

Chief Executive's Report

Summary: This report summarises the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings.

1 Navigation Charges 2016/17

Contact Officer/ Broads Plan Objective: John Packman/Bill Housden/ None

- 1.1 At the Authority's meeting on 20 November 2015, members received a report on the proposed navigation charges for 2016/17 and considered the recommendations made by the Navigation Committee at its meeting on 22 October 2015. Since that meeting, it had been possible to update the data for the number of boats registered on the Broads and projected income for the current year. Members accepted that with the lowest ever increase of 1.7% for the current year 2015/16 plus the pressures for more practical work and the delivery of the dredging of Hickling Broad, this meant that an above inflationary increase was necessary. Members accepted that a rise in income of 4.5% as proposed by the Navigation Committee would enable almost all the work programme to be delivered whilst maintain reserves which would equal 8.7% of expenditure at a level just below the recommended level. The Authority agreed that the proposed reduction in the hire boat multiplier for motor cruisers would give some relief to the industry reducing the increase charge for a 48m² boat from £57.69 to £32.50 (2.5%) and bringing it closer to the £26.18 (5.4%) cash increase for the same sized private boat.
- 1.2 The Authority had received a letter from the NSBA and considered the points made in turn. Members supported the recommendations of the Navigation Committee accepting that the Committee had been well informed and the debate robust. They could not see any justification for not accepting the recommendation and in conclusion the Authority resolved that navigation charges for 2016/17 be raised such that overall navigation income from tolls rises by 4.5% to meet the costs of the additional activity set out in the report to the Navigation Committee on 22 October and that the multiplier for weekly hired boats be reduced from 2.62 to 2.55. They did not consider that the decision would fetter the deliberations of the Tolls Review Group.

2 Tolls Review Group 2016 – 6 November 2015

Contact Officer/Broads Plan Objective: John Packman/Bill Housden/ None

2.1 At the Authority's meeting on 20 November 2015 Members considered the Terms of Reference of the Tolls Review Group following recommendation from the Group when it met on 6 November 2015. These were approved subject to an amendment to take account of the fact that the Group was specifically charged with examining the structure of tolls and that it would be making recommendations to the Financial Scrutiny and Audit Committee in the first instance prior to consultation with the Navigation Committee (these are attached at Appendix 1). At the second meeting of the Group they noted the outcomes from the Previous Reviews and lessons learnt. They reviewed the Principles and Criteria for Navigation Charges, noting those developed in 2005 and the more detailed set developed in 2012. It was agreed that these were not appropriate for the current structure. The Group decided to have a simpler set of principles and criteria and considered three overall arching main ones. The Group received two papers:

- (i) an outline analysis of the different charges on the components of the Fleet and the impacts these would have;
- (ii) An Analysis with outline costs of three Different Qualities of Service: Budget, Current and Exemplar.

These provided the basis for detailed discussion on options but the Group was very aware that the current level of service had been produced as a result of the last 5 years of discussions and agreement by the Navigation Committee and the Financial Scrutiny and Audit Committee and Broads Authority on its strategies. At present the Group will use the current level of service to review how the tolls operate. The TRG will examine other options only if given the mandate to do so and with guidance from the Navigation Committee.

2.2 The third meeting of the Group is due to be held on 1 December 2015.

3 Strategic Priorities 2016/17

Contact Officer/ Broads Plan Objectives: John Packman/Maria Conti/ Multiple

3.1 At the Authority's meeting on 20 November, the Authority considered the Strategic Priorities for 2016/17. In recognising that those for 2015/16 would be of a longer term nature than a year, members agreed that these be continued into 2016/17. These included the Broads Plan Review, the Broads Landscape Partnership Project, the Hickling Broad Enhancement Project, Promoting the Broads, and the Stakeholder Action Plan including focusing on engagement through Parish Forums and workshops. They also agreed that the Strategic Priorities for 2016/17 should include Climate Change and Sea Level rise as well as the Comprehensive Spending Review.

4 Broads Plan Review

Contact Officer/ Broads Plan Objectives: Maria Conti/ None

- 4.1 The review of the Broads Plan is a Strategic Priority for the Broads Authority in 2015/16. It is anticipated that the revised Plan, which will cover the period 2017-22, will be adopted in March 2017. Members of the Broads Authority and Navigation Committee attended a workshop on 7 October to begin scoping strategic areas of focus for the next plan period. Focusing as much as possible on high level aspirational strategy, members considered future desired benefits for the Broads; the actions or activities by end users that would create these benefits; and projects and results that would enable the identified uses. The output from this workshop, together with other early stage discussion with stakeholders and partners, is being refined for the first draft plan for public consultation. Latest progress will be reported verbally to this meeting.

5 Mooring Guide and Riverbank Stabilisation Guide

Contact Officer/Broads Plan Objective: Natalie Beal/ NA1.5, TR2.2, NA5.2

- 5.1 Members will recall that you received an update on the Mooring Design Guide at your meeting on 22 October 2015 within the Chief Executive's Report. At the Authority's meeting on 20 November, the Guide was endorsed and formerly adopted. Members welcomed the revised guides and considered that they were very positive, well-structured documents that would help to inform strategies for the future. The Guide may be viewed from the Authority's website. [MooringDesignGuide](#) and [StabilisationGuide](#)

6 Water Skiing on Breydon Water

Contact Officer/Broads Plan Objective: Steve Birtles/NA4.5

- 6.1 The implementation of the recommendations of the water Ski Review panel will be deferred as negotiations regarding mitigation measures are ongoing with Natural England. Arrangements for water skiing on Breydon Water will not change for the season 2016/17.

7 Navigation Patrolling and Performance Targets

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4.3

- 7.1 The report of the significant use of powers by the rangers is displayed in Appendix 2. The lower figure for the Upper Thurne launch patrol targets reflects the fact that the team was down one member of staff and that they undertook some practical tasks from a workboat during the middle of the month. The average navigation/ countryside splits for the months have started to even out and the averages from April are now 67%/33%. The mooring inspection target compliance figure for the period is 100%.

7.2 There were two navigation byelaw cases at court during October the results of which are shown in Appendix 3

8 Sunken and Abandoned Vessel Update

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4

8.1 The sunken and abandoned update is contained in Appendix 4. A concerted effort will be made during the winter period to remove the longstanding sunken vessels providing the right equipment is available.

9 Planning Enforcement Update

Contact Officer/Broads Plan Objective: Adrian Vernon and Cally Smith/None

9.1 Following queries raised by a member, it was agreed to provide regular updates on the position regarding relevant planning enforcement actions. These details are included at Appendix 5.

10 Launch Replacement Contract

Contact Officer/Broads Plan Objective: Adrian Vernon/ None

10.1 Following the BA tendering process a successful boatyard has been selected for the fitting out of a new Broads Authority patrol launch using the same hull and superstructure type as ML Charles Collier and ML Martin Broom. One of the older launches will be sold which will mean a net price just over budget will be achieved for the new contract which will be let as soon as possible. The boatyard is located in the Broads and has a proven record with the Broads Authority having built one patrol launch in the past and having also successfully undertaken the launch refit contract. The new launch should be ready for the main 2016 season, and the costs will be split over 15/16 and 16/17 in accordance with the agreed contract payment schedule. This is a delay on the original programme, as a result of new procurement regulations requiring a retendering process to be undertaken.

Background papers: None

Author: Sandra Becket / Esmeralda Guds

Date of report: December 2015

Broads Plan Objectives: Multiple

Appendices: APPENDIX 1 – Tolls Review Group Terms of Reference
APPENDIX 2 - Report on the Significant Exercise of Powers by the Rangers during October – November 2015
APPENDIX 3– Prosecution during November 2014
APPENDIX 4– Report of Sunken and Abandoned Vessels
APPENDIX 5– Planning Enforcement Update

Tolls Member Working Group

Role and Terms of Reference

Membership of the Group

Prof J A Burgess	Joint-chairman	Secretary of State BA member, Chair BA, toll payer
Mr M Whitaker	Joint-chairman	Chair Navigation Committee, BA member, Chair BHBF, toll payer
Mrs N Talbot	Co-opted member	Navigation Committee, NSBA, toll payer
Mr B Dickson	Co-opted member	Navigation Committee, toll payer
Mr L Baugh	BA member	Secretary of State BA member, Finance Scrutiny and Audit Committee
Mr K Allen	BA member	Secretary of State BA member
Mr P Durrant	BA member (until 31.03.16)	Secretary of State BA member, Navigation Committee

Role

A Task and Finish Member working group to review the current structure of the Navigation Charges and develop a set of recommendations so that it will be fit-for purpose for the next 5 year period; and to produce a set of recommendations to be scrutinised by the Financial Scrutiny and Audit Committee in July prior to going to the Navigation Committee and decision by the Broads Authority in September 2016 so that any agreed changes can be incorporated into decisions made by the Broads Authority in November 2016 with a view to implementation in April 2017.

Terms of reference

- (i) To be cognizant of the Authority's three main purposes and statutory duties. The Review is to be informed by and linked to the strategic issues identified in the Broads Plan (2016-21) and other strategies including Sustainable Tourism (2016-21), Mooring Strategy/ Sediment Strategy/Asset Management Strategy.

- (ii) To develop a structure for the collection of tolls which is fair and reasonable and which will provide the basis for setting toll charges on a 3 year cycle.
- (iii) To review the processes, outputs and outcomes of previous Tolls Reviews (2005, 2009, 2012), taking forward unresolved issues such as the fixed and variable charging, fixed multipliers between different parts of the fleet, and the frequency/uncertainties associated with setting navigation charges.
- (iv) To develop a small range of options-for-change which are modelled/tested and their intended/unintended consequences fully considered
- (v) To call for evidence from a range of stakeholder groups, including those directly involved in previous Tolls Reviews and other interested parties, and to invite presentations to the Group as and when required.
- (vi) To report to the Navigation Committee and the Authority on progress on a regular basis.

Broads Authority Purposes:

- *Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;*
- *Promoting opportunities for the understanding and enjoyment of the special qualities of the broads by the public; and*
- *Protecting the interests of navigation*

While having regard to:

- *The national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;*
- *The desirability of protecting the natural resources of the Broads from damage; and*
- *The needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.*

BA/TRG/SAB/Approved by Broads Authority on 20 November 2015

Report on Exercise of Powers by Authorised Officers – Report to be completed for every Navigation Committee

Rangers Exercise of Powers Analysis <i>(Bracketed figures are running totals, April 2015 to October 2015)</i>						Date: OCTOBER 2015		
	Wroxham Launch	Irstead Launch	Ludham Launch	Ludham 2 Launch	Norwich Launch	Hardley Launch	B.St.Peter Launch	Breydon Launch
Launch Patrol Areas	Wroxham and Upper Bure	Ant	Hickling, P.Heigham, Upper Thurne & Womack	Lower Thurne, Lower Bure & South Walsham	Norwich and Upper Yare	Reedham, Chet & Middle Yare	Oulton Broad and Upper/Middle Waveney	Breydon Water, Lower Waveney and Yare
Verbal Warnings								
Care & Caution	(84)	1 (19)	(1)	4 (172)		(1)	1 (18)	1 (24)
Speed	240 (2892)	100 (1102)	35 (691)	37 (892)	30 (330)	15 (96)	17 (204)	17 (150)
Tolls offences	10 (49)	21 (145)	1 (43)	7 (187)	3 (60)	(2)	1 (12)	1 (4)
Other	7 (34)	5 (66)	5 (17)	7 (145)	6 (40)	9 (53)	(21)	(4)
Blue Book Warnings								
Care & Caution	(15)	(4)	(3)	(1)	(1)		(1)	(12)
Speed	6 (88)	5 (23)	(13)	(34)	1 (6)	(1)	1 (8)	(9)
Other	2 (11)	2 (12)	(3)	(7)	(2)	(3)	(12)	(6)
Reports for Prosecutions		(2)			1 (4)			(7)
Special Directions	4 (4)	(95)					19 (277)	(29)
Toll Compliance Reports								
Non Payment	2 (75)	3 (111)	(9)	(63)	7 (105)	(5)	(57)	(46)
Non Display	3 (6)	1 (21)	(4)	(18)	1 (1)		(34)	(2)
28 Day request for information	(1)	(1)	(2)	(3)			(2)	
BSS Hazardous Boat Inspections			(1)	(2)				1 (1)
Enter Vessels Under BSS				(2)				
Launch Staffed (by Ranger)	27 (185)	18 (122)	16 (144)	7 (128)	16 (110)	18 (106)	18 (150)	31 (206)
Country Site Inspection Reports Percentage Compliance	100% (100%)	100% (100%)	(Combined figure)	100% (92%)	(Combined figure)	100% (100%)	100% (97%)	n/a
Best Value Patrol Targets Percentage Compliance	100% (100%)	82% (82%)	61% (91%)	100% (96%)	91% (90%)	100% (100%)	94% (96%)	73% (76%)
Volunteer Patrols	1 (5)	5 (26)	5 (8)	(3)		(8)	(7)	
IRIS Reports	9 (120)	9 (75)	(44)	3 (59)	5 (75)	1 (27)	2 (66)	3 (116)
Broads Control Total Calls	TOTAL	3,269 (26,489)		Telephone	2,692 (20,979)	VHF	577 (5,510)	

RANGER TEAM ACTIVITY

as at 01 December

	Navigation Activity								Countryside Activity							
	Nav Patrol Launch	Nav Patrol Foot/Road	Incident Working	Admin - Navigation	Training (Navigation)	Escort	Moorings Maintenance	Bank work	Country Patrol	Country Maintenance	Admin - Country	Training (Countryside)	Equipment Maintenance	Tree/Ground work	Group Activities	Education/School Visit
October 2015																
Percentage Total	24.41%	1.00%	0.76%	0.55%	0.83%	0.58%	1.96%	5.05%	1.69%	2.57%	0.68%		5.43%	0.73%	0.67%	0.96%
Wroxham team	28%	24%	32%	3%	39%		32%	16%	20%	28%	25%		25%		30%	42%
Thurne team	11%	10%	24%	82%		26%	41%	51%	18%	23%			26%		36%	37%
Yare team	22%	17%	29%	15%	14%	22%	5%	20%	42%	29%	47%		24%	79%	34%	21%
Waveney team	9%				10%	40%	4%	1%			35%		7%	21%		
Breydon team	25%	9%	6%		38%	12%	10%	8%		0%			14%			
Control Officer																
	39%								8%							

Month Percentages	
Navigation	66%
Country	34%
Total	100%

Time Off not included

	General Support												Time Off			
	Broads Control	Travel Time	Activity Unknown	Training - Split	Meeting - Staff	Meeting - Public	Admin - Split	Admin - Volunteer	Training - (Volunteers)	Public Relations Event	Site Visit third party	Other Task	Time off in Lieu (not accurate)	Breaks (not including un-notified breaks)	Annual Leave	Sick
Percentage Total	6.96%	3.81%	5.64%	0.19%	1.43%	0.55%	8.65%	0.44%	0.16%	0.41%	0.35%	1.21%	1.41%	1.33%	18.96%	0.61%
Wroxham team		33%	27%	33%	10%		9%	13%	61%		22%	5%	43%	3%	13%	33%
Thurne team	7%	17%	21%	35%	26%	9%	13%		39%		22%	44%	29%	7%	23%	
Yare team		21%	10%		4%	7%	24%	87%		51%	42%	49%		9%	10%	67%
Waveney team		11%	0%		3%		9%			10%			14%		22%	
Breydon team		12%	3%		12%		5%				15%		14%	10%	17%	
Control Officer	74%													46%		
	6%	4%	25%										23%			

Percentage with apportioned split	
<i>Year to date (Apr - Mar)</i>	
Navigation	67%
Country	33%
Total	100%

Time Off not included

Team percentages equal team contribution to activity

APPENDIX 3

Report of prosecutions dealt with in court during October 2015

Place	Defendant	Offence	Magistrates Court	Result
Breydon Water	M. Worship	(1) Vessel to be navigated with care and caution.	Great Yarmouth	(1) Fined £666 Costs awarded £150 Victim surcharge £66 Court costs £150
River Bure	H. Renshaw-Smith	(1) Safe Speed (2) Vessel to be navigated with care and caution.	Great Yarmouth	(1) No separate penalty (2) Fined £660 Costs awarded £150 Victim surcharge £60 Court costs £150

Sunken and Abandoned Vessels

Description	Location found	Action	Abandoned /Sunken Notice Affixed	Result
Sunken and abandoned wooden sailing cruiser	River Yare, Trowse	No known owner	Yes	Vessel not raised by owner. Deadline expired and BA team will raise and remove when the programme allows
Sunken and abandoned aft cockpit cruiser hull	River Yare. New Cut Thorpe	No known owner found	Yes	Deadline expired and BA team will raise and remove when the programme allows
Sunken small dinghy	River Wensum near Colsany bridge	Recently changed owner enquiries in hand to establish new owner	No	Awaiting result of enquiries.
Sunken cruiser	River Yare Old River Thorpe.	Vessel sunk at owners moorings	No	Not affecting the navigation owner will raise in due course
Sunken wooden cruiser	River Yare Norwich.	Vessel sunk at moorings owner to raise	No	Not affecting the navigation owner will raise in due course

Abandoned Small fibreglass cruiser	River Bure Upton	Vessel found drifting by police.	Yes	Vessel taken to Ranger billet. Enquiries to trace an owner in hand.
Abandoned Small fibreglass cruiser	River Wensum Norwich	Vessel found drifting after strong winds.	No	Vessel taken to Ranger billet. Enquiries to trace an owner in hand.
Sunken Wooden Cabin Cruiser	River Wensum Norwich	Vessel sunk at moorings.	Will be issued by end of November.	Vessel sunk again and owner has failed to raise it.

Enforcement Update

This table shows the updates on enforcement matters relating to Navigation matters currently under consideration since the last Navigation Committee on 22 October 2015

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008 5 March 2010 16 July 2010	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenner’s Basin)	Unauthorised development	<ul style="list-style-type: none"> • .Enforcement Notices served on 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged on 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received on 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings. • Challenge to decision filed in High Court 12 July 2012 • High Court date set for 26 June 2013 • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order” has been lodged with the Courts by Inspectorate • Appeal being reconsidered –Planning Inspector Site Visit 28 January 2014 • Hearing took place on 8 July 2014 • Appeal allowed in part and dismissed in part on 20 October 2014. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (Similar to previous decision above except in terms of vessel numbers). • Planning Contravention Notices issued to investigate

Committee Date	Location	Infringement	Action taken and current situation
			<p>outstanding breaches on site.</p> <ul style="list-style-type: none"> • Challenge to the Inspector's Decision filed in the High Courts on 28 November 2014 • Acknowledgement of Service filed 16 December 2014. • Section 73 application submitted to the Authority to amend 19 of 20 conditions on the permission granted by the Inspectorate. Application not validated. • Appeal against non-determination submitted to PINS in respect of Section 73 application. Not accepted. • Section 288 challenge submitted in February 2015. • High Court Hearing on 19 May 2015 • Decision received on 6th August – case dismissed on all grounds and costs awarded against the appellant. Inspector's decision upheld • Authority granted to seek a Planning Injunction subject to legal advice • Challenge to High Court decision filed in Court of Appeal on 27 August 2015 • Planning Committee on 9 October 2015 gave authority to seek a Planning Injunction to cover all breaches, suspended in respect of that still under challenge, and for direct action to be taken in respect of the green container • Leave to appeal against High Court decision refused on 9 October 2015 • Request for oral hearing to challenge Court of Appeal decision filed 2015 • Date for the oral hearing challenging the Court of Appeal decision confirmed for 3 February 2015 • pre-injunction notification letters provided to all those with an interest in the site within the Thorpe island basin and along the river