

## Navigation Committee

Minutes of the meeting held on 25 February 2016

### Present:

Mr M Whitaker (Chairman)

Mr K Allen	Mr W Dickson	Mr M Heron
Mr J Ash	Sir P Dixon	Mr J Knight
Ms L Aspland	Mr P Durrant	Mrs N Talbot
Mr M Bradbury	Mr A Goodchild	Mr B Wilkins

### In Attendance:

Mr S Birtles – Head of Safety Management  
Mr A Clarke – Senior Waterways and Recreation Officer  
Ms E Guds – Administrative Officer (Governance)  
Mr T Hunter – Rivers Engineer  
Ms E Krelle – Head of Finance  
Ms A Leeper – Asset Officer  
Ms A Long – Director of Planning and Resources  
Dr J Packman – Chief Executive  
Mr R Rogers – Head of Construction, Maintenance and Environment  
Mr A Vernon – Head of Ranger Services  
Mrs T Wakelin – Director of Operations

### Also Present:

Philip Burgess – Association of Inland Navigation Authorities  
Lesley Marsden – Norwich City Council  
Michal Wiciak – MLM Consulting Engineers

### 3/1 To receive apologies for absence

No apologies for absence were received.

The Chairman welcomed Lana Hempsall, Vice Chair of the Planning Committee; Professor Jacquie Burgess, Chair of the Broads Authority; Louis Baugh, member of the Broads Authority; Philip Burgess, Executive Director of the Association of Inland Navigation Authorities (AINA); Lesley Marsden and Michal Wickiak from Norwich City Council and Tony Howes as a member of the public to the meeting.

The Chairman announced that this was Phil Durrant's last meeting, as his term of office would finish at the end of March. He thanked Mr Durrant for his valuable contribution.

**3/2 To note whether any items have been proposed as matters of urgent business/ variation in order of items on the agenda**

An item of urgent business had been requested in writing because of the financial, legal and ongoing reputational risks to the Authority. The Chairman proposed to accept the request and deal with it after Item 17 on the Agenda.

**3/3 To receive Declarations of Interest**

Members expressed their declarations of interest as set out in Appendix 1 of these minutes.

**3/4 Public Question Time**

There were no public questions.

**3/5 To receive and confirm the minutes of the meetings held on 10 December 2015**

The minutes of the meeting held on 10 December 2015 were confirmed as a correct record and signed by the Chairman.

**3/6 Summary of Actions and Outstanding Issues following discussions at previous meetings**

Members received a report summarising the progress of issues that had recently been presented to the Committee.

Members received an update following circulation of an email from Mr Bishop to all members of the Committee. It was confirmed that the Authority's interpretation of the regulations was correct and that waste from boats was classed as commercial waste. Members would be contacted shortly to arrange a workshop on this issue.

A further update regarding the North Norfolk District Council (NNDC) position was reported. Further to the decision to remove 13 of the 16 waste facilities in the District, the MP Norman Lamb had written to the Chief Executive of NNDC. A number of councillors had also raised concerns. Officers reported that Cllr Paul Rice had confirmed that NNDC had agreed to keep two of its waste collection sites at Horning and Ludham open until October 2016.

Members noted the report.

**3/7 The Work of the Association of Inland Navigation Authorities (AINA)**

Members received a presentation from Philip Burgess, the Executive Director of AINA. He informed Members that AINA had been set up in 1996 and was the industry body in the UK for those authorities with statutory or other legal responsibility for the management and operation of navigable inland waterways. Members of AINA included the Broads Authority, The Canals & Rivers Trust and the Environment Agency. Mr Burgess explained the organisation's objectives,

vision and mission. He described the benefits of membership of AINA, which included the opportunity to input to the national debate, gave the collective weight of a national body speaking with one voice and offered the unique ability to represent all navigation authorities across the UK. He clarified that the Broads Authority's membership fee was approximately £3,000 per year.

It was noted that AINA's current strategic priorities were safety, collaborative partnership, development and implementation of legislation, development of training standards and growth in membership.

### **3/8 Broads Plan 2017 – First Draft Plan for consultation**

The Broads Plan was the key strategic management plan for the Broads. The current plan was adopted in May 2011 and its review was a Strategic Priority for the Broads Authority in 2015/16. It was anticipated that a revised plan will be implemented from April 2017. Public consultation on the first draft of the Broads Plan 2017 ran from 15 February to 8 April 2016.

The Director of Planning and Resources explained that the Broads Plan was a high level strategy addressing evidenced-based priorities for action. Members' comments on the first draft plan were invited.

A member commented on the need to emphasise the importance of integrated water resource management as central to the management of the Broads. It was important to ensure that a catchment scale approach was taken, in line with Defra's emerging 25 year Plan. Other Members suggested an increased emphasis on promoting physical and social access for disabled and ethnic groups, the need for strong links to the Sustainable Tourism Strategy, the cultural heritage of boating and the hire boat industry, and the need for historic vessels to be protected. It was also suggested that emphasis should be placed on clear outcomes and ensuring strong links between actions across different themes, such as navigation and conservation.

Members asked how the priorities for action in the Plan could be embedded into the priorities of other organisations; what would happen if priorities were changed as a result of financial cuts to partner organisations; and how project delivery would be monitored. The Director of Planning and Resources replied that the Authority would work with Plan partners to ensure that priorities for action by those organisations, where relevant to the Broads, were included in the Plan from an early stage, and revised as and when they needed to be.

It was emphasised that this was the **first** draft of the 2017 Plan, more detail would emerge through the public consultation and drafting process. A revised draft plan would be published later in the year, when Members would have a further opportunity to comment.

Members noted the report.

### **3/9 Draft Proposals for Section 5a of “Riverside Walk”**

Engineering and landscape design work for section 5a of the Wensum River Parkway was currently being undertaken by Norwich City Council and their consultants. The design was at an early stage and officers of Norwich City Council gave a presentation to seek the views of the Navigation Committee on a series of options for providing a revetment to support the path and landscaping at the river’s edge, prior to submitting a planning application for the scheme later this year.

The Director of Operations reminded Members that there was significant boating activity on this stretch of the river. Building out into the river on the approach to the Trowse Swing Bridge would create a longer pinch point in the navigation area. She reminded the Committee that its previous advice on applications involving encroachment into the river channel by overflying footpaths and balconies was unacceptable from a navigation perspective.

After considering the different options put before them, Members agreed they did not support the use of gabion baskets for bank support purposes for a number of reasons. The baskets would encroach into the river to an unacceptable extent as the river width was already restricted in this location. If installed at the water line they would be a hazard to boats. Members further recognised the need to be careful about the granting of permissions that might set an unfortunate precedent for future planning applications.

Members confirmed they had a preference for steel piling, especially if this included facilities for mooring. The Consultant Engineer from MLM confirmed that the gabion basket option was slightly more expensive and that piling was their preferred option. Members were informed by the Principle Landscape Architect that the Broadland Housing Scheme had a proposal for pontoon moorings. However, the Senior Waterways and Recreation Officer said this may not go forward as the Section 106 Agreement did not specify who was responsible for the provision and maintenance of such moorings.

A discussion followed about piling materials and whether cantilever piling would offer the opportunity of piling closer to the river bank. The Consultant Engineer said this option may not be possible as the condition of the bank below water level was unknown.

Members stated that they had a clear preference for piling over gabion baskets and they considered that, if piling was necessary, further design work for the scheme should concentrate on minimising encroachment into the navigation area. Members also recommended that for safety reasons any piling proposal put forward for consideration must be installed above high water level and thereby visible to boaters at all states of the tide. Piling installed at a higher level would also provide the possibility of developing moorings.

Members noted the report.

### **3/10 Appointment of Navigation Officer**

Members received a report that represented formal consultation with the Navigation Committee on the appointment of the Navigation Officer for the Broads Authority.

Members supported and welcomed Mrs Burchnall's appointment as the Head of Ranger Services and the Navigation Officer. The interview process for a new Deputy Head of Ranger Services would take place next week. It was confirmed that the Rangers acted as deputies to the Navigation Officer.

### **3/11 Broadland Flood Alleviation Project: Planning Application for Flood Improvements in Compartment 25 (Gillingham Marshes, River Waveney)**

Members received a report summarising Broadland Environmental Services Ltd's (BESL) planning application proposals for flood defence improvement works at the extreme downstream end of Compartment 25, situated at Gillingham Marshes between the A146 road bridge and Hill Farm, Boathouse Hill on the true left bank of the River Waveney near Beccles.

In discussion, Members acknowledged the need for the flood defence work and agreed that the hazardous piling would need to be removed. They commented that this reach of the river was very tidal and, due to activities of the Beccles Amateur Sailing Club (BASC), could be very busy.

The use of buoys for mooring alongside and opposite the clubhouse by the BASC was not supported by the Committee because of the added risk of motor boats getting fouled on the buoys and lines; and that boats mooring to the buoys would restrict the available width for navigation. Instead Members felt permanent timber posts that remained visible at all states of the tide would provide a more appropriate means of allowing members of the BASC to moor temporarily in order to raise and lower sails, and wait for race start times. A Member suggested that posts should be provided beyond the sailing club area to allow canoes, in particular, to get out of the way of boat traffic at busy times.

Members agreed that if coir matting was used as erosion protection on the re-profiled river bank there was a risk that it would be damaged by boat impact. It was easy for matting to get caught in boat propellers, which could damage boats and the bank. It was pointed out that coir matting would provide erosion protection while encouraging vegetation growth, but Members preferred that an alternative be considered, e.g. natural reed growth or plug planting, without coir matting being installed.

Members agreed that conditions should be attached to any planning permission granted for the works. This should cover timing of works, installation and removal of temporary channel marking, erosion monitoring in accordance with the agreed erosion monitoring protocol including sonar and hydrographic surveying, and remedial works to deal with damage to any erosion protection installed.

Members noted the report.

### **3/12 Powerboat Racing Annual Review**

Members received a report that outlined the background to power boat racing on Oulton Broad. One member commented that Lowestoft Rowing Club had not been consulted by Lowestoft and Oulton Broads Motor Boat Club (LOBMBC) and subsequently had to alter one of their fixtures. The Head of Safety Management would feed this back to LOBMBC.

Members supported the management of Powerboat Racing on Oulton Broad and agreed with the fixture list for the 2016 season.

### **3/13 Mutford Lock Maintenance Update**

Members received an update on the progress of maintenance work at Mutford Lock and proposed revisions to the operating agreement.

In September 2015, Members supported expenditure from the Mutford Lock Reserve Fund for maintenance work, along with an increase in the annual budget. This had been agreed by the Broads Authority and contractors had been appointed and were in the process of completing the essential tasks.

The report in September 2015 also noted that the current operator of the Lock had requested an increase in its fee. Suffolk County Council also had an agreement with the same operator for the operation of the lifting bridges. The lifting bridges were operated for the purpose of navigation through the lock; therefore, in the interest of transparency and efficiency a new common agreement had been drafted. This new draft agreement would be the basis for negotiation with the current operator.

As an item for a future meeting it was suggested that Members consider the importance of Mutford Lock and how beneficial it was to the Southern broads. It was further suggested that the option of offering free access through the Lock for one year be considered. A Member suggested looking into options to market Oulton Broad and Mutford Lock and link this through Tourist Information Centres.

Members noted the report.

### **3/14 Navigation Income and Expenditure: 1 April to 31 December 2015 Actual and 2015/16 Forecast Outturn**

Members received details of the actual navigation income and expenditure for the nine month period to 31 December 2015, together with a forecast of the projected expenditure at the end of the financial year (31 March 2016).

The Head of Finance provided a verbal update on the January figures. The actual variance had now moved to a favourable variance of £28,194. The reason for this was due to some delayed invoicing.

Members noted the report.

### **3/15 Construction, Maintenance and Environment Work Programme Progress Update**

Members received a report setting out progress made in the delivery of the 2015/16 Construction, Maintenance and Environment Section work programme. Members were informed that Cygnet, the third wherry, had been delivered and was in operation.

Members were pleased to hear that the priority dredging at Hickling Broad had been progressing well after water temperatures finally dipped below 8 degrees and that the project was well on its way.

Section 5 of the report highlighted the development of the 2016/17 Hickling enhancements and identified Churchill's Bay and the area adjacent to The Studio as areas where erosion protection/reedbed could be reinstated. The preparation of lagoons for land spreading was shown as part of the plan. Members were supportive of the options and welcomed the continued efforts at Hickling. It was suggested that signs be put up indicating what was happening at the broad. A Member also mentioned the press release on Prymnesium research and the very positive message on the work of the Upper Thurne Working Group.

Members noted the report and supported the recommendations made in Section 5.

### **3/16 Chief Executive's Report**

The Committee received a report which summarised the current position in respect of a number of projects and events, including decisions taken during the recent cycle of committee meetings.

The Chairman updated Members on the work of Tolls Review Group (TRG) which had had a very successful meeting earlier that morning. He said the TRG would need at least one more meeting before they would like to invite all the Members and expert witnesses who attended the initial Tolls Workshop to a meeting where the TRG could present their initial proposals for discussion.

A member raised the matter of a prosecution incident in May 2015 that was dismissed when the case failed to meet its prosecution deadline. NPLaw's apology for the oversight was reported. It was explained that, in cases where hire boats were involved, prosecuting was a difficult and time consuming process. Offenders did not always live locally and were therefore hard to track down. However, the Director of Operations recognised that the Authority would need to look into ways of speeding up the process, to prevent this happening in the future and she reiterated NPLaw's unreserved apologies to Norwich Rowing Club.

In response to a member who enquired about BESL's planning application for work on Upton Dyke, it was stated that although some changes were made to the planning conditions, no changes were made to the construction details.

Members noted the report.

### 3/17 Current Issues

There were no current issues that Members wished to discuss.

#### **Agenda item 3/2 Matter of Urgent Business was dealt with at this point**

The Chairman stated that he had received written notice of an urgent matter, requested by Phil Durrant.

The motion stated that:

*“The Navigation Committee has no confidence that James Knight is fulfilling his role and duties as a Member of the Broads Authority and that we as Members have concerns that he is not adopting the interests of the public generally and not taking collective responsibility for the decisions made by the Authority. Furthermore some of his actions and words may be damaging to the Broads Authority and to that extent he should be removed from a position of responsibility.*

*And therefore the motion is that:*

- 1) Mr Knight be removed as Vice-Chair of the Navigation Committee; and that*
- 2) the Navigation Committee recommends replacing Mr Knight as the appointee on the full Authority; and that*
- 3) the Navigation Committee recommends a Member for appointment to the Broads Authority today.”*

The motion was proposed by Phil Durrant and duly seconded by Kelvin Allen.

A Member spoke in support of the motion and explained that his reasons for doing so were that the principle of collective responsibility must be upheld and protected; that there must be an expectation that confidentiality will be maintained; and that there must be an atmosphere of trust between officers and members. He continued that if a Member was so fundamentally opposed to what the Authority represented that he could not support these principles, then he should no longer remain as a Member.

Other Members supported this view, emphasising the importance of the principle of collective responsibility and that an absence of this would reflect badly on the reputation of the Authority.

One Member said he did not feel he had sufficient evidence to support the motion at this stage. He stated that he deplored the recent social media campaign regarding Thorpe Island.

In response, James Knight commented that the motion was unexpected, he had not been notified, and was unaware of any wrong doing. He stated that he had not engaged in any Facebook/social media communication and had never spoken publicly about his issues and concerns with the Broads Authority. He said that he had been the subject of three formal complaints about the same matter but no

specific allegation had been made. He wished he had been notified of the motion so he could have provided a more robust defence.

A Member queried whether he could propose an alternative motion for deferral (a cooling off period of two months). However, the Chairman stated that the motion had been tabled and therefore he would put the motion to the vote.

The Motion was put to the meeting by the Chairman that:

The Navigation Committee has no confidence that James Knight is fulfilling his role and duties as a Member of the Broads Authority and that we as Members have concerns that he is not adopting the interests of the public generally and not taking collective responsibility for the decisions made by the Authority. Furthermore some of his actions and words may be damaging to the Broads Authority and to that extent he should be removed from a position of responsibility.

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RESOLVED by 10 votes to 0 with 3 abstentions that the Committee approves the motion with immediate effect.

Peter Dixon stated that he had abstained because he had carried out James Knights' appraisal that morning and did not want it to appear that he had acted in bad faith.

The Chairman asked for nominations for the position of Vice Chairman of the Navigation Committee. James Knight proposed Brian Wilkins but he declined to stand.

Bill Dickson, seconded by Peter Dixon, proposed the nomination of Nicky Talbot.

It was RESOLVED unanimously that the Committee appoints Nicky Talbot as its Vice Chair.

The Chairman then asked for nominations for the Committee's recommendation to the Authority for the appointment of a co-opted member to the Broads Authority.

Kelvin Allen, seconded by Peter Dixon proposed the appointment of Nicky Talbot.

It was RESOLVED by 10 votes to 0 with 3 abstentions that the Committee recommends to the Authority that Nicky Talbot be appointed as the co-opted Member on the Authority.

**3/18 Items for future discussion**

No items for future discussion.

**3/19 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 21 April 2016 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2pm.

**3/20 Exclusion of the Public**

The Committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 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

**3/21 Network Rail Update**

Members received a report updating them on discussions that had commenced on the options for the construction of a new rail bridge at Trowse, and the necessary mitigation measures that may be required to secure Broads Authority support.

Members noted the report.

The meeting concluded at 4.55 pm

Chairman

## Code of Conduct for Members

**Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 25 February 2016

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest
James Knight	5-21	Hire Boat Operator, Toll Payer, member of Boating Associations	
Brian Wilkins	8-11	NSBA Chairman, Assorted	
Kelvin Allen		Member of the Broads Angling Strategy Group and the River Waveney Trust.	
Nicky Talbot		Toll Payer, NSBA Member and Member of NBYC	
Linda Aspland		Member of NBYC , Toll Payer , Hunter Fleet Committee , Local Resident	
Max Heron	6-17	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NSBA, RCC, Chair Whitlingham Boathouses Trustee and Director, Whitlingham Boathouses Foundation Ltd (no remuneration or expenses) Director, Whitlingham Boathouses Ltd (dormant; no remuneration or expenses)	√
Mathew Bradbury		Toll Payer, BCU member and Trustee for the Whitlingham Charitable Trust	
Peter Dixon	15	Hickling Restoration (Churchill's Bay)	√
A Goodchild	6-16	General	
Bill Dickson		Coopted Member, toll payer, property owner, president local owner area	
John Ash		Toll Payer, Chairman and Director of WYCCT	
Michael Whitaker	6-16	Toll payer, Hire Boat Operator, BHBF Chairman	