

Navigation Committee

Minutes of the meeting held on 05 September 2019

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Present

Nicky Talbot – in the Chair, Kelvin Allen, John Ash, Linda Aspland, Mike Barnes, Harry Blathwayt, Matthew Bradbury, Greg Munford, Simon Sparrow, Alan Thomson.

In attendance

Steve Birtles – Head of Safety Management, Natalie Beal – Planning Policy Officer (item 10), Sarah Mullarney - Administrative Officer, John Packman - Chief Executive, Rob Rogers - Director of Operations.

1. To receive apologies for absence

Apologies received from Andy Hamilton, Leslie Mogford, and Paul Thomas.

Welcome

The Chair welcomed Harry Blathwayt to his first Navigation Committee meeting.

Recordings

The Chair announced that the meeting would be recorded. The copyright remains with the Authority, but a copy of the recording could be requested from the Governance team.

2. To receive declarations of interest

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

3. To note whether any items have been proposed as matters of urgent business

No items were proposed as a matter of urgent business.

4. Public question time

No public questions were raised.

5. Minutes of Navigation Committee meeting held on 13 June 2019

The minutes of the meeting held on 13 June 2019 were signed by the Chair as a correct record of the meeting.

6. Summary of actions and outstanding issues following discussions at previous meetings

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

The Chief Executive confirmed that the action plan for the Staithes report would be reviewed at the Broads Local Access Forum meeting on 4 December 2019.

One member commended the operation of Somerleyton bridge during a recent visit, particularly the electronic sign indicating the bridge opening times. Members noted that there were still issues with the opening of the bridge on very hot days. The Chief Executive added that Network Rail had announced an upgrade to the signalling next year, which in future would be a computerised system controlled from the Colchester Rail Operating Centre. This would relieve the onsite operatives of this task so they could focus on opening the bridges. Combined with upgrading the detection systems to the contacts on the bridges, this would make the opening of the bridges more reliable and provide a better service to boat owners.

Members noted the report.

7. Chief Executive's report and current issues

Members noted the effort regarding the removal of sunken and abandoned vessels, and the Chief Executive reminded members that the Authority did not have the powers to remove vessels if they were moored on private land.

Members discussed the warnings issued for speed, noticeably in the Wroxham and Upper Bure area. It was explained that the high figures for Wroxham were verbal warnings, for issues such as wash from boats. It was also noted that there was little difference between the number of warnings issued to hire and private vessels, however for serious offences such as care and caution, written warnings were higher for private vessels. The Chief Executive said the data suggested the number of warnings issued had decreased in recent years, attributing this to the electronic speed signs and the public briefings issued by hire boat companies. Members discussed what more could be done to govern the speed of day boats based in Wroxham, including the introduction of electric day boats, advances to GPS and the use of mobile apps.

One member expressed concern with private boats speeding in the boat testing area of the River Yare after dark, and the wash this created. It was confirmed that notice must be given by boatyards before using these areas for boat testing and that they could only be used during daylight hours.

Members noted the report.

8. Navigation income and expenditure: 1 April to 30 June 2019 actual and 2019/20 forecast outturn

The Chief Executive introduced the report on behalf of the Chief Financial Officer and provided members with an update on the latest figures. It was explained that at the end of July the actual income and expenditure compared to the profiled budget had moved to a favourable variance of £145,303 (7.88%). This was due to the toll income being £55,130 above the profiled budget. There had been no changes to the Latest Available Budget, and the reserve balance had dropped to £863,776. The CANAPE claim two was received on 9 August 2019.

Members were given an update on the tolls forecast. It was reported that at the end of August, the tolls income was within 0.067% of the estimate figure. Income from private craft was nearly £9,000 above the predicted total, whereas hire craft was down by £11,000. It was discussed that this was a result of a trend for hire companies building fewer but bigger boats compared to the number retired from their fleets to meet market demand. One member commented that the new boats being built were remaining largely within the system, which would have a positive effect for tolls. The Chief Executive said the total number of boats had been relatively stable over time, but noted the change in fleet composition.

Members discussed the external audit and reiterated their disappointment with the delay. They were made aware that there was a national shortage of auditors and other local authorities were in a similar position.

The Chair commended the Chief Financial Officer and the effort put into producing the figures.

Members noted the report.

9. Review of Barnes Brinkcraft

Members were updated on the operation of the pontoons at the Barnes Brinkcraft site in Hoveton, previously reviewed by the Navigation Committee at the 22 February 2018 meeting. The Director of Operations explained that the Broads Authority had worked collaboratively with the operator to resolve the situation and issues with encroachment. It was reported that the operators were honouring the agreement.

It was noted that Ranger input was still required to monitor moorings. The main time when Ranger input was required to monitor moorings was Sunday, when no one was at the yard during out of hours. Feedback from Broads Tours, operating opposite the site, was that they could manage with the situation.

Members noted the report.

10. Safety by the Water guide (draft)

The Planning Policy Officer explained that the Safety by the Water guide was a compilation of existing advice on how to get out of the water safely. The planning guide had been drafted with input from the Head of Ranger Services, Head of Safety Management, Rivers Engineer, and Planning Officer.

Prior to the Navigation Committee meeting, the guide had been shared with the Boat Safety Management Group. It was reported that the Broads Hire Boat Federation shared concerns about the potential for boats to be damaged by safety ladders, and advised prescribing that ladders should be fitted in a recess. The Planning Policy Officer responded that this was adequately covered in the document and that recessed hand holds could themselves be trip hazards. Members were in favour of the use of recess ladders and recommended that hand rails be set back from the edge. The Planning Policy Officer said some additional text would be

added to the guide to reference this, and that planning applicants would need to consider the use of the waterway near the development when preparing mitigation measures.

Comments from Boat Safety Management Group member John Tibbenham suggested chapters 3,4,5 and 7 were irrelevant and should be removed. He also commented that the guide ignores the Authority's obligation to remove underwater objects. The Planning Policy Officer said that chapters 3 and 4 provide background for those unfamiliar with water safety issues; chapter 5 demonstrates how the guide fits with national policy; and chapter 7 adds information for risk assessing the site. She added that the guide is for the purpose of development; objects that may injure people who fall into the water may not affect navigation, and the Authority's obligation was to remove objects that impact navigation. It was proposed not to change the guide.

Members shared concern with a guide that was too prescriptive and discussed the potential for the Authority to be liable for any accidents. One member said the onus needed to be on the owner of the asset. The Head of Safety Management explained that the document was intended as a guide for best practice that signposts to national guidance. He confirmed that the Royal Society for the Prevention of Accidents and the National Safety Forum had been consulted on the document.

Members suggested that the guide be reviewed by the Broads Authority's solicitor for advice on constructing a disclaimer to appear at the beginning of the document.

The comments of the Navigation Committee will be reported to the Planning Committee. The final guide will be shared with Navigation Committee members for review before it is adopted by the Broads Authority.

11. Insurance audit 2020

The Head of Safety Management gave members an overview of the insurance audit process and proposed that the scheduled audit for 2020 be cancelled. He discussed the value of running another audit, and said it was unlikely that it would produce a different result from the audits conducted in 2015 and 2017, adding that self-declaration proved to be effective.

Members recognised the amount of resources required for the audit, and agreed there was no need to repeat the exercise. The Head of Safety Management confirmed there were safeguarding measures in place to check insurance by other means, including ranger checks and when pursuing Boat Safety Scheme certification.

Members noted the high level of compliance and discussed the risks from the 10% who were not compliant. The Head of Safety Management said the issue was well publicised after the last audit and explained that the tolls team pursue declarations from toll payers. One member expressed concern with the process for collecting declarations from those who paid their toll over the phone. Another member suggested including a self-declaration tick box on the online toll form. The Head of Safety Management agreed to review the processes for declaring insurance.

Members supported the cancellation of the scheduled audit for 2020, with the view that the process could be repeated in the future if there was evidence that boat owners were not complying.

12. Consultation: Implementation of CJEU judgment on diesel fuel used in private pleasure craft

Members were reminded that the deadline for responses to the Government's consultation was 9 September 2019. The Director of Operations acknowledged that members may have responded in a personal capacity but asked for comments to be included in the Broads Authority's response.

One member noted an increase in boat owners using jerry cans to fill their vessels with white diesel, increasing the risk of spillage. The Director of Operations said concerns with safety and pollution had been raised. Members also discussed the issue of supply of white diesel in the Broads.

The views of the Navigation Committee would be incorporated into the Broads Authority's response.

13. Air pollutant emissions from domestic vessels and inland waterways

The Director of Operations explained that the deadline for responses to the Department of Transport's consultation was January 2020. He said the Broads Authority's tolls data provided information on the number of vessels and engine sizes, but members were asked for individual comments to be included in the Authority's response.

One member noted that vessels also pushed water through the exhaust systems and queried how much this filtered out in the way of air pollution. He said the result of water contamination also needed to be considered.

Another member highlighted that a change to electric vessels would require more power supply and electric charging points to be made available, and questioned how this would be funded and where they would be located in the Broads.

A member asked if modern diesel boats had the capability for AdBlue and if they had Diesel Particulate Filter technology. The Director of Operations responded that boats would require modifications for the use of AdBlue and said he would feedback the questions raised by members.

The views of the Navigation Committee would be incorporated into the Broads Authority's response to the consultation.

14. Construction, maintenance and environment work programme progress update

The Director of Operations provided members with an update on the progress of the work programme for the construction, maintenance and environment teams. Members were informed of changes to the teams and the purchase of a new tug to replace the Cannonbrook. He added that the new tug would require some improvements.

Members were reminded that the tree cutting programme was available to view on the Authority's website at [Riverside tree and scrub management](#). The Director of Operations explained that it was a sensitive programme and the maps outlined areas where the team would like to cut, noting the need for landowner permission. He confirmed that the purpose of the tree shears was to improve the tree cutting programme, making it a quicker process, reducing manual handling and protecting staff from musculoskeletal injuries, but not necessarily cutting more.

Members noted the report.

15. Date of next meeting

The next meeting of the Navigation Committee would be held on Thursday 31 October 2019 at the Dockyard, Griffin Lane, Thorpe St Andrew, Norwich, NR7 0SL commencing at 2pm.

16. Exclusion of the public

It was resolved that the public be excluded 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.

The public left the meeting and the recording was suspended.

17. Exempt minutes of Navigation Committee meeting held on 13 June 2019

The exempt minutes of the meeting held on 13 June 2019 were signed by the Chair as a correct record of the meeting.

18. Review of launch billets

Members were consulted on a review of launch billets at certain locations. Further details would be presented to members at a future meeting.

The Director of Operations gave members an update to the launch replacement programme.

The meeting ended at 15:50.

Signed

Chairman

Appendix 1

Declaration of interests Navigation Committee, 05 September 2019

Member	Agenda/minute	Nature of interest
Kelvin Allen	-	As previous
John Ash	-	As previously notified
Alan Thomson	-	As previously stated
Harry Blathwayt	-	Toll payer
Linda Aspland	-	NBYC, Wroxham resident, BLAF, toll payer
Mike Barnes	12-13	As previous, toll payer, diesel engine in boat
Matthew Bradbury	-	As previously stated
Greg Munford	-	As previously declared
Simon Sparrow	-	As previously declared
Nicky Talbot	12-13	As previous. Toll payer and diesel engine in boat.