

Broads Authority

Minutes of the meeting held on 13 May 2022

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Present

Bill Dickson – in the Chair, Harry Blathwayt, Stephen Bolt, Matthew Bradbury (items 1-11), Nigel Brennan, Andrée Gee, Gail Harris, Paul Hayden, Tristram Hilborn, Tim Jickells, James Knight, Greg Munford (from item 10), Simon Roberts, Michael Scott (items 1-12), Matthew Shardlow, Simon Sparrow, Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

John Packman – Chief Executive, Chris Bing – Monitoring Officer, Maria Conti – Strategy & Projects Officer, Michelle Glover – Governance Officer, Emma Krelle – Director of Finance, 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 Nicky Talbot and Leslie Mogford.

2. Chairman's announcements

The Chair announced that this was the last meeting before Simon Roberts finished his term of appointment. Simon had been a valuable member and had served on the Norfolk and Suffolk Broads Charitable Trust. He had brought a wealth of experience and made significant contribution to the work of the Authority especially on the Audit and Risk Committee. The Chair thanked Simon for his work over the years and wished him all the best.

Related Party Transactions

Eight members had still to complete their declaration and were asked to please return these as soon as possible. A member suggested that it might be better to send it out after the financial year. The Director of Finance responded that they are sent out in order to coincide with an Authority meeting.

3. Appointment of two co-opted members from the Navigation Committee to the Broads Authority

At its meeting on 14 April, the Navigation Committee appointed Nicky Talbot as Chair and Simon Sparrow as Vice-Chair, and had recommended that both be appointed as the two co-opted members to the Broads Authority for one year.

Stephen Bolt proposed, seconded by Gail Harris, and

It was resolved unanimously to appoint Nicky Talbot and Simon Sparrow to the Broads Authority for one year, until 12 May 2023.

4. 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 11, 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.

5. Items of urgent business

There were no items of urgent business.

6. Public question time

No public questions had been received.

7. Minutes of last meeting

The minutes of the meeting held on 18 March 2022 were approved as a correct record and signed by the Chair.

8. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings.

The Chief Executive advised that a report was due from Small World Consulting about greenhouse gas emissions. An online member workshop would be held in June concerning this. As soon as the final version of the report was received it would be sent to members.

The report was noted.

9. Financial Performance and Direction

The Director of Finance (DoF) introduced the report, which provided a strategic overview of current key financial issues including the Consolidated Income and Expenditure from 1 April 2021 to 31 March 2022 and the recommended carry forward requests.

The DoF provided a verbal update as follows:

The year-end position had moved slightly since the report was produced. The deficit had increased by approximately £5,000 due to further accruals being picked up. The year-end position may move again before the draft statements are issued by the end of July.

As part of the National Park Grant Agreement a summary of the year-end balances have to be provided within 30 days of year-end. DEFRA has been aware that the figures are draft and subject to audit.

The DoF drew attention to the additional fees requested by external audit. Members may recall that a similar request was made for the 2019/20 Statement of Accounts and a provision was made. The adjustment for audit fees related to the additional fees requested by external audit for the 2020/21 audit. The total increase requested is £56,774 but the balance from the 2019/20 provision has reduced the total adjustment required in this year's accounts to £29,025.

The DoF stated that by using the Public Sector Auditor Appointments (PSAA) along with 99% of the other English local authorities should enable cost savings through joint procurement. The Authority paid approximately £10,700 per year in audit fees. The outcome of the latest PSAA tender process is under review and would come back to members later this year. The Chair confirmed that the issue of rising audit fees had been raised with the Minister.

On the carry forwards the Management Team reviewed three requests but only one met the criteria. If members approved the request it would be added to the budget for 2022/23.

The Chief Executive (CE) said that civil servants were actively looking at the burdens around auditing and whether it was proportional. To change it would require amendments to both the National Parks and Access to the Countryside Act / Environment Act for the National Park Authorities and the Broads Authority Act, and this was being considered.

A member sought confirmation for the fact that the reserves were decreasing by approximately £0.5m each year, which was correct and not sustainable in the long term. This reflected the repeatedly flat cash settlement of the National Park Grant which in effect was a decline in real terms to value of the grant, as well as rising costs and inflation. The CE said that in the autumn it would be necessary to consider the way forward because of the rising pressures.

Sixty-five hire boats had been lost this year, which had resulted in significant loss of navigation income and this would be discussed further at the workshop on the setting of tolls in October.

Matthew Shardlow proposed, seconded by Michael Scott and

It was resolved unanimously to:

- i. note the income and expenditure figures and the draft year end position; and**
- ii. approve the recommended carry forward request of £75,000 under “moorings, maintenance and repair” (detailed in paragraph 8.2 of the report) and add to the 2022/23 budget as additional expenditure.**

10. Broads Plan 2022-27 – approval of consultation draft

The Strategy & Projects Officer presented the consultation draft of the Broads Plan for 2022-27. The Plan would be out for consultation from 23 May for approximately 8 weeks, and it was intended to present a final draft Plan to the Authority in September, with a recommendation that it be adopted.

A member congratulated the Strategy & Projects Officer on the draft Plan, and asked what members' roles were in responding to consultation comments. She advised that comments would be shared with the relevant officers, and anything significant would come to the members.

A member asked if any press releases were being prepared to deal with the response from National Parks to the biodiversity crisis. The CE responded that the Broads Authority had been responding to comments made at a national level. The Authority was seen as an exception to the national picture, the focus being more on the northern National Parks where it was considered that not enough work was being done for biodiversity. The Authority could perhaps do more in terms of producing positive stories and updates of its own work and also the work of its partners.

(Greg Munford joined the meeting at this point).

A member site visit was scheduled for July, at which members would receive an update of the work being done under CANAPE. This might be helpful in terms of thinking about further messages the Authority needed to get out.

A member commented that it was an excellent draft Plan but questioned whether it will be achievable due to a lack of funding. The CE responded that Defra senior civil servants recognised that the flat cash settlement in the National Parks Grant was contrary to the Government's ambitions for biodiversity recovery. There was a commitment from the senior civil servants that they would continue to press ministers to recognise that more funding was required. The Chair had written to Lord Benyon on this matter when responding to the consultation on the Landscapes Review. Many voluntary organisations would find the next few years very difficult, competition for grant funding would increase, and this may present a serious risk to the Broads Plan.

A member praised the Plan and added that if the Environment Act and the Landscape Review been dealt with more promptly, then there would be clearer guidance on monitoring outcomes and targets.

The recent Government announcement about decreasing the number of civil servants was raised. The CE confirmed that the Authority's officers are not part of the civil service so this would not have an impact.

The CE advised that revised guidance on the production of management plans for Protected Landscapes had been commissioned by Defra and was awaited. Defra had recently suggested that National Parks could delay the production of their management plans, pending this guidance; however, the Peak District and the Broads Authority's reviews were well underway and would be completed.

A member commented that the Broads Plan would be difficult to deliver but this did not mean that there should not be strategic objectives in place, subject to funding, and that the Authority needed to be clear on the exact order of priorities. The CE commented that sometimes priorities changed due to funding streams and opportunities coming forward and a flexible approach was needed to clearly identify priorities and also to be ready to adapt as necessary.

A member commented that writing to MPs helped to push the message about environmental issues forward. The Chair added that it was also important to try and contact ministers directly.

Referring to Theme A in the draft Plan, a member suggested that the strategic objective for flood risk management should be the highest priority.

A member commented that although there may be frustrations with the Government or others, it was important to retain focus on what the Authority itself can do.

Andree Gee proposed, seconded by Matthew Shardlow, and

It was resolved unanimously to endorse the draft Broads Plan 2022-27 and accompanying Sustainability Appraisal and Habitats Regulations Assessment reports for public consultation.

11. Health & Safety improvements to Hire Boat Licensing Conditions

The Chief Executive (CE) presented the report, on the adoption of the British Marine Quality Accredited Boatyard Scheme into the Broads Hire Boat Licensing Conditions. The Navigation Committee, at its meeting on 14 April 2022, had given its support to the proposal. In addition, Nicky Talbot had written to the Chair giving her support for this proposal.

The CE advised that the Chief Inspector said that it was essential that effective handovers and documentation were provided to boat hirers to ensure that they were properly prepared to safely operate the boat. The MAIB report highlighted the importance of handover and in-water trials. The QAB system offered an independent check of the health and safety issues around hire boat operators. This was different to the Broads Authority inspection as the QAB looked at a wider range of factors, and particularly focused on the training of staff involved in

handover. The two processes would be sequenced at different times, and would be complementary to each other.

Costs were relatively modest. Even the smallest operators had found it a useful process and not inhibitive to join the scheme.

The proposed response was that the Authority had adopted a new charging scheme for hire boat operators, and the additional revenue would be used to allow changes in the management system of our processes.

The Authority was introducing a traffic light system, which would help to improve standards of hire boat yards. The Authority had also increased the Hire Boat Licensing Officer's time from one to three days.

Licences would not be issued until all the required signed documentation and checks had been carried out. When an existing hire boat operator changed ownership and this change was notified through the tolls office, an audit by the Hire Boat Licensing Officer would be carried out before new operators hired out craft.

The third recommendation concerned retaining a copy of the Recreational Craft Directive's (RCD's) Declarations of Conformity and other associated information demonstrating compliance with the requirement for all boats operating in UK waters. The Authority had had discussion with MAIB on this topic. The Authority's proposed response is that those RCD's would be retained for seven years. After that time, in order for the vessel to remain tolled and authorised to access the executive waters, it would need a current Boat Safety Scheme Certificate (BSS) which would replace validity of the RCD documents.

The CE suggested adding some additional wording to the recommendation as follows: "and the MAIB report into the accident on 19 August 2020".

A member asked if there would be any sessions run by the Authority in order to deal with any questions from hire boat operators. The CE responded that British Marine (BM) were already running workshops around the hire boat code for operators, and further workshops to include the QAB had been discussed.

A member commented that people may have questions about subjects which are not connected to safety. The CE responded that it would be expected that the operators met all the elements of the QAB scheme, and that people had until 1 April 2023 to meet those requirements.

A member asked whether the same principle would apply to day boats. The CE responded that the requirements for a day boat were not the same as for hire cruisers, although it may be advisable to ask BM for further clarification. If the recommendation was approved today the Authority would communicate with all hire boat operators and set out what the requirements were.

A member commented that the QAB scheme concerned quality as well as safety. Although many yards strived for excellence, not every yard pitched themselves at the same high end of

the market, and with this scheme they may feel that they could not afford it. The member added that the majority of hire boat operators on the Broads were not members of BM or the Hire Boat Federation, and therefore did not get informed about workshops. The member also asked if membership of the scheme would make any difference; whether the accident would have been avoided had the operator been a QAB member.

The CE responded that BM was willing to run workshops and that operators could take up the QAB without becoming a BM member. He added that, following on from the point that the QAB scheme covered more than health and safety, if a business was striving to be good across its whole range, then probably its health and safety arrangements would also be good. The QAB scheme would not only drive up standards of business operation but also improve levels of health and safety. If, for instance, the training of staff was excellent, it was likely that the handover and in-water trials would be excellent. This was not about economic pressures forcing people out of the industry, but working with the industry and encouraging companies to improve.

A member raised a concern that a large part of the inspection and accreditation was not just driven by health and safety, but quality levels as well, and queried as to whether people may therefore be asked to go beyond what was necessary for health and safety. The CE responded that it was impossible to tell whether, had the QAB been in place, this tragedy would have taken place or not. Like most accidents it was not caused by a single event but a combination of events that came together. As a result of this tragedy, the Chief Inspector (MAIB) wrote an amendment to the Hire Boat Code which reinforced the issue about handover and in-water trials. The CE added that, if the handover had lasted longer than ten minutes, and if the handover had demonstrated to the people who had hired it how the dual control worked, the accident may not have taken place.

The CE added that the QAB scheme was recommended because of the health and safety issues. It was an independent check outside of the Authority to give members, who were individually and collectively responsible for safety on the Broads, the assurance that someone in addition to the Authority was checking the health and safety procedures of these yards. It had a wider benefit in that if the hire boat industry was to survive, it needed to raise its standards across the board.

A member asked if the Authority needed to go beyond what the QAB offered to improve health and safety. There were elements to the scheme not directly related to safety which are 'nice to have' but they should not be confused with health and safety. The CE responded that the balance was at the right level. Performance statistics from hire boat questionnaires would yield results as to whether standards had changed, give the evidence as to whether proper handovers had taken place, and demonstrate whether the hirers felt comfortable with the information that they had received. If those statistics looked better, then it would show that the work of the Hire Boat Licensing Officer and QAB working with the yards had made a difference.

A member referred to the survey item: "How many of your group were actively involved in the trial run/show out demonstration", and commented that this was just after lockdown and

this fact needed to be borne in mind as regards the figures. Also, the survey question about showing people the operation of dual control was not a simple 'yes/no' answer, but a 'yes/no/not applicable' answer, and this needed to be taken account of.

A member asked about costs to the industry and whether it may result in a further reduction of the fleet and reduction to Navigation income. The member also asked what would happen if a boatyard did not pass the accreditation. The member also sought assurance that the Authority was adopting the scheme because it would add significantly to safety without adding costs that made it harder for the Broads to be appreciated.

The CE responded that it was not thought that it would have significant impact on the viability of businesses. In the case where a yard did not meet the QAB requirements, the DoO confirmed that the yard would not be licenced. Some yards will need more work to reach the QAB accreditation than others, so the individual costs to the hire operators will vary. The DoO referred to an almost identical incident at Great Yarmouth recently where the helm had not been switched from below to above, resulting in a severe boat strike which could have potentially involved another serious accident. The DoO added that if there was another fatality on the Broads due to the fact that the controls had not been fully explained to the customer, the next recommendation may be a very difficult one for the hire boat industry, possibly involving needing a qualification to take the boat out, so action was needed now. Yards had a year to bring their standards up to the required level. The QAB did a lot of work with staff training which was important for handover. It was a cause for concern that people with no boating experience could take out a large vessel, and there would be more problems if the standard of handover was not adequate.

There was a discussion around the responsibilities of the captain. The nominated helm could be potentially be prosecuted.

A member asked if it was possible for boat ownership to change and for the Authority not to be aware of it. The CE acknowledged that this was a possibility, although a small one, and that the Authority would be notified about it at some point during the toll cycle.

A question was raised as to whether the Authority was considering extending hire boat licensing to non-powered craft. The DoO responded that the Act gave the Authority the powers to licence any craft on the Broads; there were some legal steps to go through to implement that, and it was on the work programme to be done.

The Chair concluded that the Authority would not want to accept anything without due consideration, and it would be bordering on reckless if this proposal was not supported.

Tim Jickells proposed, seconded by Melanie Vigo Di Gallidoro, and

It was resolved unanimously (by those permitted to vote) to make the British Marine's QAB scheme a mandatory aspect of the Broads Authority Hire Boat Licensing Conditions with effect from 1 April 2023, in line with the Navigation Committee's view and the MAIB report into the accident on 19 August 2020.

The meeting adjourned at 11.30am and reconvened at 11.37am, at which point Matthew Bradbury left.

12. Amendment to Scheme of Delegation – to include enforcement matters

Members received a report on a proposed amendment to the Scheme of Delegation to include planning enforcement matters.

Many members welcomed the transparency that this change would bring to enforcement matters relating to officers and members of the Authority. Some members were concerned with the legality of this change and the Monitoring Officer (MO) agreed to clarify this matter.

A member asked whether this change was necessary, and could not see a similar declaration in other Local Planning Authorities' (LPAs) Schemes of Delegation. The CE responded that National Park Planning Authorities were different and that LPAs had other mechanisms for dealing with these matters.

Members asked for clarification regarding the wording of this change and in particular the meaning of the word "involved". Members were unsure whether all enforcement matters relating to a member/officer would be presented to the committee irrespective of their merit. A member added that it would be beneficial to address those cases where a breach of the planning code had occurred and no enforcement action was taken. The CE explained that officers would investigate all enforcement matters and those that do not breach the planning code would not progress further. Those cases where a breach had been identified would be brought to the Planning Committee. This would bring transparency to the decision-making process associated with these cases and would also clarify the responsibilities of the enforcing officer(s) who could otherwise be placed in a difficult position.

A problem associated with the urgency of some enforcement cases was raised; action might need to be taken before the Planning Committee could be consulted.

The Chair concluded that given the outstanding questions it would not be appropriate to vote on this matter and that the item should be deferred. The Chair requested that the following be resolved before this matter returned to the BA for approval:

- That officers amend the wording of the change to remove any ambiguity
- That it be checked that the proposal was legal
- That the Planning Committee review and agree the amended wording

Michael Scott left the meeting at 12.02.

13. Standing Orders relating to contracts – annual report on requests to waive in 2021/22 and list of approved contractors

The Director of Finance (DoF) introduced the report, which detailed the summary of instances where Standing Orders were waived by the Chief Executive for the 2021/22 financial year and the three-year review of the Standing Lists for Piling and Fen Contractors. It was noted that all waivers authorised under delegated powers must be reported to the Authority on an annual basis.

Members noted that it had been agreed to remove the list for the piling contractors and maintain the Fen Management list. This meant that all future opportunities for piling works would be openly advertised on contracts finder and it was hoped that this would increase the response rate from a wider range of suppliers.

Stephen Bolt proposed, seconded by Tim Jickells, and

It was resolved unanimously to:

- i. note the annual instances where Standing Orders were waived, and**
- ii. approve the standing list for fen contractors as follows:**
 - **Chris Henshaw**
 - **William Burgess**
 - **Brett Fransham (new for 2022)**
 - **Paul Eldridge**
 - **Rowan Nicholls**
 - **Jeremy Nicholls**
 - **Lawrence Watts**

14. Summary of formal complaints for 2021/22

Members received a report by the Senior Governance Officer summarising the formal complaints received by the Broads Authority in 2021/22, together with the outcome of those complaints.

The report was noted

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:

Navigation Committee – 13 January 2022

Planning Committee – 4 March 2022

Planning Committee – 1 April 2022

17. Other items of business

There were no other items of business which the Chair decided should be considered as a matter of urgency pursuant to section 100B (4)(b) of the Local Government Act 1972.

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 29 July at 10.00am.

The meeting ended at 12:10pm

Signed by

Chairman

Appendix 1 – Declaration of interests: Broads Authority, 13 May 2022

Member	Agenda/minute	Nature of interest
James Knight, Greg Munford and Simon Sparrow	11	Hire boat operators. Disclosable pecuniary interest.