

Broads Authority

Minutes of the meeting held on 22 November 2019

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Present

Bill Dickson – in the Chair, Kelvin Allen, Louis Baugh, Harry Blathwayt, Julie Brockiek-Coulton, Jacquie Burgess, Andree Gee, Lana Hemsall, Tim Jickells, Bruce Keith, James Knight, Greg Munford, Simon Roberts, Simon Sparrow, Nicky Talbot (Minutes 1-14), Vic Thomson, Melanie Vigo di Gallidoro, Fran Whymark.

In attendance

John Packman – Chief Executive, Sandra Beckett – Administrative Officer (Governance), Steven Bell – Monitoring Officer, Maria Conti – Head of Governance, Emma Krelle – Chief Financial Officer, Harry Mach – Carbon Reductions Project Manager up to and including Minute 8, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services.

1. Apologies and welcome

The Chairman welcomed everyone to the meeting. In particular he welcomed Asher Minns, the Executive Director of the Tyndall Centre for Climate Change Research at the University of East Anglia.

Apologies received from Matthew Bradbury, Tristram Hilborn and Leslie Mogford.

2. Chairman's announcements

Openness of Local Government Bodies Regulations 2014

The Chairman reminded Members that the meeting would be recorded as a back-up for accuracy. The Broads Authority retained the copyright. If a member or a member of the public wished to receive a copy of the recording, they should contact the Governance team. No one else indicated that they would be recording or filming the meeting.

Staff matters

The Chairman acknowledged the contributions from the following members of staff.

Will Burchnall, the Water, Mills and Marshes Partnership Project Manager, was leaving the Authority on 29 November after 7 years to deliver a new project at Sheringham Park with the National Trust. Will had been successful in developing the Broads Landscape Partnership bid for National Lottery Heritage funding, seeing it being awarded and delivering the projects. On behalf of the Authority, the Chairman thanked him for all his work, wished him well and hoped his next projects would be as successful as the ongoing WMM.

Steve Birtles was retiring as Head of Safety Management in December 2019. Steve had done much to progress safety within the Broads, developing and implementing the Safety Management System, administering the Port Marine Safety Code and helping to improve health and safety management within the Authority. He wished Steve a long, happy and healthy retirement.

Karen Sayer, Design and Information Supervisor, has completed 25 years continued service with the Authority since 1994. She had also worked for the Authority from 1983 to 1987

before going to the Peak District National Park for 7 years. She has therefore worked a total of 36 years with National Parks. Her contribution to the Authority's public face has been through the design of our logo, specialist publications such as the Broads Plan, Broadcaster and Annual report as well as leaflets including Broadsheet, signs, interpretation panels and photographs. The Chairman thanked Karen for her tremendous contribution and commitment and presented her with a bouquet.

Sandra Beckett, Administrative Officer (Governance) had completed 40 years with the Authority, being the first employee appointed by the first Chief Executive Aitken Clark in 1979 prior to the Authority becoming a Special Statutory Authority in 1989. She has seen the Authority develop from just 2 members of staff to 150 employed now. Her particular focus has been her support for members and the Authority's committees as well as our two Chief Executives, Aitken Clark and John Packman. On behalf of all members and staff past and present, he thanked her for her unfailing support and as a token of appreciation presented her with a bouquet.

General proceedings

The Chairman commented he would take it that members had read the papers and therefore the emphasis would be for members to ask questions and debate the issues.

3. Introduction of members and declarations of interest

Members indicated they had no further declarations of interest other than those already registered, and as set out in Appendix 1 to these minutes.

4. Items of urgent business

The Chairman proposed to take an item of urgent business relating to Whitlingham. The matter was urgent as it involved financial and staff matters which required discussion before the next Broads Authority meeting. Given the nature of the matter, the Chairman proposed to take this as an exempt item.

It was resolved

- (i) That an item on Whitlingham be taken as an item of urgent business as matters involving finance and personnel needed to be discussed before the next meeting on 31 January 2020 and that this be taken as an exempt item in accordance with Section 100A, paragraphs 1,2 3 and 4 of Schedule 12A of the Local Government Act 1972
- (ii) that the order of business be varied in accordance with Standing Order 3(2) and it be taken after Agenda item no 14.

5. Public question time

No public questions had been received.

6. Minutes of Broads Authority meeting held on 27 September 2019

The minutes of the meeting held on 27 September 2019 were approved as a correct record and signed by the Chairman.

7. Summary of actions and outstanding issues following decisions at previous meetings

The Authority received and noted a schedule of progress and actions taken following decisions of previous meetings. It was noted that a number of the items on the agenda were interrelated and further progress was also included within the Strategic Direction report. Attention was drawn to the following:

Transfer of Mutford Lock – the Harbour Revision Orders were still being progressed by the Solicitors for the MMO. The Chairman had raised this informally with the MMO and would continue to pursue the matter.

Pilot agri-environment scheme for the Broads – the first workshop with farmers and landowners on 13 November 2019 had been successful. It was attended by approximately 70 people, facilitated by an ex-CEO of Exmoor National Park and coordinated by our Environment Policy Adviser, Andrea Kelly together with colleagues from Natural England and the NFU. A member commented that the workshop had resulted in a common understanding of the new scheme and affirmation of its concept and development. There was very positive feedback on the proposed way forward and the event had been very worthwhile.

National Parks Review – the response from the Government to the Landscapes Review was likely to be some time, due to other pressing national political matters. In the meantime, the Chief Executive had circulated members with a rough draft of a report intended to go to the January 2020 meeting. This would be revised for that meeting and discussion welcomed on the draft response to the Review's 27 recommendations.

Hosting National Parks' Communications Unit – The Draft Communications Strategy for the National Parks was to be presented to the English National Parks Chief Executives and English National Parks Chairs' Forum on 26 November 2019 for approval. It was hoped to provide a progress report to the January meeting of the Authority.

A member requested that the Summary of Progress include more details including dates for action, as previously agreed at the September 2019 meeting.

8. Responding to climate change emergency

Asher Minns, Executive Director of the Tyndall Centre for Climate Change Research, UEA, gave a presentation on responding to climate change, with particular relevance to the Broads. He emphasised that the area was the most vulnerable region of the UK to climate change and sea level rise, including coastal erosion. Awareness of climate change had been documented since the 19th century, and the increase of CO₂ in the atmosphere was fully evidenced.

However, the rate of increase in carbon emissions had been greater in the last fifty years and the need to reduce them was recognised internationally, especially following the 2015 UN Paris Agreement, which had also heightened public awareness. He showed graphs of the global fossil CO₂ emissions, figures relating to atmospheric growth, land-use change, land and ocean sink between 2007 and 2016. Future warming depended on future emissions and he provided graphs of the requirements to reduce carbon emission to zero by 2045-2080. Mr Minns said the Broads could be a significant area to absorb CO₂ through locking carbon into peatland, referring to the UK Peatland Code and he cited the work the Tyndall Centre and UEA were doing to advise local authorities. Forward-thinking options included looking at how to be a net zero planning authority and develop net zero climate and biodiversity restoration solutions. It was important to engage with people, visitors as well as residents, and work in collaboration with others. The significant element was communication and working in collaboration with others.

The Carbon Reductions Project Manager gave an update on progress since the Broads Authority meeting on 27 September 2019, following the adoption of the Climate Change Emergency Statement for the Broads. This included developing a 10-year action plan, and establishing key performance indicators and a baseline for the Broads as a whole. He highlighted the National Parks England Climate Change Position Statement agreed at National Parks England's AGM on 30 October 2019. He also drew attention to the key actions being undertaken by officers to understand the Authority's emissions and how our carbon footprint could be reduced. The greatest area where there was a need to reduce carbon centred on the transport network, as illustrated by the maps provided.

In discussion, Members recognised that transport was key. It was accepted that the Authority did not have the resources to supply public transport, and there was a need to increase collaborative working with the Local Authorities to find solutions, including a more integrated transport system and simpler access to public transport. It was noted that the promotion of visitors from overseas to the National Parks was a challenging concept.

Although the Broads had the potential capacity to offset carbon, it was considered this should be a temporary measure and last resort, as it could be seen as a 'permit to pollute'. A voluntary offsetting scheme could be worthwhile for the Authority if supported by a relevant governance and monitoring framework. It could also be used as a financial mechanism and a valuable source of income. An important challenge was to identify potential offsetting sites.

The Authority's main aim was to reduce its carbon emissions and help achieve net negative carbon emissions across the Broads through influence and collaboration. Members considered it was important to view matters in the round, looking at impact and effect, including sea level rise and flood risk. They acknowledged that the Broads Futures Initiative was an important focus for responding to increased flood risk, with BFI public engagement events planned in summer 2020.

Reference was made to the Transforming Cities project produced by Norfolk County Council, which included an overhaul of the public transport services and a host of measures to reduce carbon emissions and reduce the effects of climate change, as well as support for Norwich to

become a transforming city. A member commented it would be helpful if all Committee meetings were held at Yare House, which was on a sustainable public transport route, rather than elsewhere.

Members noted that the Authority was focusing on adaptation and mitigation, with officers meeting with the other Local Authorities and working with the UEA to advance understanding and means of reducing carbon emissions.

The Chairman thanked Asher Minns for his enlightening presentation, Harry Mach for his update, and members for their contributions.

It was resolved to note the reports.

9. Proposed navigation charges for 2020/21 in the navigation area and adjacent waters

The Authority received a report on the proposed level of charges in the navigation area and adjacent waters for 2020/2021 following consideration by the Tolls Review Group of the impact of the major changes made to the structure of the charges in April 2017, trends over the last year in boat numbers and finance, and potential options and advice from the Navigation Committee on 31 October 2019. Members noted the significant agreement between the Tolls Review Group and the Navigation Committee, as follows:

- There should be a minor amendment to the structure of the tolls such that electric powered auxiliary yachts should be charged the same as a sailing boat; (to encourage a move to electric power where technically feasible – in line with objectives on climate change)
- Charges should be raised by a minimum of 1.8% to retain the essential services and account for a likely reduction of ten hired motor cruisers in the hire fleet in 2020;
- The repetition of the stakeholders' survey was not a priority for the coming year;
- The provision of a 24-hour mooring at Peto's Marsh with pontoons providing access to the Angles Way and the new Suffolk Wildlife Trust (SWT) visitor centre should be supported.

However, it was noted that the Navigation Committee had differing views about an online safety package, the suggested lower increase for unpowered, hybrid and electric powered craft, and the level of funding from tolls for the new 24-hour mooring at Peto's Marsh. With regard to provision of moorings, the Broads Act stated that expenditure incurred in respect of moorings was Navigation Expenditure and could not be funded from National Park Grant.

Members considered six options as a result of the consultations and the impact of the six different levels of increase on the most common categories and size of vessels. The Navigation Committee's view had been that there should be an across the board increase of 2.3% to allow for an extra £15,000 to fund 50% of the Peto's Marsh 24-hour mooring. The Tolls Review Group had expressed preference for a 3.6% increase to enable the full provision of moorings at Peto's Marsh and the online safety training initiative.

Since the Navigation Committee meeting, officers had looked into alternative methods of raising funds for the Peto's Marsh moorings, taking advice from other organisations, but concluded that these methods would not provide value for money.

It was made clear that the Authority was very much a partner with the Suffolk Wildlife Trust in the development of the Carlton Marshes site, and that Peto's Marsh would provide a much-needed location for the disposal of dredgings from Oulton Broad and help maintain the flood banks. Members considered it was important to complete the provision of moorings in one phase, and this should coincide with the opening of the Carlton Marshes centre next summer. Therefore, they were supportive of raising sufficient funds to cover the full cost of provision.

Members agreed with the Navigation Committee's view that the boat owners survey and development of an online safety package were not priorities. They considered that introducing a lower differential increase in tolls for electric and hybrid craft would send out a definite signal that the Authority was in support of reducing carbon and reliance on fossil fuels, in line with its statement on climate change, although they recognised that not all the technology was yet in place.

It was clarified that the navigation budget was very sensitive and a cautious approach was taken, including the policy to maintain navigation reserves at 10%. It was important to take account of the increased costs to deliver the Authority's statutory duties.

Fran Whymark proposed, seconded by Jacquie Burgess and

It was resolved by 15 votes for, one against and 1 abstention (one member having declared an interest as a Trustee of the Suffolk Wildlife Trust)

- i. That there should be a differential increase in tolls such that unpowered, electric and hybrid craft have lower increases than diesel or petrol-powered craft.**
- ii. That the level of tolls be increased by 2.9% with an increase of just 1% for unpowered, hybrid and electric craft.**
- iii. The increase to allow for £30,000 to cover the full cost of providing mooring at Peto's Marsh.**
- iv. Change the structure of the tolls such that electric powered auxiliary yachts pay the same as sailing boats.**

10. Financial performance and direction

The Authority received a report providing a strategic overview of the key financial issues and items for decision. This included the Statement of Accounts for 2018/19 following the external audit and consideration by the Audit and Risk Committee (ARC) on 19 November 2019. It also included the second report for this financial year 2019/20 on the consolidated income and expenditure figures up to 30 September 2019. The ARC had received the Statement of Accounts at its meeting on 19 November 2019.

The Chief Financial Officer (CFO) was pleased to report that there were no substantial changes to the 2018/19 accounts following the now completed audit. These detailed a surplus of £84,760. As the audit took place a considerable time after the year end, the Authority was required to close the year's accounts before any adjustments could be made. The closing balance was correct, although when submitting the final statement of accounts there would need to be an explanatory table and letter referring to items that had been accrued following the year end. These referred to CANAPE claim 2 and adjustments to the pension liability. According to the Broads Act, the Statement of Accounts was required to be laid before Parliament by the Secretary of State, but it was unlikely that this would happen before January 2020.

The CFO also provided the latest figures to the consolidated income and expenditure figures up to 31 October 2019. She explained that the total variance had been reduced slightly to £178,692. The forecast had increased to £72,425, with the planning fees reduced by £31,000. The October earmarked reserves closing balance was £1.882m.

The Chairman of the ARC reported that the Committee had expressed the Authority's concerns and disappointment at the very late audit of the Accounts. The External Audit Partner present at the meeting had offered a fulsome apology but explained that the quality of the audit had not been affected. The Chairman of the ARC commented that it had been exceedingly disruptive to the small financial team having to accommodate the delayed audit process at the same time as usual business. Members congratulated the team on completing the work in exceptionally difficult circumstances.

Melanie Vigo di Gallidoro proposed, seconded by Bruce Keith and

It was resolved unanimously

- (i) To adopt the Statement of Accounts for 2018/19**
- (ii) To note the income and expenditure figures from April to 30 September 2019**

11. National Parks branding exercise – presentation

The Authority received a presentation from the Head of Communications on the progress of the National Parks Communications Team and the branding project, including the publication of a booklet on the shared story of the UK National Parks. While the National Parks each engaged with many different organisations, there was a gap in promoting them as a collective unit. The aim was to provide simple messages to promote the key shared values that the National Parks were built on, and the direction they were going. These values included care, inspiration, connection, balance and diversity, given the Parks' shared purposes and expertise. The emphasis was on inspiration, and the aim was to nurture an appreciation of landscapes and nature generally through national parks, and promote personal wellbeing with the motto 'inspire to care'. The booklet was available in print and as a pdf.

It was resolved to welcome and note the publication.

12. Strategic direction

The Authority received the latest Broads Plan 6-month progress report. They also received updates on the Authority's annual strategic priorities (2019/20) and on the status of the Authority's guiding strategies.

Members noted that all the main projects were on track.

It was resolved to note the report.

13. Peer Review update

The Authority received an update on the desk-based review of the Peer Review Action Plan, undertaken by the Managing Director of Broadland District Council and Chief Executive of North Norfolk District Council. A point brief was prepared by the external reviewers and the main actions involved the Broads Authority's Chairman and Chief Executive being invited to attend the Norfolk Leaders' meetings six-monthly and the Norfolk Chief Executives meeting quarterly. William Nunn, a Local Government Association Regional Peer, had agreed to provide support to the Authority's Chairman, Vice-Chairman and Chief Executive, with one meeting having been held to date.

As a result of the Peer Review's suggestion for greater engagement with the constituent Local Authorities, the Chairman and Chief Executive had met with the Leaders and Chief Executives of Suffolk, Norfolk, East Suffolk, Great Yarmouth and Norwich Councils, where the meetings had been very productive.

A member welcomed the external assistance relating to the Peer Review but expressed concern that, following what had been a very positive member workshop in January 2018, some of the recommendations had been ignored, such as safe space meeting, members only meetings, a skills audit and members and staff working together on individual projects. He queried what had been achieved.

The Head of Governance clarified that the total number of Broads Authority meetings had not been reduced, but two of the six scheduled meetings were now primarily for workshop style meetings or site visits, to give members more time to meet informally. Members commented that these, as well as the away days, were valuable and useful areas for informal discussion.

A member queried why the Authority was on a year's notice to the Local Government Association (LGA), since the LGA had supported the Authority in the Peer Review process. The Chief Executive clarified that the Authority continued to be a full and active member. The notice had been to anticipate in case of potential future cuts in resources. The cost per annum was in the region of £1,950.

Kelvin Allen proposed, seconded by Simon Roberts and

It was resolved unanimously to note the report and that the Authority should remove the one year's notice to the LGA and remain as a fully active member.

14. Chairs Group – Terms of Reference

The Authority received a report on the proposed Terms of Reference for the Chairs Group, which was set up following the Authority's decisions on the Peer Review Action Plan in May 2018. It was emphasised that the Chairs Group had been set up as an informal means of giving greater support to the Chairman, Chief Executive and Management Team, acting as a sounding board and in an advisory capacity only. It was not a decision-making body. Terms of reference had been drawn up to give more clarity on its purpose and responsibilities.

A member commented that, as the team doing the external review of the implementation of the Peer Review Action Plan had not completed their work, terms of reference were premature and implied a cabinet style, rather than the collegiate set up of the Authority.

Some members felt the Chairs Group had exceeded its role and made decisions, referring to the response to the Glover Review. The Chief Executive explained that he had discussed the role of the Chairs Group with one of the external reviewers, who indicated that many local authorities had similar arrangements. He clarified that the Authority had given the Chairs Group delegated powers to respond to the Glover Review, following full member discussions at the Authority meetings in September 2018 and November 2018.

Other members emphasised that the Authority had agreed to set up a Chairs Group at the meeting in May 2018 as part of the Peer Review Group Action Plan. The Group comprised democratically elected Chairs and Vice-Chairs who were willing to commit time to the extra responsibility to provide support to the Chair and Chief Executive, and in whom members themselves had placed the responsibility. The aim was to widen the support for the Chair and the Chief Executive. It was recognised that there was a matter of trust. The issue before members was whether to adopt the terms of reference or defer their consideration.

Jacque Burgess proposed, seconded by Bruce Keith and

It was resolved by 11 votes to 6 against, to approve the Terms of Reference for the Chairs' Group, for inclusion in the Broads Authority's constitutional documents.

Members requested that the Chairs Group consider looking at ways of improving the trust within the Authority and consider the option of having minutes of the Chairs Group meetings and dates and agendas publicised to other members.

Nicky Talbot gave her apologies as she had to leave the meeting.

Items 23, 23a, 24 and 25 were taken at this point and the recording was suspended.

The meeting resumed in public following consideration of all the exempt items.

15. Corporate Partnerships Register

The Authority received the updated Corporate Partnerships Register, outlining its key partnerships with external organisations (Appendix 1 of the report). The partnerships were

with those organisations who shared responsibility for agreeing and implementing actions to meet common goals. This did not include statutory authorities.

It was resolved to note the Corporate Partnerships Register at Appendix 1 of the report.

16. Risk Management Policy and Register

The updated Corporate Risk Register and Risk Management Policy had been reviewed by the Audit and Risk Committee at its meeting on 19 November 2019. The Auditors had raised queries on some items and therefore the Chairman of the Audit and Risk Committee proposed that the item be deferred to the next Authority meeting when updates could be provided.

It was resolved to defer the Corporate Risk Register and Risk Management Policy to the next Authority meeting.

17. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

There were no matters to report under this item.

18. Minutes received

The Chairman indicated that he would assume that members had read these minutes and were invited to ask any questions.

It was resolved to receive and note the minutes from:

Navigation Committee on 5 September 2019

Planning Committee on 13 September 2019 and 11 October 2019

19. Feedback from Members appointed to represent the Authority on outside bodies 2019/2020

None reported.

20. Any other items of business to be considered as a matter of urgency

The Authority had agreed to consider a matter of urgency following item 14. This is documented at Agenda Item 23a.

21. Formal questions

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

22. Date of next meeting

The next meeting of the Authority would be held on 31 January 2020 at 10.00 am at Yare House, 62 – 64 Thorpe Road, Norwich.

23. Exclusion of the public

Melanie Vigo di Gallidoro proposed seconded by Kelvin Allen and it was **resolved**

to exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraph 1, 2, 3, and 4 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighed the public benefit in disclosing the information.

The public left the meeting and the recording was suspended.

Summary of Exempt Minutes

23a Item of Urgent Business - Whitlingham

The Chief Executive gave members a briefing, containing exempt information, regarding the decision by the Colman Estate to end the partnership with the Broads Authority relating to the operation of Whitlingham Country Park and the lease of the Flint Barn. He outlined the background to the arrangements with the Trust, the leases for the Flint Barn and the arrangements with the caterers, and gave details of the key points and timeline of events leading up to the decision.

It was emphasised that it was the decision of the Colman Estate and its Trustees to run Whitlingham independently from the Broads Authority with a separate identity, and that they proposed to end the Service Level Agreement on 31 March 2020 with an amicable separation over an agreed timescale. There had not been any decision to be made by the Broads Authority board on this matter.

Following discussion and expressions of disappointment, members generally considered that there could not have been a different outcome had the matter been brought to the Authority for discussion, given that the decision rested entirely with the Trust. They felt it was important to move forward and learn lessons from the matter.

Tim Jickells proposed, seconded by Melanie Vigo di Gallidoro and

It was resolved by 12 votes in favour and 3 against

that the Authority notes with regret the outcome of the negotiations with the Whitlingham Charitable Trust, but accepts that officers had used their best efforts to support the interests and business of the Authority.

24. Exempt minutes of the Navigation Committee meeting on 5 September 2019

It was resolved to receive the Exempt minutes of the Navigation Committee meeting of 5 September 2019.

25. Visitor Services Review

The Authority received a report containing exempt information setting out short-term and long-term options to provide alternative visitor information and boat trip facilities in light of the Authority no longer being involved with Whitlingham Country Park.

It was resolved to note the report and endorse the strategic direction being taken:

- (i) To continue to examine the short-term options presented and test different small- scale options if possible**
- (ii) To defer considering a business case and site analysis for a Visitor and Education Centre.**

The meeting ended at 13.52 pm

Signed by

Chairman

Appendix 1 – Declaration of interests Broads Authority, 22 November 2019

Member	Agenda/minute	Nature of interest
Bill Dickson	9 (Navigation Charges)	Toll payer as previously declared
Nicky Talbot	9, (Navigation charges) 25 (Visitor Services Review)	Toll payer (9) Work for the Norfolk Wildlife Trust on an ad hoc basis
Greg Munford	9 (Navigation charges)	Chief Executive of Richardson Leisure
Simon Sparrow	9	Toll Payer
James Knight	9	Toll payer
Harry Blathwayt	9	Toll payer
Kelvin Allen	9	Member of Navigation Committee
Simon Roberts	9	Suffolk Wildlife Trust
Tim Jickells	-	As previously declared.