

Broads Authority

Minutes of the remote meeting held on 22 May 2020

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Present

Bill Dickson – in the Chair, Kelvin Allen, Harry Blathwayt, Stephen Bolt, Matthew Bradbury, Andree Gee, Lana Hemsall, Tristram Hilborn, Tim Jickells, Bruce Keith, James Knight, Greg Munford, Simon Roberts, Matthew Shardlow, Simon Sparrow, Nicky Talbot, Melanie Vigo di Gallidoro, Fran Whymark.

Also present

Gail Harris.

In attendance

John Packman – Chief Executive, Sandra Beckett – Administrative Officer (Governance) for minutes, Steven Bell – Monitoring Officer, Maria Conti – Head of Governance, Emma Krelle – Chief Financial Officer, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services, Essie Guds – PA to Chief Executive and Moderator, Sarah Mullarney – Administrative Officer (Governance) and Moderator, Cally Smith – Head of Planning.

1. Apologies and welcome

The Chairman welcomed everyone to the first formal remote meeting of the Authority including members of the public following the meeting through the livestream. He recognised that these were challenging times which had demanded new ways of working. He paid tribute to the staff for adapting. He thanked those for their efforts in seeking to support the Authority's financial position, as well as the hire boat industry and wider local tourism, in detailed negotiations with Defra.

Apologies had been received from Leslie Mogford and Vic Thomson.

2. Introduction and Chairman's announcements

Openness of Local Government Bodies Regulations 2014 and provisions of The Local Authorities Police and Crime Panels (Coronavirus) Flexibility of Local Authority and Police and Crime Panel Meetings England and Wales) Regulations no. 392.

The Chairman reminded Members that the meeting was being held under the new Coronavirus Act regulations. The meeting would be conducted according to the remote meeting protocol and guidance, which had been circulated. The proposed Standing Orders to hold remote meetings were to be considered at Agenda Item no.8. The meeting was being live streamed and recorded. The Broads Authority retained the copyright. The Minutes remained the record of the meeting.

General proceedings

The Chairman commented he would take it that Members had read the papers and therefore the emphasis would be for members to ask questions and debate the issues.

3. Introduction of members and declarations of interest

Membership

The Chairman drew attention to some changes in Membership since the last formal meeting in January and the COVID-19 lockdown in March. Louis Baugh and Jacquie Burgess had now left and on the Authority's behalf he had written to thank them for their dedication and commitment to the Authority. The Minister had also written to thank them. The Chairman formally welcomed Matthew Shardlow and Stephen Bolt as the new Secretary of State appointees, and confirmed that he had been reappointed along with Greg Munford.

He also extended a welcome to Gail Harris, who had been re-appointed to the Authority by Norwich City Council, in place of Julie Brociek-Coulton.

A member queried whether Gail Harris could take part in the meeting. He referred to sections (4) and (5) para 2 Schedule 1 of the Norfolk and Suffolk Broads Act 1988, which indicated that once notification had been received from a participating authority, a month was required before that appointment could take effect.

“(4) A participating authority may at any time end the appointment of a person appointed to the Authority by that participating authority and appoint another person in his place.

(5) Where a participating authority exercises its powers under sub-paragraph (4) above—

(a) it shall give notice of the ending of the appointment to the Authority; and

(b) the new appointment shall take effect, and the previous appointment end, at the end of the period of one month beginning with the date on which the notice is given.”

The Monitoring Officer advised that Norwich City Council had confirmed the appointment within the last week and therefore it would be appropriate for Gail Harris to observe the meeting only, but not to vote.

Members indicated they had no further declarations of interest other than those already registered, and as set out in Appendix 1 to these minutes.

4. Items of urgent business

There were no items of urgent business.

5. Public question time

No public questions had been received.

6. Minutes of Broads Authority meeting held on 31 January 2020

The Chairman commented that he had received two amendments for the minutes of the meeting held on 31 January 2020. These were as follows:

- To include Leslie Mogford in the attendance list.
- To amend the wording in Minute No 7 Summary of Progress:
Beginning of the second paragraph to read:
“Fran Whymark proposed that all actions are dated. It was considered....etc.” and
the resolution amended to read: **“that the Summary of Progress include dates and details of significant events.”**

A member expressed some concern that the resolution stated in the draft minutes was not accurate and therefore he had wished it to be corrected. There was some discussion and following clarification.

It was resolved that, subject to the amendments set out above, the minutes of the Broads Authority meeting of 31 January 2020 were approved as a correct record and would be signed by the Chair.

7. Summary of actions and outstanding issues following decisions at previous meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings. Further updates were provided as follows.

Transfer of Mutford Lock: Officers had responded promptly to clarify further questions from the MMO (Maritime Marine Organisation) received in April 2020. However, due to the COVID-19 crisis, the transfer of the two Harbour Revision Orders was still being progressed by the MMO and the Authority was awaiting a decision.

Collaboration with Norfolk County Council/ Wherryman’s Way footpath on River Chet: The Authority’s Waterway’s and Recreation Officer was working with Norfolk County Council to develop a CIL bid and four main projects associated with the Water, Mills and Marshes Project. Some of this involved devising new circular routes, bank stabilisation and signs and infrastructure, and access for all resurfacing works. If bids were successful, the improvements across the whole of the Wherryman’s Way could take place from 2021.

External Funding: It was clarified that the Norfolk Coast Partnership meeting in April had been postponed due to the COVID-19 crisis, but the Broadland Futures Initiative meeting also scheduled for April did take place remotely, and was not postponed as stated in the schedule.

8. Procedures and actions for remote meetings held under the Coronavirus Act 2020 (including Standing Orders and Procedures).

The Authority received a report setting out the draft Remote Meeting Procedure Rules providing guidance for the conduct of any remote meeting of the Broads Authority and its committees under the Coronavirus Act 2020 Regulations 2020 no 392. The Rules were to be read in conjunction with the Authority’s existing Standing Orders and procedure rules within

its constitution. The Head of Governance emphasised that these were temporary and would have effect until 7 May 2021.

A member suggested that, in light of the financial situation and the appointment of new members with a fresh outlook, it might be appropriate for additional members such as Matthew Shardlow and Gail Harris to be appointed to the Audit and Risk Committee. It was considered that the Chairman should discuss this with the members concerned and the appointments then be delegated to the Chief Executive.

The Chief Executive explained that, as a result of the continued discussions with Defra over the long-term future and the uncertainty over the Authority's finances, the Authority was not yet at a point where key and significant decisions could be taken. It was therefore recommended that an additional meeting should be held in June, before the scheduled meeting on 24 July 2020. Members concurred.

Tim Jickells proposed, seconded by Matthew Bradbury and

It was resolved by 17 votes and 1 abstention:

To endorse the draft Remote Meeting Procedure Rules (Appendix 1 of the report) and to agree that:

- (i) the Annual Meeting scheduled for July 2020 is deferred, that all appointments from the 2019 Annual Meeting continue, and that the position is reviewed at the Broads Authority meeting in September;
- (ii) an additional meeting of the Broads Authority is held on either 24 or 25 June;
- (iii) Nicky Talbot, as Vice-Chair of the Audit and Risk Committee, chairs the next Audit and Risk Committee meeting on 21 July 2020;
- (iv) Matthew Bradbury and Simon Roberts are appointed to the Audit and Risk Committee;
- (v) Stephen Bolt is appointed to the Planning Committee; and
- (vi) the Chairman discuss with Matthew Shardlow and Gail Harris if they are willing to serve on the Audit and Risk Committee; and that, in light of their response, the Chief Executive be delegated to appoint those members to the Committee.

9. Response to the COVID-19 emergency and financial position of the Broads Authority and local businesses

The Authority received a report providing updates on the Authority's response to the COVID-19 emergency, as well as the latest financial position and actions to date to address the probable deficit in navigation income, together with the latest on negotiations with Defra officials for financial support to the Broads Authority and the hire boat industry.

The Chief Executive commented that the situation and environment was changing rapidly, there were tremendous uncertainties and it was difficult to predict what the situation would be in 3 – 4 months' time. He emphasised that officers were in constant discussion with Defra officials. He based his update on the three main priorities set out in the report:

- Maintaining the service delivery and protecting staff and volunteers;
- Supporting the local tourism industry, particularly the Broads hire boat industry; and
- Mitigating the impact on the Authority's finances and asking Defra to underwrite the potential losses of navigation income in 2020/21 as a result of the crisis.

The Chief Executive, supported by the Chair in his introductory remarks, paid tribute to the staff at having adapted to the situation, and continuing to work either remotely from home, and or working out in the field and keeping the navigation open. All staff were occupied, and there was now a system in place where staff with spare capacity could be reallocated to tasks where possible.

The Chief Executive acknowledged the Broads hire boat industry's significant contribution to tourism, and that the Authority recognised the crisis hire boat companies were facing. Although the response to the Authority from Defra had not been very positive in providing support for specific sectors, the Chief Executive further reported that the Government had recently announced significant sums being awarded to local authorities to provide discretionary funds for small businesses. The Authority was engaged with the Broads Hire Boat Federation and the Chief Executives of some Districts to encourage applications. There was still concern that companies would struggle through the winter and officers would continue to work with government officials to raise awareness of the situation and make a case for the hire boat industry.

The Authority also recognised the concerns of the private boat owners, some of whom were still not able to access their boats. The Chief Executive expressed appreciation to them for acknowledging the messages the Authority had put out and the Government restrictions imposed, as well as to those who had paid their toll.

With regards to the financial situation, it was noted that the National Park Grant was secure and that Defra had forward funded 35% of the £3.4 million for the year. The income from the hire boat industry was in effect minimal, with only £17k being received out of the expected £1.2 million. He explained that the income from private boat owners as at 13 May 2020 was 20% down from that received at the same time in 2019. Therefore, there was a deficit to the Authority's income of £1.6 million at this time. Navigation income was far short of the budgeted figure of £3.5 million for the year. The Chief Executive provided a graph of potential reductions in private boat income of 20%, 25% and 30%. Much would depend on the outcomes following possible lockdown relaxations anticipated in July 2020. He explained that, in principle, Ministers wished to support those National Parks that were dependent on commercial income and were facing financial difficulties, namely the Lake District NPA and the Broads Authority. The Broads Authority's financial information had been shared with Defra officials and a further meeting was to be held on Wednesday 27 May 2020.

The Chief Financial Officer drew attention to the figures for the year end (2019/20) in the report, emphasising that these had been condensed. They would be subject to audit due to take place in the following week. She also drew attention to the summary of 2019/20 carry forward requests in Table 2 of the report, explaining that the number of these had been increased due to the COVID-19 situation. It was proposed that the surplus from 2019/20 would be used in 2020/21 to fund the carry forward items via the National Park and Navigation Reserves.

The Chief Executive referred to recommendation (vi) in the report, proposing to prepare a revised budget balancing navigation income and expenditure, but expressed doubt as to whether the officers would be in a position to do so until the situation was clearer. It would be necessary to discuss potential options with the Navigation Committee on 11 June 2020, hence the reason to have an extra meeting of the Authority at the end of June to discuss the latest situation.

It was noted that the Government was carefully considering the easing of the lockdown, opening up of the environment to support businesses and the tourism industry, as well as for peoples' health and wellbeing. However, it was recognised that this could have a bearing on capacity and the need to manage it, which needed to be balanced against the risks of further pressures and risks to health.

Members discussed the potential scenarios for the easing of lockdown restrictions and guidance and the implications for collection of tolls. There was the possibility that hire boat companies might be able to open for business in the next few months, with dayboats being able to operate in the first instance and hire cruisers later. This would require agility from the industry, and confidence from customers. However, a member cautioned that the hire boat companies will have lost about half the season's income and it would be difficult to reschedule the original lost bookings in 2020. In addition, for some hire boat companies it may not be viable to open for business at all for this season. This also had a bearing on the Authority's finances. Members considered that with the potential quarantine measures being imposed for those coming into the country, it was unlikely that there would be bookings from overseas visitors.

All craft using the navigation were required to pay a toll. However, the Authority would need to consider whether the hire boat companies were required to pay the full annual toll or whether provision could be made for some proportionality, if some were able to open for business. Members recognised that this could be contentious for private boat owners. However, it was recognised that income was required for the maintenance of the Broads.

Recognising the need for stability of the Authority's finances, members considered that it was critical to consider and manage the risks. A member suggested that the Audit and Risk Committee could play an important role.

Some members expressed concern about the potential impact in relation to the Habitats Directive when the Broads area was fully opened to the public again, and therefore discussions with Natural England and the Environment Agency would be required. This would

not just be for the navigation but also public access for rights of way. The Chief Executive, supported by the Director of Operations, assured members that the Broads area and the maintenance of the navigation had not been closed but work had continued, albeit with re-prioritising projects and under the COVID-19 regulations. The Authority worked closely with Natural England on a number of projects and parties were fully conversant with the requirements.

The Chairman, supported by the Chief Executive, concluded that all options were and would be examined very intensively. The CEO reiterated that effectively, the Authority was requesting that Defra underwrite the Authority's losses and there were ongoing discussions about the reserves. In principle, the Minister agreed to support the national parks but there was still discussion on details. There was still considerable uncertainty and the Authority had to be prepared for all scenarios, and how to mitigate the difficulties.

The Chairman thanked members for their constructive remarks. He would like members to recognise and appreciate the considerable efforts being made by all those involved.

Melanie Vigo di Gallidoro proposed, seconded by Matthew Bradbury

It was resolved by 17 votes with 1 abstention to endorse the actions to date and the actions required:

- i. Protect the health and safety of staff and volunteers while maintaining service delivery and the maintenance of the Broads and its waterways;
- ii. Seek financial support for local tourism businesses, particularly the hire boat industry;
- iii. Request that the Government underwrites the Authority's deficit on its navigation income;
- iv. Note the year end position for 31 March 2020 and agree the carry forwards;
- v. Note the use of Urgent Action to approve the Capital, Treasury and Investment Strategy that should have been approved before 1 April 2020;
- vi. Ask officers to prepare an emergency budget, taking account of any decision by the Government on financial support, to bring navigation income and expenditure into balance; consult the Navigation Committee on the implications (June 11); and bring back recommendations to the next meeting of the Authority when it was hoped there will be greater certainty about the medium-term implications of the emergency.

Consent Items

The Chairman announced that the following items would be taken as a block for approval. Members had had the opportunity to comment and raise questions before the meeting. He reported that no comments or objections had been received. He therefore would take it that, unless there were any further comments, each of the recommendations would be accepted. The Chairman asked if members were in agreement with all the recommendations. There was general assent and no objections were received. The recommendations were approved.

10. Annual Governance Statement 2019/2020 and Code of Corporate Governance

The Head of Governance clarified that at page 4 of the Annual Governance Statement, para 3.1 Committees, this should include the co-opted members and therefore should read “Of its 21 members, ten are appointed by the Secretary of State, nine are locally elected County and District councillors, and two are co-opted by the Navigation Committee.”

She also clarified that the Assurance Review of Corporate Governance and Risk Management audit opinion 2019/20 related to the whole of the Authority. These amendments would not change the overall opinion.

The audit opinion concluded that the Authority’s framework for governance, for risk management and controls for the whole of the Authority were “reasonable”. A similar opinion had been given for 2020/21.

It was resolved to approve the Annual Governance Statement 2019/20 and it was noted that, subject to the implementation of improvements identified in the Action Plan for 2020/21, the Authority’s governance and internal control systems are considered to be adequate and effective.

11. Flood Risk SPD: Final draft for adoption

The final draft of the Flood Risk SPD together with the comments with responses from the second round of consultation was received. This included amendments set out as tracked changes. The Planning Committee had considered the Flood Risk SPD and consultation responses at its meeting on 6 March 2020 and had endorsed the document and recommended it for adoption subject to some updates, now included.

It was resolved to endorse and adopt the Flood Risk SPD.

12. Annual report on request to waive Standing Orders in 2019/20

It was resolved to receive and note the Annual Report on the request to waive standing orders in 2019/20.

13. 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 Director of Operations referred to Minute 19 of the 31 January 2020 meeting. He reported that the responsible officers for compliance with the part of the Port Marine Safety Code concerning Operational Oil Spills had now received the necessary training and their certificates were up to date. The notice of non-conformity had been removed. The Authority was now fully compliant with the Port Marine Safety Code.

14. Minutes received

The Chairman indicated that he would assume that members had read these minutes and were invited to ask any questions.

It was resolved to receive and note the minutes from:

Audit and Risk Committee – 19 November 2019

Planning Committee – 10 January 2020

Planning Committee – 7 February 2020

15. Other Items of business

There were no other items of business.

16. Formal questions

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

17. Date of next meeting

It was proposed to hold an additional remote meeting of the Authority on 24 or 25 June 2020 (subject to availability). The following meeting of the Authority would be held on Friday 24 July 2020 at 10.00am.

18. Exclusion of the public

The Authority **resolved** to exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraph 1, 2, 3, and 4 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.

The live stream recording of the meeting was suspended.

19. Exempt Minutes from 31 January 2020

The Exempt Minutes of the Broads Authority meeting held on 31 January 2020 were agreed as a correct record for signature by the Chairman.

The meeting ended at 11.40 am.

Signed by

Chairman

Appendix 1 – Declaration of interests Broads Authority, 22 May 2020

Member	Agenda/minute	Nature of interest
James Knight	9	Hire boat operator
Greg Munford	9	Chief Executive of Richardsons Holidays and hire boat operator
Simon Sparrow	9	Boatyard owner and hire boat operator