

Appointment Process for Coopted Members of the Navigation Committee
Report by Head of Governance and Executive Assistant

Summary: This report outlines the requirement for making appointments to the Navigation Committee including seeking applications and holding interviews to allow the new appointments to be made by the Broads Authority. This report also seeks to determine the terms for future appointments and the timing of these, to provide more consistency with other appointments to the Authority.

Recommendations:

- (i) That the Authority migrates to a four year appointment term for Navigation Committee members, with a maximum aggregate term of appointment of eight years, to maintain consistency with members appointed by the Secretary of State.
- (ii) That the Authority extends the term of the current appointment term of co-opted members to four years to facilitate the potential for current co-opted members to serve for an aggregated term of seven or eight years, depending on their initial appointment date.
- (iii) That the Authority adopts a timetable for future appointments, in accordance with paragraph 6.1 which:
 - a. allows the appointment of co-opted members of the Navigation Committee to the Broads Authority prior to the Annual Meeting in accordance with paragraph 4.6; and
 - b. facilitates the temporary appointment of co-opted members of the Navigation Committee to the Broads Authority, if required, in accordance with paragraph 5.3.
- (iv) That John Edmonds, who Chaired the Selection Panel last time, be invited to do so again, but, if unavailable, that the Chairman and Chief Executive appoint an alternative Independent Chairman for the Selection Panel from waterway organisations independent of the Broads.

1 Introduction

- 1.1 At its meeting on 25 January 2008, the Broads Authority adopted a set of principles and processes for the appointment of co-opted members to the Navigation Committee from June 2008 onwards.

1.2 The Authority agreed that the principles of merit, independent scrutiny, equal opportunities, probity, openness and transparency, and proportionality should guide the process, and that the processes for the appointments should include:

- consultation with relevant bodies as required by the Broads Act;
- a job description and person specification for the role;
- open advertisement and invitation to all toll payers and other users to apply for membership of the Committee;
- interview by a selection panel comprising the Chairman of the Authority and representatives of the Norfolk and Suffolk Boating Association, British Marine Federation and Inland Waterways Advisory Council; and
- an aggregated maximum term for these appointments to the Committee of ten years, with the proviso that the three members who had already served ten years in 2008 be offered a further term of three years, should they re-apply and be successful.

1.3 At its meeting on 18 March 2011, the Authority agreed that the term for the 2011 appointments be for three years until the Annual Meeting in 2014 and that the 2014 appointments be for a four year term to facilitate the maximum aggregated term of 10 years which a member could be appointed for at that time.

1.4 The Authority received a report on the Government's published response to the consultation on governance of national park authorities (NPAs) and the Broads Authority at its meeting on 18 May 2012. One of the Government's key decisions was to impose a consistent maximum limit on the period for which all members may serve and Defra are already imposing the Government's suggested maximum eight year aggregated term on Secretary of State appointments.

2 Process for Appointments

2.1 The process for the appointment of co-opted members to the Navigation Committee requires consultation with the relevant bodies as required by the Broads Act and open advertisement and invitation to all toll payers and other users to apply for membership of the Committee. Applicants should then be short-listed and interviewed by the selection panel comprising the Chairman of the Authority and representatives of the Norfolk and Suffolk Boating Association, British Marine Federation with an additional independent Chairman. The views of the 'current' Navigation Committee and consultee interest groups should then be sought on the recommendations of the selection panel, prior to appointments being confirmed by the Broads Authority. Of the 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.

3 Terms of Appointment to the Navigation Committee

- 3.1 The maximum term of any appointment for a co-opted member of the Navigation Committee, as stipulated in Schedule 4 of the 1988 Act, is four years. By July 2014, three of the Committee's current members will have been appointed for six years and five members will have been appointed for three years. Adopting the maximum aggregate term of appointment of eight years, to maintain consistency with the Secretary of State appointments, would suggest that the Authority would have to make the 2014 appointments for a much reduced two year term (rather than the four years which was planned before the Government's plans to bring in a lower maximum term).
- 3.2 Members should note that the appointment process involves a very intensive administrative effort; a resource which we have reduced by around 27% since the 2010 Spending Review. Instead of reducing the appointment terms and increasing the resulting appointment frequency of effort, there is therefore great merit in migrating towards a four year appointment term as allowed by the Act, which will save on the cost and resource commitment which is required; including that of stakeholders and members of the selection panels. This would also provide co-opted members with a longer period within a term in which to assimilate information and contribute. This could be achieved through one of two options:
 - (a) Adopt a four year term of appointment from 2014. This would involve undertaking an appointment process in 2014, with a recurring four year appointment process from 2018. Five of the eight current Navigation Committee members would therefore be eligible for reappointment in 2014 and could then serve a seven year aggregated term if reappointed. Under this option, however, three of the current Navigation Committee members would not be eligible for appointment and would have served a six year aggregated term.

- (b) Extend the current appointment term to a four year term. This would involve extending the current term of appointment for existing Navigation Committee members until 2015, which would extend the current term of appointment to the maximum four year term allowable under the 1998 Act. This would then allow recurring four year appointment terms to be made from 2015. Five of the eight current Navigation Committee members would therefore be eligible for reappointment in 2015 and could then serve an eight year term if reappointed. Three of the current Navigation Committee members would not be eligible for reappointment and would have served a seven year aggregated term.

Both of these options would reduce the costs and effort associated with the reappointment process by one third, whilst still conforming to the requirements of the Act. It would also bring the appointment terms to the same duration as those made by the Secretary of State which are now for a four year term.

- 3.3 In view of the resource costs associated with the appointment process, it is recommended that the appointment terms of the co-opted members of the Navigation Committee migrate as soon as possible to the maximum four year terms as allowable by the 1988 Act, for a maximum of eight years in aggregate, to maintain consistency with the Secretary of State appointed members. To allow the current members of the Navigation Committee to serve for as close to the eight year aggregate as possible, it is further recommended that the current three year term of appointment for all 8 co-opted members is extended to a four year term, which will allow three members to be appointed for an aggregate of seven years and five members (if reappointed) to be appointed for an aggregate of eight years. Members should note that the end date for this extended term should be based on members' deliberations over the timetables for appointments as detailed in Section 4 below. The Navigation Committee was consulted on the proposal to extend the current term of appointment, to bring appointment terms in line with those of Secretary of State members, during its meeting on 5 September 2013 and supported the proposal.
- 3.4 Should a member of the Navigation Committee cease his/her appointment earlier than the planned term (through resignation, appointment to the Authority under Sections 1(3)a or 1(3)b of the 1988 Act, or any other reason), due to the costs of the full appointment process, any replacement member is only likely to be appointed for the remainder of that particular four year term and one more four year term (if reappointed) so would not serve a full aggregate eight year term.

4 Timetable for Navigation Committee Appointments

- 4.1 Following the 2011 appointment round, one member raised the issue that the appointment timetable was not scheduled to fit with the Authority's Annual Meeting when appointments to the Chair, Vice Chair, Committees, Lead Member roles and outside bodies are considered. The member represented that the two co-opted members being appointed to the Authority from the Navigation Committee were therefore disadvantaged by not being available in

time for such selection. The member suggested that an alternative mechanism should be considered prior to the next appointment round to enable the earlier appointments of members from the Navigation Committee to remove any disadvantage in this regard.

- 4.2 Since the election of the Chair and Vice Chair are the first items of business at the Authority's Annual Meeting now held in early July, the two members from the Navigation Committee would need to be appointed during the May Broads Authority meeting to be available for appointment to these roles. This would require the current Navigation Committee members' appointments to be terminated earlier than currently planned if this was to be facilitated for any appointments made in 2014. The basic meeting process for the appointments is as follows:

- (a) Meeting of the existing Navigation Committee to be consulted on the proposed appointment of eight co-opted members.
- (b) Meeting of the Broads Authority to make the appointment of eight co-opted members.
- (c) Meeting of the new Navigation Committee to be consulted on the appointment of two co-opted members to the Authority.
- (d) Meeting of the Broads Authority to make the appointment of two co-opted members of the Authority.

- 4.3 As can be seen, this process requires two meetings of the Navigation Committee and two meetings of the Authority. Though it has been suggested that this process could be short circuited by combining steps (a) and (c) above into the same meeting, it is not considered good governance for the outgoing Navigation Committee members to recommend which two co-opted members should be appointed to the Authority. This decision should be taken by the new Navigation Committee. To conclude the appointment of two co-opted members to the Authority (step (d) above) during the May Authority meeting, would therefore require the appointment of the eight co-opted members to be made at the March Broads Authority meeting. This would reduce the current appointment term by almost four months if implemented for appointments in 2014 and must involve consultation with the Navigation Committee if this route is to be followed.

- 4.4 Three options are proposed for the Authority to consider for the appointment timetable for the next round of appointments. These options are predicated on the 2013/14 committee timetable frequency of meetings and would need to be adapted should the timetables for future years vary significantly. Options 1 and 2 are also predicated on extending the current appointment term to four years in accordance with the recommendations in paragraph 3.3, however they could be adapted to any year to suit the agreed appointment term. Option 3 seeks to demonstrate the timescale for appointments if an extension is not adopted.

- 4.5 Option 1: Retain the Existing Timetable Where Appointments to the Navigation Committee are Made at the Authority's Annual Meeting For a Four Year Term Until the Subsequent Annual Meeting. This would result in the

following timetable, building in time for consultation with the relevant interest groups and with the Navigation Committee before the appointments are confirmed:

Early February to Mid March (6 weeks)	Seek applications and consult relevant organisations.
Late March	Appointments Panel carry out short-listing.
April	Hold interviews.
June Navigation Committee	Consult Navigation Committee and relevant organisations on appointment proposals.
July Broads Authority	Appointments to the Navigation Committee formally made by Broads Authority until the Annual Meeting in (suggested 2019)
September Navigation Committee	Consult Navigation Committee on the appointment of two members to the Authority.
September Broads Authority	Appoint two members of the Navigation Authority to the Broads Authority

This option allows the current Navigation Committee members to continue until the end of their current appointed term (including the recommended extension of one year), but does not address the issue that the Committee appointments to the Authority are made after other appointments are made by the Authority at the Annual meeting.

4.6 Option 2: Adopt a Timetable to Allow the Appointment of Navigation Committee Members to the Broads Authority Prior to the Annual Meeting.

This would result in the following timetable, building in time for consultation with the relevant interest groups and with the Navigation Committee before the appointments are confirmed:

Early November to Mid December (6 weeks)	Seek applications and consult relevant organisations.
Mid December	Appointments Panel carry out short-listing.
January	Hold interviews.
February Navigation Committee	Consult Navigation Committee and relevant organisations on appointment proposals.
March Broads Authority	Appointments to the Navigation Committee formally made by Broads Authority until two meetings prior to the Annual meeting in (suggested 2019).
April Navigation Committee	Consult Navigation Committee on the appointment of two members to the Authority.
May Broads Authority	Appoint two members of the Navigation Authority to the Broads Authority

There is merit in this approach, which will see the two co-opted members of the Navigation Committee members being appointed to the Authority at a similar time in the year as the Secretary of State and Local Authority members. This would work well in 2015 if the extension to the existing term of

appointments was increased by almost one year to the March 2015 meeting; this should be formally identified as “until the Broads Authority meeting two meetings prior to the Annual meeting” to make this resilient to committee timetable changes.

- 4.7 Option 3: Current Appointments are Terminated Early on 21 March 2014 to allow the Appointment of Navigation Committee Members to the Broads Authority Prior to the Annual Meeting in 2014. This would result in the following timetable, building in time for consultation with the relevant interest groups and with the Navigation Committee before the appointments are confirmed:

Early November to Mid December (6 weeks)	Seek applications and consult relevant organisations.
Mid December	Appointments Panel carry out short-listing.
January	Hold interviews.
27 February 2014 Navigation Committee	Consult Navigation Committee and relevant organisations on appointment proposals.
21 March 2014 Broads Authority	Appointments to the Navigation Committee formally made by Broads Authority until two meetings prior to the Annual meeting in 2016
24 April 2014 Navigation Committee	Consult Navigation Committee on the appointment of two members to the Authority.
16 May 2014 Broads Authority	Appoint two members of the Navigation Authority to the Broads Authority

- 4.8 To meet the concerns raised by the member regarding appointing the two co-opted members from the Navigation Committee to the Authority in time for consideration of all member appointments, it is recommended that Option 2 be adopted as the appointment timetable. The Navigation Committee was consulted on this matter during its meeting on 5 September 2013 and supported the proposal.

5 Potential Gaps Between Appointment of Co-opted Members to the Authority and Chairmanship of the Navigation Committee

- 5.1 At its meeting on 23 September 2011, the Authority received a report setting out the timetable and process for the appointment of a Chair of the Navigation Committee and the appointment of two co-opted members to the full Authority in line with the requirements of the legislation and in accordance with the practice agreed in 2008.
- 5.2 In order to overcome the potential of having a period between appointment terms when there are no co-opted members appointed to the Authority, it was agreed that any co-opted member who was already appointed as a member of the full Authority and was reappointed as a co-opted member of the Navigation Committee, should have their appointment as a member of the full Authority extended until the next meeting of the Authority, when the Authority would appoint two co-opted members of the Navigation Committee to the Authority for the remaining term of their appointment. This practise facilitates

the maintenance of two co-opted members being appointed to the Authority when such members are entering into another term.

- 5.3 However, this will not maintain the appointments when the co-opted members are at the end of their final term. To address this particular situation, it is recommended that co-opted members of the Navigation Committee are temporarily appointed to the Authority. Using the recommended timetable approach towards appointments at paragraph 4.6, this would require the Navigation Committee to be consulted on the temporary appointments in February, with the Authority making the temporary appointments in March. These temporary appointments would run until the following May Authority meeting when appointments for the remaining term would be made. The Navigation Committee was consulted on this matter during its meeting on 5 September 2013 and supported the proposal.
- 5.4 The Authority also agreed at its meeting on 23 September 2011, in the light of the legal requirement for the Chair of the Navigation Committee to be a member of the Authority, that it would be appropriate to appoint an interim Chairman to the Navigation Committee for its meeting between when the Authority appointed co-opted members of the Navigation Committee and subsequently appointed two co-opted members to the Authority. This would allow all members of the Authority on the Navigation Committee (including any new co-opted members appointed to the full Authority in accordance with paragraph 5.2 above) to be considered for the interim Chairmanship of the Navigation Committee during this intervening period. Using the recommended timetable approach towards appointments at paragraph 4.6, this would require the interim Chairman to be appointed during the April Navigation Committee meeting. There would be no reason why this interim Chairman could not continue in the role for the following year (under normal Chairman appointing arrangements) should the Navigation Committee so desire. The Navigation Committee was consulted on this matter during its meeting on 5 September 2013 and supported the proposal.

6 Summary Timetable of Activity

- 6.1 A summary timetable of activity is provided below, which incorporates all the recommendations within this report.

October 2013 Navigation Committee	<ul style="list-style-type: none"> Brief the current Navigation Committee on the Broads Authority resolutions.
October 2014	<ul style="list-style-type: none"> Broadsheet advertises appointment process, inviting all Toll Payers to apply.
Early November to Mid December 2014 (6 weeks)	<ul style="list-style-type: none"> Seek applications and consult relevant organisations.
Mid December 2014	<ul style="list-style-type: none"> Appointments Panel carry out short-listing.
January 2015	<ul style="list-style-type: none"> Hold interviews.
February 2015 Navigation Committee	<ul style="list-style-type: none"> Consult Navigation Committee, having consulted relevant organisations, on appointment proposals.

	<ul style="list-style-type: none"> • If required, consult the Navigation Committee on the temporary appointment of up to two co-opted members to the Broads Authority.
March 2015 Broads Authority	<ul style="list-style-type: none"> • Appointments to the Navigation Committee formally made by Broads Authority for a term until two meetings prior to the Annual meeting in 2019 (nominally March). • If required, temporarily appoint up to two co-opted members to the Authority until the May meeting.
April 2015 Navigation Committee	<ul style="list-style-type: none"> • Consult Navigation Committee on the appointment of two members to the Authority. • If required, appoint an interim Chairman of the Navigation Committee.
May 2015 Broads Authority	<ul style="list-style-type: none"> • Appoint two members of the Navigation Committee to the Broads Authority
July 2015 Broads Authority (Annual Meeting)	<ul style="list-style-type: none"> • Co-opted members appointed to the Authority in time for all Annual meeting member appointment opportunities

7 Identification of Independent Chairman of the Selection Panel

- 7.1 John Edmonds (former President of the TUC and the Chairman of the Inland Waterways Advisory Council), chaired the last two panel on the grounds that he brought a degree of independence to the process. The government's advisory body on inland waterways, The Inland Waterways Advisory Council (IWAC), was abolished on 2nd July 2012 following an initial announcement in July 2010. It is recommended that he be approached to do so again, but if unavailable that the Chairman and Chief Executive appoint an alternative Independent Chairman for the Selection Panel from waterway organisations external to the Broads. It should be noted that though the Navigation Committee supported this approach, one member suggested that there might be merit in appointing a new Independent Chairman for the next Selection Panel to ensure impartiality was maintained.

Background papers: Nil

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Broads Plan Objectives: None

Appendices: None