

Broads Authority

Minutes of the meeting held on 10 May 2024

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Please note these are draft minutes and will not be confirmed until the next meeting.

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DRAFT

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Present

Bill Dickson – in the Chair, Stephen Bolt, Peter Dixon, Alan Goodchild, Tony Grayling, James Harvey, Paul Hayden, Tristram Hilborn, Martyn Hooton, Tim Jickells, Siân Limpenny, Greg Munford, Michael Scott, Matthew Shardlow, Vic Thomson, Melanie Vigo di Gallidoro, Fran Whymark.

In attendance

John Packman – Chief Executive, Estelle Culligan – Deputy Monitoring Officer (via Teams for agenda items 13-16), Emma Krelle – Director of Finance, Rob Rogers – Director of Operations and Sara Utting – Senior Governance Officer.

1. Welcome and apologies

The Chair welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

Apologies were received from Harry Blathwayt, Kevin Maguire and Leslie Mogford.

2. Chair's announcements

The Chair confirmed that there was no change to the order of the agenda items, however, there were three items to raise:

Annual Site Visit

The Members' Annual Site Visit would be held on Thursday 4 July 2024 and details would be circulated in due course. The Chair added that this was a good opportunity to talk to other Members and Officers.

Nominations for Chair and Vice Chair of the Board

The Governance Team would be sending out an email in June inviting nominations for the Chair and Vice Chair who would be appointed at the July meeting.

Secretary of State appointees

This was the last Board meeting before Greg Munford finished his term of appointment. The Chair said that Greg and he joined the Board at the same time, eight years ago, and in that time the Board had been able to rely on Greg to be the voice of reason, consistently doing the right thing even if it went against his professional interests. Greg had always made himself available to both the Chair and the Chief Executive, providing clear and objective advice. The

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Chair added that Greg would be sincerely missed for not only his wise counsel, but because he had been a tremendous colleague and that it would be difficult to replace him.

The Chair said that Defra had not yet begun their recruitment campaign to appoint the two new Secretary of State Members.

3. Appointment of two co-opted members from the Navigation Committee to the Broads Authority

At its meeting on 11 April 2024, the Navigation Committee appointed Alan Goodchild as Chair and Peter Dixon as Vice-Chair and had recommended that both be appointed as the two co-opted members to the Broads Authority for one year.

Stephen Bolt proposed, seconded by Greg Munford.

It was resolved unanimously to appoint Alan Goodchild and Peter Dixon to the Broads Authority for one year, until 9 May 2025.

4. Introduction of members and declarations of interest

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

5. Items of urgent business

There were no items of urgent business.

6. Public question time

The Chair said that there had been two questions submitted and that Members had received a copy of the questions and accompanying text as set out in Appendices 2 and 3.

Mr Chettleburgh was invited to read his question and the Chair provided the Authority's response as set out in Appendix 2 to these Minutes.

Mr Chettleburgh then asked a supplementary question: Could the Authority please explain the response received on 4 April 2024 from the Environment Agency to a Freedom of Information request, which said that they did not hold river depth data for the tidal section of the Bure. The Director of Operations (DO) responded that the Environment Agency did not hold hydrographic data for the exact reach, but they had data on the lower section of the river which was comparable.

Ms Hines was invited to read her question and the Chair provided the Authority's response as set out in Appendix 3 to these Minutes.

Ms Hines then asked a supplementary question: If she had understood the Standing Orders correctly, if the lobbying of candidates together with proposers and seconders for the position was carried out elsewhere, candidates were not given the opportunity to personally present

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their suitability for the position to the remainder of the committee. The Chair responded that the answer was no.

7. Minutes of last meeting

The minutes of the meeting held on 15 March 2024 were approved as a correct record and signed by the Chair.

8. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. The Chief Executive (CE) gave an update on some of the items.

Wherryman's Way

The CE confirmed that the planning application for repairs to two foot bridges and the provision of access ramps was approved at the Planning Committee meeting on 26 April 2024.

Yare House

The CE was pleased to report that the contractor had started on time and work was progressing very well. The conversion of the Waveney Room into two spaces was almost complete and it was hoped that some desks might be moved in over the next week.

Appeal under the Harbours Act

The Authority was still waiting to hear back from the Department of Transport.

Flood Risk

The CE said that, although this was not a matter from a previous agenda or meeting, he felt this was a significant issue following the public meeting held at Hickling in February. At that meeting the Broads Authority undertook to work with the Environment Agency (EA) to check whether removal of large amounts of mud from the lower Bure by the Agency would have a positive impact on flooding further up in the system. The CE reported that colleagues from the EA had responded positively to the Authority's engagement. The EA had been provided with the Authority's accurate depth data and its consultants were using that in the model. The EA would be looking at whether the removal of an additional half metre or one metre of mud would have a significant beneficial impact on flood risk further up the system. The CE said that there would be another public meeting and it was hoped that the EA would have the results of the modelling for that meeting.

A Member said that he would like to thank the Authority actively engaging with the EA and looked forward to receiving the report on the study. A Member said that if the Bure was deepened it would encourage saltwater intrusion and asked whether this was something that was being looked at during the modelling process. The CE replied that he thought that was the concern that colleagues in the EA had, in that the removal of mud might solve one problem and create another. For example, if there was a big event in the North Sea that combined with high tides, a deepening of the lower Bure could mean that it increased flood risks from the sea. The CE confirmed that the EA model would look at those elements.

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A Member asked whether the hydrological model could be used more generally to assess the flood risk across the whole of the Broads, and would the Board be briefed on that. The CE confirmed that the hydrological model was being used by the Broadland Futures Initiative (BFI) and that his understanding was that the results of that project were expected later this year.

Haven Bridge

The CE said that, again, this was a significant issue that should be brought to the Board's attention. There was currently a dispute between Norfolk County Council, who owned the bridge, and Peel Ports, who had a responsibility for opening the bridge. This was causing considerable inconvenience and difficulty for commercial operators and private owners who were unable to get out to sea. The CE said that this was something that he had personally taken up with the Chief Executive of Norfolk County Council and the Leader of Great Yarmouth Borough Council and added that both councils were aware of the issue. There had been a meeting this week between the two parties, however, the full outcome was not known at this point, but it was something that the Broads Authority was concerned about and we would continue to make representations to both Peel Ports and Norfolk County Council. One of the Members representing Norfolk County Council added that he had chased the Chief Executive to find out what the result of the meeting between the Council and Peel Ports was and confirmed that he would report back with any update. A Member thanked the Authority for its support on the issues at Haven Bridge.

The report was noted.

9. National Park Grant and Outcomes Framework

Members received the report of the Chief Executive (CE). The CE provided an update on the National Park Grant and said that the Authority had been successful in its bid for additional funding of £500,000. At the end of March, Defra had advised that the funding would be split as £250,000 revenue and £250,000 capital grant. The CE said that receiving part of the grant as revenue would give the Authority more flexibility when it was spent; the capital money however would need to be spent by 31 March 2025. The CE added the Authority was waiting for the Change Control Notice (CCN), which the Director of Finance (DF) confirmed should be issued within the next week, and that would detail any restrictions on how the money could be used.

The CE said that the capital money would enable the Authority to purchase the items agreed at the last Broads Authority meeting on 15 March; the largest element was a new concrete pump which was an important piece of equipment for carrying out the dredging operation.

The CE then provided an update on the Protected Landscape targets and said that Defra had been working on a series of targets and outcomes for protected areas. The issue that National Parks would be interested in was how the outcomes framework was disaggregated, because some of it was more relevant to some parks than others. The CE said how that was distributed would be important and the Authority would need to keep their eyes on it because of the link to funding.

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A Member asked whether, in relation to the outcomes framework, the CE had got a sense on this relating to core funding. The CE said that the core grant had been reducing as the Authority had not received any allowance for inflation, however, on top of that Defra had been giving the Authority extra money in the form of capital and revenue grants. The CE's understanding was that there was an ambition at Defra that the additional sums were built into the core grant. He hoped that this was the case, otherwise it would become increasingly difficult to plan for the longer term whilst hoping that additional capital grant might be made available on 31 March each year.

A Member commented that he hoped that the members could have a proper briefing when the Authority knew more about the targets and outcomes framework. He said that all National Parks did not own most of the land that they managed which begged the question how the Authority was supposed to deliver targets when it only owned a small percentage of the land in the Broads area. He also questioned the collection of statistics such as volunteer days – it would be possible to collate statistics regarding volunteer days within the Broads Authority, but asked how it would be possible to collect statistics from the other NGOs that work within the Broads area. The CE replied that his understanding was that this was as relevant to the Environment Agency and Forestry England as it was to the Broads Authority, as there was a change in legislation which required other public bodies not to just 'have regard to National Park purposes', but to further them. These targets were for the Parks, not just for National Park authorities. The CE said that the point about monitoring was critical and in terms of monitoring of the SSSIs carried out by Natural England, was done using a standard approach across the country, but the level of detail in the monitoring for an area such as the Broads was inadequate. Defra had been looking at this issue over the last twenty years and this was the furthest it had got, however, the measurement had always been a big problem in terms of what was measured and how it was measured.

A Member commented that it was right to focus on how the Authority's work fitted into Defra's Outcomes Framework and would hope that there was the potential to have more success in funding in terms of how that work was highlighted and contributes to the Outcomes Framework. In light of an election and possible administration change, regardless of which party was successful, the Member encouraged the Authority to plan now and how it could organise potential bids in advance of a spending review at Defra.

A Member commented that this was an opportunity for the Authority to work out what difference it could make by working with partners in the area in terms of Nature Recovery. Another Member commented that they were concerned whether the targets were true indicators and did not think that it would give insight on how various species were doing in a particular area. Assuming that the targets would be broken down by National Park, the Member asked whether the Authority had any input into the targets set out in the document. The CE replied that the Authority had commented already and it they were going to comment further and said that both the Environmental Policy Advisor and the Ecology and Design Supervisor had been looking at the framework and would be sending some further comments back. The Member asked if the CE could pass on his concern about species falling through the gaps of the Framework. The CE confirmed that he would.

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Michael Scott proposed, seconded by Siân Limpenny.

It was resolved unanimously to support the draft plans for the expenditure of the additional National Park funding.

10. Strategic priorities - update

Members received the report from the Senior Governance Officer setting out the progress in implementing the Authority's annual strategic priorities. The Chief Executive (CE) commented that he was really pleased that work has commenced on updating of the software which underpinned the online toll payment system, and that this first phase of the work was expected to be completed by June 2024.

Members noted the progress in implementing the 2024/25 priorities.

11. Financial Performance and Direction

Members received the report of the Director of Finance (DF). The DF said that, as stated in the report, there were still some last minute adjustments that needed to be put through to get in the position where a Statement of Accounts could be produced. Since the report was written there had been some more adjustments that had gone through; these included additional charges for the Monitoring Officer in March, an additional invoice from our property consultants who had helped value some of the properties in relation to the IFRS16 accounting in respect of leases, and some further fuel invoices. The DF said that there was a surprise in that DLUHC, via Defra, were going to give the Authority £9,349 towards the 2023/24 audit fees, and this adjustment had been put through. This meant that on table 1 of the report, the consolidated surplus was now £60,834 compared to £67,025 shown in the report. Some of those adjustments had an impact on the earmarked reserves and that balance was now £3,883,030, and for navigation it was £1,645,802.

The result of the adjustments meant that the National Park surplus was £64,371 and the deficit on Navigation was £124,755. The National Park reserve was looking to be £755,176 which was 20.8%, and the navigation reserve was £488,402 which was 11%. The DF said that those adjustments made a difference to Table 7, and if the carry forward request was agreed by the Board, the forecast balances at the end of 2024/25 were predicted to be: National Park - £917,529 which was 26.3%; and navigation - £471,616 which was 10.4%.

A Member asked about the trajectory of the navigation reserves. The DF said that the Authority looked to maintain the navigation reserves at 10% of net expenditure. There was a review done two years ago where the Authority looked at whether the minimum balance should be changed, and the review demonstrated that those balances were adequate. If there was a catastrophic event, then what was in the earmarked reserves would be looked at to see what could be taken from them. The DF added that Members see a 3-year strategy, but in the background, there was a 5-year strategy and that looked to maintain the reserves at 10%.

The DF provided an update on tolls to date. The DF said that as at 8 May 2024, the Authority had issued 450 fewer toll plaques compared to the previous year, which represented 4.7%,

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and in total 9,075 had been issued. The CE said that the largest decrease in numbers was paddleboarders, however, as the weather had improved over the last week, the numbers had picked up.

A Member asked whether the DF could report on the income from tolls compared to the last financial year and noted that last year the Authority had received a large increase in investment income which could not be relied upon this year. The CE said that, although he did not have the most recent figures, which had since improved, a couple of weeks ago income was down by 5.9%. The DF said, to reassure Members on the investment income, when the budget was set, they were aware that interest rates had been forecast to drop and would therefore not receive the amount of interest in 2023/24. However, the Bank of England announced on 9 May that interest rates were kept at 5.2%, but the Authority was predicting it to come down.

Matthew Shardlow proposed, seconded by Stephen Bolt.

It was resolved unanimously to:

- i. To note the income and expenditure figures, prudential indicators in 6.1 and the draft year end position.**
- ii. The recommended carry forward request in 9.2 be approved and added to the 2024/25 budget as additional expenditure.**

12. Reviewed Safety Management System (SMS)

Members received the report of the Director of Operations (DO) presenting version 8 of the Reviewed Safety Management System (SMS). The DO noted that there was a spelling mistake in section 1.3 of the SMS and this would be corrected in the final document.

The DO provided an overview on the Port Marine Safety Code (PMSC) and said that it was a national standard issued by the Government and was compulsory for any port or marina. To back the PMSC up the Broads Authority had a safety management plan to describe how the safety aspects within the standard were met. The DO added that the SMS was under constant review, but the recent review included changes such as the review of pilotage which was taken to the Navigation Committee. It also described recent hydrographic modelling, how the Authority would carry out its dredging programme, and gave examples of river profiles. The DO confirmed that the changes were not large-scale, the document was made easier to read with links embedded to other documents which feature within the SMS.

A Member commented that it was clear on the key responsibilities of the Head of Safety and the Chief Executive, but it did not clarify what the key responsibilities were for Members and the Board and said that they would welcome some clarity. They added that it did not set out what the health and safety culture was at the Broads Authority, setting out health and safety incidents and trends. The DO replied that the SMS policy was largely focused on the marine side and the Authority had health and safety duties in a wider context covered within the overarching Health and Safety policy document which included a range of health and safety statistics. Part of the PMSC was that the Authority had to outline the responsibilities of

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various people and if anything were to go wrong, the responsibility would start with the Members and the Chief Executive (CE). The Member replied that Members needed to be certain about the accountability of the Board around the SMS and asked whether this could be brought back to the Board in due course. The DO confirmed that this would be done.

A Member commented that it was important to clarify that because the PMSC had “port” in its title, it did not cover just the port of Great Yarmouth, Breydon Water and the tidal areas, but in fact covered the whole of the Broads area. The CE said that the Broads Authority was designated a Statutory Harbour Authority which covered the whole of the Broads system. The CE added that, given the levels of risk, having something as robust as the SMS in place was a really positive thing and it did filter through the whole of the organisation and was something that was emphasised within staff training.

A Member commented that there was a minor error in section 4.2 regarding the raising of questions at the Navigation Committee meeting which needed to be amended. It was confirmed that this would be corrected in the final document.

Alan Goodchild proposed, seconded by Tony Grayling.

It was resolved unanimously to endorse version 8 of the Safety Management System (SMS) as the current document.

13. Annual summary of formal complaints

The Chair welcomed the Deputy Monitoring Officer to the meeting.

Members received the report of the Senior Governance Officer (SGO). A Member asked for clarification on the nature of the complaints. The SGO confirmed that the report was in relation to formal complaints that were received by the Authority and the report provided statistics, a summary of the nature of the complaint, and how it was responded to.

The report was noted.

14. Standing Orders relating to contracts

Members received the report of the Director of Finance (DF). The DF said that there were eleven waivers approved in 2023/24 compared to eighteen in 2022/23 and added that the 2022/23 number was high due to the urgent need to purchase items through the National Park Capital Grant before year-end. In relation to the standing list for fen contractors, this was not due until next year, but had been run a year early so that the Authority could try to attract younger reed cutters, however, the Authority had not been successful. The candidates listed in 5.7 of the report had previously been on the list, however, there had been a reduction in two contractors compared to the previous list.

Matthew Shardlow proposed, seconded by Stephen Bolt.

It was resolved unanimously to:

- i. Note the annual instances where Standing Orders were waived.**

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- ii. **Approve the standing list for fen contractors in 5.7.**

15. Appointment of Independent Persons

Members received the report of the Senior Governance Officer (SGO). The SGO said that it was disappointing not to have brought recommendations for the appointment of the Independent Persons as planned. The Standards Committee discussed the recruitment of the Independent Persons in March, however, following the advertisements for the post, no applications were received. The next stage was to contact neighbouring authorities to discuss the possibility of sharing their Independent Persons. The SGO said that it was early stages within the discussions but it was worth pointing out that the Broads Authority was not alone in this situation, as it was understood that some of the neighbouring authorities had experienced the same difficulties in recruitment of an Independent Person. It was hoped, however, that a report would be brought to the next meeting in July with some recommended candidates.

A Member asked whether the SGO or Deputy Monitoring Officer (DMO) could advise the Board of the legal position where the Authority did not have an Independent Person. The DMO replied that it was a legal duty to have at least one Independent Person and that the main purpose of an Independent Person was to be consulted in the case of a complaint of the Code of Conduct and to advise both the Authority as well as the subject Member against whom the complaint was made. The DMO added that if candidates were not found locally, it was possible to consider sharing an Independent Person with other authorities further afield, however, this was not something that Members should worry about. The Member asked whether it was possible to record the existence of a contingency plan.

The SGO commented that the Authority still had two Independent Persons and their term of office would finish on 26 July 2024.

Members noted that officers would continue to pursue alternative ways of recruitment and the outcome would be presented to the next meeting on 26 July.

16. Annual report of the Standards Committee

Members received the report of the Senior Governance Officer (SGO). The SGO highlighted that this was the first time that Members would have received a report from the new Standards Committee. It was within the Terms of Reference to produce an annual report to ensure Members were kept informed regarding the pieces of work that were going on. The committee would be looking to review of the Code of Conduct and the Register of Interest form.

The report was noted.

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17. Member report on outside bodies – How Hill Trust

The Chair commented that he would like to remind Members who were appointed to outside bodies on behalf of the Broads Authority to provide the Board with at least one progress report each year.

Members received the report from Tim Jickells, the Member appointed by the Broads Authority to the How Hill Trust. The Member said that the last two words of the report were missing and the report should end with “...educational opportunities.” He noted that Turf Fen Mill was being restored.

The report was noted.

18. Items of business raised by the Designated Person in respect of the Port Marine Safety Code

There were no matters to report under this item.

19. Minutes to be received

Members received the minutes of the following meetings:

Navigation Committee – 11 January 2024

Planning Committee – 1 March 2024

20. Other items of business

There were no other items of business.

21. Formal questions

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

22. Date of next meeting

The next meeting of the Authority would be held on Friday 26 July 2024 at 10.00am at venue to be advised.

The meeting ended at 11:25am.

Signed by

Chairman

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Appendix 1 – Declaration of interests: Broads Authority, 10 May 2024

| Member | Agenda/minute | Nature of interest |
|-------------|----------------------------|-----------------------------|
| Peter Dixon | Agenda item 8 – flood risk | Residence at Hickling Broad |

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Appendix 2 – Letter from the Broads Reform Action Group (BRAG)

To the Chair, Vice chair and Members of the Broads Authority

CC: Chair, Vice Chair and Members of the Broads Authority Navigation Committee; Broads Stakeholder MP's; Broads Authority Chief Executive.

3rd May 2024

Formal Question for the Broads Authority meeting on 10th May 2024 ref. 'Briefing on the Lower Bure – riverbed levels, dredging depths and posts'

For information, our membership now stands at 1,451.

On the email we sent you on 15th April this year, we advised we would be submitting a public question for the Authority meeting on 10th May, regarding the BA chart for the lower Bure. We have deliberately delayed that submission until today as we anticipated significant information would be forthcoming very close to the deadline. That has proved to be a sound policy.

We are profoundly disappointed that our expectations were correct and the receipt of such a complex briefing just 24 hours before the deadline has not allowed sufficient time for a full appraisal of, and response to it.

We have, however, carried out a preliminary appraisal and reject it in its entirety. Without being able to present detail at this stage, a summary of our reasons are as follows:

- The terminology used for depths and data is inconsistent and impossible to interpret
- The statements about the red posts are at best questionable and at worst unbelievable
- There are statements which conflict with others both in the briefing and elsewhere. For instance on your website, in responses to FOI requests, in meeting minutes, previous BA statements, newsletters and IALA standards.
- We have received additional intelligence from two different sources which confirm the findings in our report.
- Not least, the explanation and reasoning about the Bure Hump in your briefing reinforces our findings.

Additional information to provide the detail will follow.

OUR QUESTION TO THE AUTHORITY IS THEREFORE AS FOLLOWS:

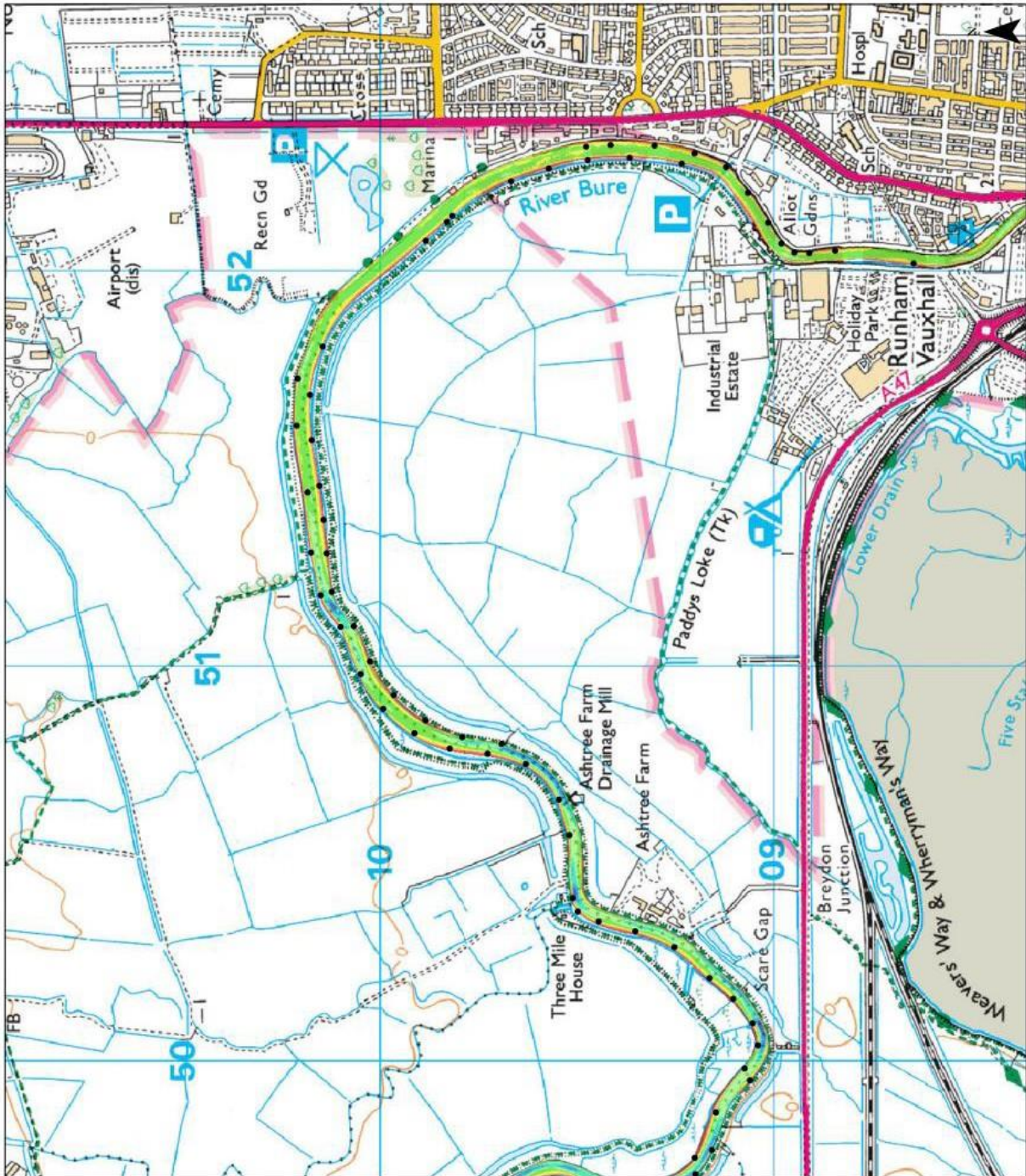
Does the Authority believe the BA Navigation Chart titled 'Ashtree Farm Reach', as attached, is accurate?

I will be reading this question at the meeting.

Be advised this document will be sent to all relevant stakeholders, made public and a press statement issued later today.

Colin Chettleburgh, for and on behalf of the Broads Reform Action Group.

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Ashtree Farm Reach

The information has been published by the Broads Authority in order to meet its duties as a harbour authority under the Port Marine Safety Code and the requirements of the UK Hydrographic Office. River Bure last surveyed 2023.



Depth below MLW (m)

- < 0.5
- 0.5 - 1
- 1.0 - 1.5
- 1.5 - 2
- 2.0 - 2.5
- 2.5 - 3
- 3.0 - 3.5
- 3.5 - 4
- 4.0 - 4.5
- 4.5 - 10
- Channel marker

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Response by the Chair on behalf of the Authority:

Yes - The water depths on the chart correctly represent the findings from the independent hydrographic survey carried out in January 2023.

We have checked and cross compared the Authority's hydrographic data (2023) with other overlapping datasets at Great Yarmouth (UK Hydrographic Office (2018) and Environment Agency (2020)) and the mapping of water depths is accurate.

To date Mr Chettleburgh has not responded to our offers to meet and explain further. The Authority reiterates the willingness of its officers to meet Mr Chettleburgh and take him through the hydrographic data and its mapping.

DRAFT

Appendix 3 – Question from Ms S Hines

Dear Dr Packman

With the impending selection of a new Chair to the Broads Authority, can you advise me on how prospective candidates can put themselves forward and how they can present their vision for the future of the Norfolk & Suffolk Broads and the Broads Authority, to improve transparency and give members a genuine choice of candidates? I would appreciate this question being read out at the meeting on 10 May 2024.

Response by the Chair on behalf of the Authority:

The procedure for appointing the Chair is contained within our Standing Orders, section 15. Nominations are sought in advance of the meeting and details included on the published agenda. Each nomination requires a proposer and seconder for it to be valid.

The role of both Chair and Vice-Chair is set out in the role description for Members: The role of the Chair (and Vice-Chair) of the Authority includes:

“To represent the Authority’s views as necessary.”