

Broads Authority

Minutes of the meeting held on 10 July 2015

Present:

Mr K Allen	Mr N Dixon	Mr G McGregor
Mr J Ash	Sir Peter Dixon	Mr P Rice
Mr M Barnard	Dr J M Gray	Mr V Thomson
Mr L Baugh	Ms G Harris	Mr P Warner
Miss S Blane	Mr G W Jermany	Mr M Whitaker
Prof J A Burgess	Mr J Knight	

Also in attendance: Dr K Bacon – Chairman, Broads Forum and Chairman of Broads Local Access Forum

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer
Dr D Hoare – Environment and Design Supervisor (Item 25)
Mr B Hogg – Historic Environment Manager (Item 13)
Mr P Ionta – Solicitor and Monitoring Officer
Ms E Krelle – Head of Finance (Item 1 – 11)
Ms L Marsh – Head of Communications
Ms C Smith – Head of Planning (Items 1 – 15)
Ms T Wakelin – Director of Operations
Ms K Wood – Planning Officer (Item 13)

1/1 Apologies and Welcome

The Chief Executive welcomed everyone to the meeting including members of the public and Keith Bacon, Chairman of Broads Forum.

Apologies were received from: Mr Matthew Bradbury, Mrs Lana Hemsall and Mr Phil Durrant.

1/2 Appointment of Chairman

The Chief Executive invited nominations for the appointment of Chairman for the forthcoming year.

Mr M Whitaker proposed the nomination of Professor Jacquie Burgess and this was seconded by Dr M Gray.

There being no further nominations

RESOLVED

that Professor Jackie Burgess be appointed as Chairman until the Annual meeting of the Authority in July 2016.

Jacque Burgess in the Chair

1/3 Appointment of Vice-Chairman

The Chairman invited nominations for the appointment of Vice-Chairman for the forthcoming year.

Dr M Gray nominated Sir Peter Dixon, seconded by Miss S Blane. There being no further nominations

RESOLVED

that Sir Peter Dixon be appointed as Vice-Chairman until the Annual meeting of the Authority in July 2016.

1/4 Chairman's Announcements

(1) Openness of Local Government Bodies Regulations 2014

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

(2) Membership

The Chairman welcomed Gail Harris, Paul Rice and Vic Thomson to their first meeting as members of the Authority since being appointed in May and June 2015.

(3) Various Events and Future Dates to Note

Members Annual Site Visit - 23 July 2015

The Chairman reminded Members that the Annual Site Visit would be on 23 July 2015 starting from Yare House at 9.00am for a 9.30am departure. An outline programme was circulated. The site visit was specifically intended for members to discuss matters informally and gain an understanding of the key current issues with which the Authority was dealing.

The Chairman reported that, although unable to be present, Phil Durrant had provided comments and these would be fed into the discussions.

1/5 Introduction of Members and Declarations of Interest

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

1/6 Items of Urgent Business

No items of urgent business had been received.

1/7 Public Question Time

No public questions had been received.

1/8 Minutes of Broads Authority Meeting held on 15 May 2015

The minutes of the meeting held on 15 May 2015 were approved as a correct record and signed by the Chairman.

1/9 Summary of Progress/Actions Taken Following Decisions of Previous Meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings. Members noted that some of these also linked in with the Strategic Priorities report at Minute 1/10.

In addition, reference was made to Minute 6/2(3) concerning Members Allowances and claim for child care or caring in general. The Solicitor confirmed that as a general principle the regulations for local authority members' allowances included cover for child care. Under the Defra regulations, Members allowances for National Parks and the Broads did not make provision for child care. This was being followed up with Defra again and a response was awaited. Members considered this required an amendment to the regulations particularly in light of consistency and the aim of seeking gender balance, but agreed that it would be appropriate to view the Defra response prior to considering the matter further.

In particular, members noted the updates concerning:

Minute 6/18 Catfield Water Abstraction Fen Seminar

The Chief Executive commented that given the complex issues relating to the Catfield environment as well as the legal proceedings underway, it was not considered appropriate to hold a seminar at this stage. However, he assured members that officers were working with the relevant key partners (Natural England, the Environment Agency (both nationally and locally) and the RSPB in considering survey and research priorities for fens as well as seeking EU funding for fen research.

National Parks UK Commercial Sponsorship Project

The Chief Executive confirmed that Sir Peter Dixon had been appointed as a Director on the board for National Parks Partnerships Ltd.

Network Rail Consultation

Members noted that the Final Anglia Route Study and consultation responses were due to be available by August 2015. Officers had attended a high level liaison meeting with Network Rail representatives on 1 July 2015 where further information had been provided on Trowse Swing Bridge, the potential replacement of which was the Authority's prime issue of concern. A further meeting had been arranged for later this month to discuss the potential options for remediation of the bridge and to take matters forward. A request was made that notes of the meeting be circulated to Members.

Cockshoot Broad – Restoration of boardwalk at Cockshoot Dyke

Unfortunately it had not been possible to reach a mutual agreement with the landowner on the terms of a new lease for the boardwalk at Cockshoot Dyke. However, planning permission had been granted for the replacement of the structure which would be up to the landowner to take forward. It was clarified that the adjacent fishing platforms were the responsibility of the landowner in association with the angling club.

Stakeholder Surveys Analysis – Meeting with Broads Hire Boat Operators

The Chief Executive reported that a successful meeting had taken place with the Broads Hire Boat Operators on 25 June 2015 (more details below at Minute 1/10). Members requested that the notes taken be circulated.

1/10 Strategic Direction for 2015/16 (including Broads Plan)

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through the 5 key Strategic Priorities agreed at the Authority's meeting on 20 March 2015. The Strategic priorities were designed to meet those objectives where the Authority had been identified as the lead partner for the year 2015/16. The five which had been adopted were very broad and were likely to extend beyond a year.

It was noted that the Members Annual Site Visit on 23 July 2015 would provide more details on one of the key issues – the Landscape Partnership bid, which had been submitted to the Heritage Lottery Fund (HLF) in May and a visit from HLF was due to take place at the end of July 2015.

The Chief Executive took the opportunity to inform the meeting of the recent events in parliament in relation to Promoting the Broads and the Government's response to questions on Direct Elections and National Park branding. It was confirmed (29 June 2015) that the Government did not intend to bring forward the legislation necessary to enable direct elections to be held for national parks and the Broads, as local communities were already well represented on the boards of the authorities. With regard to branding, the Minister (Parliamentary Under-Secretary) Rory Stewart (8 July 2015) confirmed that Defra was "more than comfortable for the Broads Authority to refer to the area as the Broads National Park as "a common sense term for the public to understand its national park qualities". He also stated that Defra

“does not wish the Broads Authority to be controlled by the National Park legislation because of the issues around the Sandford Principle and the importance of navigation.” He praised the work of the Authority in balancing its environmental, tourism and navigation interests.

Members noted that on the basis of legal advice, officers would continue to implement the decisions by the Authority made at its January meeting in a precautionary way.

With regards to the implementation of the Stakeholders Survey Action Plan, as previously mentioned (Minute 1/9), the meeting with the Broads Hire Boat Federation (BHBF) involved discussions on a series of issues with three in particular being of concern. One related to Tolls and concerns over the level of the Multiplier, the second concerned the issue of waste disposal, in the light of the removal of local service; the third, a more general concern to improve the level of engagement between the BHBF and the Broads Authority. It was therefore proposed to have a briefing for all members on Tolls and a workshop on Waste Disposal, both events to be tied in with the Member Development Programme (Minute 1/15). It was also suggested that Insight Track be engaged to carry out further analysis of the survey results from private boat owners.

As part of improving engagement with local people, members reviewed an assessment of the Broads Area Parish Forums following the most recent Forum held on 17 June 2015 and considered the format and timing, specificity, publicity and location of future Forums. Although the Ranworth Parish Forum attendance had been disappointing, it was noted that most of the key issues of concern to the residents previously, such as waste disposal and the management of the staithe, had now been resolved. The Chairman reported that she, together with three other members had recently attended a meeting of Ludham Parish Council at its invitation and this had been well attended. The main frustration raised had been the lack of progress on the opening of the permissive footpath between Ludham and St Benets, the delays having been a consequence of legal negotiations with multiple landowners. Other areas of concern such as planning matters, management of staithe, ranger services and direct elections had been discussed. The Chairman hoped that more invitations for members to attend Parish Council meetings would be forthcoming.

The Chairman commented that 14 members had signed up to be associated with the four Parish Forum groups which was helpful and it was considered important that engagement with these was seen as Member led. If invited to attend a parish council meeting, it was also important that the local elected representative was involved as well as the Chief Executive or his representative. Members considered that it was worth continuing with the interactive area based forums and that these should be timed around specific issues or developments.

RESOLVED

- (i) that the performance of the different projects to meet the Strategic Priorities for 2015/16 in the accompanying table Appendix 1 to the report be noted;
- (ii) that the Feedback from the Parish Forums and assessment be noted; and
- (iii) that the interactive area based forums be continued and consideration be given to timing the events around specific issues or developments.

1/11 Financial Performance and Direction

The Authority received a report providing a strategic overview of key financial issues including the summary of the Statement of Accounts 2014/15, proposals for carry forward for the budget 2015/16 and additional expenditure from the Planning Delivery Grant. These had been discussed in depth at the Financial Scrutiny and Audit Committee meeting on 7 July 2015

Summary of Statement of Accounts 1 April 2014 – 31 March 2015

The Authority received the summary of the Statement of Accounts for the year 2014/ 2015 and the timetable for these to be signed off in accordance with the International Financial Reporting Standards (IFRSs) and the Code of Practice on Local Authority Accounting issued by CIPFA. Members noted the details on Revenue Account outturn.

Members noted that the draft Statement of Accounts for 2014/15 showed revenue reserves of £1,230,277 (general reserves £950,138, navigation reserves £280,1390) which was considered to be adequate and in line with the levels considered in setting the Financial Strategy for the period to 2017/18.

Carry Forward requests

Members also received details of the 2014/15 carry forward requests which totalled £54,337. The effect of agreeing these amounts would result in a general reserve balance of £906,470 and navigation reserve balance of £269,470. The requests mainly related to ring fenced income for the Biodiversity Strategy including the Love the Broads income for the Barn Owl project, the partner income for Catchment Partnership and Strategy and Projects extension for the Catchment Officer post. The IT request was due to capacity issues within the department which has now been resolved.

Additional Reserve Expenditure

Details were received of the proposed expenditure relating to the Planning Delivery Grant (PDG) following the establishment of a greater understanding of some of the specific costs associated with the production of a new Broads

Plan, the Local Broads Plan and the Sustainable Tourism Strategy. It was noted that the PDG had been awarded in the past for the excellent planning service provided and although not ring fenced it had been targeted to support the Authority's Forward Planning function. It was also noted that the development of the Broads Plan, a strategic priority, would straddle two financial years and the Local Plan 3 years.

Members also noted the closing balance of the earmarked reserves for 2014/15 of £1,593,428 which included Navigation earmarked reserves of £962,956.

The Chief Executive commented that the income and expenditure was very close for the year with less than 1% variance between the budget of expenditure and the actual end of year spend, which when compared to other Local Authorities was more favourable, although it was recognised that the Authority's budgeting was less complex. Therefore the Authority was considered to be in a good financial position with strong reserves. It was also essential to note that the Authority needed to be mindful of considering the maintenance of assets in the future, with anticipated maintenance for countryside assets to be on average £50,000 per annum.

Although it was recognised that for some of the Authority's projects it was difficult to predict when expenditure could be fitted into the work programme, as this would often depend on the ability to negotiate with landowners, particularly relating to moorings and the disposal of dredging, it was also considered that there was a need to be more mindful of reducing variances. It had been suggested that, in adopting a precautionary and pro-active approach, a list of contingency spending might be appropriate in order to take up any unpredicted slack, particularly where certain anticipated projects were not able to materialise. Members were assured that the Management Team received regular monitoring reports and an improved tracking system was being examined.

The Chairman of FSAC assured members that the finances had been examined in depth and that the Committee believed they were well under control and in safe hands. They were specialist accounts for which all members had a responsibility and therefore the financial training proposed at Minute 1/15 was essential. Members were particularly mindful that with a Government Spending Review pending, it was important for staff and members to be particularly prudent and seek ways of increasing efficiency and partnership working.

Members welcomed the report and congratulated staff on the production of the Statement of Accounts, given the limited staff resources working to a very tight timetable.

RESOLVED

- (i) that the Summary of the Statement of Accounts 2014/15 and the revenue account outturn figures be noted;

- (ii) that the carry forward proposals set out in paragraph 4.2 of the report totalling £54,337 be approved, and that this amount be added to the 2015/16 budget as additional expenditure; and
- (iii) that the additional expenditure from the Planning Deliver Grant (PDG) reserve set out in paragraph 5.4 of the report totalling £108,000 be approved to be spent in 2015/16.

1/12 Whitlingham Charitable Trust Prosecution Policy

The Authority received a report which set out the Prosecution Policy as prepared by NPLaw Solicitors and the implications for the Whitlingham Charitable Trust (WCT). The Whitlingham Country Park Byelaws had been formally approved by Defra in 2012, by the Authority in September 2012 and came into force on 1 January 2013. The actual enforcement of the byelaws would be the responsibility of the Authority through the Head of Ranger Services who already acted as Head of Enforcement for the Authority's Navigation Byelaws.

It was noted that the WCT would be liable for the costs of any prosecutions taken as a result of the Prosecutions Policy under the Service level Agreement.

RESOLVED

that the Prosecution Policy for Whitlingham Country Park be adopted.

1/13 Local List Adoption: Waterside Chalets

The Authority received a report and presentation on the proposed formal adoption of 58 Waterside Chalets on the Local List as recommended by the Heritage Asset Review Group and the Planning Committee at its meeting on 1 May 2015. The identification and formal adoption of Locally Listed Buildings was in line with Government Guidance and was a continuing process as part of the management of the historic landscape of the Broads. Members noted the details and consideration of the HARG including the sensitivities associated with some of the properties. It was suggested that the list should include the Parish in which the property was located. It was also noted that some of the chalets to be included in the Local List may be worthy of national listing and that this would be investigated further. A chalet being included on the Local List would ensure that this would be a material planning consideration in association with the appropriate Development Management Policies for consideration of any development. It was also noted that the NPPF afforded a level of protection to cultural assets. The List would be reviewed on a regular basis.

Members also noted that having a plaque displayed on the properties on the Local List would be optional.

The Authority commended and congratulated Kayleigh Wood, the Planning Officer, for the excellent work and in achieving a Distinction in relation to this for her Master's Degree. Members encouraged her to seek to publish the work in a suitable academic journal.

RESOLVED

that the 58 buildings recommended for inclusion on the Broads Local List be formally adopted and the owners notified.

1/14 Committee Membership and Member Appointments

The Authority received a report prepared by the Chairman with the Chief Executive, setting out proposals for the appointment to Committees and outside bodies until the Annual Meeting in July 2016. Following discussions at the previous meeting (Minute 6/13) the report took account of Members wishes that they all be more engaged in the work of the organisation and the key findings of the stakeholders surveys on the importance of land based recreation and raising the profile of the Broads Local Access Forum. With new members accounting for one-third of the membership there was also an opportunity to make changes to reflect the skills and experience of all individual members. The Chairs of the Authority's committees had been consulted as had other members. The proposals took account of local authority elected councilors being on the Planning Committee to represent local interests, and a maximum number of toll payers being included on the Navigation Committee. Members agreed with the proposal to replace the previous model of appointing lead Members but that two for Heritage/ Education and Safety Management should be retained.

In addition to the appointment to outside bodies, it was noted that the Chair of the Planning Committee had specific responsibilities on two external bodies: the Strategic Planning Members Forum and The Water Management Partnership with the Vice-Chairman of Planning standing in when necessary. It was also noted that the Heritage Asset Review Group was appointed by the Planning Committee.

The Chairman referred to paragraph 1.2.1 in the report and apologised to the member named for including the latter part of the paragraph. In accordance with Standing Order 5.3 she proposed to amend the report to delete the last three sentences of this paragraph and for Table 1 to be amended accordingly. This was agreed by 17 votes and one abstention.

RESOLVED

- (i) that the Broads Authority appointments to the Planning, Financial Scrutiny and Audit Committee, Navigation Committees and Local Access Forum as set out in Table 1 of Appendix 2 to these minutes be confirmed for the period until the Annual meeting in July 2016; and

- (ii) that the appointments to outside bodies and the two Lead Members as set out in Tables 2 and 3 in Appendix 1 to the report and Appendix 2 to these minutes be confirmed for the period until the Annual meeting in July 2016.

1/15 Member Development Programme 2015/16

Members received a report setting out a Member Development Programme for 2015/16 in accordance with their wishes expressed at the previous meeting and in appraisals. The programme built on the strategy agreed in 2010 to enhance wider understanding of the key issues, provide continuous development, engagement with officers and outside bodies and therefore becoming more engaged in the work of the organization.

Members noted that the programme for 2015/16 had already included the Lake Review Workshop, Planning Committee training for new members, induction for new Navigation Members and a Design Tour. The programme also included topics as part of the induction for new members with some of the matters already having been covered. Members indicated that they would welcome a collective briefing on understanding the role and functions of Authority.

Members welcomed the proposed programme which also included the Annual Site visit on 23 July and the following workshop topics with amended timings: Financial Training prior to the next full Authority meeting in September, on the morning of the FSAC Committee date (22 September 2015), Tolls briefing in September (between 15 – 18 September) and Broads Pan Review in October, Waste in November, Tourism Strategy in January 2016 and Sediment Management in March 2016. It was considered that these would be helpful in providing greater understanding of both internal business and external relationships bearing in mind the strategic function of members, as well as improve engagement with members and officers and therefore help build collective identity.

With regard to Member Appraisals, Members agreed that the form required amendment in order to be fit for purpose, identify development opportunities to address strategic issues and provide practical outcomes as well as assist the Chairman in the most efficient and effective way. However, it was recognised that the forms had been based on Defra requirements and therefore any form would need to be designed to meet Defra standards and provide transferrable information in the simplest way.

RESOLVED unanimously

- (i) that the Draft Member Development Programme for 2015/16 be adopted; and
- (ii) that the Chair and Vice -Chair of the Authority work with the Chief Executive and Solicitor and Monitoring Officer to revise the form for future Members Development Appraisals.

1/16 Local Access Forum

The Authority received the Annual Report of the Broads Local Access Forum which set out the key matters considered by the Forum during the last year concerning the development and improvements of public access within the Broads.

Members noted that the biggest challenge for the Forum had been that of funding with the cut backs from the County Councils in relation to rights of way as well as the changes to Agri-Environment Schemes. The role of the Access Forum as set up under statute was key in supporting officers and helping to prioritise areas for engagement and in developing as well as reviewing the Authority's Integrated Access Strategy.

RESOLVED

that the work of the Forum be noted and that the Draft Broads Local Access Forum (BLAF) Annual Report be received.

1/17 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 reported that there were no items which needed to be raised under this item.

1/18 Feedback from Members and Those Appointed to Represent the Authority

As the Authority's representative on **the Norfolk Windmills Trust**, the Chairman reported that the Norfolk Windmills Trust was in the process of implementing the Phase 1 successful HLF bid for the Stracey Arms and on track to submit the Phase 2 bid by the end of November 2015.

1/19 Minutes Received

RESOLVED

(1) Broads Forum: 30 April 2015

In particular attention was drawn to the useful presentation from the Environment Agency on the prymnesium outbreak and the importance of managing natural events, especially with how these were communicated to the media. A report would be provided to the next Broads Forum meeting on this topic and angling in general on 30 July 2015.

RESOLVED

That the minutes of the Broads Forum meeting held on 30 April 2015 be received.

(2) Planning Committee: 1 May and 29 May 2015

RESOLVED

that the minutes of the Planning Committee meetings held on 1 May and 29 May 2015 be received.

1/20 Items of Urgent Business

There were no items of urgent business.

1/21 Formal Questions

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

1/22 Date of Next Meeting

The next meeting of the Authority would be held on Friday 25 September 2015 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

1/23 Exclusion of Public

RESOLVED

The Committee was asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1 and 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.

1/24 Exempt Minutes – Broads Authority 15 May 2015

RESOLVED

that the exempt minute of the Broads Authority meeting held on 15 May 2015 be confirmed.

1/25 Marine Management Organisation and the Crown Estate Licensing of Works in the Broads

The Authority received a report from the Environment and Design Supervisor and the Asset Officer containing exempt information on licensing requirements of the Marine Management Organisation (MMO) and the Crown Estate in the Broads and the interaction with the Authority's own navigation

management and Works licensing scheme, which applied to third parties. It provided an update and expanded on the report considered at the Navigation Committee on 5 June 2014 and 4 June 2015. The report fully explained why the report was exempt in complete accordance with the provisions of the Local Government Act 1972 (as amended).

Members noted the requirements to seek MMO licences, as well as Authority Works Licences and the exemptions. Members noted the considerations of the Navigation committee on 4 June 2015.

Members considered that the matter required further investigation particularly concerning other bodies. Members therefore agreed that the item be deferred to the next meeting.

RESOLVED

that the matter be deferred for further investigation and a report brought back to the next meeting.

The meeting concluded at 12.50 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority 10 July 2015

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Kelvin Allen	-	Member of Broads Angling Strategy Group Member of Waveney River Trust
Paul Rice	-	NSBA Member
James Knight	All	Hire Boat Operator Toll Payer , Member of NBYC, WoBYC, NSBA
Guy McGregor	-	Member of Suffolk County Council
John Ash	-	Toll Payer, Trustee Director of Wherry Yacht Charter Charitable Trust
Peter Dixon	10	Hickling resident. Others as disclosed and New as Director on the National Parks Partnership Ltd.
Michael Whitaker	8 - 27	Toll payer, Hire Boat Operator and Chair of the BHBF
G W Jermany	-	Toll Payer

Committee Membership for 2015/16

Table 1

Planning Committee	
Eleven Broads Authority members:	
Mr M Barnard	Mrs L H Hempsall
Miss S Blane	Mr G Jermany
Professor J A Burgess	Mr P Rice
Mr N Dixon	Mr J Timewell
Dr J M Gray	Mr V Thomson
Ms G Harris	
Financial Scrutiny and Audit Committee	
Six Broads Authority members:	
Chairman of the Authority - Prof J Burgess	
Vice Chairman of the Authority – Sir Peter Dixon	
Chairman of the Navigation Committee - Mr M Whitaker	
Mr L Baugh	
Mr N Dixon	
Mr G McGregor	
Navigation Committee	
Five Broads Authority members:	Plus eight co-opted members:
Mr K Allen	Mrs L Aspland
Mr J Ash	Mr W A Dickson
Mr M Bradbury	Mr A Goodchild
Sir P Dixon	Mr M Heron
Mr P Durrant	Mr J Knight
	Mrs N Talbot
	Mr B E Wilkins
	Mr M Whitaker
Local Access Forum	
Two Broads Authority members:	
Mrs L H Hempsall	
Mr P Warner	

Table 2 External Appointments

External appointments	Appointee(s)
Broads Tourism	Prof J Burgess Mr J Timewell
Campaign for National Parks	Mr P Warner
How Hill Trust	Miss S Blane
National Parks UK National Parks England	BA Chair – Prof J Burgess
Norfolk and Suffolk Broads Charitable Trust	Mr J Ash Mr L Baugh
Norfolk Mills and Pumps Trust	Prof J Burgess
Upper Thurne Working Group	Mr K Allen
Whitlingham Charitable Trust	Mr L Baugh Mr M Bradbury Ms G Harris Mr V Thomson

Table 3: Lead Members

Area of activity	External linkage	Appointee
Heritage	Heritage Champion/Education	Miss S Blane
Safety Management	Boat Safety Scheme Advisory Committee	Mr M Whitaker