.

5/27 Lease of Moorings

The Authority received a report on the negotiations relating to the future of moorings on the River Thurne and the principles of a proposed lease to retain them for public short term moorings given that they were regarded as priority.

RESOLVED

- (i) that the principles for the lease of the moorings at Boundary Farm, Oby as set out in the report be supported and
- (ii) that the Chief Executive be delegated to finalise the details and signing of the lease.

The meeting concluded at 14.55pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 20 March 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
David Broad	1 – 4	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Kelvin Allen	14	Member of Broads Angling Strategy Group Member of River Waveney Trust
Louis Baugh	15 19	Trustee of Broads Trust, Broads IDB Member and Landowner
Murray Gray	14	Member of River Waveney Trust
Stephen Johnson	15	Member of Broads Trust
Alan Goodchild		Director of Goodchild Marine, Great Yarmouth Waste Tollpayer, Member of Navigation Committee
Michael Whitaker	8 - 27	Toll payer, Hire Boat Operator and Chair of the BHBF and a general interest in Agenda Items 8-27.

Public Question Time

Question submitted by Nick South

The Department of Environment National Parks Circular (12/96) extant back in 2008 while covering the National Parks did not extend to the Broads Authority.

The Department has since redressed the situation by replacing Department of Environment Circular 12/96 with English National Parks and the Broads UK Government Vision Circular 2010. The result is that since March 2010 any application for a Secretary of State member vacancy from a serving councillor of a local authority appointing members to the Broads Authority is ineligible.

A letter distributed by Natural England for applicants reads, "National Park Authorities Secretary of State Members are initially appointed for a 4-year term...and are eligible for re-appointment. However reappointment is not automatic."

The rules for eligibility of BA members are therefore clear and, since 2010, are identical to those that apply to national park members. Will the Authority explain how an ineligible individual whose appointment breaches the same rules would be allowed to remain a member?

Broads Authority's Response

Firstly, it should be noted that it is the Secretary of State who determines Secretary of State appointments to the Broads Authority and not the Broads Authority.

The English National Parks and the Broads UK Government Vision and Circular 2010, a statement of Government policy, was issued in March 2010 and provided updated policy guidance on the English National Parks and the Broads. Section 6.4 (paragraph 174) of the circular states that: "the Secretary of State does not propose to appoint as a Secretary of State member anyone who is a serving councillor of a local authority appointing members to the Authority." The Circular is a statement of Government policy and is not law which binds the Secretary of State's discretion.

The Broads Authority supports the Secretary of State's reappointment and retention of the member on the basis that his well proven skill set is still required by the Broads Authority.

Question submitted by Mrs Angelika (Geli) Harris

As you will be aware my husband and I have been for some time asking questions at the Broads Authority meetings to highlight the concerns that we have formed from our experience at Catfield about the deficiencies of the statutory bodies in fulfilling

their legal obligation to safeguard our finest wetland sites which, like Catfield, are subject to the highest level of environmental legal protection. At the last meeting the Chairman “emphasised that the Authority recognised the deficiencies.” Since then there have been two developments on the Catfield case-Natural England has made their final submission to the Environment Agency on the scientific evidence which now fully echoes the scientific analysis that our independent experts have been making for a long time and secondly the Environment Agency has once again deferred its final decision despite a process which has now lasted almost seven years.

This experience and these deficiencies are relevant to the question I would ask today as they relate to how far the Authority itself is in practise either committed to or effective in managing its own conservation objectives. Frankly my husband and I were shocked by both the tone and content of what we heard here two months ago in your rebranding discussion. In essence the Executive, in order to get its touristic objective of rebranding passed and to resolve what was described but not minuted as a “credibility issue” made concessions on conservation to the vociferous boating lobby in particular to drop its planned ambition of ever becoming a legal national park and also to refute as far as the Broads were concerned the Sandford principle which is the distinguishing feature of a real national park as the National Parks’ website makes quite clear and I quote “When the aims and purpose conflict with each other, then the Sandford principle should be used to give more weight to conservation of the environment.”

My question is simple – How can it be either morally or legally either proper or correct for the Broads Authority to represent itself as a national park when it has just dropped the ambition of ever becoming one legally and specifically denied the primacy of conservation which is the key feature of a real national park? Is it not a “falsehood” as one of your members accurately described it to pretend otherwise and a “falsehood” to which all members risk being party?

Broads Authority’s Response

The decision by the Broads Authority on 23 January 2015 to adopt the term Broads National Park in its marketing and branding of the area was made after careful consideration of the legal advice and all the responses to the consultation document. This reflects the fact that the Broads was given an equivalent status to that of a National Park in 1989.

Question submitted by Mr Peter Riches

At the last Broads Authority meeting it was agreed that, to improve the marketing potential for tourism, the Broads Authority Executive Area should be rebranded as a national park and that to achieve this rebranding, concessions should be made on conservation.

In particular the planned ambition to become a full legal national park was dropped and it was agreed that the Sandford principle, which gives priority to conservation, would not be used. This principle was said to be unnecessary because the Habitats

Directive provides sufficient protection for the Broads Authority to meet its conservation objective.

I have three related questions:

1. In your consultation on the rebranding did you make it clear to consultees that you proposed to make these two concessions on conservation in order to obtain the agreement of the boating lobby?
2. Only the 25% of the Authority's area which is made up of SSSI's and SAC's is protected under the Habitats Directive while the remaining 75% has no statutory or non-statutory protection for wildlife. How can the Habitats Directive be a protection for this land which includes many outstanding natural features? Did you consult with Natural England to obtain their views?
3. What is the Authority doing to ensure that the statutory bodies are fulfilling their existing obligations under the Habitats Directive regarding the supposedly protected 25% given the deficiencies recognised by the Authority as a result of the Catfield case?

Broads Authority's Response

1. No specific reference was made to the Broads Plan in the Consultation document. The decisions taken by the Broads Authority on 23 January 2015 were the product of the consultation process where the Authority conscientiously took into account the representations received prior to finalising its proposals as adopted by the Authority in the January meeting.
2. The Consultation Document states that "European Habitats and Water Framework directives, provide very strong protection against damaging activities to the most important nature conservation sites in the Broads." Natural England has the role in designating additional sites, and the Broads Authority would support wider designation of sites as appropriate, particularly where there is threat and features are under represented by the existing network, such as Bittern at Buttle Marsh. The report to the Broads Authority in January made clear that neither the Environment Agency or Natural England were consulted on the branding proposal as they are sponsored by Defra and the Authority engaged directly with the Department on the matter.
3. The Broads Authority does not have a duty in ensuring that other statutory bodies fulfil their responsibilities under the Habitats Directive.

Statement and Questions from Geldeston Parish Council on the Proposed Sale of the Locks Copse, Geldeston

Geldeston Parish Council and local people have taken a strong interest in plans by the Authority to sell land it owns in Geldeston, as shown by previous correspondence and record of meetings.

The Parish Council welcomes publication of the report showing all the bids.

Previously, the Parish Council strongly regretted the Authority's decision to sell the copse potentially losing it from public ownership. It has repeatedly emphasised the need to maintain public access and keep this area as a natural, wet woodland which is enjoyed by people and wildlife alike. For this reason, the Parish Council welcomed the involvement of the River Waveney Trust and its bid to purchase the wood.

Although we supported the decision to include the right to public access in the details of sale, the Parish Council still has serious concerns, if it passes into private ownership, that this area will not be maintained in its natural state as a public amenity which the public are not only able to access but would wish to do so.

Any activities that take place in the wood as a result of change of ownership must be compatible with public enjoyment of a natural environment. It is often the case that well intentioned statements of intent become eroded over time with changes of personnel and ownership, increasing commercial pressures and changes in planning policy.

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We therefore ask will the Authority commit unambiguously to safeguard the copse as a public amenity in perpetuity as a natural wet woodland and to ensure this is legally binding?

Further, will the Authority publicly undertake to monitor the area on a regular basis?

Broads Authority Response

Thank you for your statement and questions. This matter is due to be discussed on the agenda today. The Authority will refer to these two questions to provide answers during that agenda item