

Broads Authority

Minutes of the meeting held on 18 March 2022

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Present

Bill Dickson – in the Chair, Harry Blathwayt, Stephen Bolt, Matthew Bradbury, Andrée Gee, Gail Harris, Paul Hayden, Tristram Hilborn, Tim Jickells, James Knight, Leslie Mogford, Greg Munford, Simon Roberts, Michael Scott, Matthew Shardlow, Simon Sparrow, Vic Thomson and Fran Whymark

In attendance

John Packman – Chief Executive, Chris Bing – Monitoring Officer, Emma Krelle – Director of Finance, Laura Middleton – Communications Officer (Media & PR), Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer.

1. Welcome and apologies

The Chair welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

Apologies were received from Nigel Brennan, Nicky Talbot and Melanie Vigo di Gallidoro.

2. Chairman's announcements

Item 9 – Safety on the Broads

The Chair advised that the part of the report which related to British Marine's Quality Accredited Boatyard Scheme had been withdrawn as it needed further consideration and therefore would be presented to a future meeting. Accordingly, recommendation (ii) would not be taken at this meeting.

Mike Evans

The Chair advised members of the sad loss of Mike Evans who had passed away on 25 February, aged 85. Mike had been a Broads Authority member from 1988 to 1995, as well as a representative on the Broads Forum and the Water Recreation Liaison Panel. He was passionate about the Broads, as a keen and competent yachtsman and had an avid interest in wildlife and conservation. As an experienced sailor, and involved in running a number of Olympic sailing events, Mike had been presented with the Royal Yachting Association's National Award in 2015 by HRH The Princess Royal. Mike also held the position of President of the Norfolk and Suffolk Boating Association for a number of years. He had known Mike briefly,

in his capacity as a shareholder and Director of Cox's Boatyard at Barton Turf. He concluded that Mike would be deeply missed.

Related Party Transactions

The Chair reminded members that, if they had not already done so, they would receive an email from Finance asking them to complete their annual related party declarations. The deadline for their return was 7 April 2022 and these declarations formed an important part of the Statement of Accounts. Any queries should be directed to the Director of Finance.

Opening of the outdoor exhibition at The Forum

The Chair reminded members of the launch of the Authority's outdoor exhibition following this meeting, to which all members were invited. He paid tribute to Rob Leigh, the Head of Communications, for his contribution and dedication to this project.

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.

The Monitoring Officer advised the meeting that he had granted a dispensation for the three members who had declared a Disclosable Pecuniary Interest in item 9, to enable them to speak but not vote. This was in recognition of the fact that their contribution to the debate could provide a perspective that may not otherwise be available to the Board.

4. Items of urgent business

There were no items of urgent business.

5. Public question time

No public questions had been received.

6. Minutes of last meeting

The minutes of the meeting held on 28 January 2022 were approved as a correct record and signed by the Chair.

7. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. Verbal updates were provided by the Chief Executive at the meeting on some of the items as follows:

Wherryman's Way footpath on River Chet – no update had been received from Norfolk County Council on the CIL funding.

Responding to the climate change emergency – the draft report from Smallworld Consulting Ltd in terms of the Broads’ carbon footprint had been received and a report would be presented to the Board in due course.

Farming in Protected Landscapes (FiPL) – of the three applications reviewed at the last Broads Land Management meeting, two had been approved and one needed further discussion with the applicant.

The report was noted.

8. Landscape Review – response to Government consultation

The Chief Executive (CE) introduced the report, which provided a draft response for members’ consideration to the Government consultation associated with the Landscapes Review. This had been prepared following the feedback from the Authority’s member workshop held on 24 February 2022, and he thanked members for their attendance.

Members commented that they had found the workshop very useful and it had prompted some very good discussions, and these were accurately reflected in the report. The following comments and observations were made at the meeting (grouped into categories for ease of reference).

Purposes incl. adoption of Sandford Principle

A small number of members supported the adoption of the Sandford Principle whilst others felt that it had not been an issue of contention for the Broads Authority.

The CE responded that there were differing views on the Sandford Principle, often strongly held and not always as well understood as they might be. He considered that a precautionary principle, as adopted by the Broads Authority, was potentially more important; with the Broads being a special area, you would not want to permit an activity which damaged the underlying natural resource. Sandford was about relative importance between purposes but the Broads Authority tried to resolve those issues so that all the purposes benefitted. The work at Hickling which was now drawing to a close was a classic example, where two and possibly three purposes had been at odds with each other but the CANAPE project had resulted in improved bio-diversity, navigation and people’s enjoyment of the area.

A member commented that the Authority managed its three duties well already and agreed that the Sandford Principle was not widely understood and actually was such a “red flag” to the navigation community, he did not see any real benefit in revisiting, as there had never been any real conflict between navigation and conservation.

In response, the CE advised that he had an interesting discussion with an NGO and the Broads was in a different position to other National Park Authorities. Whilst there was concern regarding bio-diversity, this related to the upland National Parks – such as the shooting of Hen Harriers and it was felt there that bio-diversity did not get the recognition that it needed. The Broads was managed differently and bio-diversity encouraged and therefore, the Sandford Principle could be considered unnecessary. A member commented that it might be worth

mentioning in the response the debate which the Authority had had on the Sandford Principle.

A member referred again to the misconceptions and the perceived conflict with bio-diversity, quoting from the 1995 Act and the term “cultural heritage” which he considered to include elements of boating. This was countered by another member, referring to the statutory definition for navigation, which was separate to the cultural aspects etc. hence the third purpose of navigation.

It was suggested that the size and diversity of the current Board almost prevented a threat to navigation being driven through and this could be justification for retaining a bigger Board. Also, the term Sandford Principle and the potential different interpretations by the various communities of its intent could be the actual challenge; this could be resolved by the Authority agreeing a further purpose with the same outcome, of balancing the boating with the environment interests. The CE referred to the High Court case for the use of the term Broads National Park and the comments made by the Judge – there was no priority between the Authority’s three purposes. It was for the Board and executive officers to work out where the priorities lay and it should be made clear that the purposes were not equal. He added that the workshop had highlighted something which was not anticipated; a suggestion that the Authority’s purposes should be looked at afresh, with a more fundamental review and redrafting, and not just tweaked. For example, why limit to three purposes. If that was members’ viewpoint, that would be an interesting point to put back to Defra, as none of the NPAs had taken that view. It should not be about counter-balancing the purposes; they were linked, eg biodiversity and enjoyment of the land.

Governance

There was a general appetite for smaller boards, across all the membership, and possibly merit-based appointments, but it was considered prudent to await governance guidance before continuing further.

The Chief Executive referred to paragraph 3.14 of the report which sought support in principle for a smaller board but further advice from the Government should be awaited before considering further. He advised that other National Parks had had similar debates on this issue. In four national park authorities where there had been changes to the local government structure, by the introduction of unitary authorities, there were likely to be reductions in the size of the boards. However, this was not something which was imminent for Norfolk and Suffolk. It seemed to be some members’ view that 21 was quite a large number for an organisation of the Authority’s size.

A member responded that paragraph 3.13 of the report did not reflect the response to question 21 (Yes) regarding board size and this should be amended to reflect that a smaller board was supported by some, but not all, members. He considered that as the Authority was also the statutory Navigation Authority, this justified a larger board size and referred to when the board was previously 35 members before being reduced to its current 21 a few years ago.

The CE responded that the narrative in the report reflected the differing views between members on a number of issues but the formal response put forward the majority view and it would not be possible to include all the different individual views. It was expected that the Government would address the issue of board numbers and, given the timescale period for the consultation of three months, it was likely to be the same timescale for firming up of the Government's views. He added that some changes would require changes to statute.

The comment was made by a member that he considered a board of more than 12, regardless of its purpose, made it almost impossible to manage when things got challenging and referred to the greater use of advisory panels, although he noticed this had not been supported at the workshop. He felt that the use of task and finish groups should be considered, using individuals and representatives of organisations, to discuss in detail particularly challenging issues such as climate change etc. He considered that the Authority already engaged in this type of process and this should be reflected in the formal response.

In terms of the appointment of Chair, a member agreed that this should not be made by the Secretary of State but he also felt that there should be more Secretary of State involvement and guidance in the process, looking at upcoming issues to help shape the expertise and chairing skills of any new Chair in the future. The response to this question should be underpinned with more narrative and not just "no". However, most members were against any government interference in the appointment of the Chair, considering this should be based on the best person for the role.

Regarding advisory panels, the CE responded that thought should be given to using a partnership Board to implement the Broads Plan which would bring partners together to deliver the Plan. This had been tried previously but not that successfully, mainly due to the lack of coterminous boundaries between all the organisations. This was an area of weakness which could be looked at, to find ways of engaging with the county councils, the Environment Agency, Natural England, RSPB, Wildlife Trusts etc to deliver the Broads Plan objectives. It was suggested that parish councils should be added to the list of organisations for partnership working.

Finance / Audit

A member commented that the Authority's grant had been cut in real terms and it was worth highlighting that it was not possible to carry out existing functions with less money, let alone take on new ones.

It was suggested that the wording for amending the audit arrangements should be changed from "should" to "must", to reflect the Authority's situation.

Managing visitor pressures

A member commented that powers under Fixed Penalty Notices were very difficult to enforce and could be expensive, as well as potentially damaging to the reputation of the Authority if cases ended up in Court. This view was supported by others members, who felt that the relationship between the Authority and the public would be changed negatively, plus the Authority had a duty of care to its staff. The CE clarified that the response was to ensure that

if a Bill were to be introduced which granted powers, the Broads Authority would be included in the list of organisations with permissive powers, and he reassured the meeting that the Authority would only exercise those powers in extreme circumstances but it needed to have the powers available to it. He acknowledged this could fundamentally change the Rangers' role and relationship with the public.

AONBs

Support was expressed by a member for consulting AONBs on all planning applications and not limit to those where there was "significant impact" on the special qualities of the area, as they considered the number involved to be very low. The Director of Strategic Services responded that the draft response to this section had been shared with the AONBs in Norfolk and Suffolk, and they had requested this wording to question 20 taking into consideration their resources and capacity to respond to consultations. The member stated that as the numbers were so low, there was no reason not to consult them on all applications, to which the CE commented that the numbers may be higher for some of the AONBs, such as in the Cotswolds and Chilterns.

General

A member referred to the levelling up White Paper and the options and benefits this could bring, including additional cash. He gave an example whereby, if the Chair were to be appointed nationally, this might bring with it additional powers or cash. He felt this was something the Authority should not discount immediately, but consider for the future, particularly in view of the decreasing grant award.

In response to comments on whether the Authority should restrict its response to a high level only or include detailed narrative, the CE informed members that approx. 800 responses had been received to the last consultation, including all NGOs, NPs and others. He would make use of his direct contact with civil servants to further the Authority's response with a more detailed narrative.

The Chair concluded by acknowledging the value in holding the workshop and thanked members for their frank views at this meeting. He also reminded members that they could respond to the consultation, as individuals in their own right. He summarised the debate as members being broadly content with the draft response and the CE would build up the narrative to reflect the nuances expressed at the meeting.

Stephen Bolt proposed, seconded by Harry Blathwayt, and

It was resolved unanimously to agree the response to the Government's consultation associated with the Landscapes Review.

9. Safety on the Broads

Members received a report on proposed amendments to the Authority's Hire Boat Licensing Conditions, to adopt fully the new Code for Design, Construction and Operation of Hire Boats (Hire Boat Code of Practice) wef 1 April 2022 and also providing an update on the impact of the additional safety measures implemented in 2021.

The Hire Boat Code of Practice was regarded as the minimum standard hire operators were expected to reach and the Code detailed the roles and responsibilities for hire operators, the hirer and the Licensing Authority (ie the Broads Authority).

The Chief Executive (CE) advised the meeting that this was a national code, developed by British Marine, which represented the industry, and the Association of Inland Navigation Authorities, of which the Authority was an active member. It had been a long time in the making and he drew members' attention to the reference by the Marine Accident Investigation Branch in response to the death at Great Yarmouth and a specific change recommended by the Chief Inspector to this Hire Boat Code. This was a generic code which applied across the inland waterways and so it was important to adopt all of its conditions. He reported that he had been in contact with the Senior Inspector conducting the investigation and it was understood a report was due to be published soon and members would receive a copy as soon as it was available.

In response to questions on new operators, and the situation when a hire boat operator changed hands, the CE confirmed that the code would apply, if they were hire operators. If an existing business was taken over, the Authority would ensure the new business, with an existing operation, went through the necessary checks. The Director of Operations (DoO) added that unpowered craft, such as paddleboards and kayaks, were not covered by the Code but came under other powers.

Comments were made regarding private boats, which outnumbered hire boats, and whether owners were made aware of safety issues. The CE responded that Broadsheet was provided to every toll payer and this consistently highlighted safety matters. He added that the Canals and Rivers Trust (CART) and the Environment Agency (EA) had contacted the Broads Authority, to use the videos in order to produce their own on-line safety programme, which was a tribute to both the Broads Authority and Richardsons.

A member congratulated the Authority on the videos but referred to the fact that only 60% of those surveyed had watched them and questioned what more could be done to promote take-up. The DoO advised that the videos were being reviewed this year and an additional two being produced. In terms of private boaters, this fell within the duties of the Rangers. A number of safety events were held and there was regular dialogue between toll-payers and Rangers. He had seen evidence of hire boat operators actively promoting the videos, such as sending hirers the links in advance etc. The Communications Officer added that safety had been the subject of press and media campaigns, with the videos receiving local coverage from BBC Look East. It was intended to run the campaign seasonally, at the peak of the tourist season.

A member commended the local industry for tackling safety but he felt that training people at the handover stage was not the best time, when they were probably tired from travelling and pre-occupied with other things plus there was the added pressure of having to learn in a very short period of time. Whilst there were not many accidents, particularly in the private sector, he felt that it would be almost impossible to prevent completely, due to inexperienced users and the changing tides etc.

One of the hire boat operators informed the meeting that his company did not allow hirers to leave without first watching the videos and signing to say they had done so. Based on his trials, people were more informed having watched the safety videos in comparison to the previous text-based information. This was echoed by another member, who stated that his company informed hirers of the practical aspects in advance of arrival (eg how to use the appliances etc) and focussed on the safety aspects when they handed over the boat. His experience was that video was a much more impactful medium, particularly as opposed to reading lots of information, and could be watched numerous times. He concluded that the industry had made good steps to educate and prepare people before they arrived.

In response to a question on why the Broads Authority came under more criticism than other National Parks, when it came to safety incidents, the CE advised that this was because the Broads Authority was a Port Authority and therefore, the Port Marine Safety Code applied (covering the whole of the Broads), which required the Authority to manage the risks, in association with users and the industry. This placed a burden and responsibility on the Authority, as well as hire boat operators.

Matt Shardlow proposed, seconded by Matthew Bradbury, and

It was resolved unanimously (by those permitted to vote) to approve the amended wording contained within the Authority's Hire Boat Licensing Conditions in appendices 2 and 3 of the report, such that the Code for the Design, Construction and Operation of Hire Boats is incorporated in full.

10. Financial Performance and direction

The Director of Finance introduced the report, which provided a strategic overview of current key financial issues and items for decision. She provided the following updates at the meeting:

- Confirmation had been received of the grant award for next year (flat cash), as budgeted for. This was disappointing, particularly as local authorities had received additional funding to cover the cost of the social care National Insurance contributions. However, Defra had advised this was not being applied to National Park Authorities and the Broads Authority.
- The underspend in the IT budget for infrastructure refresh could not be put towards the replacement tolls system as IT costs had to be split between National Park and navigation budgets.
- The results of the CIPFA emergency consultation had been received the previous evening, which advised that IFRS16 should be delayed for a further two years subject to approval by the Financial Reporting Advisory Board during the first week of April.

The Chair commented that, in real terms, flat cash actually meant less money due to the effects of increased inflation, additional National Insurance costs etc. Therefore, the Authority was, in reality, doing more with less cash every year.

Stephen Bolt proposed, seconded by Gail Harris, and

It was resolved unanimously to:

- i) note the progress of the National Park Grant agreement for 2022/23;**
- ii) note the income and expenditure figures;**
- iii) agree transferring an underspend at the year-end in the Launch and IT budgets to the earmarked reserved; and**
- iv) adopt the Capital, Treasury and Investment Strategy.**

11. Strategic direction: draft Annual Business Plan 2022/23 and strategic priorities update

Members received a report on the Broads Authority's draft Annual Business Plan for 2022/23 and the final update on this year's set of strategic priorities.

A comment was made that evidence of doing more could be seen with the Peatland Discovery Grant project, despite the decreasing finances. The Chair added that partnership working was key. Some strategic priorities, because of their size and complexity, had to roll over different years.

A member referred to SD9 (Land Registry changes and accurate records) showing as limited progress and questioned if the lack of progress related to every district council. The Director of Strategic Services advised that the Land Registry had undertaken a national pilot project with Norwich City Council which was complete, but there had been delays for the other district councils. These were not due to the district councils: it was a national scheme and the next steps had not been progressed by the Land Registry following the pilot.

Andrée Gee proposed, seconded by Matthew Bradbury, and

It was resolved unanimously to adopt the Annual Business Plan 2022/23, strategic priorities for 2022/23 and note the 2021/22 strategic priorities update.

12. Risk Management Policy

Members received the revised Risk Management Policy.

Fran Whyman proposed, seconded by Paul Hayden, and

It was resolved unanimously to adopt the revised Risk Management Policy.

13. Filby, Rollesby and Winterton-on-Sea Neighbourhood Plans

Members received the report, which proposed adoption of the Filby, Rollesby and Winterton-on-Sea Neighbourhood Plans.

Andrée Gee proposed, seconded by Stephen Bolt, and

It was resolved unanimously to make/adopt the Filby, Rollesby and Winterton-on-Sea Neighbourhood Plans.

14. Committee calendar 2022/23

Members received the proposed committee calendar covering the period August 2022 to July 2023.

James Knight proposed, seconded by Greg Munford, and

It was resolved unanimously to approve the committee calendar for 2022/23 in appendix 1 of the report, subject to consultation with the Navigation Committee.

15. 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.

16. Minutes to be received

Members received the minutes of the following meetings:

Audit and Risk Committee – 21 September 2021

Broads Local Access Forum – 1 December 2021

Planning Committee – 7 January 2022

Planning Committee – 4 February 2022

17. Other items of business

None.

18. Formal questions

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

19. Date of next meeting

The next meeting of the Authority would be held on Friday 13 May 2022 at 10.00am.

The meeting ended at 11.48am.

Signed by

Chairman

Appendix 1 – Declaration of interests: Broads Authority, 18 March 2022

Member	Agenda/minute	Nature of interest
Greg Munford, James Knight and Simon Sparrow	9	Hire boat operators. Disclosable pecuniary interest.