



Protocol on member and officer relations in the Broads Authority

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1. Introduction

- 1.1. The purpose of this protocol is to guide the Broads Authority's members and officers in their working relationships with each other, promoting understanding, openness and good conduct to support the effective and efficient operation of the organisation.
- 1.2. The principles of this protocol also apply to co-opted members of the Navigation Committee, and to externally engaged officers acting on behalf of the Authority. For convenience, reference in this document to 'members' includes co-opted members.
- 1.3. The protocol should be read alongside the following Authority documents, as relevant:
 - [Member Code of Conduct](#) (for members)
 - Code of Conduct for Employees (for officers)
 - [Social Media Policy](#) (for members and officers)
- 1.4. Breaches of this protocol by officers will be referred to the appropriate line manager and may be dealt with under the Authority's disciplinary procedures. Breaches of this protocol by members will be referred in line with the Member Code of Conduct (See also paragraphs 5.4 to 5.6).

2. Core values

- 2.1. In carrying out their roles, members and officers should uphold and promote the Authority's core values. These values, set out below, provide a clear focus for our operations, supporting decision making and demonstrating our accountability and commitment to maintaining high ethical standards.
 - **We show commitment** - Working together for a common purpose; Showing flexibility, trust and enthusiasm; Delivering on our promises
 - **We are caring** - Setting realistic and properly resourced workloads; Supporting each other to get things done; Giving praise and daring to challenge
 - **We are exemplary** – Being visible, approachable and professional; Making sound judgements on strong evidence; Aiming higher, smarter and always inspiring
 - **We are open and honest** – Being fair and consistent in our words and actions; Always willing to ask, listen and respond; Doing what's right and being accountable
 - **We are sustainable** – Looking after our resources wisely; Understanding the impact of our choices; Doing work that adds real value

3. Roles and responsibilities

- 3.1. Members and officers have distinct but complementary roles. Together they bring the necessary skills, experience and knowledge for the effective management of the Authority, putting its statutory purposes, policies and core values into effect. Members and officers should always demonstrate a mutual recognition of, and respect for, each other's roles and responsibilities.

Members

- 3.2. The core role of members is to define the strategic and policy priorities, monitor implementation of agreed decisions, and provide strategic leadership and direction in partnership with the Authority's senior officers.
- 3.3. More details are in the 'Job Description for Members of National Park Authorities' (Appendix 1) and the 'Job Description for Appointed Members of the Broads Authority Navigation Committee' (Appendix 2).

Officers

- 3.4. The role of officers is to give impartial, professional advice to assist members in their strategic decision making and enable them to fulfil their roles as members. Officers must not allow their professional judgement to be influenced by their own personal views.
- 3.5. Officers are responsible for the preparation of plans and policies, the day-to-day implementation of strategies, policies and decisions agreed by the Authority and its committees, and the management of the Authority's staff and work plans. Nevertheless, members do have a right to ensure that members' decisions, for which they are statutorily responsible and accountable, are implemented by officers in a timely and efficient manner.

4. Expectations

- 4.1. In committing to a good working partnership, members and officers can expect the following from each other:
 - A commitment to the Authority as a whole, and not only to any part of it;
 - Respect and courtesy;
 - The highest standards of integrity;
 - An understanding of and support for respective roles, workloads, pressures and aspirations;
 - Appropriate confidentiality;
 - Not to be subject to bullying or harassment, or to be put under undue pressure;
 - Not to use their position or relationship with each other to seek to advance their personal interests, or those of others, or to influence decisions improperly; and
 - Compliance with the Member Code of Conduct or the Code of Conduct for Employees, as appropriate, at all times.
- 4.2. Members can also expect from officers:
 - A timely response to enquiries and complaints;
 - Impartial, proactive and reactive professional advice, not influenced by political views or personal preference, which does not compromise the political neutrality of officers;

- Regular, up-to-date information considered appropriate and relevant to their needs, having regard to any individual responsibilities they have and positions they hold;
- Awareness and sensitivity to the political environment;
- Training and development to carry out their role effectively; and
- Support for the role of members within the arrangements made by the Authority.

4.3. Officers can also expect from members:

- Leadership; and
- That all members take collective responsibility for decisions made by the Authority, even where any member may disagree personally with the decision, and that they defend these decisions publicly.

5. Working relationships

- 5.1. Mutual trust, respect and good communication between the Authority's members and officers are essential for the efficient administration of its governance functions and for safeguarding its reputation. As stated above, members and officers should recognise each other's distinct roles and responsibilities.
- 5.2. Working relationships should be kept on a professional basis. While social interaction between members and officers is not prohibited, any close personal familiarity (e.g. friendship) should ideally be avoided, and at the very least not be conducted in such a way as might be seen as unduly influencing their work in their respective roles. Such relationships should never be allowed to be, or appear to be, so close that impartiality is brought into question. Neither should close personal association be used to secure advantageous treatment.
- 5.3. The Authority is committed to promoting standards of behaviour that reflect the proper and professional working relationship that should exist between members and officers. Any act against an individual member or officer intended to unfairly influence their actions, thoughts or deeds may be regarded as a form of bullying, intimidation or harassment. If an individual considers that they have been the subject of such behaviour, it will be investigated according to the nature of the behaviour reported. In summary, all dealings between members and officers should observe reasonable standards of courtesy, and neither party should seek to take unfair advantage of their position.
- 5.4. Members' concerns about the conduct or performance of an officer should be made to the Chief Executive (or, in his absence, to a Director), or to the Monitoring Officer. It is particularly important that such concerns are made in this way and not in public (such as at a meeting of the Authority or an external body), as officers should not be made to respond in public.
- 5.5. Concerns from any party about the conduct or performance of a member should be referred in line with the Member Code of Conduct.

- 5.6. Members should recognise and have regard to the Authority's role as an employer and its potential liability for members' actions in relation to officers' employment rights.

6. Conduct of meetings

- 6.1. Agendas for meetings of the Authority and its committees, sub-committees and other bodies shall be prepared by the Chief Executive, as the Proper Officer, in consultation with the appropriate Chair (and/or Vice-Chair).
- 6.2. Any member may ask the Chief Executive to include an item of business on the relevant agenda and, where appropriate, the Chief Executive will arrange for an officer report on the matter to be prepared. As a matter of courtesy, members should consult with the relevant Chair before making such a request. To allow sufficient time to prepare an item of business, requests should be made at least 21 days before the date of the meeting where possible and practicable (other than for items of urgent business). However, as noted in paragraph 6.1 above, the Proper Officer is the final arbiter of what goes on the agenda, and in what form.
- 6.3. Committee meetings are an opportunity for members to have an open debate within an inclusive and respectful environment, supported by officer information and advice. Members should always allow the presenting officer of an agenda item to introduce the subject and summarise the key issues or questions to be addressed. In the case of a report to the Authority on a matter already considered by a committee or sub-committee of the Authority, or by the Broads Local Access Forum, the relevant Chair should be asked to present the views of that body to the Authority meeting.
- 6.4. Following the officer's introductory presentation, the Chair (or Vice-Chair) should invite open discussion about the issues, in which members may:
- Seek further factual information;
 - Question officers about the proposals;
 - State their agreement or opposition to the proposals or recommendations, with their reasons;
 - Put forward alternative proposals or recommendations; and
 - Exercise their proper right to examine the Authority's work.
- 6.5. As good practice, members should keep to the point of the discussion as outlined in the agenda papers before them. If a member wishes to raise significant questions, or if they have identified key points of difference of view with an item on the papers presented, they should where possible and practicable give advance notice to the presenting officer. This will allow the officer time to come to the meeting prepared to respond to the specific supplementary points raised. However, members are free to raise any matter on the papers presented that they believe is relevant to the discussion, should that matter subsequently arise.

- 6.6. Members will naturally consider the advice of officers in a report and on any matter arising out of debate but it is, ultimately, the members' responsibility to take a decision, having regard to the advice and any other material considerations. Once a decision has been taken – irrespective of whether it supports the officer recommendation or not – it is the duty of officers to assist members in articulating that decision (planning grounds of refusal, for example); treat that decision as an instruction; give it their full support; and implement it accordingly. It is also the duty of members and officers to promote and defend such decisions as the proper action of the Authority.
- 6.7. Where an officer advises members that an objective cannot be achieved in the way the members had envisaged, the officer should seek to suggest how the members might achieve the objective in another way.
- 6.8. A member's contributions to the Broads Authority should primarily be through the meetings of the Authority and its committees on which the member serves. If a member wishes to raise a matter for consideration by a committee on which they do not serve on, they should raise that matter at in line with paras 6.1 and 6.2 above.

7. Consulting the Monitoring Officer or Director of Resources

- 7.1. Members are required to consult with the Monitoring Officer or Director of Resources, as appropriate, where:
- they have any issues of legality, maladministration, financial impropriety or probity; or
 - they are in any doubt as to whether a decision is, or is likely to be, contrary to the Authority's policy, budget or law.
- 7.2. It is a member's responsibility to ensure that they comply with the requirements of the Member Code of Conduct in relation to Disclosable Pecuniary Interests and other interests, and in relation to gifts and hospitality. Members should seek guidance from the Monitoring Officer if they are in any doubt on these matters.

8. Media communications

- 8.1. Members and officers have an important role in promoting the work of the Authority. Relations with the media need to be handled with care to make sure the Authority is represented correctly. The Head of Communications can provide guidance to members and officers on how to respond to media contacts.
- 8.2. Speaking on behalf of the Authority to the media will normally be handled by the Chair of the Authority and the Chief Executive. Occasionally, other committee chairs may be asked by the Authority to speak to the media on specific issues¹. Members should discuss any media contact or communications with the Chair and Chief Executive in the first instance, who will liaise with the Head of Communications. This principle also applies to

¹ This does not preclude local authority members from speaking on behalf of their constituent local authority.

correspondence, written for either print or online publication, that relate to the Authority's work.

- 8.3. Members and officers should refer to the Authority's Social Media Policy for guidance on the appropriate use any type of online media that allows users to create and share content with others online and to participate in social networking, discussion and interaction.
- 8.4. Members are reminded that special rules apply to the Authority's publicity during an election period, as set out in the Recommended Code of Practice for Local Authority Publicity (MHCLG). Members should be vigilant not to breach this code and should seek advice from the Head of Communications if in any doubt

9. Provision of information

- 9.1. The Chief Executive, and Directors (each within their area of accountability) have a responsibility to make sure that chairs, vice-chairs and all members are kept informed of relevant matters.
- 9.2. Members have a statutory right to see documents that contain information relating to any business to be conducted at any meetings of the Authority and its committees and sub-committees. However, this right does not extend to certain categories of exempt and confidential information.
- 9.3. Under common law, members have a right to inspect documents where necessary to enable them to perform their duties as members. This principle is commonly referred to as the 'need to know' principle, and the exercise of this right depends upon the member's ability to demonstrate this need. It is important that requests for information are directed to the right level within the Authority. Although members have the right to make requests for information under the Freedom of Information Act, this should not be the normal course of action and members should use less formal methods for requesting information. The procedure set out below indicates how such requests for information should be made and dealt with.
- 9.4. Where the information requested is routine and is for straightforward information that can be provided easily with minimal officer time, the request should be made directly to the relevant officer.
- 9.5. Where the information requested is extensive or is likely to involve significant officer time, the initial request should be made to the Chief Executive, or relevant Director. The request should preferably be made in writing (either by letter or email) and should:
 - Identify the information requested by the member;
 - State the reasons for wishing to obtain it; and
 - Make it clear whether the member has an interest in the matter as defined in the Member Code of Conduct and, if so, what that interest is.

- 9.6. An officer receiving a verbal request for information is entitled to ask the member to make the request in writing if there is any uncertainty about any of the matters listed above.
- 9.7. An officer receiving a request for information will arrange for it to be provided promptly and in good time for the member to be able to use it as part of their responsibilities.
- 9.8. Any officer who is in any reasonable doubt regarding the release of requested information will consult the Monitoring Officer or Data Protection Officer (DPO) for advice. Following that advice, the officer may consider it inappropriate to release the information for reasons such as:
- The member has not established a 'need to know' basis for inspecting the information;
 - The member has an interest in the matter as defined in the Member Code of Conduct;
 - The information is commercially or otherwise sensitive; or
 - The amount of work involved in identifying and producing the information is considered to be excessive.
- 9.9. If it is not considered appropriate to release information and the member takes a different view, the member can refer the matter to the [Information Commissioner's Officer](#) (ICO).
- 9.10. Data protection legislation restricts the processing of information relating to individuals. As such, any such information cannot be shared without the agreement of that individual (unless a legal exemption applies).

10. Disclosure of information

- 10.1. Exempt agenda items ('pink papers') as defined under Part 1 of [Schedule 12A of the Local Government Act 1972](#) are to be treated as confidential information unless the Authority or committee resolves not to exclude the press or public. The author of the report makes the initial decision as to whether a paper is to be treated as confidential. The decision as to whether it remains confidential is then taken by members at the committee meeting to which the paper is presented.
- 10.2. For other information, a member must not disclose information given to them in confidence, or information that they believe or ought to know is of a confidential nature. There are various exceptions to confidentiality including, but not limited to, where there is an obligation in law to make a disclosure or it, or if there is a public interest that outweighs other considerations and disclosure is made in good faith.
- 10.3. A member who is unsure whether particular information is confidential should seek advice from the Chief Executive, Monitoring Officer or DPO.

10.4. For the purposes of this protocol, information may be confidential for a number of reasons, such as:

- It is commercially sensitive;
- It concerns an individual or their private business or business affairs; or
- It relates to enforcement action to be taken by the Authority.

10.5. The Authority has previously agreed the following in relation to the disclosure of information:

- a) A member wishing to disclose (to the press or otherwise) information that they have reason to believe may be confidential, or ought to know is confidential, must first notify either the Chief Executive, Monitoring Officer or DPO, giving full written details of the information that the member proposes to disclose. This will then create the opportunity for the officers named above, together with the member, to consider whether it is in fact confidential and, if it is, the extent to which any of it can be appropriately disclosed.
- b) In some cases, it will necessarily be that these issues cannot be resolved immediately. Therefore, unless the Authority (through one of the officers named above) agrees in writing that the information can be released earlier, the member will not release it for 72 hours following the written notification referred to in paragraph 10.5 (a) above.

11. Roles of specific officers as set out by law

11.1. The Broads Authority has four officers who have specific roles defined by statute, that members should note:

Head of Paid Service ([Section 4 of the Local Government and Housing Act 1989](#))

11.2. This role is carried out by the Chief Executive. The Head of Paid Service is under a duty, where they consider it appropriate to do so, to report to the Authority and its members on:

- The manner in which the discharge by the Authority of its different functions is co-ordinated;
- The number and grades of staff required by the Authority for the discharge of its functions;
- The organisation of the Authority's staff; and
- The appointment and proper management of the Authority's staff.

Director of Resources ([Section 17 of the Broads Act 1988](#))

11.3. The Director of Resources (DoR) reports to the Chief Executive. The DoR is responsible for the proper administration of the Authority's financial affairs. They are under a duty to report any decision involving unlawful expenditure by the Authority; any unlawful course

of action likely to cause loss or deficiency on the part of the Authority; or an unlawful entry of an item of account.

Navigation Officer ([Section 10\(7\)](#) and [Part II of Schedule 5](#) of the Broads Act 1988)

- 11.4. This role is carried out by the Head of Ranger Services, who reports to the Director of Delivery, and includes any person appointed by the Authority to act as deputy to the Navigation Officer. The Navigation Officer may give directions for regulating vessels and seagoing freight in, entering or leaving the navigation area.

Monitoring Officer ([Section 5 of the Local Government and Housing Act 1989](#))

- 11.5. The Monitoring Officer (MO) has a duty to put a formal report to the Authority where it appears that the Authority, its committees or officers are involved in any proposal, decision or omission that is likely to be illegal or give rise to maladministration or injustice. The MO also has specific legal duties and powers in relation to the Member Code of Conduct and the Audit and Risk Committee when dealing with members' standards issues.

Appendix 1 – Job Description for Members of National Park Authorities

Appendix 2 – Job Description for appointed members of the Broads Authority's Navigation Committee

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Appendix 1 - Job Description for Members of National Park Authorities²

National Park purposes

Each National Park exists to conserve the natural beauty, wildlife, and cultural heritage of its area, to promote wide public understanding and enjoyment of them and, with others, to seek to foster the economic and social wellbeing of communities in the Park.

Purpose of the role

The overall purpose of the Chair and Members is to ensure that the National Park Authority fulfils the National Park purposes to the full and does so in the way that best suits the special characteristics of the Park. They have a duty to achieve the efficient, effective and accountable governance of the Authority in the best interests of the National Park and to provide leadership, scrutiny and direction for the organisation as a whole in pursuing the aim of sustainable development – balancing and integrating the environment, social and economic considerations. The primary purpose of the role of the Member is to work with the Chair, Chief Executive³ and other Members to discharge the functions of the Authority and to steer and champion the management of the Authority so that it delivers benefits to the nation and its local communities in accordance with National Park purposes⁴.

Key functions:

- act with independent judgement;
- use your skills experience, local, regional and national knowledge for the benefit of the Authority;
- collectively participate in the development of policy direction, strategic thinking and innovation within the Authority, through the development of management policy, business plans and participation in the activities of the Authority's Working Groups⁵;
- independently scrutinise the workings and policies of the Authority;
- be committed to working in the best interests of the National Park;
- influence the Authority to help it come to informed and balanced decisions;
- seek clarification of policy and action proposals if appropriate;
- challenge proposals that exceed or go against the statutory purposes of the Authority;
- accept collective responsibility for the decisions of the Authority;

² Reference to National Park Authority includes for this purpose the Broads Authority, which was established under its own Act of Parliament and has a third duty to protect the interests of navigation.

³ National Park Officer in some parks and Chief Executive in others.

⁴ In the case of the Broads Authority this includes the third purpose: to protect the interests of navigation

⁵ Note: A member's role is not to micro-manage the Authority; staff are employed to run the business of the Authority, but performance information needs to be available so that members could be certain that Authority is delivering against its approved plans.

- approve and monitor programmes to implement the Authority’s policies;
- contribute opinions and advice from local, regional and national perspective;
- work with Members, staff and stakeholders to apply the principles of sustainable development and the principles of National Parks⁶ to all decision-making;
- be an ambassador for the National Park;
- Help to promote the profile and effectiveness of the Family of National Parks both through the work of your own Authority, cooperative action such as peer support and peer review and cooperation with the work of Defra, Natural England and the Association of National Park Authorities/English National Park Authorities Association.

In order to achieve this, Members will be expected to:

- attend and contribute to regular meetings of the Authority, its committees and working groups and raise issues of concern through the established procedures and mechanisms adopted by the Authority;
- read and understand, and seek clarification where necessary from Lead Officers, of briefing material provided for meetings so that you will be properly prepared for any debate on issues across the full range of the Authority’s responsibilities ;
- champion and represent the Authority as an effective mechanism for promoting conservation of the Park’s natural beauty, wildlife and cultural heritage, increasing public understanding and enjoyment of its special qualities and maintaining the social and economic wellbeing of local communities; and in the case of the Broads Authority, protecting the interests of navigation;
- attend appropriate training courses, briefing sessions and events arranged or sponsored by the Authority and the Association of National Park Authorities; ⁷
- adhere to the Standards of Conduct, Accountability and Openness of the National Park Authority;
- embrace the Government’s programme for Implementing Electronic Government.

There will be opportunities to:

- serve on committees and working groups dealing with particular issues affecting the National Park;
- champion or lead a specific area of the Authority’s work;
- talk about the work of the Authority to local community groups;

⁶ Note: the Sandford Principle does not apply to the Broads Authority which has three duties under the Norfolk and Suffolk Broads Act 1988

⁷ In the case of the Broads Authority this will include training in relation to the Authority’s role as a navigation authority.

- learn about the National Park and other protected landscape matters on field visits and fact finding tours;
- meet other people responsible for National Park matters.

Performance measurement

The Government, with the English National Park Authorities Association, is working up ideas for measuring the effectiveness of Authorities and their individual members. In the meantime, the following proxy measures provide a starting point for members and others to gauge the contribution which they are making to the life of the Authority.

- Attendance at main Authority meetings: The measure being the % of full Authority meetings and approved duties actually attended which that member could have attended.

Target: at least 75% and 75% of each specific meeting

Purpose: to monitor participation and commitment.

- Representation of the Authority at approved external meetings and events.

Purpose: to ensure an even distribution of workload, and to monitor this workload in line with 'reasonable expectations' of time commitment.

Appendix 2 - Job Description for appointed members of the Broads Authority's Navigation Committee

Role of the Navigation Committee

The Broads Authority's Navigation Committee has an important role, reinforced and agreed with the national boating organisations as:

“to act as a scrutiny and advisory committee in relation to the navigation, consulted in advance on all matters of significance to navigation and with the facility to have delegated to it navigation functions but with no obligation for this to happen. This leaves the Authority and, so far as functions are delegated to them, its officers, with the full executive function but with improved accountability, recognising that the Navigation Committee has an important role in advising upon, facilitating and scrutinising the activities of the Authority in relation to its role as a navigation authority.” (Appendix 3, paragraphs 1.6 and 1.7 of the agreement with the Royal Yachting Association and the British Marine Federation)

Membership

Appointments to the Navigation Committee are made by the Broads Authority, either directly from its own membership or after consultation with other bodies. The Committee has thirteen members, five appointed from among members of the Authority, and eight appointed following consultation with various navigation interests (see Appendix 1).

Section 9 of the Broads Act sets out the framework for the Navigation Committee. The membership was reduced by the Authority in 2005 and an extract of the Act is as set out below.

- 2) The Navigation Committee shall consist of thirteen members appointed by the Authority.
- 3) Five of the members of the Navigation Committee shall be appointed by the Authority from among the members of the Authority.
- 5) Of the other eight members of the Navigation Committee, all of whom shall be appointed from among persons who are not members of the Authority—
 - a) two shall be appointed after consultation with such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;
 - b) one shall be appointed after consultation with such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;
 - c) one shall be appointed after consultation with such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;

- d) two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate;
- e) one shall be appointed after consultation with such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and
- f) one shall be appointed after consultation with the Great Yarmouth Port Authority.

Job description

This job description and person specification is for the eight members of the Navigation Committee appointed after consultation with other bodies. There is a separate job description for Broads Authority members, prescribed by the Secretary of State.

- As a Navigation Committee member, your role is to: provide advice to the Authority in relation to its navigation functions, so it can make informed and balanced decisions;
- scrutinise the Authority's processes and policies in relation to its navigation functions;
- represent the interests of users of the navigation at Navigation Committee meetings;
- act with independent judgement;
- use your skills, experience, and knowledge for the benefit of the Authority; and,
- be committed to working in the best interests of the Broads.

To achieve this, you will be expected to:

- attend and contribute to at least 75% of the Navigation Committee meetings each year (July to June), and raise issues of concern through the established processes adopted by the Authority;
- read, seeking clarification from officers where necessary, reports and other briefing material provided for Navigation Committee meetings so you are properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities;
- adhere to the Authority's Code of Conduct for Members and the general standards expected from those in public office.

Person specification

Successful candidates will:

- have a good knowledge of the Broads and its special qualities
- have a good knowledge of the Broads navigation area and relevant issues, the varied recreational uses of the Broads, and the boating industry and the issues boating companies face;
- be able to think independently, and to see more than one side to every argument and take a balanced view;
- have excellent interpersonal and communication skills;
- be ready to contribute to discussions on how the Broads is managed for the benefit of local people, visitors who come to enjoy it, and the nation as a whole;
- have some understanding of how committees work together to reach decisions, or be prepared to undergo basic training in this activity;
- be able to take on board briefing material relating to issues affecting the Broads and its communities, draw conclusions from it, and use it effectively in discussion;
- be able to attend the meetings of the Navigation Committee and occasional other events associated with the management of the Broads.

It is desirable, though not essential, that successful candidates will:

- be a toll payer;
- be able and willing to exercise a representative role on behalf of users of the navigation area; and,
- be able to contribute on specific areas of competence and expertise such as navigation safety, accountancy, business management and maintenance of the navigation.

Term of office

A term of office for an appointments or re-appointment to the Navigation Committee is for four years, with a maximum aggregated term of ten years (two four-year terms and, in exceptional circumstances, a further two-year term agreed by the Broads Authority).

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