

Navigation Committee

AGENDA

Thursday 26 February 2015

1.00pm

	Page	Time
1. To receive apologies for absence		1.00
2. To note whether any items have been proposed as matters of urgent business		
3. To receive Declarations of Interest		
4. Public Question Time To note whether any questions have been raised by members of the public		
5. To receive and confirm the minutes of the Navigation Committee meeting held on 11 December 2014 (herewith)	3 – 16	
6. Summary of Actions and Outstanding Issues following Discussions at Previous Meetings Report by Administrative Officer (herewith)	17 – 19	
7. Consultation on the appointments to the Navigation Committee and Broads Authority Report by Head of Governance and Executive Assistant (herewith)	20 – 36	1.15
8. Stakeholder Surveys Report by Senior Waterways and Recreation Officer and Presentation by Insight Track	37 – 40	
9. Powerboat Racing Annual Review Report by Head of Safety Management (herewith)	41- 44	
10. Paddy's Lane Boardwalk Report by Director of Operations and Asset Officer (herewith)	45 – 48	
11. Broads Authority Safety Management System External Audit Report by Head of Safety Management (herewith)	49 – 75	3.00

	Page	Time
12. Broadland Flood Alleviation Project: Planning Application for Crest Raising and Piling Removal Works in Compartments 5 & 6 (River Ant, River Thurne and Womack Water) Report by Senior Waterways and Recreation Officer (herewith)	76 – 84	
13. Boat Census 2014 Report by Senior Waterways and Recreation Officer (herewith)	85 – 87	
14. Navigation Income and Expenditure: 1 April 2014 - 30 Nov 2014 Report by Head of Finance (herewith)	88 – 99	4.00
15. Construction, Maintenance and Environment Work Programme Progress Update Report by Head of Construction, Maintenance and Environment (herewith)	100 – 103	
16. Chief Executive’s Report Report (herewith) for information only	104 – 114	
17. Current Issues Open forum		
18. Items for Future Discussion		
19. To note the date of the next meeting – Thursday 23 April 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1.00pm		
20. Exclusion of the Public The Committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information		
21. Disposal of Geldeston Woodland Report by Asset Management Officer (herewith)		

Contact officers are shown at the end of each report. Members are welcome to raise questions and make observations in advance of the meeting with the appropriate officer.

Navigation Committee

Minutes of the meeting held on 11 December 2014

Present:

Mr D A Broad (Chairman)

Mr K Allen	Mr P Durrant	Mr M Heron
Mr L Betts	Mr A Goodchild	Mr J Knights
Miss S Blane	Mr P Greasley	Mr P Ollier
Mr P Dixon	Mrs L Hemsall	Mr M Whitaker

In Attendance:

Mr T Adam – Head of Finance
Mr A Clarke – Senior Waterways and Recreation Officer
Ms E Guds – Administrative Officer (Governance)
Mr B Housden – Head of ICT/Collector of Tolls
Ms A Long – Director of Planning and Resources
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr R Rogers – Head of Construction, Maintenance and Environment
Mr A Vernon – Head of Ranger Services

Also in attendance:

Prof J Burgess – Vice-Chair of the Authority

3/1 To receive apologies for absence and welcome

The Chairman introduced Emma Krelle, who was appointed as the new Head of Finance from January, and welcomed Prof Burgess and members of the public to the meeting.

All members were present.

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

No items had been proposed as matters of urgent business.

3/3 To receive Declarations of Interest

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

3/4 Public Question Time

No public questions had been received.

3/5 To Receive and Confirm the Minutes of the Meetings Held on 4 September 2014

The minutes of the meeting held on 23 October 2014 were confirmed as a correct record and signed by the Chairman.

3/6 Summary of Actions and Outstanding Issues Following Discussions at Previous Meetings

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

In regards to the Text Service Trial members were updated on the recent meeting of the Association of Inland Navigation Authorities where technology being used by the Avon River Trust and the Canal and River Trust were discussed. Members agreed that it was not appropriate to proceed with the text service but for officers to investigate alternative technologies.

Members were informed that the landowner had advised that he no longer wished to sell land for a dredging disposal site and moorings at Boundary Farm and Thurne Mouth. The Committee considered that there could be problems with the suggestion of floating pontoons. Further discussions were being held with the landowner to determine how the moorings at the site could be retained.

Regarding the proposed mooring pontoons along the River Waveney frontage by St Olaves Marina members were informed that the applicant had made some amendments to the application in order to address some of the comments made by the Navigation Committee. However in doing so these had raised other issues relating to ecology and landscape and it was now proposed that the southern end of the run of pontoons would be replaced by timber piling and that this would be used for proposed demasting moorings. The applicant was proposing that the Broads Authority would pay to install the piling to create the demasting moorings.

Members were assured that although there were some changes to the application, it was still to be treated as the same planning application and no new application was required. Members raised concerns about the proposal from the applicant for the Broads Authority to pay for the new piling and

commented that the demasting moorings were not in the right location and would be preferred to be closer to the bridge.

Members reaffirmed that their original objections were still valid.

Members welcomed and noted the report.

3/7 National Park Branding of the Broads

Members received a report which provided details of the Broads Authority's consultation on the proposal to use the term Broads National Park for marketing related purposes when referring to the Broads. It was made clear that the proposal related only to the branding of the Broads and would not involve any changes to the formal name or legal status of the executive area or the functions, name and responsibilities of the Broads Authority. The Broads Authority's three purposes of conservation, recreation and navigation would remain of equal priority.

The Chief Executive highlighted some issues where there were different views for example the Sandford Principle and the long term ambition for the area to become a National Park by 2030 in the current Broads Plan.

The Broads Plan review was programmed to start in 2015 and it was suggested that would provide the opportunity to review the long-term aim.

In response to a question as to what has changed since the last time the Broads Authority looked to change the name of the area, the Chief Executive advised that the Authority had previously investigated changing the legal name of the area. No legal change was being proposed in the present consultation. The Authority's recent legal advice was that as the Broads had a status essentially the same as a National Park and given the great similarities with the UK's national parks, it was legally possible to refer to the area as the Broads National Park for marketing purposes.

Several members expressed their disappointment in having to find out about the consultation through the media. Making greater use of the National Park brand was one of the Authority's strategic priorities for this year.

Members discussed whether additional tourism would harm the delicate habitat of the Broads.

There were some reservations in regards to the legality and reputational risks of the proposal and members requested sight of Defra's advice on this matter.

The Chief Executive responded that in line with the Authority's strategic priorities bilateral discussions had been held with all key stakeholders which had prompted had been consulted a great deal of positive feedback to the proposal.

It was explained that in the view of Visit England's Chief Executive the tourism industry in the Broads was fragile and that many people did not recognise how important the Broads were and that the branding sought to help address this.

The Chairman of the Authority had written to the Minister asking for his views on the proposal to adopt the national parks brand on the authority's promotional material. The Minister had responded that the consultation on branding was a matter for the authority and its stakeholders. In terms of government policy, the Minister indicated that Broads is treated as a member of the national park family although its statutory basis is quite separate and it is not legally a national park. There was no proposal to change this position and it was Defra's intention that the three purposes of the Broads would remain of equal standing.

The committee considered various forms of wording to reflect their views for feeding back into the current consultation and continued to have reservations about the legality and reputational impact of adopting the National Park brand. After some discussion, the Chairman proposed the following consultation response which was based upon the submission of the BHBF and incorporated concerns raised by members of the Committee:

"The Navigation Committee continues to have reservations about the legality and reputational implications of adopting the Broads National Park name and style and the following support is conditional upon the further reassurance from DEFRA and other statutory bodies being received should the Broads Authority approve this process. On this basis the Committee:

1. supports the use of the term "The Broads National Park' for the reasons and benefits described in detail in the Consultation Document October 2014.
2. supports the term "The Broads National Park" but not to the exclusion of the branding "Britain's Magical Waterland" it being of more direct relevance to the Broads and its leisure boating and tourism activities.
3. urges the Authority members in their forthcoming review of the Broads Plan to recognise the legitimate concerns of the boating community and remove the 'long term ambition of achieving full National Park status' from its policy documents.
4. asks them to confirm whilst doing so that there is no intention now or in the future to introduce legislation invoking the Sandford principle in its management of the Broads otherwise than in a manner that is acceptable and supported by this Committee and its constituent boating interests."

Committee members supported the proposed consultation response by 8 votes to 1 with 4 abstentions.

3/8 Initial Consultation on Strategic Priority Objectives for 2015/16

Members received a report which set out the Authorities strategic priorities for 2015/16, highlighting five key areas of work, including Landscape Partnership and Hickling Broad and the Lake Review, already envisaged which would take up much of the Authority's available capacity.

The Chief Executive informed the members that the Authority was looking to submit an application for £3M to the Heritage Lottery fund for the Landscape Partnership Scheme. Members were made aware that windmills are an important part of the landscape and more work was needed to protect them, engaging the public in the work and exploring ways for mills to be self-sustaining.

Further it was highlighted that the Broads could be seen as the single largest archaeology site in the country however largely unexplored because of its damp conditions.

With regards to the programme of work for Hickling Broad it was pointed out that as this was a complex site, and the Authority was not only looking at long term objectives, but also at immediate short term projects. It was also exploring a potential partnership with a shallow lake in the North East of the Netherlands with similar issues.

Furthermore, the Chief Executive indicated that the Broads Plan needed reviewing and it was planned to start the work in 2015.

One suggestion was that the results from the Stakeholder Surveys could be used as one of the inputs into devising a 10 year long term strategic plan for navigation.

Members responded that all the issues concerning the use of the navigation area would need to be considered, not just the multiplier and the hire boat industry. The general opinion was that more funding was needed, especially as it was expected that one outcome from the Stakeholders' Surveys was that more moorings were required. Members believed that particularly when looking at a 10 year strategic plan a plan was needed as to how to fund the proposed Strategy.

One member considered that a review of governance should be one of the strategic priorities, especially as toll payers contributed approximately half of the Authority's funding. The Chief Executive advised that the Government had indicated in the Queen's Speech that it would be publishing plans for direct elections to national park authorities and the Broads Authority. It was perhaps premature to review governance arrangements for the Broads Authority until the results of the General Election in May and the views of the future Government on this matter were known.

Members noted the report.

3/9 Sediment Management Plan/Draft Dredging Programme 2015/16

Members received a report which provided them with details of the Authority's most recent assessment of priority dredging sites and the proposed dredging programme for 2015/16.

The report demonstrated that the proposed dredging programme for 2015/16 would achieve the Authority's target of removing 50,000m³ and had started to deal with some of the priority sites like Hickling Broad, Catfield Dyke and Limekiln Dyke.

A presentation demonstrated that siltation rates varied throughout the Broads which demonstrated the need for the Authority to carry out ongoing hydrographic surveys.

The Senior Waterways and Recreation Officer informed the Committee that bank erosion and sediment from headwaters were the two main sources of sediment input to the system. Members were assured that the Authority was targeting the most critical areas for dredging and by achieving the annual dredging target of 50,000m³ reducing the backlog of sediment in the system on an annual basis. The Sediment Management Strategy also prioritised the identification of sources of bank erosion and the development of erosion protection schemes for those areas. He further pointed out that when looking at built up areas it was not only the amount of sediment they were monitoring but more importantly how high the sediment had settled.

A member expressed concern about the detrimental effect of BESL's piling removal work on bank erosion. It was explained that the Authority had taken this into account and BESL monitored the areas where piling removal had taken place. Currently the Authority was satisfied with the data provided by BESL.

In general members believed that the strategic approach to dredging was good procedure and one suggested that when taking out the sediment the weed should be removed as well.

The Committee expressed thanks that the report now included details of specification compliance and noted that this would facilitate identification of general trends and the future prioritisation of dredging.

Members noted the report.

3/10 Navigation Income and Expenditure: 1 April to 30 September 2014 and 2014/15 Forecast Outturn

Members received a report which provided them with details of the actual navigation income and expenditure for the six month period to 30 September 2014 and provided a forecast of the projected expenditure at the end of the financial year (31 March 2015). The report showed that there had been some significant movements in the forecast outturn position for the year, mainly as a result of movements in predicted toll income, which suggested a deficit within the navigation budget for the year.

Actual figures demonstrated that income of £2.886m had dropped slightly behind profiled budget mainly due to the delayed receipt of investment income. The total net expenditure was £1.416m, against the latest budget of £1.443m. Members were informed that this resulted in a larger surplus at this point than budgeted, and represented a 1.15% underspend when compared against the latest budget (down from 3.05% at the last report).

The Head of Finance highlighted that Operations had moved to a small overspend position but that at this point it continued to be expected that the overall variance would close down in the next few months. The main reason for the overall variance was due to underspends within Planning & Resources and many of these related to timing differences against profile, for example outstanding legal billing.

It was noted that the Latest Available Budget had not moved since the last report to the Committee but that the forecast outturn showed some movements. The adjustments of the latter related to reductions in income forecasts, i.e investment interest and rental income, and therefore the forecast outturn was now for a slightly increased deficit of £15k (£11k in October). This would leave reserves at year end at approximately £275k.

The Head of Finance went on to report on two items that had arisen since the preparation of the printed report. Firstly members were informed that it appeared unlikely for it to be viable to begin works to repile Turntide Jetty in 2014/15. This project, which was originally developed to run over two financial years for budgeting purposes, was likely to be delayed until 2015/16 mainly as a result of the costs of sourcing the required materials in the most cost effective manner. Members were informed that it was therefore anticipated that the forecast outturn for 2014/15 would be reduced by £138k in the next round of monitoring and that this expenditure would be transferred to 2015/16 budgets for approval by the Authority. Similarly, the timing of expenditure from earmarked reserves would be adjusted so all use of reserves in relation to this project appeared in 2015/16. The Head of Finance emphasised that the overall impact on Navigation expenditure would be nil as this represented simply a change in the timing of activity between the two financial years.

Secondly, members were given an update on the progress of disposing of launches as part of the Authority's Asset Plan. Members had previously considered this issue in December 2009, which set out the strategy including a rolling programme of disposals of older launches to finance replacements. At that time, sale proceeds were estimated at £10k per vessel disposed of, however subsequently when the Authority approved disposal of *Thurne* and *Barton* in 2013, the estimate had been increased to £20-27k. These estimates had proven to be slightly on the high side and members were informed that *Barton* launch was now the subject of an offer for £14k. Although this offer was considerably below the previous estimated value and the value achieved for the launch *Thurne* (which was disposed of for £17.5k before commission and VAT), members were advised that this was now considered to be a good offer, and if the vessel remained unsold, the Authority would incur additional repair and maintenance costs over the winter as it would likely deteriorate during this time.

Members noted that there had been some significant fluctuations in the valuations for the launches and supported the officer view, recommending that the Authority proceed with the sale promptly.

3/11 Navigation Budget 2015/16 and Financial Strategy to 2017/18

Members received a report which set out the draft budget for 2015/16 for their consideration. It was highlighted that the forecast outturn shown in the budget did not reflect the proposed changes in respect of Turntide Jetty discussed under the previous agenda item. It was explained that the impact of this would be that the deficit described in the papers would actually be a surplus of £122,835 and the closing balance of the Navigation Reserve for 2014/15 would be approximately £407,106. Expenditure of £138k would therefore be moved to 2015/16 resulting in expenditure for the year of £3.115m rather than £2.977m. The effect of this would be a deficit in 2015/16 of £89,447 rather than the surplus £48,553 in the printed paper however because this represented a change in timing from 2014/15 to 2015/16 only, the projected closing balance of navigation reserves at the end of 2015/16 would be unchanged, at £317,659.

In respect of the four key factors set out in the report as influencing the production of the 2015/16 budget, members were advised it should be emphasised that there remained continuing uncertainty around National Park Grant allocations and the Authority's 2015/16 allocation had not yet been confirmed. Therefore there might be further adjustments to the National Park budget before the budget is approved by the Authority in January. Members were advised that the final approved budget would be reported back to the Committee at the earliest opportunity.

Members were made aware that it was important to note that the strategy was highly sensitive to some of the critical assumptions set out in the report and that there would be financial implications from changing these assumptions.

The Head of Finance reported that it was proposed that navigation earmarked reserves would be used in 2015/16 to fund the fit-out of a second replacement launch, purchase of linkflotes and a third wherry. However members were also informed that there was significant uncertainty about some potential items to be funded from reserves, including the cost of further works at Mutford Lock.

One member queried why the report did not show the earmarked reserve for Mutford Lock separately given that it represented a considerable sum. The Head of Finance replied that members had previously agreed that earmarked reserves should be consolidated at a higher level and as such the Mutford Lock balance was included within the larger "Property" reserve.

It was reported that the earmarked reserves strategy anticipated expenditure for land purchases including those at Boundary Farm / Thurne Mouth, which had previously been approved by the Authority. However the Head of Finance reported that it has now emerged that these purchases might not proceed as originally planned although negotiations to secure the continuation of mooring provision in this area were currently ongoing. Members noted the strategic importance of moorings at this site.

It was stated that in spite of the timing changes in respect of Turntide Jetty, the proposed 2015/16 budget left the navigation reserve above the minimum recommended level at the end of the year and provided for adequate contributions to asset management to provide for future liabilities. The budget had also taken into account the Committee's previous comments about waste provision and allowed for the cost of collection at the Authority's own sites, but not for any expanded provision. The Head of Finance stressed that there was limited capacity for taking on additional or ad-hoc projects during the year.

Members noted the report, including the changes in respect of Turntide Jetty and the use of earmarked reserves, and supported the budget being presented to the Authority in January for approval.

3/12 Planning Application with Navigation Implications: Development to Facilitate Canoe Access on Pound End Broad and Hoveton Marshes

Members received a report which provided details of a planning application for a new vehicular access from the A1062 Horning Road, car park, timber equipment store, temporary toilet facilities, boardwalk and canoe slipway at Pound End. The application also included a landing stage, boardwalk and viewing platform at Hoveton Great Broad and a temporary de-watering lagoon at Hoveton Estate and Hoveton Marshes, Horning Road, Hoveton. Members were informed that the application site does not include any part of the River Bure or other publically navigable waters and that the canoes using the area did not need to pay a toll.

The general view of the Committee was that if a considerable amount of public money was being spent on this development then the site should be accessible to the general public and suggested opening up other areas to create a circular route.

Members were informed that Natural England had appointed private consultants to seek the view of local people as to what can be done to make the broad more accessible to the public.

One member pointed out there was a difference between public and navigational access as for public access permission from the landowner was needed whereas with navigational access permission was negotiable.

Members declared that as a committee they did not have an overall recommendation on the planning application itself other than that the normal safety criteria should be mandated for the proposed structures.

3/13 Broads Authority Act 2009 Provisions: Temporary Closure of Waterways

The members received a report which discussed two provisions of the Broads Authority Act 2009 which were still to be developed. These were the temporary closure of the waterway and directions as to loading and unloading of vessels.

Members noted that the proposals concerning the circumstances of Temporary Closure of Waterways had been discussed and supported by the Boating Safety Management Group and the Broads Forum and were based upon existing practice under the Authority's implementation of the 1988 Norfolk and Suffolk Broads Act with only minor and necessary changes of wording.

The Head of Safety Management further reported that a review of staites was likely to be undertaken with a view to compiling a Staites Register and therefore the implementation of section 10 of the 2009 Act regarding the loading and unloading of goods would follow the completion of that work.

Members supported both aspects of the report.

3/14 Construction, Maintenance and Environment Work Programme Progress Update

Members received a report which set out the progress made in the delivery of the 2014/15 Construction, Maintenance and Environment Section work programme, which included that 53% of the programmed target of sediment of at least 50,000m³ has been removed from the rivers and broads.

Members were shown a brief presentation which demonstrated that the age and heavy use of some of the old wherries had brought them to the end of

their service and needed to be scrapped. In order to maintain the level of work it was proposed to hire a wherry from the Environment Agency until a brand new one arrived from Ireland. Members were advised that the new wherry had already been budgeted for and that the costs were brought forward to next year.

Concerning Turntide Jetty the members were informed that this was still within budget and that GT Rochester had won the bid and was able to deliver within budget as long as the Authority was prepared to wait for 16 weeks as the timber was coming from Africa.

Members were assured that the contract award was in accordance with procedures and that the timber has been ethically and sustainably resourced.

Members welcomed and noted the report.

3/15 Sediment Heavy Metals Record and Historical Boating in the Broads

Members received a report which summarised the recent research commissioned and supported by the Broads Authority over the past 15 years. Working with Severn Trent Laboratory and Universities (University of East Anglia (UEA), Cambridge University, Imperial College London (ICL) and University College London, (UCL)) the Broads Authority had investigated the impact of heavy metals such as tributyltin (TBT), Copper (Cu) and Zinc (Zn) used as biocides in antifouling paint on the Broads aquatic ecosystem.

From this research it was concluded that the spatial distribution of contaminants across the Broads rivers and lakes showed that the heavy metals Copper, Zinc and tributyltin were at greater concentration closer to boatyards; the heavy metals records showed excess Copper and Zinc at boated compared with lightly/non-boated sites; Copper and Zinc raise with tributyltin close to 1960; in the 1990s tributyltin fell, but excess Copper and Zinc remained high and studies suggested that current levels of sediment contamination by Cu might have had negative ecological effects for Broads aquatic ecosystems.

The senior ecologist informed the Committee that the Broads Authority in addition to supporting research on antifouling paints had been raising awareness with boating organisations, boat yards, boat owners as well as trialling biocide-free paints for many years. There was more that could be done and the Authority was seeking the ideas of the Navigation Committee as to what new ideas for raising awareness and best practice.

A member mentioned that silicone paint is an alternative to antifouling paint, however extremely expensive and therefore private boat owners especially were reluctant to use this. Also it was believed that there wasn't much difference in pollution between Ormesby Great Broad and Barton Broad and that TBT had a half-life which meant it faded away and degraded. It was

confirmed that the concentration of persistent heavy metals differ between sites, yet concentrations were consistently high and posed ecological risk around boat yards in particular. TBT levels remain high in the Broads and have not yet been degraded in the Broads.

One member said he would like to see what work had be done on invasive species like the zebra mussel to assure there wouldn't be a counter effect and the risk that vessels carried species all across the world.

The senior ecologist requested members to write down or let her know their ideas for how to effectively tackle the issue of building levels of copper and zinc in the sediment of the Broads as a result of antifouling paint so they could be collected after the meeting.

Members noted the report.

3/16 Chief Executive's Report

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

As key issues the Chief Executive highlighted a meeting with Network Rail regarding Trowse Bridge.

3/17 Exclusion of the Public

The Committee agreed that the public be excluded 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 3 & 4 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.

Members of the public left the meeting

Members were informed that Network Rail would like to replace the swing bridge for a fixed bridge with double tracks instead of the current single track. The implications are however that this proposal, if accepted by the Broads Authority, as the Navigation and Harbour Authority, would mean the end of the historical Port of Norwich and the prospect for Norwich to receive larger vessels.

The Chief Executive reported that as compensation for having a fixed bridge a contribution towards a marina at Trowse Bridge and/or other aspects of community gain had been suggested. He continued that as the need for a fixed bridge was a high priority for the Norfolk economy, the Government and Network Rail, and therefore the Authority was seeking the members' view on

what the Authority's response should be. The committee emphasised the value and historical importance of the Port of Norwich and confirmed the view that any moves which could lead to the loss of this navigation could only be considered in the light of substantial alternative benefits and compensation.

Officers would take this view back within any subsequent discussions

Re-admission of the Public

3/18 Current Issues

There were no current issues to be discussed.

3/19 Items for Future Discussion

The Chairman reminded members that the next meeting would be the last for several members of the Committee including himself; due to the expiry of the fixed term that members were able to serve. This would be a major reorganisation of the Committee, which would require a new Chairman and Vice-Chairman as well as two new co-opted members to be nominated to serve on the Full Authority.

This would also coincide with the introduction of a new scheme of digital committee papers with paper copies being discontinued.

The shorter format of meeting papers had been trialled during the meeting for which feedback would be helpful.

The Chairman hoped that ongoing members would assist the process of continuity and feedback any problems or issues that this might raise to be discussed at the next meeting in February 2015.

3/20 To note the date of the next meeting

The next meeting of the Committee would be held on Thursday 26 February 2015 at Yare House, 62-64 Thorpe Road, Norwich commencing at 1pm.

The meeting concluded at 5.40 pm

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date of Meeting: 11 December 2014

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Mr K Allen		Member of the Broads Angling Strategy Group
Mr L Betts	3/6 – 3/16	Toll Payer/Landowner/Riverside Piling
Ms S Blane		Member of the Planning Committee
Mr D A Broad	3/6 – 3/16	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Mr P Dixon	General	As before & NSBA
Mr A Goodchild	3/6 – 3/16	Toll Payer/MD GMS, Chairman BMF CM
Mr P Greasley	3/6 – 3/16	Toll Payer/Boat Operator/BHBF Exec Committee Member
Ms L Hemsall		(No relevant interest)
Mr M Heron	3/6 – 3/16	Toll Payer, Landowner, Member of British Rowing, Norwich RC, NBYC, Rec, Chair Whitlingham Boathouses
Mr J Knight	3/6 – 3/16	Toll Payer/Boat Operator/Yacht Club Member
Mr P Ollier	3/6 – 3/16	Toll Payer, NSBA Committee member, RYA and various Broads sailing clubs
Mr M Whitaker	3/6 – 3/16	Toll payer, Hire Boat Operator, BHBF Committee

Summary of Actions and Outstanding Issues Following Discussions at Previous Meetings
Report by Administrative Officer

Date of Meeting and Minute No	Discussion	Responsible Person	Summary of Actions and Outstanding Issues
<p>4 September 2014 Minute 1/15 Hickling Broad</p>	<p>Members agreed that Hickling Broad needed urgent attention but they would require more details about the project and would like to be informed of the options to be explored.</p>	<p>Head of Construction, Maintenance and Environment</p>	<p>An area has been identified as a suitable location to place dredged material. Negotiations are continuing with agent & landowner. The agent has not replied and has been further chased with email and phone calls. In addition to this the local Navigation Committee member has been asked to pursue on the BA's behalf.</p> <p>A small scale dredging scheme to remove the bar near the parish staithe is being developed and permissions and permits are being sort (updated 03/02/2015).</p>
<p>4 September 2014 Minute 1/21 Purchase of Dredging Disposal Site</p>	<p>Members recommended that the Authority proceed with the proposal purchase of the dredging disposal site.</p>	<p>Asset Officer</p>	<p>BESL has received instruction from the landowner to remove the piling. Pre planning application advice has been sought regarding the potential to install pontoons as an alternative provision for mooring in that area. The landowner has an obligation under a section 106 agreement to provide 40 metres of visitor moorings when works are undertaken in connection with his recent planning consent.</p>

Date of Meeting and Minute No	Discussion	Responsible Person	Summary of Actions and Outstanding Issues
<p>23 October 2014 Minute 2/7 Mooring Strategy Review Update</p>	<p>(v) The Committee recommended that further consideration be given to Paddy's Lane boardwalk to possibly be partly funded by navigation funds if the transfer is not successful.</p> <p>(vi) The Committee recommended that the establishment of a working group to look at ideas in order to raise more capital for moorings and access to the broads and look into the possibility of obtaining EU funding.</p>	<p>Senior Waterways and Recreation Officer</p>	<p>Report on Paddy's Lane Board Walk at item 10 on the Agenda.</p> <p>A small working group met to consider external funding sources and current opportunities that have arisen. Possible pathways forward are being recorded and will be passed to MT to consider future steps. It was recognised most opportunities would take some time and effort to progress.</p>

Date of Meeting and Minute No	Discussion	Responsible Person	Summary of Actions and Outstanding Issues
23 October 2014 Minute 2/11 Legality of Closed Broads	The Committee recommended that further engagement was needed by the Authority to encourage greater public access to private broads.	Director of Operations	The additional information requested by Committee is being gathered, and will be further informed by the Lake Review. A workshop has been arranged for 17 April 2015. The planning application for access as part of Hoveton Great Broad restoration project was considered on 6 Feb and has been approved.
11 December 2014 Minute 3/16 Network Rail Bridges	Views from Navigation Committee to be reported to Network Rail.	Director of Operations	See Chief Executive Report.
11 December 2014 Minute 3/19 Items for Future Discussion	Feedback from Navigation Committee on members continuity.	Head of Governance	Members to raise issues during agenda item 7.

**Consultation on the Appointments to the Navigation Committee
and Broads Authority**

Report by Head of Governance and Executive Assistant

Summary: In accordance with the provisions in the Norfolk and Suffolk Broads Act 1988 the views of the Committee are sought on the recommended appointments to the Navigation Committee made by the Selection Panel following the interviews held in January 2015. The Committee's recommendation for two Co-opted members to be appointed to the Authority and the term for such future appointments is also sought.

1 Introduction

- 1.1 Members will be aware that, at its meeting on 25 January 2008, the Broads Authority adopted a set of principles and processes for the appointment of 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.
- 1.3 At its meeting on 20 September 2013, the Authority agreed to invite Mr John Edmonds to chair the Selection Panel again, that the term for the 2015 appointments be for four years until March 2019, and that the maximum aggregated term for co-opted members would be eight years. This followed the Navigation Committee's support for the process and terms of appointment when it was consulted on 5 September 2013. This report sets out how this process has been implemented, and provides the recommendations of the Selection Panel.

2 Process

- 2.1 An advert was placed on the Authority's website, with a closing date of 11 December 2014. An advert was also placed in the Eastern Daily Press on 20 November 2014 and within the Broadsheet sent to all toll payers in October 2014. At the same time a letter was sent to over 30 organisations, in accordance with paragraph 9 of the Norfolk and Suffolk Broads Act, inviting them to submit nominations for the appropriate categories. A list of the organisations which were consulted, following the Navigation Committee amending this list on 4 September 2014, is included at Appendix 1.
- 2.2 A total of 29 applications were received by the closing date. These were scrutinised by the Selection Panel comprising:

- Mr John Edmonds, Chairman;
- Dr Stephen Johnson, Chairman of the Broads Authority;
- Prof Richard Card, Chairman of the Norfolk and Suffolk Boating Association; and
- Mr Alan Morgan, representing the British Marine Federation.

2.3 The Selection Panel decided to invite 13 candidates to attend for interview. Interviews were held over two days, on 15 and 16 January 2015, and included a short presentation by each candidate. The recommendations of the interview panel are set out in paragraph 3 below. The Authority agreed that, in accordance with the provisions in the 1988 Norfolk and Suffolk Broads Act, the views of both the Navigation Committee and consultee interest groups should be sought on these recommendations, prior to a final decision being taken by the Broads Authority at its meeting on 20 March 2015.

3 Recommendations

3.1 After due consideration, the Selection Panel agreed to recommend that the following candidates be appointed to the Navigation Committee (where appropriate, reference is made to their nominating body/bodies):

Category A: After consultation with bodies representing the owners of pleasure craft available for hire or reward (two members).

- James Knight (nominated by the BHBF and BMF)
- Michael Whitaker (nominated by the BHBF and BMF)

Category B: After consultation with bodies representing nationally the owners of private pleasure craft (one member).

- Nicky Talbot (nominated by the NSBA and RYA)

Category C: After consultation with bodies representing the owners of private pleasure craft which use any part of the Broads (one member).

- Brian Wilkins (nominated by the NSBA and RYA)

Category D: After consultation with bodies representing persons who are likely to be required to pay ship, passenger or goods dues (two members).

- Linda Aspland
- William Dickson

Category E: After consultation with bodies representing other users of the navigation area (one member).

- Max Heron (nominated by British Rowing and the Eastern Region Rowing Council)

Group F: After consultation with the Great Yarmouth Port Authority (one member).

- Alan Goodchild

4 Consultation on Appointments

- 4.1 Details of the recommended appointments have been sent to the organisations, in accordance with paragraph 9 of the Norfolk and Suffolk Broads Act, requesting comments. Comments received by the report deadline are detailed in Appendix 2 to this report, together with proposed responses. Additional comments received prior to the meeting will be verbally briefed to the Committee.

5 Summary of Appointment Process

- 5.1 The overall standard of the applications was very high. It was therefore a challenging task for the Selection Panel to reduce the 29 applications to a shortlist of just 13 and select just eight candidates.
- 5.2 Both the shortlisting and the interview process were thorough and robust, and were designed to ensure that all the candidates were given equal opportunity. This was enhanced by the fact that two members of the Selection Panel were from outside the area (the Chair of the Selection Panel and the BMF representative) and that three of the members could demonstrate an impartiality external to the Broads Authority. Though some comments have been received, proposed responses have been provided to address these. Taking these into account, the process has been considered to be extremely successful, and one which should provide the Authority with a strong, committed, knowledgeable and challenging Navigation Committee over the next four years. The views of the Navigation Committee on the recommended appointments are sought.

6 Appointment of Two Co-opted Members to the Broads Authority

- 6.1 The current two co-opted members of the Navigation Committee appointed to the Authority will cease their term on 20 March 2015. It is therefore necessary for the Navigation Committee to recommend the appointment of two co-opted members to the Authority on 20 March 2015. These appointments will be for an interim period until the Broads Authority meeting on 15 May 2015, to provide the newly constituted Navigation Committee with the opportunity to recommend the appointment of two co-opted members to the Authority at the 23 April 2015 Navigation Committee meeting; which may involve a recommendation to continue the appointments. These arrangements will facilitate continued appointments to the Authority, whilst enabling good governance in allowing the constituted Navigation Committee to recommend

the appointment of the two co-opted members. The Committee's recommendation in this regard is sought.

- 6.2 Consideration also needs to be given to whether future appointment of the two co-opted members to the Authority is for a term that is equal to the co-opted term of appointment, or whether this should be for a period of one year; to be recommended by the Navigation Committee each April and appointed by the Authority each May. The Navigation Committee's views on the appointment term is also sought.

Background papers:	Nil
Author:	John Organ
Date of report:	12 February 2015
Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – List of Organisations Consulted APPENDIX 2 – Comments from Consultative Bodies

List of organisations to be consulted on the appointments to the Navigation Committee and the relevant paragraph under Section 9 of the 1988 Norfolk and Suffolk Broads Act (as amended by the Navigation Committee on 4 September 2014)

Anglers Trust (E)
 Association of Freight Transport (D)
 British Canoe Union (B)
 British Marine Federation (A, D)
 British Marine Federation – East Anglia (D)
 British Rowing (B)
 British Waterski (B)
 Broads Angling Strategy Group (E)
 Broads Canoe Hire Association (A)
 Broads Hire Boat Federation (A, D)
 Broads Reed and Sedge Cutters Association (D, E)
 Canoe England (E)
 Chamber of Shipping (D)
 East Anglian Waterways Association (C)
 Eastern Region Rowing Council (C, D)
 Eastern Rivers Ski Club (C, D)
 Great Yarmouth Port Authority (F)
 Great Yarmouth Port Users Association (D)
 Hickling Windsurfers (E)
 Hoseasons Holidays Ltd (A, D)
 Inland Waterways Association (B)
 Inland Waterways Association – Eastern Region (C, D)
 National Association of Boat Owners (B)
 Norfolk Anglers Conservation Association (E)
 Norfolk and Suffolk Anglers' Consultative Council (E)
 Norfolk and Suffolk Boating Association (C, D)
 Norfolk and Suffolk Pleasure Boat Owners Association (A, D)
 Norfolk Broads Day Boat Owners Association (A)
 Passenger Boat Association (D)
 Royal Yachting Association (B, D)
 Sport England (E)
 Suffolk County Amalgamated Angling Association (E)
 Transport on Water Association (D)
 UK Windsurf Association (E)

Categories:

A = such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;

B = such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;

C = 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 = 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 = such bodies appearing to it to represent other users of the navigation area as it considers appropriate; and

F = after consultation with the Great Yarmouth Port Authority.

Comments from Consultative Bodies

Consultative Body Comment	Proposed Response
<p>British Marine Federation</p> <p>Thank you for your letter dated 23 January, confirming the individuals that have been recommended for appointment to sit on the Broads Authority Navigation Committee and for the opportunity to comment on those proposed appointments.</p> <p>The BMF were pleased to contribute to the selection process and play an active part on the interview panel. However, I would welcome clarification on one aspect of the selection process and the roles of those appointed, with particular reference to “Category D”.</p> <p>The BMF and a number of other commercial organisations were invited to put forward the names of individuals we believed were suitable to represent the interests of that category. As was the case with all other categories, those who were nominated by a consultative organisation (commercial or not) have been recommended to represent that sector on the Navigation Committee, however, this does not appear to be the case under “Category D”, for those paying ship, passenger or goods dues.</p> <p>The BMF would welcome clarification as to how and why a private individual, who has not been nominated by a consultative organisation and without links to these commercial groups, is able to sit and represent businesses which fall under “Category D”.</p>	<p>Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that “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”.</p> <p>Broads Authority is a “harbour authority” for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of “ship, passenger and goods dues”, Section 57 <u>of the Harbours Act 1964 states:</u></p> <p>“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <ul style="list-style-type: none"> (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour; (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and

The BMF would also welcome further clarification on how these private individuals if appointed to the Navigation Committee, will represent and communicate the interests of organisations that do pay ship, passenger or goods dues.

I hope that you will be able to provide clarity on these points in advance of the Navigation Committee's meeting on the 26 February.

- (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

Section 57 of the Harbours Act 1964 further states:

“charges” includes fares, rates, tolls and dues of every description;

Broads Authority tolls are, further to the definition contained within Schedule 7 - section 9(1) of the Broads Authority Act 2009, a charge levied by the Authority under section 26 of the Harbours Act 1964, and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.

The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:

- (a) supplying the consultee with sufficient information to enable it to tender helpful advice;
- (b) giving sufficient time to the consultee to enable that to be done;
- (c) making sufficient time to consider the response to consultation.

Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.

The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous

	<p>Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p> <p>Navigation Committee members are also expected to be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities and part of the member development programme in the past has been to provide opportunities for members to accrue a better understanding of commercial boating activities to allow them to be aware of the issues when debating matters. It is anticipated that these opportunities will continue to be offered going forward which should allow all members of the Navigation Committee (and indeed the Authority) to have a wide understanding of navigation issues from different sectors and provide the interaction to allow the sectors to be able to approach members on issues that concern them.</p>
<p>British Marine Federation – East Anglia</p> <p>Following your letter dated 23 January, confirming the individuals that have been recommended for appointment to Navigation Committee, we would welcome some clarification on the selection of those appointed with particular reference to 'Category D'.</p> <p>BMF East Anglia whom I represent as well as a number of other commercial organisations were invited to put forward the names of individuals we believed were suitable to represent the interests of that category. As was the case with all other categories, those who were nominated by a consultative organisation (commercial or not) have been recommended to represent that sector on the Navigation Committee, however, it appears that Ms. Aspland and Mr. Dickson do not appear to have any commercial interests on the Broads nor fit into 'Category D' ie; paying ship,</p>	<p>Category D refers to Section 9(5)(d) of the Norfolk and Suffolk Broads Act 1988 and states that "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".</p> <p>Broads Authority is a "harbour authority" for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>"harbour authority" means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of "ship, passenger and goods dues", <u>Section 57 of the Harbours Act 1964 states:</u></p>

passenger or goods dues. We would welcome clarification as to how and why a private individual, who has not been nominated by a consultative organisation and without links to these commercial groups, is able to sit and represent businesses which fall under "Category D".

We also wish to take this opportunity to request that the Authority urgently review its position on the Structure, Term of Office and Appointments process for the Navigation Committee as part of an ongoing process of improved working relationships with both private and commercial navigation interests. I believe the Chairman and John Packman met as long ago as 2011 with Howard Pridding of the BMF and a representative of the RYA when issues of governance were discussed and it was agreed that the constraints to which the Navigation Committee would be able to function as an independent representative advisory committee would be looked at. As for the Term of Office limitation which has been imposed is not in the Act. John Packman with whom I spoke about this matter recently indicated that this condition was put in place by DEFRA, but there is no evidence to demonstrate this fact. Indeed, neither the Term of Office nor the Appointment Process devised by officers and approved by the Authority are legally sound nor in the spirit of the Act.

I would appreciate you reporting the above content to the Navigation Committee as well as the Authority with our wish to discuss these issues further. In any event, a response in advance of the Navigation Committee on the 26th February would be appreciated.

"ship, passenger and goods dues" means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—

- (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;
- (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and
- (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

Section 57 of the Harbours Act 1964 further states:

"charges" includes fares, rates, tolls and dues of every description;

Broads Authority tolls are, further to the definition contained within Schedule 7 - section 9(1) of the Broads Authority Act 2009, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.

The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:

- (a) supplying the consultee with sufficient information to enable it to tender helpful advice;
- (b) giving sufficient time to the consultee to enable that to be done;
- (c) making sufficient time to consider the response to consultation.

Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.

The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.

Navigation Committee members are also expected to be properly prepared for any debate on issues across the full range of the Authority's navigation responsibilities and part of the member development programme in the past has been to provide opportunities for members to accrue a better understanding of commercial boating activities to allow them to be aware of the issues when debating matters. It is anticipated that these opportunities will continue to be offered going forward which should allow all members of the Navigation Committee (and indeed the Authority) to have a wide understanding of navigation issues from different sectors and provide the interaction to allow the sectors to be able to approach members on issues that concern them.

It should be noted that a comprehensive report was taken to the Navigation Committee on 5 September 2013 following concerns being raised by a member of the Navigation Committee concerning the timings of the appointment of co-opted members. This report provided proposals to address all the issues raised, which included bringing the terms and timing of appointments more in line with those for

	<p>Secretary of State appointed members; including the maximum overall term of eight years which could currently be served by Secretary of State members. It should be noted that all of the proposals within the report were considered and supported by the Navigation Committee on 5 September 2013 and subsequently approved by the Broads Authority on 20 September 2013.</p> <p>The process is therefore considered to be legally sound.</p>
<p>Broads Hire Boat Federation</p> <p>In reply to your letter of 23rd January I would initially wish to remind the Authority that the BHBF, together with other consultees, has protested since 2008 that the Authority's interpretation of Part II, 9.-(5) of the Norfolk & Suffolk Broads Act is contrary to its intentions. Furthermore we continue to maintain that neither the term of office limitation imposed nor the Appointment Process devised by officers and approved by the Authority in January 2008 are legally sound or in the spirit of the Act.</p> <p>Against this background and in relation to the current recommendations for appointment, whilst we have no reason to doubt that those listed for Category D are able and knowledgeable people, we question their selection in this category. In accordance with your Appointment Process all others have been nominated by relevant bodies, but it appears that Ms. Aspland and Mr. Dickson have not, and our own nominations for Category D have not been selected.</p> <p>It is also a fact that in previous appointment rounds, despite your current insistence that "persons who are likely to be required to pay ship, passenger or goods dues" can be regarded as "all tollpayers", you have appointed commercially interested persons such as Mr. Paul Greasley</p>	<p>The Authority has applied the provisions on the Norfolk and Suffolk Act 1988 with regard to the appointment of the co-opted Members of the Navigation Committee in a consistent and fair manner in line with the Government's guidelines on public appointments and after consultation with the Navigation Committee at the appropriate time.</p> <p>The process was modernised in 2008. The objective was to use a more open and transparent process, than had been the case in the past, to appoint the best possible Committee to advise the Authority on navigation matters consistent with the requirements of the Broads Act, meeting the best practice standards expected in public appointments and giving users of the navigation the confidence that the appointees were representing their interests.</p> <p>The process therefore had to meet the following guiding principles from the Commissioner for Public Appointments:</p> <ul style="list-style-type: none"> • <i>Merit: All public appointments should be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals whose through their abilities, experience and qualities match the need of the public body in question.</i> • <i>Independent scrutiny: No appointment will take place without first being scrutinised by an independent panel or by a group including membership independent of the department filling the post.</i> • <i>Equal opportunities: Departments should sustain programmes to deliver equal opportunities principles.</i>

and Mr. Lorne Betts. And the schedule of organisations to be consulted on appointments in Category D recognizes its “commercial” intent with eleven out of the sixteen listed clearly representing business interests.

We therefore feel that the selection panel has not been properly guided and cannot support its recommendation for the appointment of Ms. Aspland and Mr. Dixon.

We also wish to take this opportunity to request that the Authority urgently review its position on the structure, term of office and appointments process for the Navigation Committee as part of an ongoing process of improved working relationships with both private and commercial navigation interests. The Chairman and Chief Executive met as long ago as November 2011 with the Executive Director of the British Marine Federation and the Legal & Government Affairs Manager of the RYA when issues of governance were discussed and it was agreed that there were constraints on the extent to which the Navigation Committee was able to function as an independent representative advisory committee for the Broads Authority’s activities as a whole.

I would be grateful if you would report these comments to the Navigation Committee and the Broads Authority together with our wish to discuss these issues further with Broads Authority officers and representatives of the NSBA and other bodies with interests affected by management of the navigation.

- *Probity: Board members of public bodies must be committed to the principles and values of public service and perform their duties with integrity.*
- *Openness and transparency: The principles of open government must be applied to the appointments process, its working must be transparent and information provided about the appointments made.*
- *Proportionality: The appointments procedures need to be subject to the principle of proportionality, that is they should be appropriate for the nature of the post and the size and weight of its responsibilities.*

Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that “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”.

Broads Authority is a “harbour authority” for the purposes of the Harbours Act 1964.

Section 57 of the Harbours Act 1964 states:

“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour

In relation to the definition of “ship, passenger and goods dues”, Section 57 of the Harbours Act 1964 states:

“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—

- (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the

	<p>harbour;</p> <p>(b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and</p> <p>(c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);</p> <p><u>Section 57 of the Harbours Act 1964 further states:</u></p> <p>“charges” includes fares, rates, tolls and dues of every description;</p> <p>Broads Authority tolls are, further to the definition contained within <u>Schedule 7 - section 9(1) of the Broads Authority Act 2009</u>, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D; and indeed were reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.</p> <p>The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:</p> <p>(a) supplying the consultee with sufficient information to enable it to tender helpful advice;</p> <p>(b) giving sufficient time to the consultee to enable that to be done;</p> <p>(c) making sufficient time to consider the response to consultation.</p> <p>Proper consultation also involves listening to what consultees have to say. It does</p>
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	<p>not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.</p> <p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p> <p>Previous appointments to Category D have included candidates from a commercial background, but this would have been due to the candidates being judged by the Selection Panel as being the best candidates during that appointment round, rather than because they came from a commercial background.</p> <p>It should be noted that a comprehensive report was taken to the Navigation Committee on 5 September 2013 following concerns being raised by a member of the Navigation Committee concerning the timings of the appointment of co-opted members. This report provided proposals to address all the issues raised, which included bringing the terms and timing of appointments more in line with those for Secretary of State appointed members; including the maximum overall term of eight years which could currently be served by Secretary of State members. It should be noted that all of the proposals within the report were considered and supported by the Navigation Committee on 5 September 2013 and subsequently approved by the Broads Authority on 20 September 2013.</p> <p>The process is therefore considered to be legally sound.</p>
<p>Broads Reed and Sedge Cutters Association: BRASCA has no comments on the proposed appointments.</p>	<p>Noted</p>

<p>Eastern Region Rowing Council:</p> <p>I confirm that Max Heron has the full confidence of British Rowing to represent the interests of the rowing community on the Navigation Committee, and as part of the Whitlingham project those of other water users. Max has many years' experience of the interests of the users of the waterways and will continue to bring that to bear on the Navigation Committee's considerations.</p>	<p>Noted</p>
<p>Hoseasons</p> <p>In reply to your letter of 23rd January regarding the current recommendations for appointment, whilst Hoseasons have no reason to doubt that those listed for Category D are able and knowledgeable people, we would support the members of the Broads Hire Boat Federation and question their selection in this category. In accordance with your Appointment Process all others have been nominated by relevant bodies, but it appears that Ms. Aspland and Mr. Dickson have not, and the BHBF nominations for Category D have not been selected.</p> <p>We therefore feel that the selection panel has not been properly guided and cannot support its recommendation for the appointment of Ms. Aspland and Mr. Dixon.</p>	<p>Category D refers to Section 9 (5) (d) of the Norfolk and Suffolk Broads Act 1988 and states that “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”.</p> <p>Broads Authority is a “harbour authority” for the purposes of the Harbours Act 1964.</p> <p><u>Section 57 of the Harbours Act 1964 states:</u></p> <p>“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour</p> <p>In relation to the definition of “ship, passenger and goods dues”, <u>Section 57 of the Harbours Act 1964 states:</u></p> <p>“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—</p> <p>(a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;</p>

(b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and

(c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

Section 57 of the Harbours Act 1964 further states:

“charges” includes fares, rates, tolls and dues of every description;

Broads Authority tolls are, further to the definition contained within Schedule 7 - section 9(1) of the Broads Authority Act 2009, a charge levied by the Authority under section 26 of the Harbours Act 1964 and therefore the Authority has consistently related this category to all toll payers and not just those with commercial interests. This is reflected in the wide range of organisations which have been consulted by the Authority under Category D, and indeed reviewed and amended by the Navigation Committee at its meeting on 4 September 2014.

The courts have indicated that the essence of consultation is the communication of a genuine invitation to give advice and a genuine consideration of that advice. This means:

- (a) supplying the consultee with sufficient information to enable it to tender helpful advice;
- (b) giving sufficient time to the consultee to enable that to be done;
- (c) making sufficient time to consider the response to consultation.

Proper consultation also involves listening to what consultees have to say. It does not necessarily mean following the advice given but, where it does not do so, a public authority should have good reasons.

	<p>The Selection Panel was specifically made aware of all the nominations made by consultative bodies and that due regard to these nominations was to be made when sifting the initial application forms and during the interview process. Having representatives from the NSBA and BMF on the Panel, as well as a previous Chair of the IWAC, brought a level of impartiality (external to the Authority) to the appointment recommendation process, with all four of the Selection Panel jointly agreeing on the eight candidates to be recommended for appointment following a fair interview and selection process which had due regard to nominations from the consultative bodies.</p>
<p>Norfolk & Suffolk Boating Association:</p> <p>The Norfolk and Suffolk Boating Association (NSBA) thanks the Broads Authority for the opportunity to comment on the recommendations for appointment to the Navigation Committee. The NSBA is content with the recommendations.</p>	<p>Noted</p>

Stakeholder Surveys Analysis
Report by Senior Waterways and Recreation Officer

Summary: This report provides members with a summary of the outcome of the surveys of private boat owners (PBOs), hire boat operators (HBOs), visitors and residents that have recently been carried out for the Authority by Insight Track, a local market research company. Members’ comments on the report and survey results are welcomed.

1 Background

1.1 In July 2014 Insight Track, a local market research company, was appointed to carry out surveys of the Authority’s main stakeholder audiences. The aim of the exercise was to provide the Authority with, for the first time, a fact base about the views and opinions of private boaters, hire boat operators, residents and visitors in order to inform future decision making in a number of areas including the setting of strategic priorities, and the Authority’s future tolls strategy.

2 Survey Methodology

2.1 The brief given to Insight Track was to gather statistically robust survey data that would provide the Authority with an evidence base about the attitudes and opinions of its customers. In order to ensure objectivity the precise methodology and design of the survey questionnaires used was left to Insight Track.

2.2 The survey work was carried out in September and October 2014. Table 1 sets out the research methods used for each audience group and the sample sizes achieved.

Table 1

Audience	Research method(s)	Sample size
Private boat owners	<ul style="list-style-type: none"> • Telephone interviews using BA data • Online self- completion survey 	<ul style="list-style-type: none"> • 600 tel interviews • 147 online responses <p style="text-align: center;">Total 747</p>
Hire boat operators	<ul style="list-style-type: none"> • Telephone interviews 	<ul style="list-style-type: none"> • 25
Residents	<ul style="list-style-type: none"> • Door to door interviews • Online self-completion survey 	<ul style="list-style-type: none"> • 238 • 12 online responses

		Total 250
Visitors	<ul style="list-style-type: none"> • Online self-completion survey via consumer panel 	Total 600

2.3 The survey gives the Authority valuable information on the views of its customers in a number of key areas:

- current and future boating behaviour (PBOs and HBOs)
- fleet trends (HBOs)
- living in the Broads (residents)
- visitor behaviour and priorities,
- perceptions and awareness of the Broads Authority (all audiences),
- future challenges and priorities for the Authority (all audiences)
- perceptions of National park status (all audiences)
- perceptions of the Broads Authority as a planning authority (residents)
- Representative elections (PBOs HBOs and residents)
- Tolls (PBOs and HBOs)

2.4 The research carried out by Insight Track accords with the standards and best practice guidance of the Market Research Society and provides statistically robust findings at a 95% confidence level which is the standard applied by most market research companies. The findings of the surveys therefore provide the Authority with a solid evidence base on the views, priorities and opinions of its customers.

3 Summary of Findings

3.1 The survey findings have provided some very positive messages in respect of customer perceptions about the Authority's performance and satisfaction with the quality and availability of the facilities and services we provide.

3.2 Generally there is a good level of satisfaction with the Authority's performance with 63% of PBOs, 65% of residents and 79% of visitors saying that they are quite or very satisfied with our overall performance. Approximately half of residents also feel that there is nothing the Authority could do to enhance their experience of living on the Broads. Very significantly 80% of visitors say that they are quite or very likely to re-visit the Broads which is positive for the local tourism industry.

3.3 Perceptions of the Broads Authority are broadly positive amongst PBOs, residents and visitors and 66% of residents understand that the Authority is the organisation mainly responsible for the management of the Broads.

3.4 Perceptions of the Authority are less positive with the HBOs and this indicates that there is a need to fully understand their views in order to be able to respond to this feedback in a positive manner.

3.5 There were varying levels of awareness across audience that the Broads has the status of a National Park, the lowest being among visitors at 59%.

Over 80% of both visitors also felt that more should be done to promote National Park status, while the figure was 52% for PBOs and 42% HBOs.

- 3.6 In respect of private boat ownership there is good evidence that boat numbers will be stable in the next five years with an extremely positive indication that younger boaters (18-34) are likely to increase their boat ownership. Around half of private boat owners also feel that current tolls give quite or very good value for money with the toll representing approximately 9% of the costs of annual boat ownership for private owners. The full survey results are available at Appendix 1.

4 Future Challenges and Priorities

- 4.1 The survey results also give strong indicators for the setting of future priorities. Dredging is considered to be a high priority across all audiences as is wildlife conservation and educating the next generation about the Broads. Boaters specifically prioritise dredging and the maintenance and provision of moorings with around 50% of PBOs and HBOs indicating that they would like to see more toll income spent in these areas.
- 4.2 Significantly, the survey results also show that walking is the key leisure activity undertaken on the Broads and bird watching is also a highly popular activity. Improving access facilities, footpaths and car parks are mentioned as other priorities for the Authority to focus on and there is a challenge to be faced in delivering improvements in these areas in the face of reductions in funding across the public sector.

5 Conclusions

- 5.1 The survey highlights a number of positive outcomes for the Authority although perceptions of the Authority in the hire boat industry are significantly less positive than in the other audience groups. HBOs particularly feel unsupported and that the toll represents poor value for money. The Chief Executive has met with the Chairman and Secretary of the Broads Hire Boat Federation to discuss the results and identify actions to be taken. These include: continuing the regular meetings between officers of the Association and the Chairman and Chief Executive of the Authority, meetings with individual operators to understand their current concerns and the development of a long term strategy for navigation. Residents and visitors are also not clear on the Authority's purposes and there is some indication that local residents feel that there should be better communication with them. Residents also feel that the prevention of flooding is an area that the Authority should concentrate on. Support for the promotion of National Park status is stronger amongst both visitors and residents, compared to the 42% of HBOs and 52% of PBOs who supports this.

5.2 The main challenge for the future is responding to the outcomes of the research in the context of the Authority's ability or capacity to deliver in some of the areas highlighted by respondents. Clearly there is a need to consider how communication with all audience groups can be improved in order to keep them informed and involved in the work that we do. The Broads Authority considered the findings of the survey at its meeting on 23 January and supported officers' recommendation that an action plan be produced in response to the survey results. Further reports will be brought to the Navigation committee as this work progresses. Members' comments on this report and the results of the survey are welcomed.

Background papers: None

Author: Adrian Clarke
Date of report: 9 February 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Insight Track Stakeholder Research, Research Report for the Broads Authority <http://www.broads-authority.gov.uk/broads-authority/committees/navigation-committee/navigation-committee-26-february-2015>

Power Boat Racing Annual Review
Report by Head of Safety Management

Summary: This report outlines the background to power boat racing on Oulton Broad. Members' comments are sought on the conclusions as set out in section 5.1.

1 Background

- 1.1 The Broads Authority is obliged by the Port Marine Safety Code to undertake risk assessments of all boating activities and marine operations which take place on its waters, and to ensure that risks associated with any activity are managed so that they are as low as reasonably practicable. The Formal Safety Assessment (FSA) identified power boat racing on Oulton Broad as being a priority for more detailed consideration. The recommendations for powerboat racing included considering the closure of the broad during racing events and ensuring that there is an adequate exclusion area and good buffer zone around the race circuit.
- 1.2 Management Plan - The Broads Authority has continued to work closely with the Lowestoft and Oulton Broad Motor Boat Club (LOBMBC), Waveney District Council (WDC) and the Royal Yachting Association (RYA) on the management plan, including the risk assessment and operating procedures.
- 1.3 The management plan continues to deliver success in the safe management of power boat racing.

2 Annual Review – 2014

- 2.1 There were seven incidents recorded for the 2014 season this was down on the previous year. Incidents were reviewed for the 2014 season both officers and the RYA were largely content with the findings and mitigation measures currently in place. However one incident involved a collision between a race craft and a moored boat. The race boat was leaving the pit area to join the race course and clipped the moored boat damaging the moored boat's rudder. The circumstances regarding the collision were reviewed and additional measures were agreed.
- 2.2 The risk assessment has been reviewed and it was agreed the risk assessment should be amended to introduce an additional control measure relating to boats leaving the pits to join the race course. No additional amendments are required.

2.3 As a result no further changes are necessary to the overall management plan for power boat racing for the 2015 racing season. The Broads Authority will continue to work with Oulton Broad Harbour Master, and LOBMBC to ensure that two patrols are provided to ensure safe transit of the broad for other users during power boat racing events and continue where necessary to restrict boat movements while a race is being undertaken.

3 Fixture List for the 2015 LOBMBC Powerboat Racing Season

3.1 On an annual basis the Club requests permission from the Broads Authority for 20 race dates per season. A Notice to Mariners is published in the local press and a notice is prominently displayed at the Club and the Oulton Broad Yacht Station, which specifies the purpose for which the powers of the closure are to be exercised, and the relevant dates.

3.2 Table 1 below shows the breakdown of requested days/dates from 2005 to 2015.

	No. of Thursday evenings	No. of Saturdays	No. of Sundays	No. of Mondays	TOTAL
2005 Season	15	0	2	3	20
2006 Season	15	0	2	3	20
2007 Season	14	1	3*	2	20
2008 Season	15	0	2	3	20
2009 Season	15	0	2	3	20
2010 Season	15	0	2	3	20
2011 Season	15	0	2	3	20
2012 Season	15	0	2	3	20
2013 Season	15	0	2	3	20
2014 Season	15	0	2	3	20
2015 Season	15	0	2	3	20

* Increased under special request in order to host OSY400 world championships

3.3 The dates for all proposed events have been circulated to all parties concerned by the club and to date no objections have been raised.

3.4 The requested dates for the 2015 season are shown in Appendix 1 and members' views are sought on the proposed programme.

4 Financial Implications

4.1 In order to verify the number of race craft taking part at each event, the local Ranger will visit the clubhouse to log the number of race craft tolls due at each event.

4.2 For the 2015 season, LOBMBC will continue to make all payments of the current racing craft toll of £4.66 for each boat racing during each racing fixture.

4.3 As long as the LOBMBC continue to provide safety patrolling cover they will not need to contribute to the cost of the Broads Authority launch and ranger.

5 Conclusion

5.1 In conclusion this report seeks the views of the committee on the following:

- (i) the management of Powerboat racing on Oulton Broad; and
- (ii) the fixture list for the 2015 season.

Background papers: Nil

Author: Steve Birtles
Date of report: 13 January 2015

Broads Plan Ref NA4.2

Appendices APPENDIX 1 – Fixture dates for 2015

Lowestoft & Oulton Broad Motor Boat Club

Proposed Fixture List for 2015 Power boat racing season

Thursday	23 April	6.00pm
Thursday	30April	6.00pm
Monday	4 May	6.00pm
Thursday	14 May	6.00pm
Thursday	21 May	6.00pm
Sunday	24 May	12.00 noon
Monday	25 May	12.00 noon
Thursday	4 June	6.00pm
Thursday	11June	6.00pm
Thursday	18 June	6.00pm
Thursday	25 June	6.00pm
Thursday	2 July	6.00pm
Thursday	9 July	6.00pm
Thursday	16 July	6.00pm
Thursday	23 July	6.00pm
Thursday	30 July	5.45pm
Thursday	6 August	5.30pm
Thursday	13 August	5.30pm
Monday	31 August	4.00pm
Sunday	6 September	12.00 noon

Paddy's Lane Boardwalk
Report by Director of Operations and Asset Officer

Summary: This report sets out the current situation in respect of paddy's Lane boardwalk, and suggests a compromise solution at paragraph 4.4. Members' views are sought on this approach.

1 Background

- 1.1 The Broads Authority adopted its Asset Management Strategy in July 2012. This Strategy ensures that the Authority's land, property and other assets are managed and maintained as effectively as possible.
- 1.2 Additionally, procedures have been strengthened to ensure that the Authority has a clear record of all its property dealings and the Authority has also disposed of a number of sites which no longer fulfil a strategic need.

2 Capital Asset Provision

- 2.1 As a first step in developing the Asset Management Plan, the Authority developed a Capital Asset Plan, and this was finally signed off by the Broads Authority on 17 January 2014. This reviewed and updated the previous existing arrangements which had been developed on an ad hoc basis in the past.
- 2.2 Financial provision has now been made for the renewal/ replacement of agreed assets in the 14/15 budget, but the Authority regretfully concluded that a number of countryside sites could no longer be supported given the financial constraints as they either no longer fulfilled a strategic need or could more properly be provided by third parties. Work has therefore been ongoing to determine exit strategies and dispose of those assets.

3 Paddy's Lane Boardwalk Current Position

- 3.1 One such site identified as a low priority as a Countryside asset is the Paddy's Lane boardwalk. The agreements related to this 104m of timber boardwalk which provides access between the 24hr moorings to the village of Barton Turf, were set up in September 2000.
- 3.2 In considering this site as a countryside asset, it has been reviewed against the Integrated Access Strategy criteria, and also discussed with the Broads Local Access Forum (BLAF). In conclusion the BLAF determined that the site is not a priority for retention in the Integrated Access Strategy as it does not

fulfil a strategic need, or score highly against the strategy's criteria for project prioritisation. In reaching this decision the BLAF felt that given the limitations on funding for the replacement of countryside asset structures, facilities such as the boardwalk linking the moorings at Woodbastwick and Cockshoot Dyke to the Norfolk Wildlife Trust bird hide at Cockshoot Broad should be given higher priority and the Paddy's Lane Boardwalk was therefore identified for disposal in the Asset Management Plan.

- 3.3 At the moorings workshop held in July 2014 this was noted, and a number of comments in support of retention of the site were received from boating organisations. A number of concerns were raised directly with the Authority from boaters, and from adjacent landowners, and it was agreed to discuss the future of the site with the landowner to see if alternative arrangements could be negotiated.
- 3.4 A proposal was put forward to pass the structure to the landowner with a commuted sum towards its future maintenance but whilst the offer was considered to be very helpful after much consideration it was felt by the landowner that this would not be sufficient to cover maintenance costs for, say, the next 10 years and so, in taking over responsibility, they would incur additional costs (as well as the public liability) which they are not in a position to sustain. They too are facing a very tight budgetary situation going forward and it was with regret that they had to decline the offer as it stands.
- 3.5 Notice has been provided by the Broads Authority to the landowner on 25 June 2014 to the landowners to terminate the current agreements as soon as practicable

4 Compromise Option

- 4.1 In the review of the Mooring Strategy a proposal was put forward to retain the Paddy's Lane 24hr moorings as 'wild' moorings, should the access be removed. The importance of the site for mooring is recognised, but as there are no longer any facilities in Barton Turf e.g. shop/ pub/refuse disposal and there are alternative moorings available at Barton Turf Staithe and Neatishead Staithe with village access, this seemed a prudent way forward with budgetary constraints.
- 4.2 However, members of the Navigation Committee were keen to see the access retained, and at the December meeting asked officers to review the situation and determine whether partnership arrangements could be negotiated. Subsequently the matter has been discussed with the Chairman of the BLAF again who confirmed that in his opinion, if the structure is to be maintained in the future, other sources of funding would have to be identified. However, he agreed that if the boardwalk is to be retained it would be appropriate to bring the structure up to good condition before transferring liability for it to navigation expenditure.
- 4.3 Taking into account the views expressed, and the likely long term economic situation for the National Park Grant it has to be recognised that essential

savings have to be made in future budgets. However, the grant for 2015/16 has now been confirmed as previously advised by Government which is good news.

- 4.4 It is therefore proposed that the site be brought into good condition using the current NPG budget available, but that thereafter be held as a Navigation asset, and future asset management budget provision be made as part of the navigation furniture contributions. This will require a new lease to be negotiated with the landowners.

Background papers:	None
Author:	Trudi Wakelin/ Angie Leeper
Date of report:	6 Feb 2015
Broads Plan Objectives:	TR2
Appendices:	APPENDIX 1 – map

APPENDIX 1



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Broads Authority Safety Management System External Audit
Report by Head of Safety Management

Summary: This report sets out findings from the recent external audit of the Authority's Safety Management System.

The Committee's views are sought on the findings, recommendations and draft Audit Action Plan set out in the Appendices.

1 Background

- 1.1 The Broads Authority, as a Competent Harbour Authority under the Pilotage Act 1987, is required to comply with the duties and responsibilities set out in the Port Marine Safety Code (PMSC)¹.
- 1.2 The Code requires that all harbour authorities base their powers, policies, plans and procedures on a Formal Safety Assessment (FSA) and that they maintain a Safety Management System to ensure that risks are reduced to a level which is as low as reasonably practicable (ALARP).
- 1.3 In 2014, the Authority published a Safety Management System (SMS)² to meet the needs of the updated PMSC.
- 1.4 The PMSC requires that the SMS is monitored and audited to ensure that it continues to meet the requirements of the code.
- 1.5 The SMS sets out an audit schedule which culminates in a requirement for a full audit which is to be undertaken by an independent third party to gain an objective opinion of the effectiveness and suitability of the SMS to meet its objectives and to verify continued compliance with the PMSC.

2 Audit

- 2.1 BMT Isis, a consultancy specialising in marine safety, were selected to carry out the independent audit which took place at the Broads Authority offices on 17 September 2014.

¹ Port Marine Safety Code, dated December 2012

² Broads Authority Port Marine Safety Code Safety Management System, Issue 4, dated March 2014

2.2 The Audit reviewed version 4 of the Safety Management System which was issued in March 2014.

3 Audit Report

3.1 The BMT Audit report which sets out the audit findings and recommendations is set out in Appendix 1

3.2 The executive summary set out in Appendix 1 for member's reference, and the key points identified are:

- (a) The Broads Authority complies with the PMSC and has adequate systems in place to manage safety. The Safety Management System (SMS) confirms the policies and procedures in place to allow the effective management of safety within the Broads Authority remit.
- (b) The Broads Authority continues to discharge its statutory functions effectively and efficiently and to high standards. A strong element of professionalism, pride and attention to detail was witnessed during the audit process.
- (c) A number of areas have been highlighted for further development
 - 1. Competency standards;
 - 2. Training records;
 - 3. Incident data analysis / measuring performance.

3.3 Members Views are sought on the draft Audit Action Plan at Appendix 2

4 Next Steps

4.1 The Audit report and the draft Action Plan will be taken to the Broads Authority meeting in March for adoption.

Background papers: None

Author: Steve Birtles
Date of report: 13 January 2015

Appendices: APPENDIX 1- Broads Authority Port Marine Safety Code (PMSC)
Audit 2014 report

APPENDIX 2- Draft Audit Action Plan

Broads Authority Port Marine Safety Code Audit September 2014

Reference: 31255/D0902/Issue 2
Date: December 2014
Commercial-In-Confidence



Administration Record

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Report Authorisation

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Executive Summary

A strong element of professionalism, pride and attention to detail was witnessed during the audit process

At the request of the Head of Safety Management for the Broads Authority, Steve Birtles, BMT Isis Ltd (BMT Isis) has undertaken an independent audit of the **Authority's** Safety Management System, in line with the requirement of the Port Marine Safety Code (PMSC).

This report provides members of the Broads Authority (the executive body) with full details of the audit activities undertaken and provides assurance that the activities of the Duty Holder and Designated Person comply with the PMSC and as such, the Broads Authority complies with the Code.

Overall the Broads Authority complies with the PMSC and has adequate systems in place to manage safety. The Safety Management System (SMS) confirms the policies and procedures in place to allow the effective management of safety within the Broads Authority remit.

A wide range of topics relating to the PMSC and the Broads Authority SMS were discussed during the audit process, providing the auditor with background information on activities, processes and operation of the Broads Authority.

We are able to report that the Broads Authority continues to discharge its statutory functions effectively and efficiently and to high standards. A strong element of professionalism, pride and attention to detail was witnessed during the audit process.

A number of areas have been highlighted for further development and are **included in the 'Recommendations'** section of this report. They refer to:

1. Competency standards;
2. Training records;
3. Incident data analysis / measuring performance.

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1. Introduction

The Port Marine Safety Code (PMSC) and Guide to Good Practice on Port Marine Operations were updated in December 2012 and July 2013 respectively.

The PMSC establishes the principle of a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment.

The Broads covers 303 square kilometres in the eastern most part of England and is the UK's largest protected wetland.

This report has been produced by BMT Isis Ltd for the Broads Authority following a request for an independent audit of their Safety Management System (SMS) and **as described in BMT Isis's letter proposal 31255/Isis-F-O-300**, dated 21st May 2014 (Reference 1).

The Port Marine Safety Code (PMSC) (Reference 2) requires that Harbour Authorities should include provision for systematic review of performance based on information from monitoring and from independent audits of the whole system. In addition, the PMSC also guides ports to publish a safety plan for marine operations at least once every three years. The plan should commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment.

A significant element of any SMS is the adequacy and effectiveness of its auditing and review functions. Based on best practice within the industry, the PMSC and associated Guide to Good Practice on Port Marine Operations (Reference 3) **guide Duty Holders to conduct 'independent audits of the whole system'**.

The Broads Authority is a Harbour Authority under the Pilotage Act 1987 and **is designated a "Special Statutory Authority", affording the same level of protection as National Park status**, but with tailor-made legislation relating to navigation.

An external audit and review of the marine SMS should take place every three years, informing the three-yearly publication of the marine safety plan **and the Authority's performance against the previous plan, as required by the PMSC**. In order for The Broads Authority to comply with this requirement, they have sought total independence from any commercial or operational interest as part of their SMS audit activity.

2. The Broads Authority

The Norfolk and Suffolk Broads are Britain's largest nationally protected wetlands, comprising rivers, broads, marshes, fens and carr woodland. There are over 200 km of navigable waterways linking many National and Local Nature Reserves and Sites of Special Scientific Interest. The Broads are listed under the Ramsar Convention on Wetlands of International Importance, and are home to a diverse variety of rare birds, animals and plants.

The Broads Authority was established as a non-statutory body in 1978 following a report by the Nature Conservancy Council regarding degradation of the Broads.

The Broads Authority was formalised as a statutory authority by the Norfolk and Suffolk Broads Act 1988 (Reference 4), **("The Broads Act")**, and began operating as such in 1989, for the purpose of conserving and enhancing the natural beauty of the Broads, promoting the enjoyment of the Broads by the public, and protecting the interests of navigation.

In 2006 the Broads Authority promoted a second Act (the Broads Authority Act 2009), the primary purpose of which was to introduce greater safety controls on the broads and rivers. This Act received Royal Assent on 2nd July 2009 and is now an Act of Parliament. The Act gives the Authority various new powers and combines the Navigation and General Accounts into one fund.

The Broads Authority is a statutory body and its general duty is to manage the Broads for the purposes of:

- Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
- Promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
- Protecting the interests of navigation.

It must also consider the needs of agriculture and forestry, and the economic and social interests of those who live or work in the Broads.

The Authority is funded by central government as well as by tolls paid by users of the Broads.

In May 2011, the Broads Authority undertook organisational restructuring, which included combining the Navigation and Countryside Ranger Services into an Integrated Ranger Service.

As a result of this re-structure, **there has been a requirement to 'up-skill',** via training, members of the existing team. A comprehensive training plan was presented during the audit, highlighting the requirement for both water and land based training i.e. boat handling, tree surveying.

The effects of this merger and restructuring have been investigated, from a Port Safety perspective, as part of this audit.

In 2013 the Broads Authority launched a brand new patrol vessel, 'The Spirit of Breydon'. This vessel has been introduced following the transfer of responsibility for navigation of Breydon Water from Great Yarmouth Port Company to the Broads Authority.

3. Port Marine Safety Code

The PMSC comprises a Policy document, together with a Guide to Good Practice. The Code allows some degree of interpretation in application, in order to allow Port Authorities a degree of latitude in ensuring that the systems that are implemented are those that suit their particular operational challenges and environment.

A fundamental aspect of the Code is the requirement for harbour authorities to develop and maintain an effective marine safety management system. This system should be in place to ensure that all risks are controlled, with the more severe ones either being eliminated or kept **"As Low As Reasonably Practicable"**.

THE PMSC states that "Each harbour authority must appoint an individual as the **Designated Person** to provide independent assurance directly to the Duty Holder" and "A '**Designated Person**' is required to provide independent assurance directly to the 'duty holder' that the safety management system is working effectively."

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder. The Duty Holder is to be satisfied that the Designated Person provides the level assurance necessary to comply with the Code.

4. Audit Methodology

The Audit comprised the following activities:

- A desktop review of the existing Broads Authority SMS;
- A one-day audit visit to the Broads Authority offices;
- Sampling of documents, records and publications in order to gauge compliance of the Broads Authority SMS;
- A prepared question bank, structured to give sample coverage to areas of the PMSC applicable to the Broads Authority.

Using a combination of the four techniques, the auditor undertook a review of the following:

- The scope of operations within the Broads Authority jurisdiction and the ways in which safety-related decisions are made and implemented;
- The documented SMS and records produced in support of the SMS;
- Emergency planning, resources and responsibilities;
- Current and future compliance with the PMSC.

The audit visit was undertaken on Wednesday 18th September with Lee Rhodes (BMT Isis Ltd) **meeting with the Broads Authority's Director of Operations**, Trudi Wakelin and Head of Safety Management, Steve Birtles.

The auditor considered the following documentation:

- Safety Management System Documentation;
 - Report Number 31006/E0018, Issue 4.0, March 2014 (Reference 5)
- Hazard Management documentation;
 - SMS - Annex 1
- Navigation Committee Minutes, including;
 - Meeting 12th December 2013;
 - Meeting 27th February 2014;
 - Meeting 5th June 2014.
- Risk assessments (supporting method statements for work);
 - Use of General Purpose Small Workboats
 - Remote / Lone Working
 - Work Related Safety Risk Assessment
 - Boat Transport of Goods and Materials
 - Stokesby Mooring Risk Assessment
 - St Benets Abbey Risk Assessment
 - Construction and Use of Jet Float Structures
- Generic Guidance;
 - Navigational Safety Policy

Observations and recommendations made at the previous audit (2011) have been addressed.

- The Broads Authority website;
 - <http://www.broads-authority.gov.uk/boating/navigating-the-broads/safety>
- Marine Accident Investigation Branch (MAIB) reports:
 - Grab 10 - 24/09/13

Observations and recommendations made at the previous audit (2011) have been addressed.

	Observation / Recommendation	Current Status
1	References to sections of the PMSC within the existing Broads Authority SMS are outdated with respect to the PMSC and the 2009 Act, and require review and update. It is recommended that the Broads Authority SMS be updated.	SMS Updated March 2014
2	It is recommended that the Introduction chapter of the SMS is updated to include reference to the commitment of the Broads Authority to comply with the standards laid down within the Code.	Chapter 1.7 (Navigation Safety Policy) gives reference to the Broads Authority's Navigation Safety Policy.
3	It is recommended that the Authority considers including a statement regarding the Authority's performance with respect to the PMSC within the Annual Report, supported by metrics as appropriate.	A statement has now been included in the 2012/13 annual report, however it is considered to be a very broad statement and is not supported by any kind of metric for measuring performance.
4	It is recommended that the Broads Authority delegated 'Designated Person' identify ways in which to remain informed of all changes to the PMSC and Guide to Good Practice.	The Head of Safety Management has joined the UK Harbour Masters' Association (UKHMA) and the Operations Director has successfully completed an International Diploma for Harbour Masters (via the IBC Academy). The Head of Safety Management attended the most recent UKHMA conference. Regular meeting with the Maritime and Coastguard Agency (at local level) occur.
5	It is recommended that a strategy be considered and implemented for dealing with a potential short notice requirement for a Mud Pilot.	A replacement 'Mud Pilot' has been appointed. The previous pilot has assisted with training and assessment of the new pilot. Due to the nature of the Broads, the types of commercial vessel likely to require a pilot and reporting procedures in place there is not likely to be a short notice requirement for these services.

6	It is recommended that the Broads Authority develops a schedule for planned updates of the SMS, including a timeline of updates related to major organisational or other changes.	A timetable for SMS updates has now been produced. The SMS will be submitted to the Authority following the Hazard Log process (early part of each year).
7	It is recommended that the Broads Authority introduces a document control procedure to ensure that all safety related documentation is maintained up to date at the correct issue status.	Software has been purchased however its introduction has stalled and therefore further work on this is required.
8	It is recommended that the Broads Authority SMS and Website are updated to reflect the change in the number of Byelaws currently in force.	4 Byelaws are listed on the website: <ul style="list-style-type: none"> • Navigation Byelaws 1995 • Speed Limit Byelaws 1992 • Vessel Dimension Byelaws 1995 • Vessel Registration Byelaws 1997
9	It is recommended that the Broads Authority investigate and consider how the provisions within the Act might be implemented in the event that Breydon Water is not transferred Broads Authority control.	No longer applicable as the transfer of Breydon Water was successfully completed.

5. Audit Findings - Accountability of the Duty Holder

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Has a Duty Holder been formally appointed and is this appointment formally identified?		Yes - The Safety Management System clearly states that the Board has responsibility as Duty Holder.	
Have executive and operational responsibility for marine safety been clearly assigned? Has this been documented?	2.1 and 2.1.1 D	The Broads Authority is composed of 21 appointed Members. One Member is appointed as the Chair and is supported by a Vice-Chair. The Board, has responsibility, both individually and collectively, as 'Duty Holder' . Section 2 of the Broads SMS contains a comprehensive description of the Roles and Responsibilities of those accountable, under the PMSC, for marine safety.	
Designated Person - independent, with direct access to the board? Does the DP formally present his/her findings with respect to the PMSC to the Duty Holder?	2.8 2.2.36	The Head of Safety Management has been appointed to act as the 'Designated Person' (Section 2.3.2). The Designated Person has a standing agenda item on the Broads Authority committee meeting, giving a direct reporting mechanism. In addition, he has direct access to the lead member for safety (the chairman of the Boating Safety Management Group BSMG), the agenda for which is agreed in advance. A report (Reference 6) on the suitability and adequacy of the Designated Person to fulfil the independence requirement stated within the PMSC was produced in March 2013.	This audit concurs with the findings presented to the Board in March 2013 relating to the level of independent assurance the Designated Person provides. Due to the current Designated Person's involvement with the SMS consideration could be given to the use of a reciprocal arrangement with another harbour authority (2.2.43) for external audit purposes.

6. Audit Findings - Consultation

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Is there evidence of consultation with port users (both commercial and leisure) and local interests and communities?	Section 3	<p>Yes - There are a number of forums, committees and mechanisms which allow for consultation with a variety of stakeholder communities.</p> <p>Meeting dates, agendas, reports, minutes from previous meetings, background papers and committee membership lists are readily available via the Broads Authority website.</p>	
Are stakeholders having a continued input to the Safety Management process through a regular or ad-hoc forum?	3.1.3	<p>Yes - The main mechanism for this is via the Navigation Committee. Members of this committee are drawn from relevant stakeholder communities i.e. hire boat owners, passenger boat owners and private owners. This committee meets every 2 months.</p>	
Have users been consulted on existing or new risk assessments?	3.2.8	<p>A number of new activities were identified that required consultation and risk assessment.</p> <p>The increase in the popularity of 'paddle boarding' and an operator wishing to provide guided paddle boat tours resulted in the Boat Safety Management Group meeting to discuss and assess the risk of this activity.</p>	

7. Audit Findings - Risk Assessment

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Has formal risk assessment been used to eliminate risk or reduce it to As Low As Reasonably Practicable (ALARP)?	3.5 4.1.1 D 4.2.29	<p>Section 9 (Hazards) and Section 10 (Risk Assessment) of the Broads SMS contain details of the Formal Risk Assessment process and the Authority's approach to the identification, assessment, control and management of risk.</p> <p>The Broads Authority uses a structured approach to the identification and analysis of hazards, following the IMO's Formal Safety Assessment (FSA) methodology.</p> <p>In 2012, two new, Cat A hazards, were identified and included in the Hazard Log. In the latest version (Pre Review Hazard Log, September 2013) these two hazards were declared as being non-ALARP and therefore those particular activities are not supported by the Broads Authority. There remains a recommendation within the Hazard Log that these two hazards require urgent mitigation.</p>	
Was the risk assessment undertaken by people who are qualified or appropriately skilled to do so?	3.6	The Navigation Committee, supported by the Boating Safety Management Group (BSMG) and Broads Forum provide safety advice and input into the risk assessment process. It is considered that this representation of members satisfies the Code's requirement for qualified and appropriately skilled personnel.	
Has the entire risk register been reviewed at least annually?	4.1.1 F	Yes - the Hazard Log is reviewed annually, alternated between the Boating Safety Management Group and full stakeholder group. The Hazard Log is then re-issued at the start of each year.	
Has the Authority considered publication of its risk assessments, where appropriate?	4.1.1 G	<p>Risk assessments are stored electronically on the corporate server and on the Broads Authority Intranet, a system that is available to all Broads Authority employees. Additionally the SMS including the hazard log are published on the Authority's website after issue each year.</p> <p>Prior to the audit, BMT Isis was provided with example Risk Assessment forms, these focused predominantly on occupational health and safety (manual handling, use of non-powered hand tools etc.) however a number included navigational/maritime related activities.</p>	

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Does the SMS contain a procedure for measuring performance?	4.4.12	<p>The Broads Authority's Navigational Safety Policy states <i>"We will: Evaluate the safety performance of the Broads Authority through reporting systems contained within the Safety Management System"</i></p> <p>Section 12 (Monitoring and Auditing) provides procedures for proactive and reactionary monitoring. Performance indicators have been detailed and are to be monitored on a monthly basis.</p> <p><i>"The status of each indicator, in relation to its defined target, will be recorded on the Authority's website"</i> - This is not intuitive to find on the website and appears to be not readily available.</p>	It is recommended that the status of each indicator is to be clearly presented on a designated page on the Authority's website , detailing the target, current performance against the target and the historic trend.
Does the SMS include processes for effective (annual) internal audit, review of procedures and external audit?	4.4.13	Yes - Section 12.4 (System Auditing) details the auditing plan, responsibility for conducting the audit and requirements for an Action Plan in the event that areas for improvement or non-compliances are identified.	

8. Audit Findings - Emergency Response

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are emergency response procedures in place?	3.9	<p>Section 11 of the Broads Authority SMS clearly defines the responsibility of the Broads Authority to deal with and respond to emergency situations.</p> <p>The Authority is not a designated Emergency Service and is not declared a Search and Rescue resource by H.M Coastguard.</p>	
Is the emergency response plan readily available?	5.1.1	<p>An Emergency Communication Plan is contained at Appendix 2 of the Broads Authority SMS. This plan outlines the likely roles and responsibilities of the Communications Team in the event of an emergency or major incident.</p>	
Has the Authority been involved in or carried out its own exercises?	5.7.11	<p>The Oil Spill Contingency Plan is exercised every 3 years, with the next exercise scheduled in 2015. The exercise scenario is reviewed on an annual basis.</p> <p>Lessons learned from these exercises are gathered and post-exercise debriefings conducted. The general consensus from these exercises is that communications is the biggest challenge the Authority faces.</p> <p>In the past the Authority has conducted joint exercises with Great Yarmouth Port Authority, however these have now stopped and there appears little interest from the Port to reinstate this requirement.</p> <p>With the closure, in May 2013, of Great Yarmouth's Coastguard centre and full operational responsibility transferring to Humber Coastguard there is a concern that valuable local knowledge of the Broads will be lost.</p>	<p>It is recommended that closer ties with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.</p>

9. Audit Findings - Management of Navigation

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are surveys conducted and aids to navigation maintained?	Section 6 6.1.2 a - e	<p>The SMS contains the Broads Authority Hydrographic Policy with additional information contained on the Broads Authority website.</p> <p>Hydrographic surveys of the lower river reaches are conducted every two years and other areas no less than every five years.</p> <p>As part of their role, the Broads Authority Rangers inspect and monitor navigation marks and signage, reporting (by exception) any defects found. An ongoing signage replacement program is currently in place.</p> <p>The Authority has introduced an Asset Management Plan, detailing: what, where, owned/leased, countryside / navigation, cost, life span, number of units etc. to allow continued management of the Authority's assets.</p>	
Are navigation marks maintained in positions to be of best advantage, with appropriate markings? When was this last reviewed?	Section 6 6.2.15	<p>Trinity House is updated on the current status of the Authority's aids to navigation on an annual basis however currently there is no requirement for this notification to continue.</p> <p>It was stated that it is an 'aspiration' of the Authority to implement a GIS based system to log location and type of every navigation mark within the boundary of the Authorities jurisdiction. The SMS gives reference (5.5.2) to this and states that the electronic GIS system should replace the paper based "Navigation Works Reports" system currently in use. It is understood that this system is yet to be implemented.</p>	

10. Audit Findings - Safety Management

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Does there appear to be an effective Safety culture in place?		<p>Yes - The Head of Safety Management and the Director of Operations provided a strong element of professionalism, pride and attention to detail during the audit process. Safety information, both for Broads Authority staff and those using the Broads, was clearly evident.</p> <p>A number of safety initiatives have been introduced and implemented over the last three years. The Head of Safety appears to be proactive in his duties and in his attempts to raise the level of safety for users of the Broads. The introduction of the 'Wear it' campaign is one such example, providing posters for display at boat yards and keyrings displaying the message to wear life jackets.</p>	
Do incidents prompt immediate safety review via a risk-based approach?	4.2.6	A mechanism for safety review is in place with the Navigation Committee and the Boating Safety Management Group responsible for maintaining high levels of safety within the Navigation Area and to reduce the risk to ALARP.	It is recommended that all new appointees to the Navigation Committee and the Boating Safety Management Group receive training on the risk assessment process, hazard identification and assessment and the ALARP principle.

11. Audit Findings - Performance Monitoring and System Audit

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Is there evidence that plans and actions are being monitored and implemented effectively?	4.4.12	At the start of the audit meeting with the Head of Safety and the Operations Director, actions and recommendations from previous audits were reviewed, with good progress made against all the actions presented.	
Is there an effective accident and incident reporting system?	12.5	<p>The Broads Authority actively encourages incident reporting, requesting incident, accident and near miss information. The website provides an online form for users to complete details along with contact telephone numbers and a postal address.</p> <p>Incident data is recorded, with figures for fatalities and injuries recorded. Initial analysis of this data (1993 - 2013) indicates that there is a downward trend for fatalities on or from boats (avg. 2 per year 93-02 compared to 1.6 per year 03 - 12). Collecting and recording usage data for this period (number of leisure users, private owners etc.) would allow for a more comprehensive historical trending analysis to be conducted. This analysis could be linked to the introduction of new safety initiatives and be used to measure the effectiveness of such. It is acknowledged that a large number of these fatalities are beyond the control of the Broads Authority, with Broads users choosing to ignore the safety advice and guidance provided.</p>	

12. Audit Findings - Personnel

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are training objectives and requirements being implemented and applied?	3.13 11.1	<p>A comprehensive training plan for 2014-15 was presented at the audit. The Head of Ranger Services is responsible for delivering the in house training to the rangers. Operational staff obtain their training from a variety of in house and external training providers as necessary</p> <p>The Authority does have a Training and Development Policy and actively encourages Professional Development (SMS Annex B).</p> <p>The Head of Ranger Services is responsible for 'signing off' completed Rangers Procedural Manual - a form that details the areas of training (i.e. Byelaws & Legislation, Land based knowledge and skills, Operation of the vessel / launch and Seamanship) that Rangers are required to complete.</p>	<p>Evidence of a comprehensive training requirement was presented at the audit, however records of completed training were not as easy to locate. It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations, this should also include the requirement to 'sign off' training on the day that it occurred. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance.</p> <p>A mechanism for reviewing the relevance and effectiveness of training received could be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback (applicability, usefulness etc.).</p>

Audit Question	PMSC / GtGP Ref	Findings	Recommendations
Are competency standards for key personnel clearly defined and rigorously applied?	3.13 11.1	<p>Job descriptions and reference to training is included within the SMS however direct reference to competency standards is not.</p> <p>It is recognised (by the auditor) that harbours vary widely in size, purpose, type and level of traffic, making it a challenge to identify the necessary competencies required of the Broads Authority.</p> <p>National Occupational Standards (NOS) for Harbour Masters were published in early 2012, setting a benchmark to which national Harbour Master qualifications could be aligned. The ports sector currently has five completed sets of NOS. Two are concerned with port operations and three with harbour management.</p> <p>The Government has no current plans to make occupational standards mandatory, unless Harbour Authorities continue to fail to implement existing voluntary standards.</p>	<p>It is recommended that consideration of competency standards is given in order to meet this particular aspect of the PMSC.</p> <p>Consideration should be given to specific marine safety competencies.</p> <p>Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards, to identify potential competencies and training, is recommended.</p>

13. Conclusions

General

The results of the Audit reveal that safety is being managed effectively within the Broads Authority areas of responsibility.

The results of the Audit reveal that safety is being managed effectively within the Broads Authority areas of responsibility. The Head of Safety Management is proactive in his attempts to foster a positive safety culture and, through a regular series of forums, identified risks are being addressed and managed.

The SMS has recently (March 2014) been updated to bring it in line with the latest update of the PMSC (as recommended in the last external audit report).

Annual reviews of the Hazard Log are conducted by a committee considered to be Suitably Qualified and Experienced. In the event of new hazards being identified the Boat Safety Management Group is able to convene and assess such hazards, outside of the annual review period.

Compliance with the Requirements of the PMSC

The PMSC comprises a Policy document, together with a Guide to Good Practice. The Code allows some degree of interpretation in application, in order to allow Port Authorities a degree of latitude in ensuring that the systems that are implemented are those that suit their particular operational challenges and environment.

A fundamental aspect of the Code is the requirement for harbour authorities to develop and maintain an effective marine safety management system. This system should be in place to ensure that all risks are controlled, with the more severe ones either being eliminated or kept "As Low As Reasonably Practicable".

An element of interpretation, due to the nature of the Broads Authority's activities, when compared with more 'traditional' ports and harbours, has been accounted for.

The Broads Authority SMS, as updated in 2014, meets the current requirements of the Code and provides an effective mechanism for the management of safety with the Authority's jurisdiction.

Designated Person

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder

"Each harbour authority must appoint an individual as the **Designated Person** to provide independent assurance directly to the Duty Holder" and "A '**Designated Person**' is required to provide independent assurance directly to the 'duty holder' that the safety management system is working effectively." - this is an area that the Director of Operations and Head of Safety have asked for clarification on.

Ultimate responsibility for appointing the Designated Person rests with the Duty Holder. The Duty Holder is to be satisfied that the Designated Person provides the level of assurance necessary to comply with the Code.

The Designated Person must:

1. Demonstrate independence of the operation of the marine safety management systems;
2. Have thorough knowledge and understanding of the requirements of the Code (and supporting Guide to Good Practice);
3. Determine, through assessment and audit, the effectiveness of the

SMS in ensuring compliance with the Code;

The Authority has appointed the Head of Safety Management to this role.

The appointment of the Head of Safety Management to the role of 'Designated Person', although not directly satisfying all of the above criteria (Item 1), does provide sufficient independence and assurance to the Duty Holder so as to comply with the requirements of the Code.

Consideration will need to be given by the Authority for succession planning as this current arrangement works with the experience provided by the individual appointed to the role of Head of Safety Management.

It is important that the Designated Person has independent access to the Duty Holder. To fulfil this requirement, the Designated Person, in this instance, the Head of Safety Management has:

1. Direct access to the lead member for safety (chairman of the BSMG);
2. A standing agenda item, agreed in advance, for BSMG committee meetings;
3. A standing agenda item on the Broads Authority committee meetings, giving direct reporting access to the full executive.

Broads Authority and Navigation Committee Members

New appointees to the Broads Authority and the Navigation Committee are scheduled for next year (2015). At the same time as these appointments will be a requirement to identify a new lead member of safety. This appointment will be made by the Broads Authority and will take on the role of Chairman of the Boat Safety Management Group (BSMG).

The identification and appointment of a new **lead member of safety** by the Broads Authority is considered an essential appointment. This role takes on the responsibility of Chair of the Boat Safety Management Group. Early identification of this role will allow for training to be scheduled and for successful succession planning to be implemented.

Breydon Water

Transfer of Breydon Water into the Broad Authorities jurisdiction was successfully completed.

The physical and asset management of Breydon Water is likely to have a significant impact on the resources (financial and physical) of the Authority. Activities include:

1. Upgrading of channel markings;
2. Provision of lay by moorings - understood to have been warmly received by users;
3. Feasibility study looking at upgrading the Turn Tide jetty upstream of Breydon Water;
 - a. Study conducted 18 months ago by external consultants;
 - b. Impact of removing the jetty;
 - c. Design of a replacement structure;
 - d. Work to commence in Feb/Mar 2015.

A designated water ski zone on Breydon Water was established in 2013, initially as a trial for one year, to allow for information to be gathered on the impact of such activities on the environment and other Broads users. This trial was extended in March 2014 as there had been no formal use of the zone for water skiing and therefore it had been impossible to collect data. Safety of Broads users was considered when designating the zone, with the Water Ski Review Panel, BSMG, Navigation Committee and Broads Forum all consulted.

Mud Pilot**A new 'Mud Pilot' has been appointed and trained**

During the audit process in 2011 it was identified that greater clarification on the requirement for a Mud Pilot (and associated training) was needed. This issue has now been rectified. A new Mud Pilot has been appointed with the previous Pilot providing assessment and training where required.

14. Recommendations

1. **Designated Person:** the PMSC and Guide to Good Practice implicitly detail the requirement for a Designated Person and that a 'Designated Person' is required to provide independent assurance directly to the 'Duty Holder' that the safety management system is working effectively. The 'Duty Holder' (The Broads Authority Executive) has officially appointed the Head of Safety Management to the position of 'Designated Person'. Clarification on the independence and suitability of this appointment has been requested. As stated within the body of this report and during the audit process, the appointment of the Head of Safety Management to the 'Designated Person', although not meeting all of the stated requirements detailed in the PMSC, does provide sufficient independence to the 'Duty Holder'. It is recommended that succession planning is considered for the position of 'Designated Person'. The current Head of Safety Management appears competent in all aspects of Safety Management and provides suitable advice and guidance to the 'Duty Holder'.
2. **Measuring Performance:** *"The status of each indicator, in relation to its defined target, will be recorded on the Authority's website"* - This is not intuitive to find on the website and appears to be not readily available. It is recommended that the status of each indicator is clearly presented on a designated page on the Authority's website, detailing the target, current performance against the target and the historic trend.
3. It is recommended that **closer ties** with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.
4. **Training Records** - Evidence of a comprehensive training requirement was presented at the audit, however evidence of completed training was not as easy to locate. It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations; **this should also include the requirement to 'sign off'** training on the day that it is verified. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance. A mechanism for reviewing the relevance and effectiveness of training received should be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback, in terms of applicability, usefulness etc. would allow the management team to monitor training and be better placed to meet the training requirements of the future.
5. It is recommended that consideration of **competency standards** is given in order meet this particular aspect of the PMSC. Consideration should be given to specific marine safety competencies. **Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards**, to identify potential competencies and training.
6. Review of **incident data** i.e. fatalities on the Broads, as a result of boating related incidents in comparison with other industries/similar leisure activities. The Broads is in a fairly unique position, with such a wide user demographic. Users have a considerable mix of experience and seafaring knowledge. Incident data, collated over the last 20 years, indicates that fatalities, as a result of boating relating activities, are reducing. It would be useful to understand how the fatality rate compares to that of other similar user groups and the national average. In 2012 the National Water Safety Forum (NWSF) published a report detailing the number of water related fatalities from accidents or natural causes across the UK in 2010. This report shows that, the highest number of fatalities - 217 (52 per cent) - happened in inland waters such as rivers, canals, lakes, lochs, reservoirs and ponds. The same organisation published results for 2013, with an increase to 277 fatalities occurring on inland waters.

15. References

- 1 **BMT Isis's letter proposal 31255/Isis-F-O-300**, dated 21st May 2014;
- 2 The Port Marine Safety Code (PMSC), December 2012;
- 3 Guide to Good Practice on Port Marine Operations, July 2013;
- 4 Suffolk Broads Act 1988;
- 5 Safety Management System Documentation, 31006/E0018, Issue 4.0, March 2014;
- 6 The Port Marine Safety Code: Development of the Safety Management System, Agenda Item No 15, 22 March 2013.

PMSC Safety Management System Audit Action Plan

Audit Recommendation	Description	Action	Officer	Target Compl Date	Progress to Date	Completed
1	<p>Designated Person: It is recommended that succession planning is considered for the position of 'Designated Person'. The current Head of Safety Management appears competent in all aspects of Safety Management and provides suitable advice and guidance to the 'Duty Holder'.</p>	Document roles, responsibilities and procedures relating to the duties of the 'designated person' in order that they are available to any new post holder.	HofSM	Sept 2015		
		Develop People Strategy to include succession planning	Senior HR advisor	June 2015		
2	<p>Measuring Performance: It is recommended that the status of each indicator is clearly presented on a designated page on the Authority's website, detailing the target, current performance against the target and the historic trend.</p>	Metrics to be collated to enable regular publication on Broads Authority Website	HofSM	June 2015		
3	<p>Measuring Performance: It is recommended that closer ties with Maritime and Coastguard Agency staff at Humber Coastguard is established and that a programme for team meetings and local knowledge briefings be implemented.</p>	Set up regular liaison meetings with MCA sector officer. Continue attending MCA East Anglian sub-committee meetings and emergency Planning meetings	HoRS and Hof SM	Aug 2015	Continuing liaison with the acting Sector Manager and local area management.	
4	<p>Training Records: It is recommended that a process is introduced to ensure the capture and recording of training undertaken by all employees engaged in marine operations; this should also include the requirement to 'sign off' training on the day that it is verified. A central location, accessible by line managers, should be identified to store this information with a periodic review (3 monthly) process to ensure compliance.</p>	System to be developed to ensure training is captured in a timely manner and records stored in a central location.	HofSM, Senior HR advisor	Aug 2015		

Draft		Date 13 January 2015				
PMSC Safety Management System Audit Action Plan						
5	<p>Training Records: A mechanism for reviewing the relevance and effectiveness of training received should be considered. For example, a follow up questionnaire, sent 6 months after the training has been completed, requesting feedback, in terms of applicability, usefulness etc. would allow the management team to monitor training and be better placed to meet the training requirements of the future.</p>	Feedback questionnaires and review process to be developed.	HofSM, Senior HR advisor	Aug 2015		
6	<p>Competency standards: It is recommended that consideration of competency standards is given in order meet this particular aspect of the PMSC. Consideration should be given to specific marine safety competencies. Liaison with Port Skills and Safety (PSS), the port industry's organisation for health, safety, skills and standards, to identify potential competencies and training.</p>	Develop and Review Skill Matrix with Port Skills and Safety to determine any relevant skills deficiencies	HofSM	Sept 2015		
7	<p>Incident data : Incident data, collated over the last 20 years, indicates that fatalities, as a result of boating relating activities, are reducing on the Broads. It would be useful to understand how the fatality rate compares to that of other similar user groups and the national average.</p>	Annual incident report to include benchmarking against other inland navigations and national statistics.	HofSM	May 2015		

**Broadland Flood Alleviation Project:
Planning Application for Crest Raising and Piling Removal Works in
Compartments 5 & 6 (River Ant, River Thurne and Womack Water)**
Report by Senior Waterways and Recreation Officer

Summary: This report provides members with a summary of Broadland Environmental Services Ltd (BESLs) planning application proposals for crest raising and piling removal in Compartments 5 and 6 on the true left bank of the Rivers Ant and Bure and the true right bank of the River Thurne and Womack Water and the north bank of Womack Water. The report also outlines officers' comment on the planning application upon which members' comments are welcomed.

1 Background

- 1.1 Earthbank flood defence works were completed in Compartment 5 on the true left banks of the Rivers Ant and Bure and the true right bank of the River Thurne between How Hill and Womack Water and Compartment 6 on the true left bank of Womack water in 2006 and 2011 respectively.
- 1.2 Monitoring carried out by BESL has shown that the newly constructed floodbanks have now established and are providing main line flood defence for the compartments. As in other compartments, now that the new banks have established, BESL is proposing to remove piling that provided the erosion protection for the old floodbanks and has submitted a planning application for the proposed works which is the subject of this report.

2 BESL's Planning Application for Compartments 5 and 6

- 3.1 BESL's proposals for Compartments 5 and 6 involve crest raising on the new floodbanks and piling removal. The location of these works is shown on the plans at Appendix 1.
- 3.2 The crest raising works are proposed for four areas:
- River Ant adjacent to Little Reedham
 - River Bure on the setback bank behind 24-hour moorings at St Benets
 - River Thurne upstream of Thurne mouth
 - Womack Water south bank

These works will have no impact on the navigation.

- 3.3 Piling removal is proposed for three areas:
- River Ant immediately north of Ludham Bridge at the former Broads Authority 24-hour mooring;

- River Thurne at Coldharbour Farm;
- Womack Water mainly on the south bank but a small area is also identified for removal on the north bank near the mouth.

4 Summary of Officers' Comments

- 4.1 Apart from the former 24-hour mooring at Ludham Bridge none of the piling identified for removal in this application is used for formal or informal mooring. The owner of the Ludham Bridge site is not prepared to take on liability for the piling and has therefore agreed to BESL removing it. As other mooring is available on both banks at Ludham Bridge this is not a major concern. Much of the piling in Womack Dyke is in poor condition and has been hazard marked accordingly so its removal is welcomed.
- 4.2 The planning application indicates that BESLs proposed work methodology accords with the standard procedures used successfully in other piling removal works elsewhere in the in the BFAP project area. The application also confirms that BESL will use the standard erosion monitoring protocol which has been conditioned on other planning permissions granted by the Authority for piling removal work. The proposals therefore present officers with no concerns provided that appropriate conditions are placed on any planning permission granted requiring adherence to standard methodology, timing of works, channel marking and removal of channel marking, and erosion monitoring.
- 4.3 Officers therefore propose to raise no objections to the works set out in the planning application but to recommend that the relevant planning conditions are attached to any permission granted for the works.

5 Conclusions

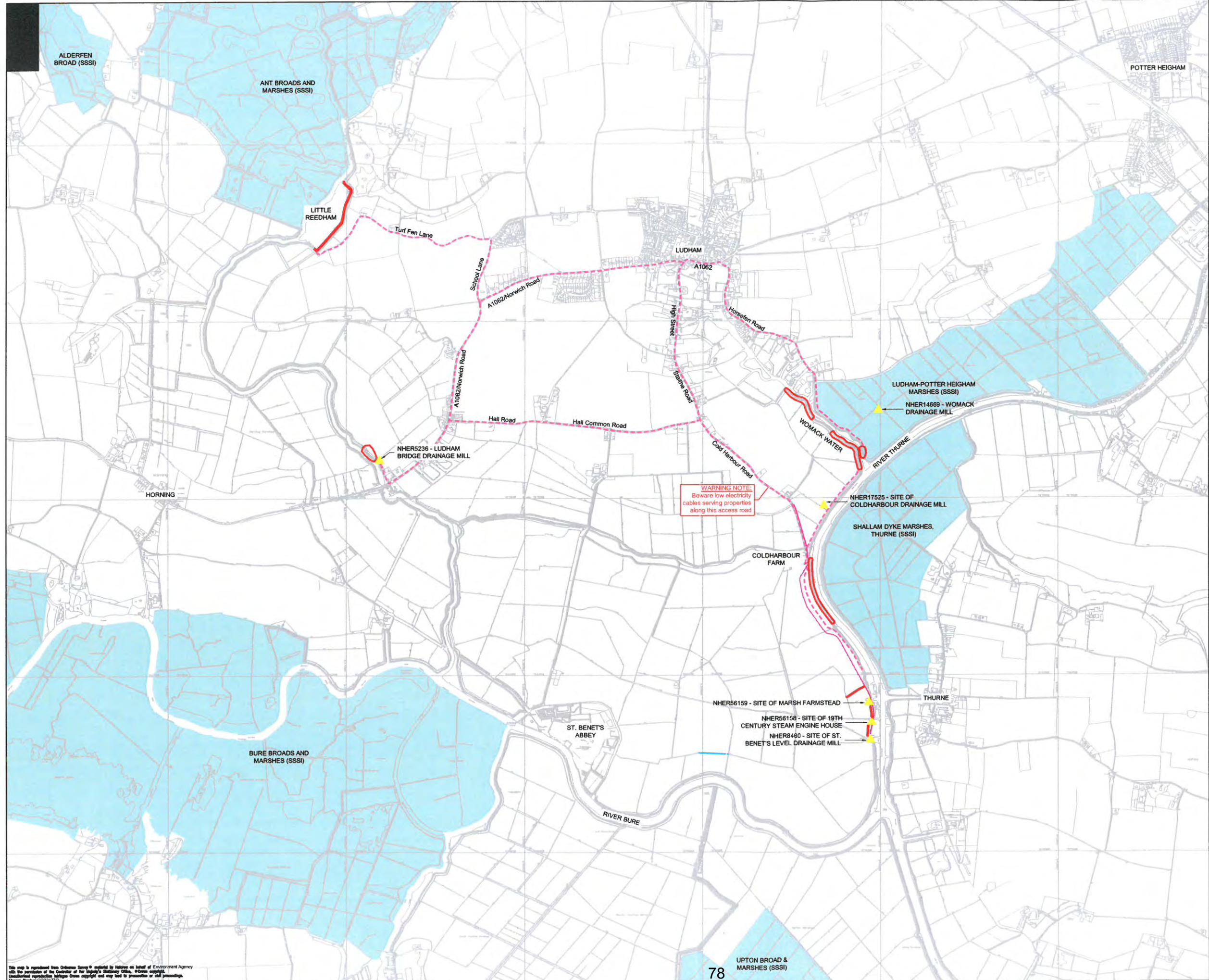
- 5.1 Members' comments on the report and officers' comments on the planning application are welcomed.

Background papers: Nil

Author: Adrian Clarke
Date of report: 10 February 2015

Broads Plan Objectives: CC3.4

Appendices: APPENDIX 1 – Compartments 5 & 6 detailed maps.



- Key:**
- PLANNING BOUNDARIES
 - SSSI
 - MAIN ACCESS ROUTES
 - OVERHEAD ELECTRICITY CABLES
 - UNDERGROUND ELECTRICITY CABLES
 - ▲ ARCHAEOLOGICAL FEATURES

- List of drawings:**
- 001 - LOCATION PLAN AND ACCESS ROUTES
 - 002 - KEY PLAN
 - 003 - CREST RAISING DETAILED PLAN SHEET 1 OF 6
 - 003 - PILING REMOVAL DETAILED PLAN SHEET 1 OF 6
 - 004 - PILING REMOVAL DETAILED PLAN SHEET 2 OF 6
 - 005 - PILING REMOVAL DETAILED PLAN SHEET 3 OF 6
 - 006 - PILING REMOVAL DETAILED PLAN SHEET 4 OF 6
 - 007 - CREST RAISING DETAILED PLAN SHEET 5 OF 6
 - 008 - CREST RAISING DETAILED PLAN SHEET 6 OF 6

FOR
PLANNING
PURPOSES
ONLY

Rev	By	Chkd	Apprd	Date	Description

Client: Broadland Environmental Services Limited
A Joint Venture Company of
Stam Mutual Ltd and CH2M HILL
Harrier House, 9 Whittingham Lane, Thorpe, St Andrew, Norwich, Norfolk, NR7 0QA
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Project: BROADLAND FLOOD ALLEVIATION PROJECT

Drawing: COMPARTMENT 5
RIVER THURNE/WOMACK WATER
PILING REMOVAL
LOCATION PLAN AND ACCESS

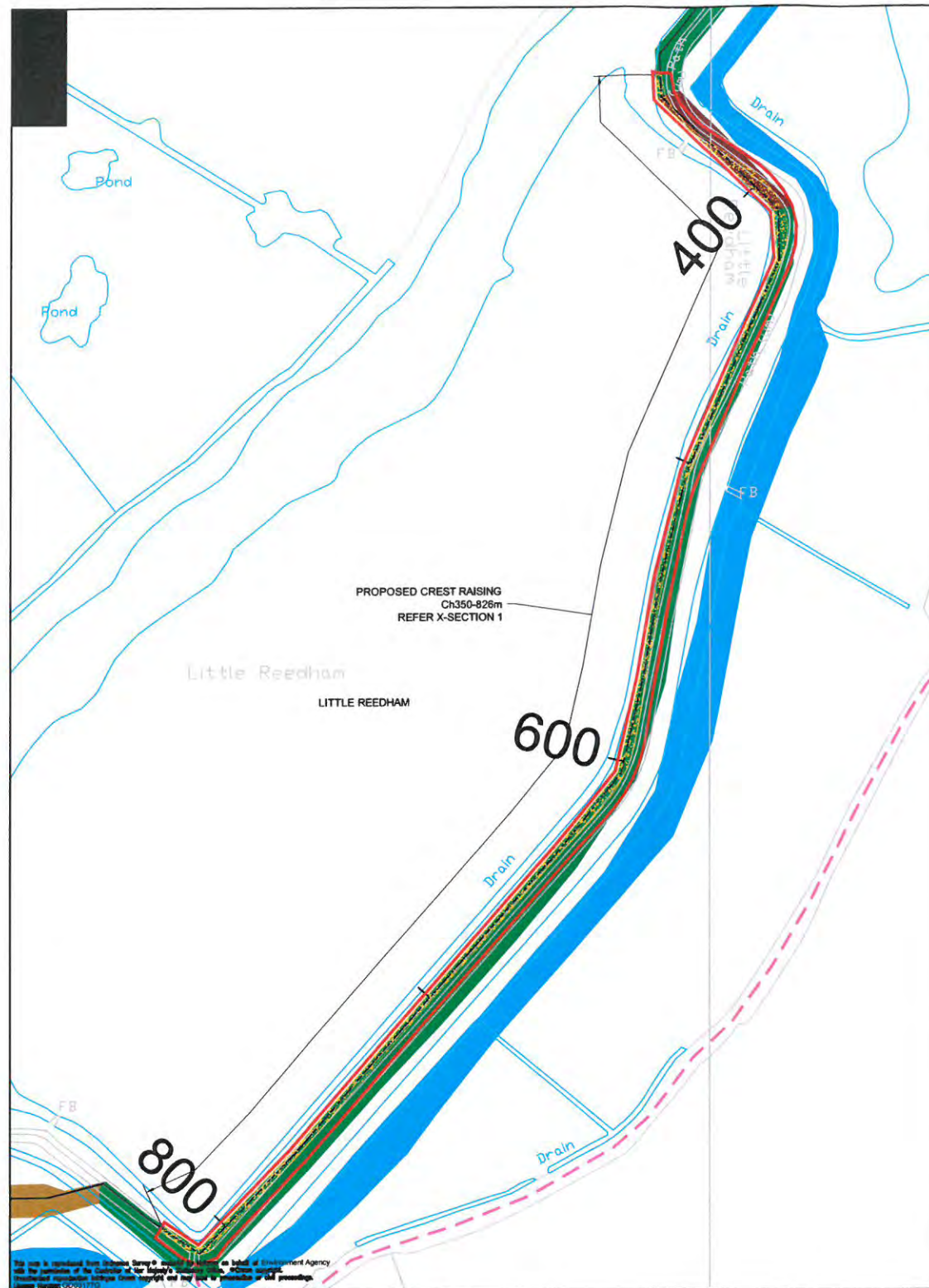
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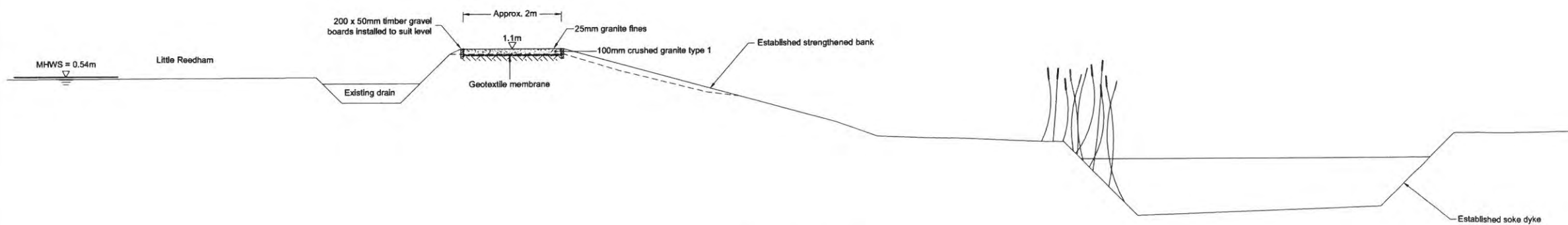
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003 - CREST RAISING DETAILED PLAN SHEET 1 OF 6
 004 - PILING REMOVAL DETAILED PLAN SHEET 2 OF 6
 005 - PILING REMOVAL DETAILED PLAN SHEET 3 OF 6
 006 - PILING REMOVAL DETAILED PLAN SHEET 4 OF 6
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 008 - CREST RAISING DETAILED PLAN SHEET 6 OF 6
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 User and Plot Data



PLAN OF WORKS
SCALE 1:1000



TYPICAL X-SECTION 1
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SCALE 1:50

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- ESTABLISHED ROLLBACK BANK
- SOKE DYKE
- ACCESS ROUTE
- EXTENT OF CREST RAISING

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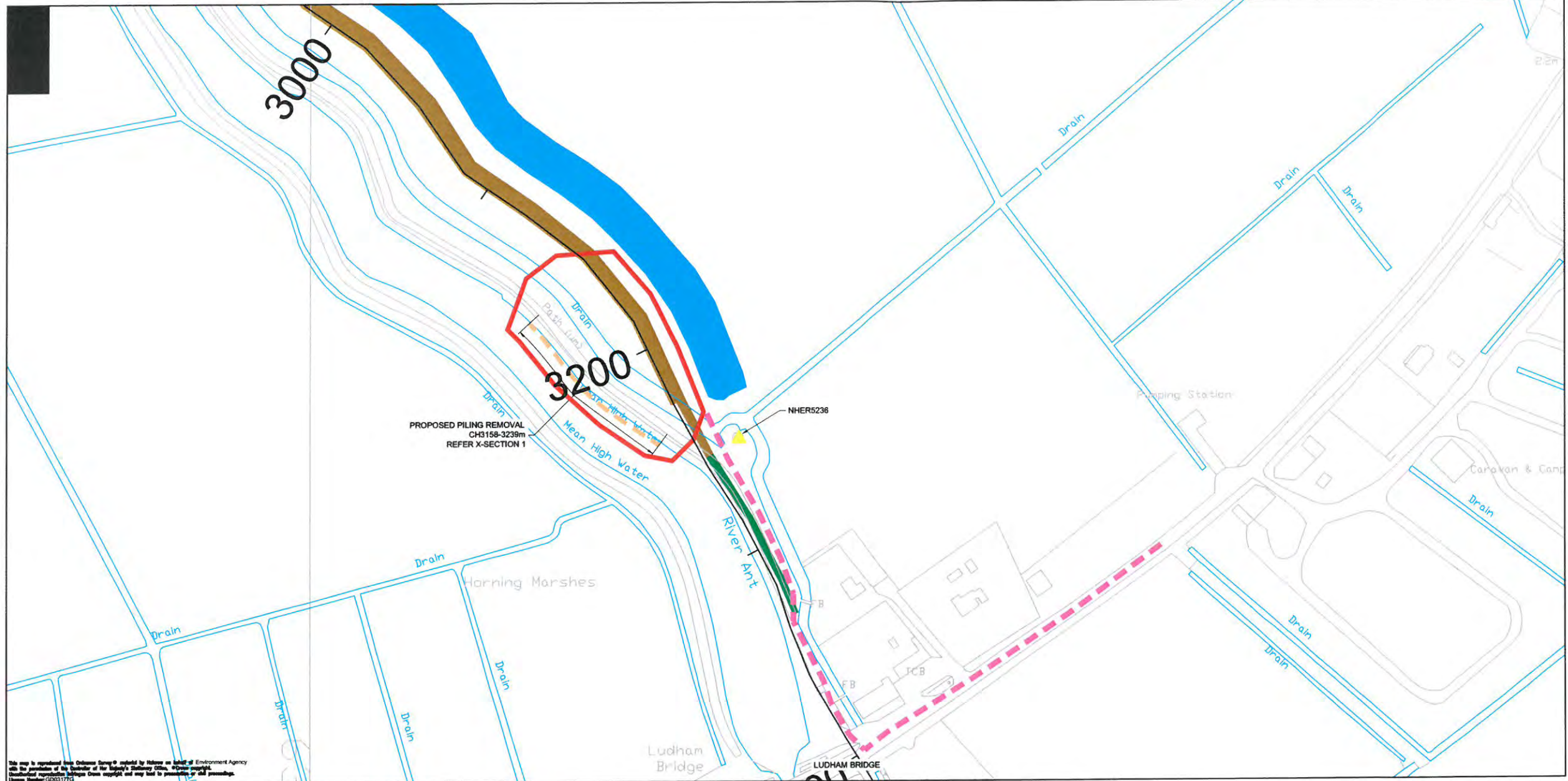
Project
BROADLAND FLOOD ALLEVIATION PROJECT

**COMPARTMENT 5
LITTLE REEDHAM
PROPOSED CREST RAISING
DETAILED PLAN 1 OF 6**

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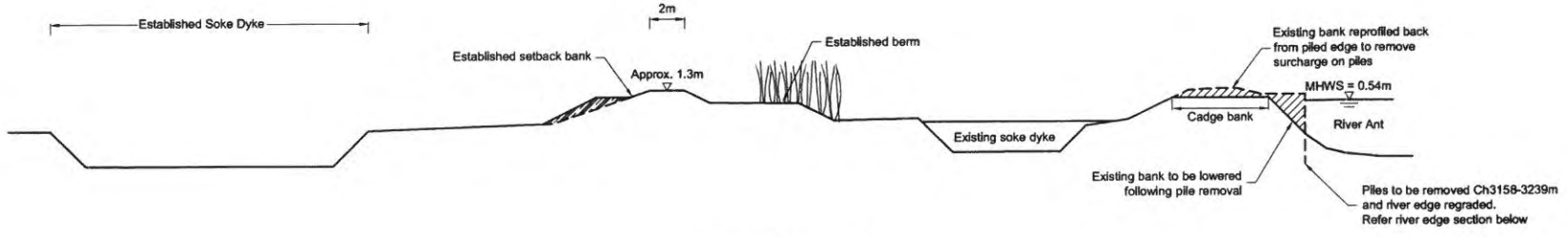
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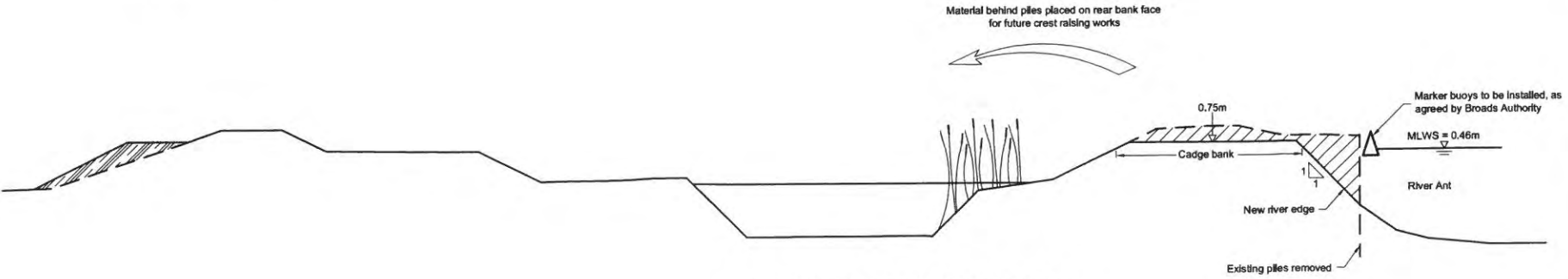
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PILING REMOVAL Ch8993 - 9336m
SCALE 1:200



80 TYPICAL RIVER EDGE DETAILED SECTION
SCALE 1:100

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BROADLAND FLOOD ALLEVIATION PROJECT

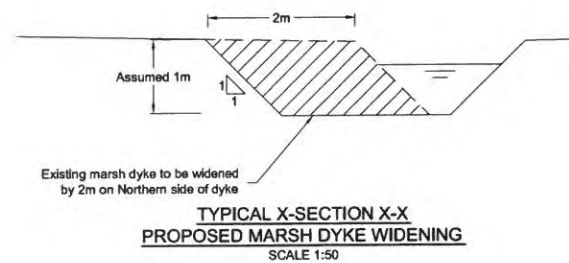
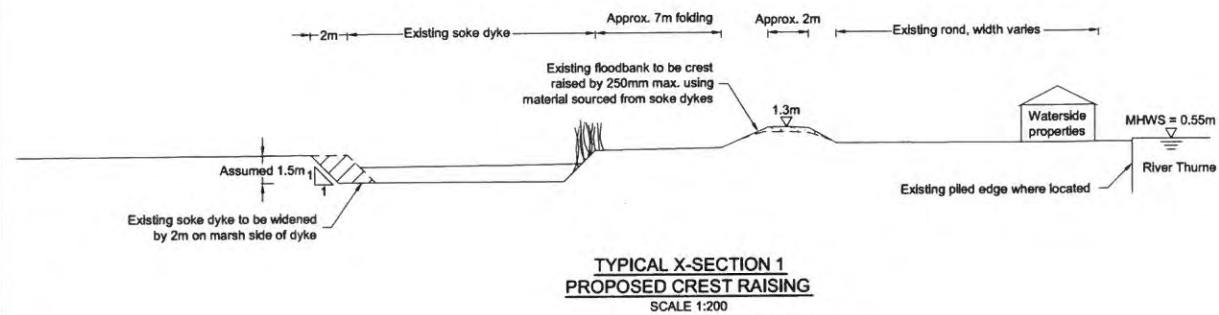
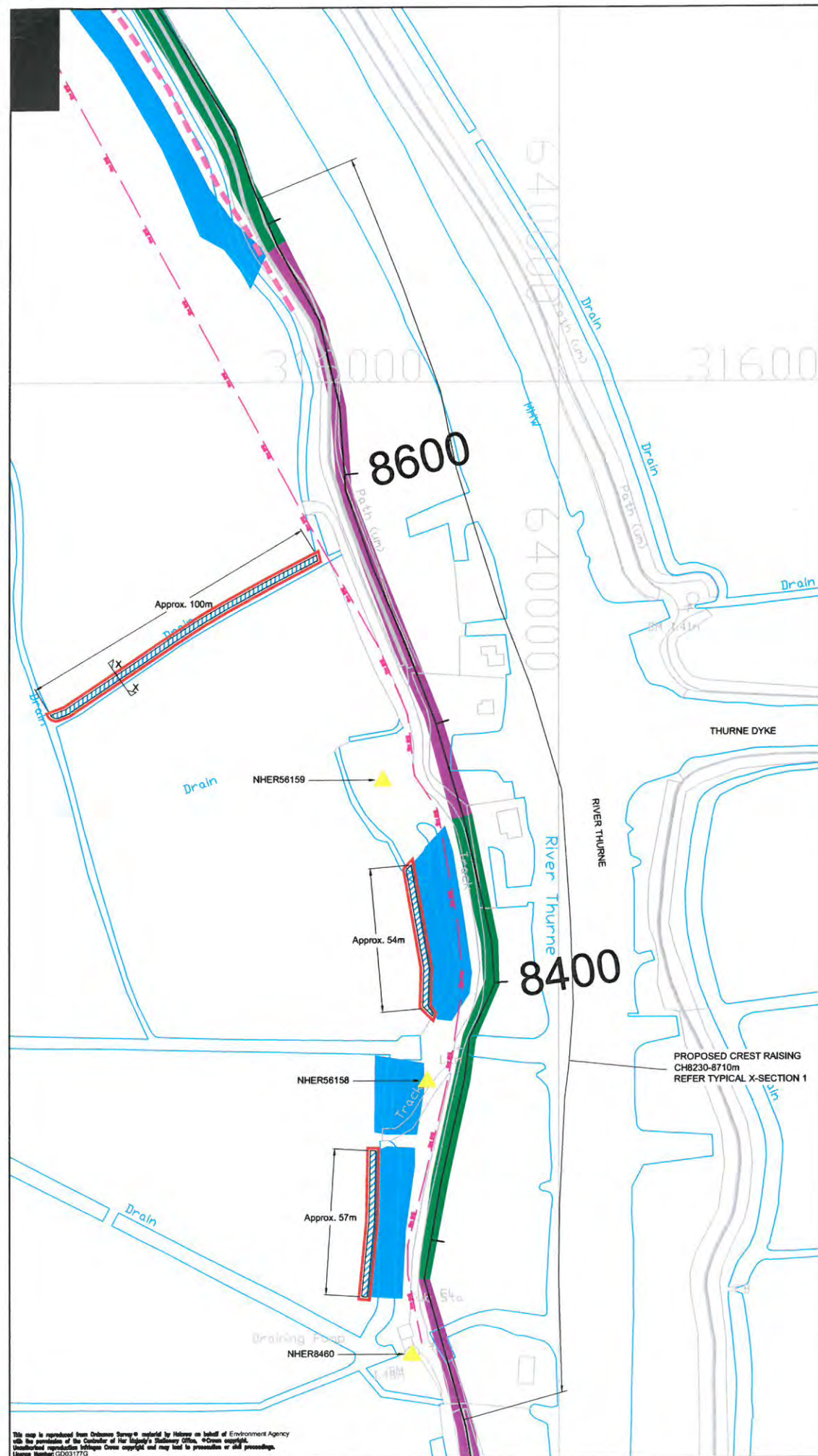
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 - ACCESS ROUTE
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 - ▲ NHER56158 - (MONUMENT) SITE OF 19TH CENTURY STEAM ENGINE HOUSE
 - ▲ NHER56159 - (MONUMENT) SITE OF MARSH FARMSTEAD

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Project: BROADLAND FLOOD ALLEVIATION PROJECT

Drawing: COMPARTMENT 5
THURNE MOUTH
PROPOSED CREST RAISING
DETAILED PLAN 3 OF 6

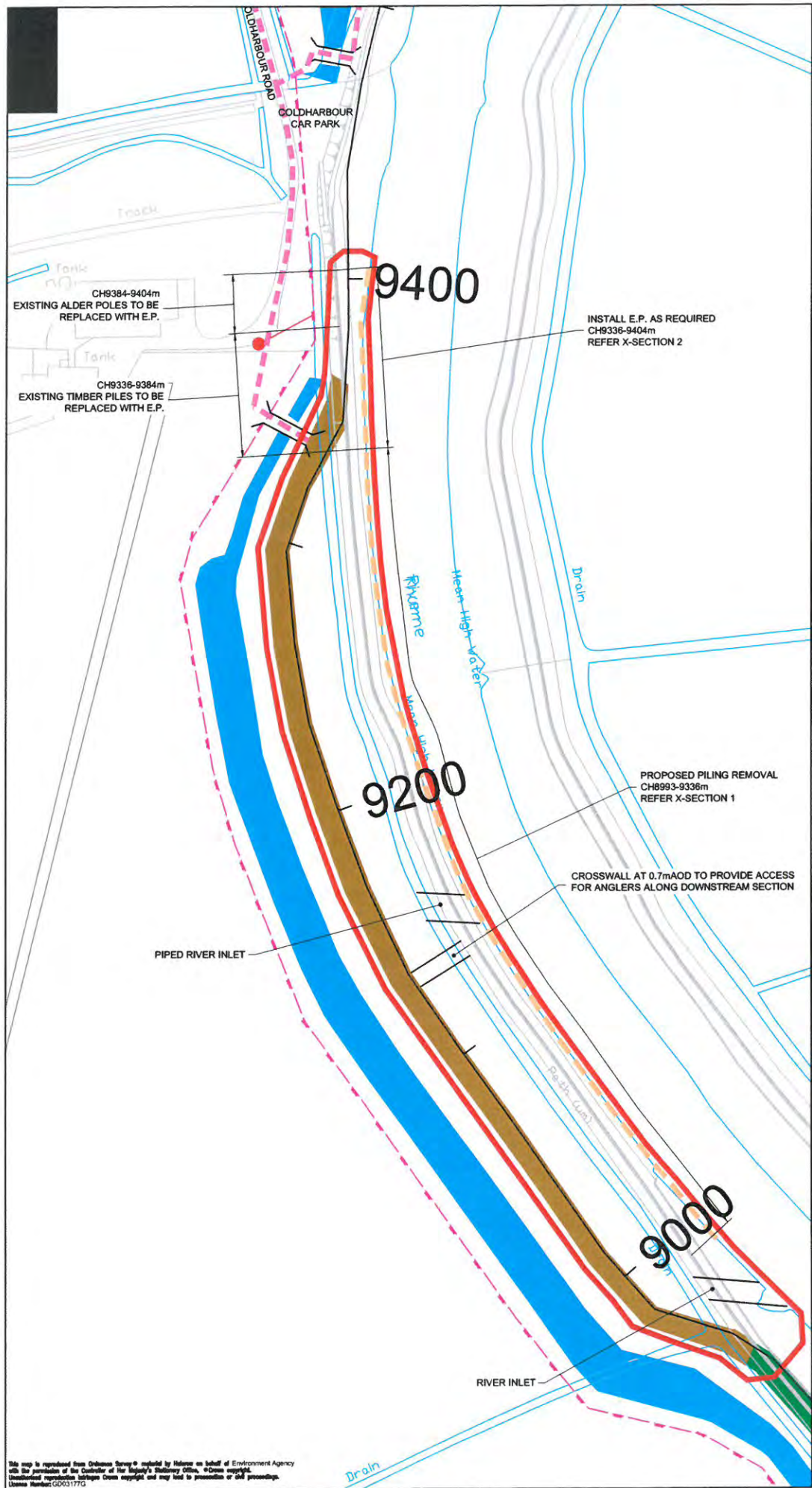
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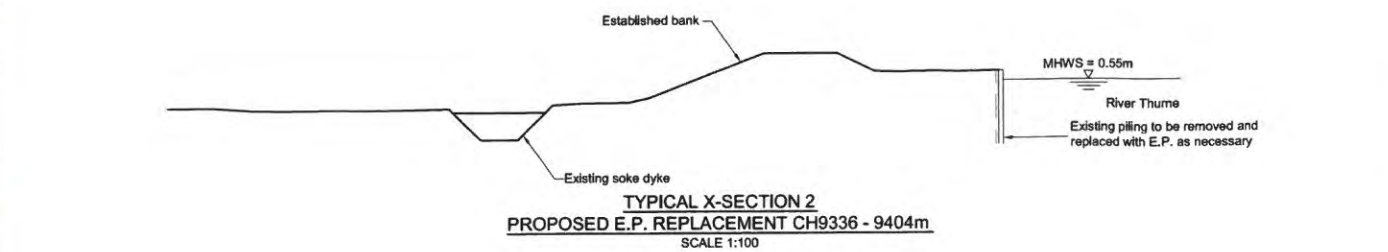
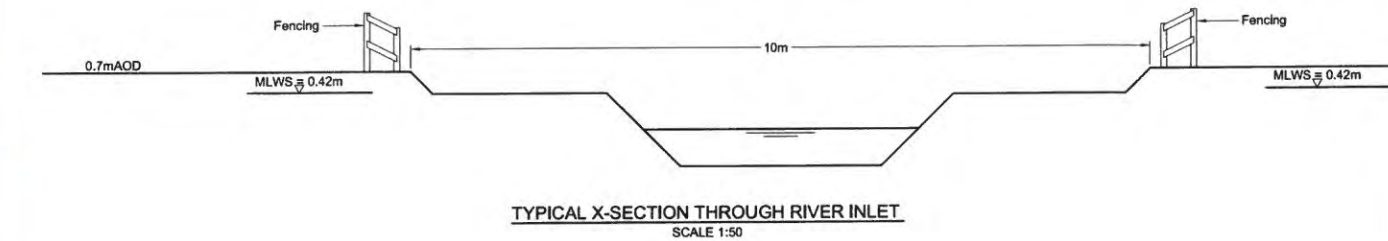
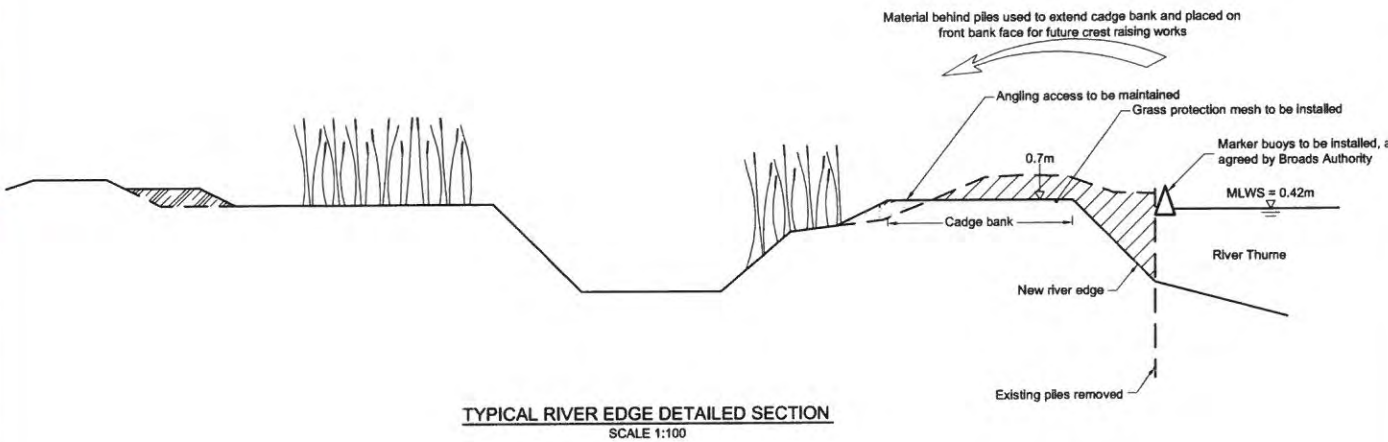
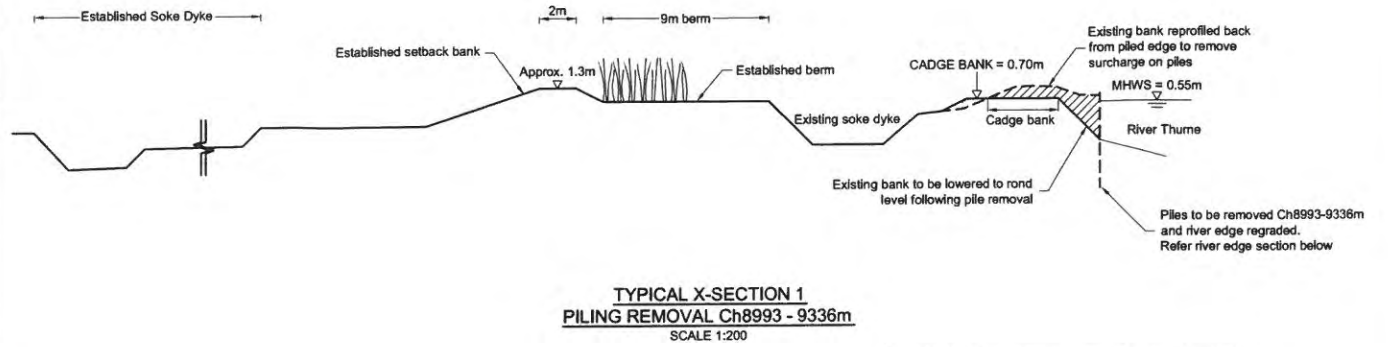
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 - ESTABLISHED SOKE DYKE
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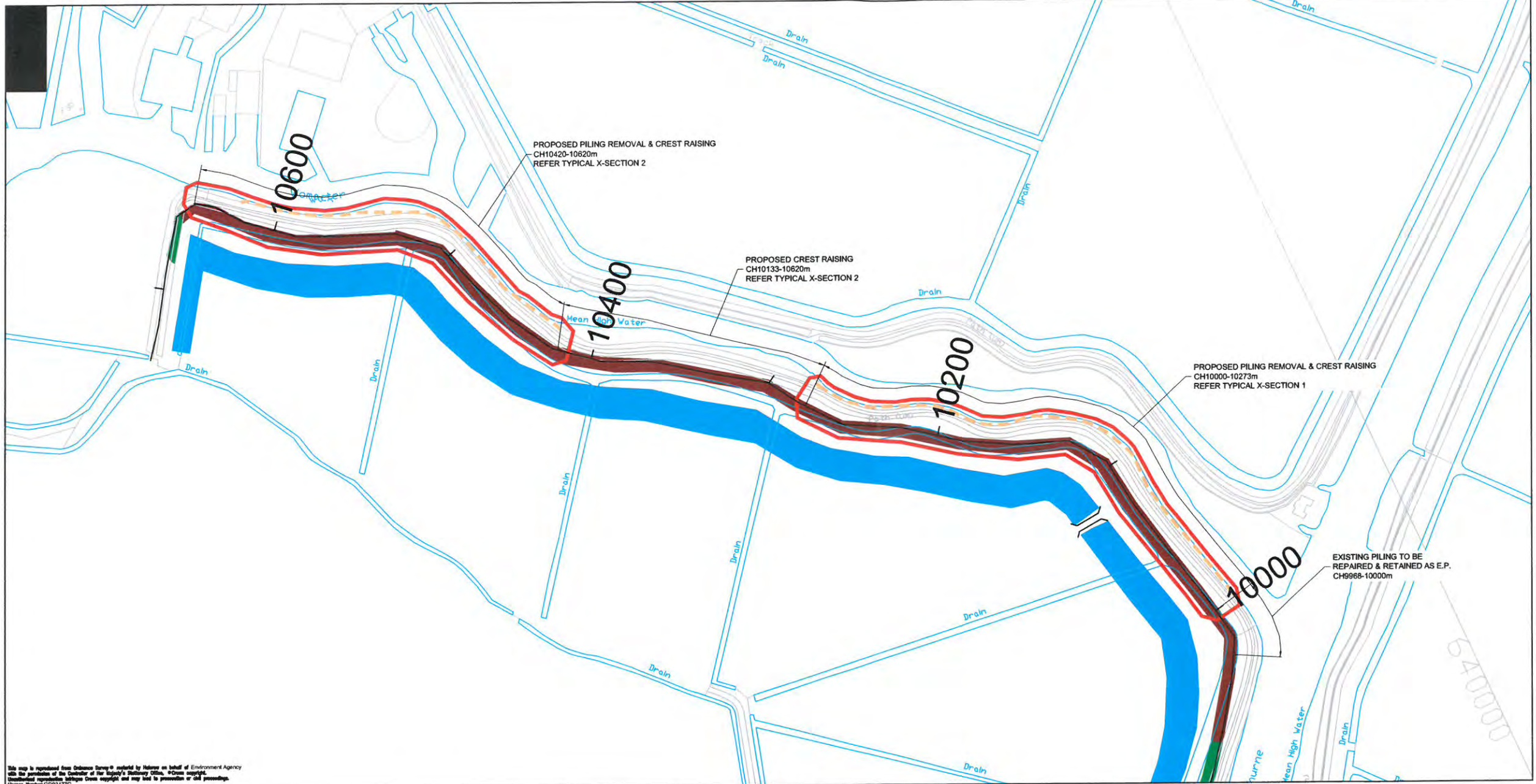
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Project
BROADLAND FLOOD ALLEVIATION PROJECT

Drawing
COMPARTMENT 5
RIVER THURNE
PILING REMOVAL
DETAILED PLAN 4 OF 6

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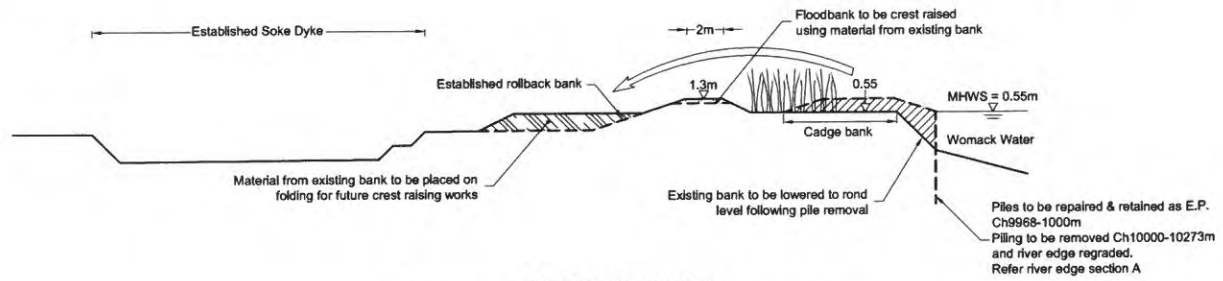
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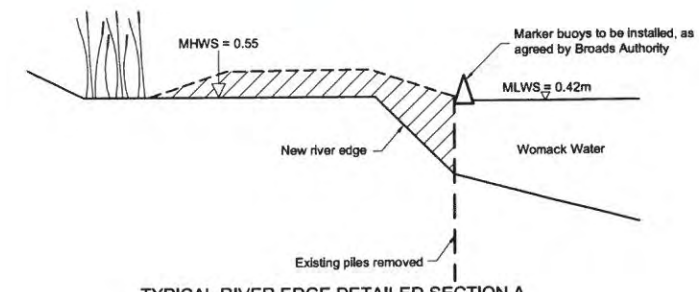
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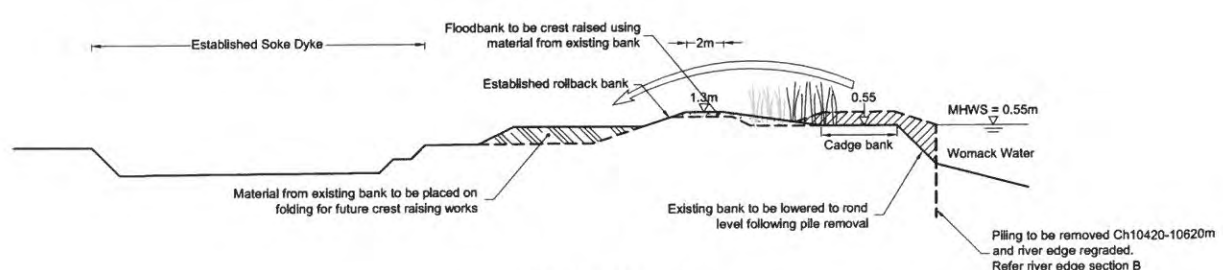
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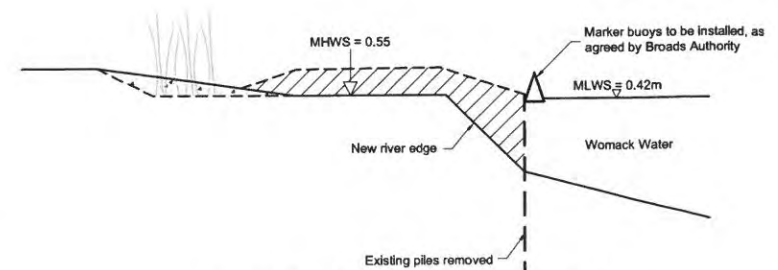
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SCALE 1:200



TYPICAL RIVER EDGE DETAILED SECTION A
SCALE 1:100



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TYPICAL RIVER EDGE DETAILED SECTION B
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Project: **BROADLAND FLOOD ALLEVIATION PROJECT**

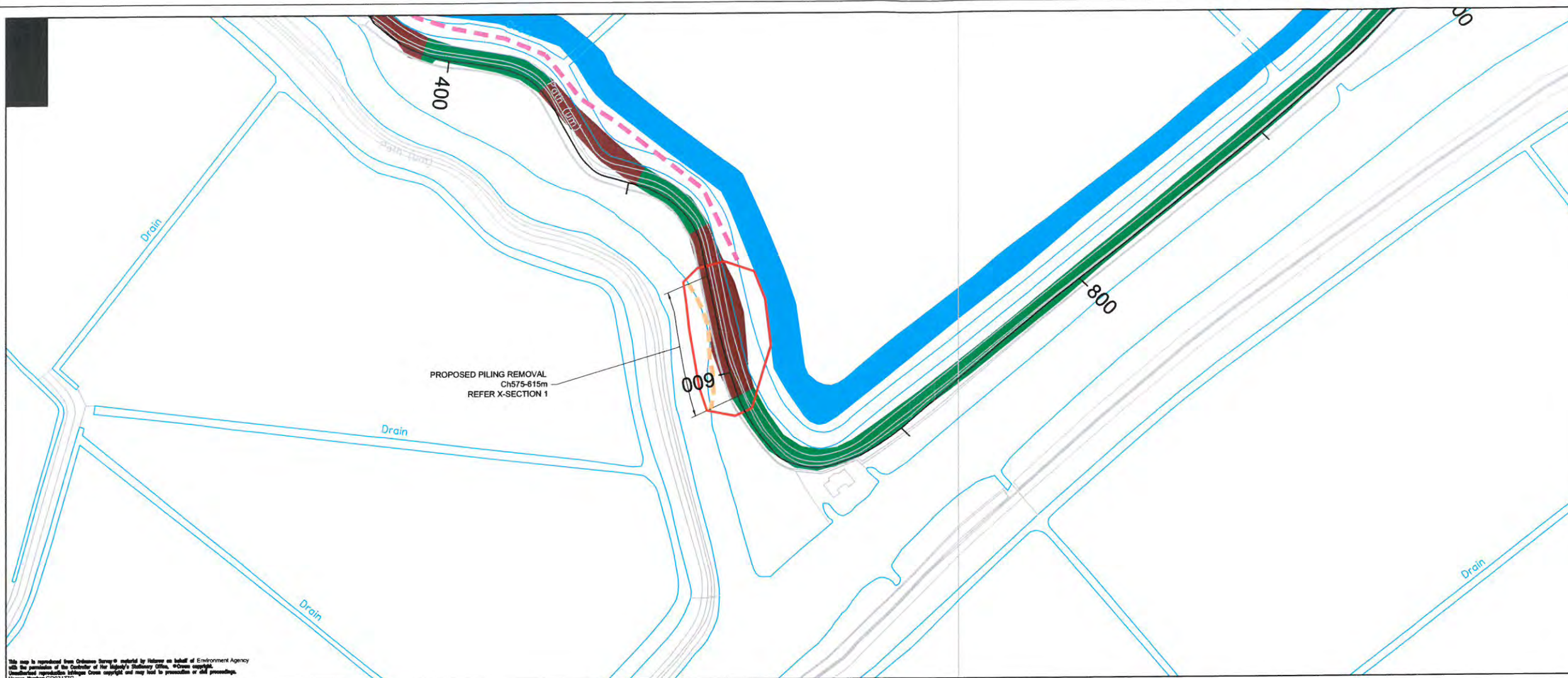
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RIVER THURNE/WOMACK WATER
PILING REMOVAL
DETAILED PLAN 5 OF 6**

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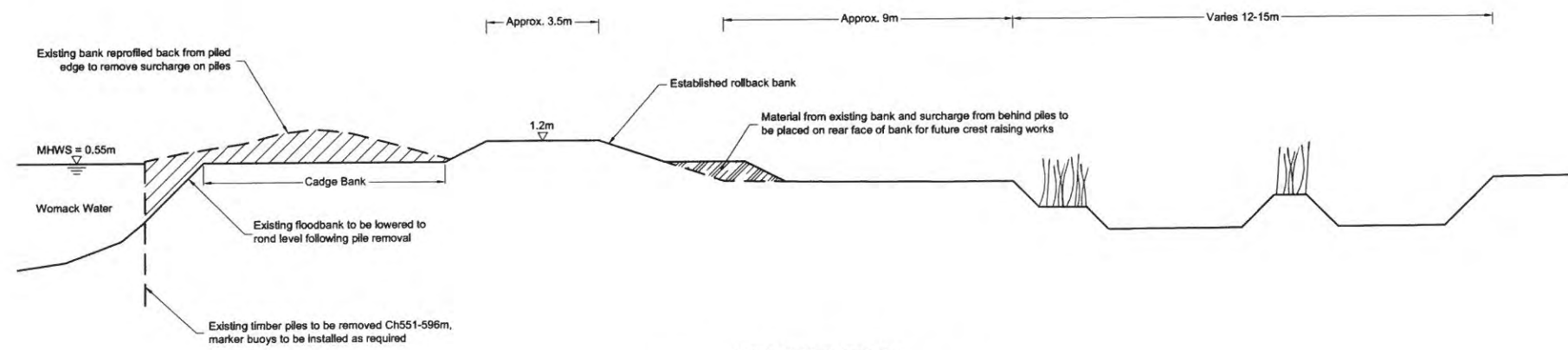


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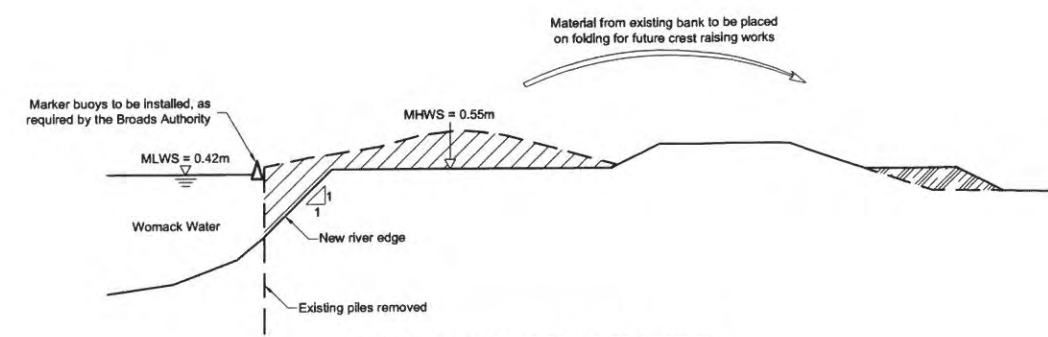
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PROPOSED PILING REMOVAL Ch551 - 596m
SCALE 1:200



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Project
BROADLAND FLOOD ALLEVIATION PROJECT

Drawing
COMPARTMENT 6
WOMACK WATER
PROPOSED PILING REMOVAL
DETAILED PLAN 6 OF 6

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Drawing No. WNBLUD/410/008
 Project: Broadland Flood Alleviation Project
 Client: Broadland Environmental Services Limited
 Date: 25/11/14 9:11 am

Boat Census 2014 Report
Report by Waterways and Recreation Officer

Summary: This report summarises the results of the 2014 Boat Census and provides an overview of boat movements around 14 designated census points located at specific points round the Broads network.

Members' comments on the report are welcomed.

1 Background to the Boat Census

- 1.1 A boat census recording boat movements around the Broads has been undertaken by the Broads Authority every four years since 1986. The census notes numbers and types of vessel as well as their general direction of travel from 14 pre-defined and specific locations within the Broads navigation area at half hourly intervals. A census point location plan is at Appendix 1.
- 1.2 The census is carried out on three days commencing the third Sunday in August and the subsequent Tuesday and Thursday during the period 0900 hrs to 1800 hrs each day. This long term data set is valuable in identifying trends in usage and makeup of the fleet on the Broads.

2 2014 Census and Analysis

- 2.1 A total of 66 people – made up of BA Officers and BA Volunteers – were actively involved in collecting data for the 2014 Census along with continued support throughout the three days from both Waterways and Recreation Officers.
- 2.2 The weather was kind to the majority of census takers with pleasant temperatures (around 17-19°C) and calm conditions.
- 2.3 Analysis of the census also highlights vessel movements across Breydon Water at low tide. Out of a total of 146 vessel movements recorded on 17 August 2014, 39 vessels were recorded heading towards Breydon between 9am and 10.30am. 47 vessels were recorded to be travelling out from Breydon in the same period and this shows that 59% of movement for this day was recorded within this time period. Further details of the results can be found on the Authority's website at <http://www.broads-authority.gov.uk/broads-authority/committees/navigation-committee/navigation-committee-26-february-2015>

3 Key Findings

- 3.1 When the figures are compared to the 2010 Boat Census, it is evident that there has been slight increase in boat movements within the Broads river system on the census days with a total of 11,933 vessels noted by the end of play on the third day compared to 11,728 in 2010.
- 3.2 Whilst there has been a drop in the number of hired motor cruisers recorded, there has been an increase in hired out board dinghies and launches. Also encouraging is the increase in smaller non-powered craft such as canoes and row boats, whose usage has increased by over 60% in the last four years.
- 3.3 With regards to vessel movements, the figures reflect the usual high traffic areas such as Wroxham and Horning along with Irstead Staithe, Thurne Mouth and Oulton Broad showing high numbers of movement.
- 3.4 The northern rivers showed a much higher percentage of vessels on the river with 73% of traffic being recorded by the Northern River Census takers.
- 3.5 As in 2010, the southern rivers accounted for a smaller percentage of traffic. However the increase shown in traffic movement in 2010 has decreased again resulting in a 6% drop in traffic numbers compared to 2010.

Background papers: Nil

Author: Mark King
Date of report: 10 February 2015

Broads Plan Objectives: None

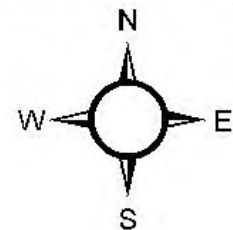
Appendices: APPENDIX 1- Location of census points

Appendix 1

Location of Census Points



Location of Boat Census Sites



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**Navigation Income and Expenditure:
1 April to 30 November 2014 Actual and 2014/15 Forecast Outturn**
Report by Head of Finance

Summary: This report provides the Committee with details of the actual navigation income and expenditure for the eight month period to 30 November 2014, and provides a forecast of the projected expenditure at the end of the financial year (31 March 2015).

1 Introduction

- 1.1 This financial monitoring report summarises details of the forecast outturn for the year, which provides members with a picture of expected activity for the full financial year as well as supporting proactive budget management by budget holders. This report provides details of navigation expenditure only.
- 1.2 Section 2 of this report and Appendix 1 provide details of actual navigation expenditure to 30 November 2014.
- 1.3 Section 4 and Appendix 2 provide details of the forecast 2014/15 outturn (the expected actual expenditure position at the end of the financial year), compared to the latest available budget (LAB). The LAB represents the original budget for the year agreed by the Authority in March 2014, adjusted for known and approved budget changes. Further details of the LAB are set out in section 3 below.

2 Overview of Actual Income and Expenditure

- 2.1 Within this report, actual income and expenditure are reported at summary / directorate level, providing members with an overview of the Authority's position as set out in Table 1 below.

Table 1 – Actual Navigation I&E by Directorate to 30 November 2014

	Profiled Latest Available Budget	Actual Income and Expenditure	Actual Variance
Income	(2,944,316)	(2,929,278)	(15,039)
Operations	1,181,765	1,244,850	(63,086)
Planning and Resources	588,214	498,851	89,363
Chief Executive	101,038	101,218	(180)
Projects, Corporate Items and Contributions from Earmarked Reserves	0	28,951	(28,951)
Net (Surplus) / Deficit	(1,073,330)	(1,055,407)	(17,893)

2.2 Core navigation income is slightly behind the profiled budget at the end of month eight. The overall position as at 30 November 2014 is an adverse variance of £17,893 or 1.67% difference from the profiled LAB. This represents an increase against the variance of £16,651 reported for September. The November position is principally due to:

- An overall adverse variance of £13,758 within toll income:
 - Hire Craft Tolls £45,185 below the profiled budget.
 - Private Craft Tolls £31,427 above the profiled budget.

Core income is behind the profiled budget as at the end of month eight. At the end of the financial year it is currently anticipated that the net position on Tolls will be broadly in line with the total budget (with Private Tolls up and Hire Tolls down), and this position has been reflected in forecast outturn figures.

- The Operations budget has moved to an overspend position, once contributions from reserves (£17,890 in relation to construction of a second wherry, and income of £13,533 for the sale of the Thurne launch) have been taken into account. There is in particular now an overspend of approximately £41,000 in the Equipment, Vehicles and Vessels budget due mainly to timing differences in repairs and maintenance expenditure. A replacement pool vehicle for Construction and Maintenance, budgeted for in July, has been received in September. Expenditure remains slightly over profile in Practical Maintenance, Asset Management and Operational Premises budgets.
- There is a underspend within Planning and Resources budgets though this principally relates to timing issues:
 - Other projects underspend (£11,798) which are mainly due to timing differences;

- Finance, insurance and audit underspends (£6,367) which are mainly due to timing differences;
- Yacht Station and Visitor Centre underspends (£14,718), relating to income being over the profiled budget as a result of changes in the range of products offered for sale and expenditure being behind as a result of timing differences;
- ICT budget underspend (£9,357) which are mainly due to timing differences;
- Legal budget underspend (£21,744) due to delayed and lower than budgeted invoicing;
- Planning Management and Admin underspend (£10,551) due largely to underspends on office expenses including postage and photocopiers;
- Small underspends in Waterways and Recreation Strategy, and Collection of Tolls budgets.

2.3 Expenditure within the individual directorate lines is partly offset by contributions from reserves (within the *Projects, Corporate Items and Contributions from Earmarked Reserves* line in Table 1).

2.4 The charts at Appendix 1 provide a visual overview of actual income and expenditure compared with both the original budget and the LAB.

3 Latest Available Budget

3.1 The Authority's income and expenditure is monitored against the latest available budget (LAB) for 2014/15. The LAB is based on the original budget for the year, with adjustments for known and approved budget changes such as carry-forwards and budget virements. Full details of movements from the original budget are set out in Appendix 2.

3.2 The use of the LAB format ensures that there is better visibility of budgets, providing information about approved changes to the original budget and removing distortions from approved in-year changes to the budget. The LAB facilitates scrutiny of budgets by distinguishing between planned budget changes and unplanned outturn variances.

3.3 Changes to the original consolidated budget for the year are set out in Table 2 below.

Table 2 – Adjustments to Navigation LAB

	Ref	£
Original navigation budget 2014/15 (surplus)	Item 12 24/04/14	(39,558)
Approved carry-forwards from 2013/14	Item 13 04/09/14	16,154
Additional budget allocated for stakeholder surveys	Item 13 04/09/14	16,970
Budget virement to transfer hire costs from vessels	Director	(1,015)

and equipment to dredging and fen management budgets.	approval 28/10/14	
LAB at 30 November 2014		(7,449)

3.4 The LAB therefore provides for a reduced navigation surplus of £7,449 in 2014/15 as at 30 November 2014.

4 Overview of Forecast Outturn 2014/15

4.1 Budget holders have been asked to comment on the expected expenditure at the end of the financial year in respect of all budget lines for which they are responsible. It must be emphasised that these forecast outturn figures should be seen as estimates and it is anticipated that they will continue to be refined and clarified through the financial year.

4.2 As at the end of November 2014, the forecast outturn indicates:

- The total forecast income is £2,973,914, or £7,958 less than the LAB.
- Total expenditure is forecast to be £2,992,920.
- The resulting deficit for the year is forecast to be £19,006.

4.3 The forecast outturn expenditure reflects changes from the LAB as shown in Table 3. The forecast deficit represents an unfavourable variance of £21,599 against the LAB.

Table 3 – Adjustments to Forecast Outturn

	£
Forecast outturn surplus per LAB	(7,449)
Previously reported adjustments	21,599
Increase forecast expenditure for Mutford Lock additional manual openings	2,600
Increase income forecast for Practical Maintenance budget for PIANC conference contribution	(1,700)
Increase forecast for net salary cost adjustments in respect of latest forecasts	6,841
Increase forecast Hire Craft Toll income	(559)
Decrease forecast Private Craft Toll income	4,213
Increase forecast expenditure for NPS asset management costs	3,150
Decrease forecast expenditure to reflect actual Insurance costs	(7,050)
Decrease forecast expenditure to reflect new photocopying contract	(2,640)
Forecast outturn deficit as at 30 November 2014	19,006

4.4 The main reasons for the difference between the forecast outturn and the LAB are:

- The change in predictions for navigation toll income, which are based on the latest actual income figures. Toll income is now expected to be broadly in line with the budget for the year (with the Private toll and Hire toll variances offsetting one another); and
- The inclusion of one-off costs relating to the restructuring of HR and Communications. These changes are forecast to deliver ongoing savings of approximately £55,000 in the annual Navigation budget.

5 Reserves

5.1 The Authority's earmarked reserves were rationalised in 2013/14 into a smaller number of reserves. Navigation reserve balances continue to be maintained separately from national park reserves. The balance of navigation earmarked reserves at the end of November 2014 is shown in Table 4 below.

Table 4 – Navigation Earmarked Reserves

	Balance at 1 April 2014	In-year movements	Current reserve balance
	£	£	£
Property	(492,020)	(8,567)	(500,587)
Plant, Vessels and Equipment	(139,857)	(41,305)	(181,162)
Premises	(59,994)	(9,000)	(68,994)
PRISMA	(244,954)	167,147	(77,807)
Total	(936,824)	108,275	(828,549)

6 Summary

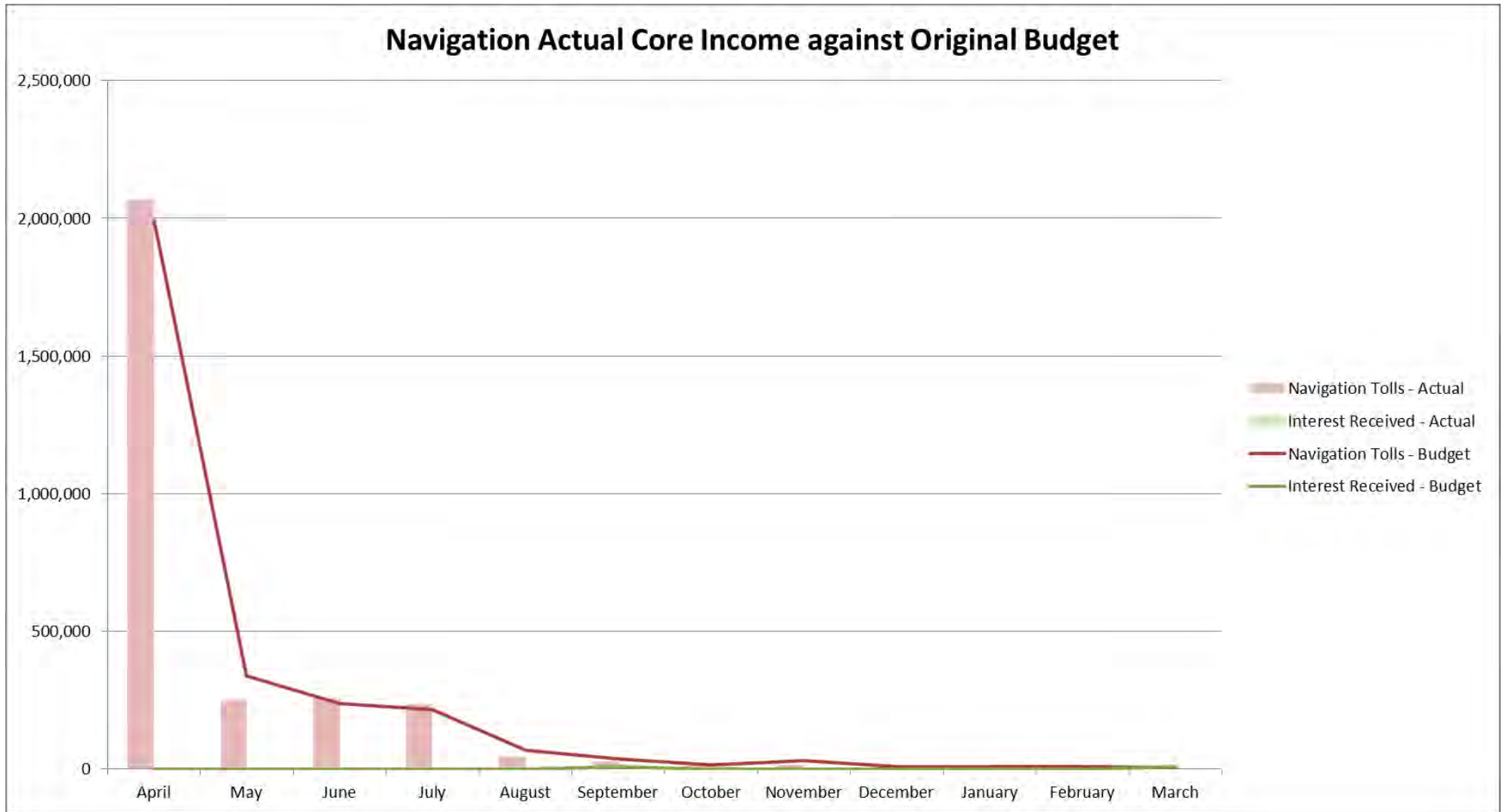
6.1 There have been some significant movements in the forecast outturn position for the year, as detailed above, which now suggests a deficit within the navigation budget for the year. With the latest amendments to forecast outturn, this would result in a navigation reserve balance of approximately £271,000 at the end of 2014/15 (before any year-end adjustments), which equates to 9.1% of net expenditure, slightly below the recommended level of 10%. The 2015/16 budget reflects this latest forecast outturn position and makes proposals which will restore the balance of the navigation reserve in 2015/16.

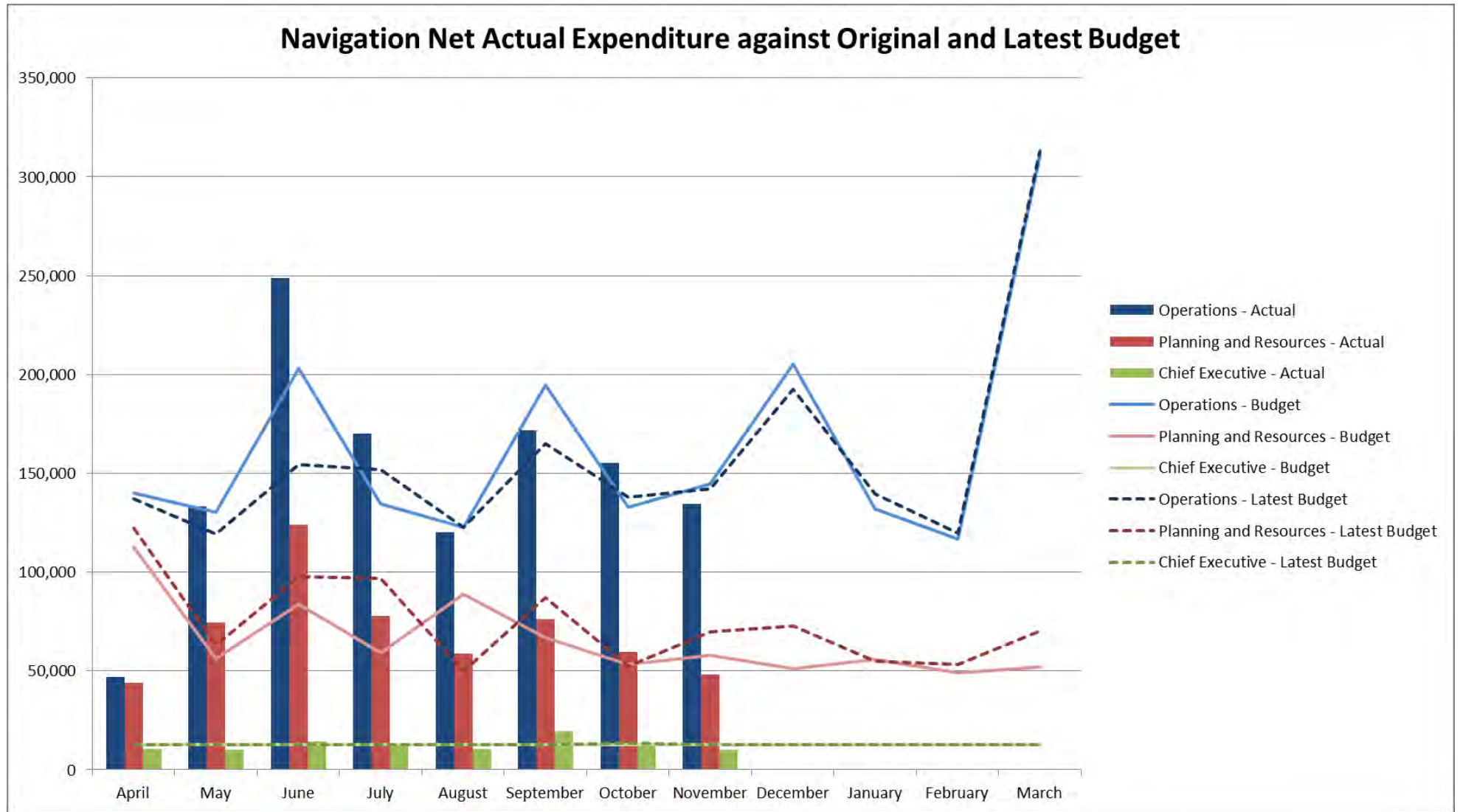
Background Papers: Nil

Author: Emma Krelle
Date of Report: 4 February 2015

Broads Plan Objectives: None

Appendices: APPENDIX 1 – Navigation Actual Income and Expenditure
Charts to 30 November 2014
APPENDIX 2 – Financial Monitor: Navigation Income and
Expenditure 2014/15





To 30 November 2014

Budget Holder (All)

Row Labels	Values				
	Original Budget (Navigation)	Budget Adjustments (Navigation)	Latest Available Budget (Navigation)	Forecast Outturn (Navigation)	Forecast Outturn Variance (Navigation)
Income	(2,981,871)		(2,981,871)	(2,973,914)	(7,958)
National Park Grant	0		0	0	0
Income	0		0	0	0
Hire Craft Tolls	(1,118,300)		(1,118,300)	(1,072,855)	(45,445)
Income	(1,118,300)		(1,118,300)	(1,072,855)	(45,445)
Private Craft Tolls	(1,792,100)		(1,792,100)	(1,833,587)	41,487
Income	(1,792,100)		(1,792,100)	(1,833,587)	41,487
Short Visit Tolls	(37,721)		(37,721)	(37,721)	0
Income	(37,721)		(37,721)	(37,721)	0
Other Toll Income	(18,750)		(18,750)	(18,750)	0
Income	(18,750)		(18,750)	(18,750)	0
Interest	(15,000)		(15,000)	(11,000)	(4,000)
Income	(15,000)		(15,000)	(11,000)	(4,000)
Operations	1,966,843	12,871	1,979,713	2,004,437	(24,724)
Construction and Maintenance Salaries	575,734		575,734	571,430	4,304
Salaries	575,734		575,734	571,430	4,304
Expenditure			0		0
Equipment, Vehicles & Vessels	296,109	(15,365)	280,743	280,743	0
Income			0		0
Expenditure	296,109	(15,365)	280,743	280,743	0
Water Management	62,500	14,350	76,850	76,850	0
Income	0		0	0	0
Expenditure	62,500	14,350	76,850	76,850	0
Land Management	0		0	0	0
Income	0		0	0	0
Expenditure	0		0	0	0
Practical Maintenance	310,035	7,170	317,205	317,527	(322)
Income	(7,000)		(7,000)	(8,700)	1,700
Expenditure	317,035	7,170	324,205	326,227	(2,022)
Ranger Services	435,606		435,606	455,604	(19,998)
Income	(10,000)		(10,000)	(10,000)	0
Salaries	348,006		348,006	368,004	(19,998)
Expenditure	97,600		97,600	97,600	0

Row Labels	Original Budget (Navigation)	Budget Adjustments (Navigation)	Latest Available Budget (Navigation)	Forecast Outturn (Navigation)	Forecast Outturn Variance (Navigation)
Pension Payments			0		0
Safety	54,328		54,328	54,088	240
Income	(9,000)		(9,000)	(9,000)	0
Salaries	34,773		34,773	34,533	240
Expenditure	28,555		28,555	28,555	0
Asset Management	64,980		64,980	73,648	(8,668)
Income	(450)		(450)	(450)	0
Salaries	17,055		17,055	16,948	107
Expenditure	48,375		48,375	57,150	(8,775)
Volunteers	18,402		18,402	18,412	(10)
Income	(300)		(300)	(300)	0
Salaries	12,702		12,702	12,712	(10)
Expenditure	6,000		6,000	6,000	0
Premises	77,727	6,716	84,442	85,071	(629)
Income	(896)		(896)	(267)	(629)
Expenditure	78,623	6,716	85,338	85,338	0
Operations Management and Administration	71,422		71,422	71,063	359
Income			0		0
Salaries	64,422		64,422	64,063	359
Expenditure	7,000		7,000	7,000	0
Planning and Resources	787,289	19,239	806,528	789,733	16,795
Development Management	0		0	0	0
Income	0		0	0	0
Salaries	0		0	0	0
Expenditure	0		0	0	0
Pension Payments			0		0
Strategy and Projects Salaries	22,417	769	23,186	21,496	1,690
Income	0		0	0	0
Salaries	22,417	769	23,186	21,496	1,690
Expenditure	0		0	0	0
Biodiversity Strategy	0		0	0	0
Income			0		0
Expenditure	0		0	0	0
Strategy and Projects	4,041		4,041	3,999	42
Income			0		0
Salaries	4,041		4,041	3,999	42
Expenditure	0		0	0	0

Row Labels	Original Budget (Navigation)	Budget Adjustments (Navigation)	Latest Available Budget (Navigation)	Forecast Outturn (Navigation)	Forecast Outturn Variance (Navigation)
Waterways and Recreation Strategy	43,960		43,960	40,648	3,312
Salaries	34,960		34,960	31,648	3,312
Expenditure	9,000		9,000	9,000	0
Project Funding	13,760	16,970	30,730	30,696	34
Income	0		0	0	0
Salaries	3,760		3,760	3,726	34
Expenditure	10,000	16,970	26,970	26,970	0
Pension Payments			0		0
Partnerships / HLF	0		0	0	0
Expenditure	0		0	0	0
SDF	0		0	0	0
Expenditure	0		0	0	0
Finance and Insurance	158,187		158,187	149,287	8,900
Income			0		0
Salaries	62,966		62,966	61,116	1,850
Expenditure	95,222		95,222	88,172	7,050
Communications	78,048		78,048	78,995	(947)
Income			0		0
Salaries	67,548		67,548	68,495	(947)
Expenditure	10,500		10,500	10,500	0
Visitor Centres and Yacht Stations	67,477	1,500	68,977	66,187	2,791
Income	(56,250)		(56,250)	(56,250)	0
Salaries	100,477		100,477	97,687	2,791
Expenditure	23,250	1,500	24,750	24,750	0
Collection of Tolls	113,660		113,660	113,192	468
Salaries	100,960		100,960	100,492	468
Expenditure	12,700		12,700	12,700	0
ICT	88,381		88,381	89,807	(1,426)
Income			0		0
Salaries	41,950		41,950	43,376	(1,426)
Expenditure	46,431		46,431	46,431	0
Legal	42,000		42,000	42,000	0
Income			0		0
Expenditure	42,000		42,000	42,000	0
Premises - Head Office	69,600		69,600	69,600	0
Expenditure	69,600		69,600	69,600	0
Planning and Resources Management and Administration	85,757		85,757	83,826	1,931

Row Labels	Original Budget (Navigation)	Budget Adjustments (Navigation)	Latest Available Budget (Navigation)	Forecast Outturn (Navigation)	Forecast Outturn Variance (Navigation)
Income			0		0
Salaries	44,882		44,882	45,591	(709)
Expenditure	40,876		40,876	38,236	2,640
Chief Executive	150,982		150,982	161,437	(10,455)
Human Resources	54,587		54,587	64,893	(10,306)
Salaries	29,987		29,987	40,293	(10,306)
Expenditure	24,600		24,600	24,600	0
Governance	56,235		56,235	54,667	1,568
Income			0		0
Salaries	36,039		36,039	34,471	1,568
Expenditure	20,196		20,196	20,196	0
Chief Executive	40,159		40,159	40,454	(295)
Salaries	40,159		40,159	40,454	(295)
Expenditure			0		0
Legal	0		0	1,422	(1,422)
Salaries	0		0	1,422	(1,422)
(blank)			0		0
(blank)			0		0
(blank)			0		0
Projects and Corporate Items	37,200		37,200	37,313	(113)
PRISMA	0		0	113	(113)
Income			0		0
Salaries	10,410		10,410	10,523	(113)
Expenditure	(10,410)		(10,410)	(10,410)	0
STEP			0		0
Expenditure			0		0
Corporate Items	37,200		37,200	37,200	0
Pension Payments	37,200		37,200	37,200	0
Contributions from Earmarked Reserves			0		0
Earmarked Reserves			0		0
Expenditure			0		0
Grand Total	(39,558)	32,110	(7,449)	19,006	(26,455)

**Construction, Maintenance and Environment Work Programme
Progress Update**

Report by Head of Construction, Maintenance & Environment

Summary: This report sets out the progress made in the delivery of the 2014/15 Construction, Maintenance & Environment Section work programme.

Members' questions regarding Construction, Maintenance or Environmental works programme are welcomed.

1 Construction Programme Update 2014/15

- 1.1 The progress of the Construction and Maintenance work programme is described in this report. As previously reported verbally to members, a further detailed breakdown shows that up to the end of January 2015, 36,720m³ of sediment has been removed from the Rivers and Broads, and the details of quantities and costs achieved so far are set out in Appendix 1. This represents 73% of the programmed target of at least 50,000m³.
- 1.2 During November and December 2014 Reedham end and Saint Olaves end of the Haddiscoe Cut were dredged, with over 6,000m³ of accrued sediments being removed. The vast majority of these were deposited into setback areas at Reedham, with some materials going to a small setback on Raveningham Estate land. Also during this period dredging on the River Bure, upstream of the River Ant was completed, with over 16,000m³ being removed and placed into setback at Horning Hall.
- 1.3 In-between dredging projects the dredging crews have also been driving steel tubes into the river bed for pontoons and for channel markers. The de-masting pontoons on the Lower Bure (between Mautby and Runham) have been installed and are operational and new port channel marker on the Bure Loop has also been placed aiding navigation at this location.
- 1.4 Dredging on the river Chet commenced in January 2015, with sections between Pye's Mill and Hardley Flood having sediment removed. This material is being side-cast, with the River Chet being one of a very few locations where 'traditional' side-casting is permitted. This material is being used to strengthen the floodbank in this area.
- 1.5 The Broads Authority mud-pump has been set up and lagoons formed for the start of a mud-pumping project on the Upper Bure. Located between Belaugh and Horstead Mill at Coltishall Lock, the pump is planning to remove approximately 6,000m³ of loose sediments. The removed material will be

naturally dried in the de-watering lagoons, and then ploughed back into the arable fields to aid nutrient and moisture retention of this land.

2 Maintenance Programme Update 2014/15

- 2.1 The improvement projects at Potter Heigham have all been completed. Works were carried out at the Dingy Park, Dingy Dyke and Bridge Green to provide visitor enhancements and improved moorings for workboats (offline and secure when working in the Upper Thurne area). The scheme saw benches, cycle racks and improved footways being installed at Bridge Green. The Dingy Park has been resurfaced, picnic tables and canoe storage has been installed. The Dingy Park site is now open and is available for de-masting. These schemes were paid for out of the Project Development Budget.
- 2.2 Two bridges on the Acle permissive path have been replaced. The old 7.4m bridges were in very poor condition with rotten bearers and supports and replacing both structures was required.
- 2.3 Cantley 24hr mooring is undergoing footpath works with major sections of the surfacing being topped and re-compacted and Aldeby 24hr mooring is also undergoing capping replacement with 40m of timbering being removed and replaced.
- 2.5 How Hill 24hr mooring is having 300m of pathway topped up, repairs to the quay heading and new path edgings laid as existing timbers have rotted, this work will be completed by the end of February.

3 Environment Team Programme Update 2014/15

- 3.1 Two full planning applications have been submitted for 'bank alignment' schemes at Hickling and on the Upper Bure. Hickling, Hill Common application was heard by Planning Committee on Friday 6 February and approval was granted. The works will begin in mid-February. The scheme on the Upper Bure has met with objections from the public and the Environment Agency; the issues included questions about Water Framework Directive and the choice of planting being proposed. These issues are being addressed by the Environment Officers, but this has delayed the scheme on the Upper Bure from starting, pushing it back into the 2015/16 work programme.
- 3.2 One-off Fen management work contracts have increased in 2014/15 and the Fen Team have been busy recently with our Softrak MkII at Oulton Marshes, South Walsham Fen and Barton Fen. The reputation of the Broads Authority as capable Fen and Marsh habitat managers is growing and the speed and reliability of the Softrak MkII is making us a viable option for landowners. We are looking to develop this area of work during the 2015/16 year and try to bring some of these sites into long-term management agreements.
- 3.3 The Environment Officers have been working hard on the impact monitoring and the reporting function we provide, especially with regards to impacts from the fen harvester (tests carried out of the sensitive peat strata and water

quality impacts of cut fen vegetation heaped at the fen edge). The 2014 Water Plant survey report has also been produced and is available on the website as well as the full hydro- acoustic survey of Hickling Broad.

4 Fitters

- 4.1 Motor launches continued to have their yearly out-fit with the contract being split between Broads Authority's Fitters and Cox's Boatyard. So far two launches have been serviced and re-fitted at the Dockyard, with the Spirit of Breydon due in by the middle of March. ML Martin Broom has a new anti-foul system placed when the existing system was found to be faulty during the routine service. This was paid for by the manufacturer as laboratory tests on the anti-fouling product found it to be faulty.
- 4.2 The crane in the dredging barge known as 'Grab 7' has now been decommissioned and removed from service. The crane was uneconomical to maintain and she needed major spare parts in order to pass the required safety certification. In anticipation of this item of plant being withdrawn we purchased a new Long Reach 360 Doosan excavator which has been installed onto linkflotes and is ready for service on the River Ant.
- 4.3 Following the vessel assessment and subsequent decision to scrap three old wherries, On-Ward, Senior & Go-Forward have all been cut-up for scrap. The newest wherry, Gleaner, is being made ready for delivery and we are expecting her to arrive on Thursday 12 February. A third new wherry is currently out for tender, with the closing date for bids on 27 March 2015.

5 Turn Tide Jetty Update

- 5.1 The design work, carried out by Canhams has been finalised and the appointed contractor, G.T Rochesters have sourced sustainable timber to be used as the structures kingpiles. Greenheart oak posts recycled from the Port of Southampton have been approved for use and are being trimmed to size. With this material being sustainably sourced and reasonably local, a start date of late February 2015 is now possible. This development allows the project to revert back to its original budget and maintains the planned financial spending plan of splitting the cost over two financial years, with £153,000 contribution from 2014/15 budget covering mobilization and the major material costs

Background papers: Nil

Author: Rob Rogers
Date of report: 9 February 2015

Broads Plan ref: NA1.1

Appendices: APPENDIX 1 –Dredging Progress Table 2014/15

Dredging Progress 2014/15 (April 2014 to end January 2015)

APPENDIX 1

Project Title	Project Element	Active dredging weeks Completed (Apr-Jan)/Planned	Volume Removed m ³		Annual project cost	Actual project cost ¹ (Apr-Jan)
			Planned	Actual	Planned	Actual
Mid Bure	Thurne Mouth to Horning Hall	27/28	19,000	16,610	£165,000	£132,370
<i>River Thurne rond and setback area near Ant mouth all utilized to plan</i>						
Waveney	Burgh St Peter bends	20/16	12,000	12,050	£112,500	£120,900
<i>Arisings to setback area at Black Mill on the lower Waveney now full as planned.</i>						
Haddiscoe Cut	Reedham end and St Olaves end	9/4	2,000	6,240	£22,700	£44,820
<i>Work was extended whilst waiting for hire of EA wherries and to allow for additional material to be removed.</i>						
River Ant	How Hill to Barton Broad	0/12	6,000	0	£99,500	£6,110
<i>Start date delayed to first week of February</i>						
Upper Bure	Belaugh to Horstead Mill	0/12	6,000	0	£91,000	£11,460
<i>Mud-pump set-up complete. Pumping starting in second week of February. Second bank re-alignment scheme incorporating 3,000m³ awaiting planning consent;</i>						
River Chet	Pye's Mill to Hardley Flood	3/10	5,000	1,500	£53,800	£18,020
<i>Side casting of sediment progressing well. Sediment being used to strengthen floodbank</i>						
Heigham Sound	Restoration of lagoon area	0/0	0	-	£17,500	£17,120
<i>Replanting of lagoon baskets and on-going maintenance. Part PRISMA funded in 2014/15</i>						
Postwick Tip	Restoration of disposal cells & on-going management	0/0	0	-	£16,000	£4,460
<i>Movement of dry sediment from the wet cell is to be deferred to after dredging in 2015/16</i>						
TOTAL			50,000m³	36,720	£578,000	£355,260

Chief Executive's Report

Summary: This report summarises the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings.

1 Bridges Update

Contact Officer/Broads Plan Objective: Angie Leeper/NA5

- 1.1 Consultation Document - Anglia: Route Study, Long Term Planning Process. The Authority provided a response to Network Rail's consultation document on the strategic vision for the future of the network over the next thirty years by the closing date of 3 February 2015. The draft response was circulated to all members for their comments prior to its submission and the final submission is available on request for those who wish to see it.

2 National Parks Branding of the Broads

Contact Officer/Broads Plan Objective: John Packman/PE1

- 2.1 At its meeting on 23 January 2015 the Broads Authority received a report on the consultation responses to the branding of the Broads Area as "Broads National Park". They gave this detailed consideration and sought reassurances and clarification on a number of issues, particularly from the Solicitor and Monitoring Officers on the legalities. They also noted the letter from the Defra National Park Minister Lord De Mauley.
- 2.2 The Authority noted and confirmed that the proposal did not involve any change in the legal name or functions of the Broads Authority and that there had been a generally positive response from the majority of those stakeholder organisations who had responded. They agreed to adopt the use of the brand "Broads National Park" for marketing related purposes as it would be conducive to the achievement of the three general duties in Section 2(1) of the Norfolk and Suffolk Broads Act 1988 and particularly to the enjoyment and understanding of the Broads special qualities and that the use of the brand would have a positive effect in raising the area's profile.
- 2.3 The Authority recognised the reservations and concerns of those stated by the Navigation Committee at its meeting on 11 December as well as those of the NSBA and Broads Society. It therefore agreed that the ambition in the Broads Plan 2011 for the Broads to become a national park in law would no longer be pursued. The Authority also confirmed and emphasised that for the avoidance of

doubt, there was no intention of seeking the application of the Sandford Principle (nor ever had been) as it applies to the national park authorities, to the Authority's three functions, all of which had equal weight. The Authority was of the view that the Habitat Regulations provides sufficient protection for the very special qualities of the area. The Authority was sensitive to the views of the respondents, particularly those who had expressed concerns and therefore agreed that guidelines for the use of the brand be drawn up for use by the staff and other organisations including appropriate signage, and that these be implemented gradually. The Authority agreed that the project be implemented in accordance with legal advice.

3 Budget 2015/16 and Financial Strategy 2017/18 and National Park Grant
Contact Officer/Broads Plan Objective: John Packman/Emma Krelle/Multiple

3.1 At its meeting on 23 January 2015 the Broads Authority agreed to adopt the draft budget for 2015/16 including the Earmarked Strategy for the period 2015/16 to 2017/18. This was based on an overall increase of 1.7% in navigation charges formally adopted by the Authority on 21 November 2014. The Authority also approved the principle that any underspends within the Moorings Maintenance and Repair budget (within the Practical maintenance line) be transferred to the dredging/moorings/Piling(property) reserve fund maintenance in line with the Authority's Asset Management Strategy and as notified and agreed by the Navigation Committee. The budget was based on the assumptions of a 1.74% reduction in national park grant already indicated by Defra.

3.2 Since the Authority's meeting, Defra Ministers have confirmed that the allocations to National Parks for 2015/16 will be in line with the figures previously provided to us. This is consistent with the figures in the budget approved for the coming financial year by the Broads Authority at its meeting.

3.3 The Authority was mindful of the uncertainties over public expenditure after the General Election and that it could not rule out the potential for an in-year cut by the new Government. They noted that the National Parks were working together to provide a collective positive representation to Defra concerning the necessary finances and resources required to fulfil their purposes and objectives.

4 Sediment Management Plan/Draft Dredging Programme for 2015/16 Strategy
Contact Officer/Broads Plan Objective: Adrian Clarke/NA5 and TR2

4.1 At its meeting on 23 January 2015 the Broads Authority noted and welcomed the report on the progress of the Sediment Management Strategy including the proposed priority sites for dredging. The Authority endorsed the dredging programme for 2015/16 as agreed by the Navigation Committee at its meeting on 11 December 2015 and was pleased that the new methodology adopted for assessing Waterway Specification compliance was providing rational sound statistical data.

5 Planning Applications with navigation implications

Contact Officers/Broads Plan Objective: Adrian Clarke/ Maria Hammond
NA4/NA5.2 and TR1

5.1 Application BA/2014/0205/FUL St Olaves Marina, Beccles Road, St Olaves Proposed Mooring pontoons along River Waveney Frontage to St Olaves Marina Ltd

At its meeting on 9 January 2015 the Planning Committee unanimously agreed to refuse the amended application for proposed mooring pontoons along the River Waveney frontage to St Olaves Marina Ltd. The applicant had amended the application for a third time to address concerns which had been raised by the Authority and particularly to address the concerns over navigation. However, the amendments introduced an engineered river edge in the form of quay heading and it was considered that the resulting loss of natural reeded river bank habitat would have adverse impacts on the ecology and protected landscape character of the Broads. In addition the application would not provide new visitor moorings, or in lieu of visitor moorings, demasting moorings. The Committee was particularly concerned that the proposal would result in the reduction in the width of the river as a result of the pontoon and its use and consequently would have a negative impact on navigation. Members were concerned about the navigational safety aspects expressed by the Navigation Committee in this specific location and considered that the Authority would be derelict in its duties if it did not take these matters into account. The application was considered contrary to criteria 'a', 'b' and 'h' of Policy DP16 of the Development Management Plan.

5.2 Application BA/2014/0407/FUL Pound End Broad and Hoveton Marshes Horning Road, Hoveton. Development to facilitate canoe access on Pound End Broad and Hoveton Marshes

At its meeting on 6 February 2015, the Planning Committee agreed to approve the application for the development proposals associated with the Hoveton Great Broad restoration project in order to provide the infrastructure for a canoe trail. The canoe trail itself did not require planning permission. Members were particularly concerned about the special ecological qualities of the area and although mindful that greater public access is required for the Heritage Lottery Fund bid for the restoration proposal for Hoveton Great Broad and this is also the Authority's view, they were concerned that the access on this side of the Broad should be appropriately managed. The approval of the planning application is subject to some 30 conditions covering matters prior to construction, during construction, prior to first use, restoration and enhancement and operation.

6 Cycling Ambition in National Parks: Request for Funding – Three Rivers Way Hoveton to Horning

Contact Officer/ Broads Plan Objective: Adrian Clarke/TR1.1

- 6.1 The Broads Authority and Norfolk County Council have been successful in a bid for £715,000 to go towards a cycle and walking route between Hoveton and Horning. We are one of five national parks to win an award from the Government's Cycling Ambition in National Parks initiative.
- 6.2 The route will form the first phase of the Three Rivers Way, a long-planned project to ultimately connect Wroxham, Hoveton, Horning, Ludham and Potter Heigham. This first phase will run along the northern side of the A1062, providing improved local travel to school, work and shops, as well as a new attraction for visitors. For those arriving by train or car, the route is supported by cycle hire at Hoveton, Bewilderwood and Horning. Improving these links is one of the key aims of our Integrated Access Strategy.
- 6.3 The £1m scheme has significant local support which was fundamental to the bid's success and brings multiple benefits including encouraging more people to cycle and walk and bringing more visitor spending to the villages. The Authority agreed to £65,000 match funding for the project.

7 River Basin Plan

Contact Officer/Broads Plan Objective: Simon Hooton/ CC4.2 and NA1.2

- 7.1 In developing the second round River Basin District Management Plan (the updating draft is currently out for consultation with a closing date of 10th April), the Environment Agency have modified some of their criteria around defining recreation and navigable waters. This appears not to have any significant impacts on the way the issues on the rivers will be tackled under the Water Framework Directive. However the Environment Agency's Catchment Manager will be available at the Navigation Committee meeting to outline the changes and be ready to answer any questions. https://consult.environment-agency.gov.uk/portal/ho/wfd/draft_plans/consult?pointId=3034101

8 Proposed Thorpe to Whitlingham Ferry

Contact Officer/Broads Plan Objective: Steve Birtles/ TR1

- 8.1 A proposal has been made by The Great Yare Company to run a Ferry Service between Thorpe River Green and the western end of Whitlingham Country Park, close to the Outdoor Activity Centre. The boat, 'Morlugh' is a 25ft Cygnus DS25 fishing boat suitable for carrying for 12 passengers.
- 8.2 The aim is to run a quarter-hourly service departing Thorpe on the hour/half hour, and returning at quarter past and quarter to the hour. The transit takes approximately 10 minutes at careful speed. These times may be adjusted by the operator based on demand and experience as the season progresses.

- 8.3 The intention of the operator is to appeal to young families, and also to cyclists seeking to ride around WCP. The boat is being fitted with a rack on the stern which will carry two/three bikes. In addition the company has a 14' punt which can be fitted with a rack to tow three/four more bikes behind.
- 8.4 The Company plan to start operating at Easter and operate weekends/holidays to the late May holiday, then seven days through to the end of the school summer holiday, reverting to weekends through to late October. This plan is dependent on demand.
- 8.5 Longer term the Company may look at developing the service to operate a triangle- Thorpe - WCP upper - WCP lower – Thorpe. As part of this they would like to provide a boarding pontoon at the short length of piled frontage just down river of Whitlingham Bend for drop-offs and pick-ups. Again, this is dependent on demand.
- 8.6 A formal application for a licence to operate the ferry has not yet been submitted to the Authority.
- 8.7 The previous proposal by a second operator for a ferry to run between Bungalow Lane, Thorpe and the downstream end of Whitlingham Country Park has made no further progress.

9 Navigation Patrolling and Performance Targets

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4.3

- 9.1 As can be seen in Appendix 1 the amount of patrolling by launch decreases in the winter due to reduced staffing levels and the undertaking of practical work. Much of the weekend patrolling is undertaken by vehicle. The high best value figures reflect the reduced winter targets which can easily be exceeded if a ranger is working in a particular area. The average navigation/countryside split for the period is 57%/43%

10 Sunken and Abandoned Vessel Update

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4

- 10.1 There have a few sunken vessels in the system during the period but they have been raised or are about to be raised by the owner. Appendix 2 shows the current position.
- 10.2 There was one case of speeding heard at Norwich Magistrates Court in January. Two rangers and the maintenance supervisor (an ex-ranger) witnessed a serious case of speeding when engaged on a site visit at Hoveton. They reported the helmsman who pleaded guilty at court and received a £120 fine with £120 costs. See appendix 3

11 Planning Enforcement Update

Contact Officer/Broads Plan Objective: Adrian Vernon and Cally Smith/None

- 11.1 Following queries raised by a member it was agreed to provide regular updates on the position regarding relevant planning enforcement actions. These details are included at Appendix 4.

Background papers: None

Author: Sandra Beckett/ Esmeralda Guds

Date of report: February 2015

Broads Plan Objectives: Multiple

Appendices:
APPENDIX 1 –Report on the Significant Exercise of Powers by the Rangers during December 2014 – January 2015
APPENDIX 2 – Report of Sunken and Abandoned Vessels
APPENDIX 3 - Report of a prosecution dealt with in court during January 2015
APPENDIX 4 – Planning Enforcement Update

Rangers Exercise of Powers Analysis <i>(Bracketed figures are running totals, April 2014 to January 2015)</i>						Date: Nov 2014 - Jan 2015		
	Wroxham Launch	Irstead Launch	Ludham Launch	Ludham 2 Launch	Norwich Launch	Hardley Launch	B.St.Peter Launch	Breydon Launch
Launch Patrol Areas	Wroxham and Upper Bure	Ant	Hickling, P.Heigham, Upper Thurne & Womack	Lower Thurne, Lower Bure & South Walsham	Norwich and Upper Yare	Reedham, Chet & Middle Yare	Oulton Broad and Upper/Middle Waveney	Breydon Water, Lower Waveney and Yare
Verbal Warnings								
Care & Caution	(104)	(42)	(62)	(112)			(13)	1 (53)
Speed	22 (3068)	(359)	7 (475)	1 (504)	(124)	(212)	(325)	10 (232)
Tolls offences	4 (185)	(80)	1 (33)	1 (107)	(20)	(2)	(36)	1 (33)
Other	(48)	(6)	2 (21)	(82)	(9)	(20)	2 (34)	2 (8)
Blue Book Warnings								
Care & Caution	(3)		(2)	(1)		(1)	(4)	1 (15)
Speed	(90)	(9)	1 (12)	(13)	(13)	1 (7)	(15)	1 (12)
Other	(7)	3 (9)	(2)	1 (11)	(4)	1 (12)	4 (14)	1 (7)
Reports for Prosecutions	(1)							(1)
Special Directions	(29)			6 (12)		(67)	1 (278)	(38)
Toll Compliance Repor								
Non Payment	1 (155)	(66)	(84)	(44)	(55)	(64)	(86)	3 (28)
Non Display	(31)	(13)	(1)	(6)	(4)		(79)	1 (6)
28 Day request for information	1 (2)						(2)	(1)
BSS Hazardous Boat Inspections	1 (4)			(1)	(1)			(2)
Enter Vessels Under BSS	(1)				(1)			
Launch Staffed (by Ranger)	17 (231)	2 (107)	33 (174)	5 (142)	17 (130)	16 (128)	18 (172)	24 (250)
Country Site Inspection Reports Percentage Compliance	100% (100%)	67% (61%)	(Combined figure)	100% (42%)	(Combined figure)	58% (47%)	75% (35%)	300% (100%)
Best Value Patrol Targets Percentage Compliance	438% (215%)	145% (59%)	164% (117%)	217% (149%)	121% (87%)	233% (166%)	169% (100%)	354% (149%)
Volunteer Patrols	21 (42)	1 (2)	6 (11)	2 (8)		2 (2)	3 (8)	
IRIS Reports	5 (122)	2 (36)	2 (27)	2 (46)	3 (67)	2 (39)	8 (52)	2 (96)
Broads Control Total Calls	TOTAL	5,848 (39,838)			Telephone	116,194 (29,830)	VHF	654 (10,008)

RANGER TEAM ACTIVITY

as at 11 February

November 2014	Navigation Activity								Countryside Activity							
	Nav Patrol Launch	Nav Patrol Foot/Road	Incident Working	Admin - Navigation	Training (Navigation)	Escort	Moorings Maintenance	Bank work	Country Patrol	Country Maintenance	Admin - Country	Training (Countryside)	Equipment Maintenance	Tree/Ground work	Group Activities	Education/School Visit
Percentage Total	10.24%	6.56%	0.87%	1.27%		1.00%	0.64%	4.61%	2.85%	1.91%	1.46%	1.97%	3.85%	1.61%	0.32%	0.79%
Wroxham team	17%	11%	58%	26%			2%	34%	38%	76%	19%	6%	34%	23%	81%	
Thurne team	23%	9%	8%	4%			63%	49%	4%	4%			26%	25%		23%
Yare team	5%	4%	3%	47%			9%	5%	18%	14%	48%	38%	17%	13%	19%	51%
Waveney team	10%	4%	3%	4%			28%	44%	1%				5%	16%		26%
Breydon team	45%	44%	3%	8%					27%	6%	4%	31%	23%	12%		
Control Officer		4%														
	#REF!								#REF!							

Month Percentages	
Navigation	64%
Country	36%
Total	100%

Time Off not included

November 2014	General Support												Time Off			
	Broads Control	Travel Time	Activity Unknown	Training - Split	Meeting - Staff	Meeting - Public	Admin - Split	Admin - Volunteer	Training - (Volunteers)	Public Relations Event	Site Visit third party	Other Task	Time off in Lieu (not accurate)	Breaks (not including un-notified breaks)	Annual Leave	Sick
Percentage Total	5.79%	5.78%	5.02%	3.57%	7.49%	1.19%	12.78%	0.08%	1.30%		0.84%	0.75%	1.87%	1.34%	7.40%	0.83%
Wroxham team	27%	16%	34%	55%	19%	8%	19%	43%			26%		13%	27%		9%
Thurne team	5%	12%	20%		24%		12%		15%		39%		14%	2%		
Yare team	5%	13%	12%	8%	17%	13%	17%	57%			22%	15%	13%	24%	30%	
Waveney team	5%	18%	7%		9%	3%	10%		56%		13%	71%		3%	40%	
Breydon team		28%	7%	37%	18%		14%		15%			7%	33%	1%	3%	30%
Control Officer	54%		0%											32%	10%	62%
	#REF!	#REF!	#REF!									#REF!				

Percentage with apportioned split	
<i>Year to date (Apr - Mar)</i>	
Navigation	68%
Country	32%
Total	100%

Time Off not included

Team percentages equal team contribution to activity

APPENDIX 2**Sunken and abandoned vessels**

Description	Location found	Action	Abandoned /Sunken Notice Affixed	Result
Wooden Sailing cruiser	River Yare Trowse	No known owner.	yes	Vessel not raised by owner. Deadline expired and BA team will raise and remove when the programme allows

APPENDIX 3**Report of a prosecution dealt with in court during January 2015**

Place	Offence	Magistrates Court	Result
Hoveton	(1) Speeding (2) Care and Caution.	Norwich	Pleaded guilty to speeding. Care and Caution withdrawn. (1) Fined £120 Costs 120. Victim surcharge £20

Enforcement Update

This table shows the updates on enforcement matters relating to Navigation matters currently under consideration since the last Navigation Committee on 23 October 2014.

Committee Date	Location	Infringement	Action taken and current situation
5 December 2008 5 March 2010 16 July 2010	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenner’s Basin)	Unauthorised development	<ul style="list-style-type: none"> • Enforcement Notices served on 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged on 6 December 2011 • Public Inquiry took place on 1 and 2 May 2012 • Decision received on 15 June 2012. Inspector varied and upheld the Enforcement Notice in respect of removal of pontoons, storage container and engines but allowed the mooring of up to 12 boats only, subject to provision and implementation of landscaping and other schemes, strict compliance with conditions and no residential moorings • Challenge to decision filed in High Court 12 July 2012 • High Court date set for 26 June 2013 • Planning Inspectorate reviewed appeal decision and agreed it was flawed and therefore to be quashed • “Consent Order” has been lodged with the Courts by Inspectorate • Appeal being reconsidered –Planning Inspector Site Visit 28 January 2014 • Hearing took place on 8 July 2014 • Appeal allowed in part and dismissed in part on 20 October 2014. Inspector determined that the original planning permission had been abandoned, but granted planning permission for 25 vessels, subject to conditions (Similar to previous decision above except in terms of vessel numbers). • Planning Contravention Notices issued to investigate

Committee Date	Location	Infringement	Action taken and current situation
			<p>outstanding breaches on site.</p> <ul style="list-style-type: none"> • Challenge to the Inspector's Decision filed in the High Courts on 28 November 2014 • Acknowledgement of Service filed 16 December 2014. Court date awaited • Section 73 application submitted to the Authority to amend 19 of 20 conditions on the permission granted by the Inspectorate. Application not validated. • Appeal against non-determination submitted to PINS in respect of Section 73 application. • Further challenge to the Inspector's decision filed on 31 January 2015