

# Broads Authority

## Minutes of the meeting held on 20 January 2023

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## **Present**

Bill Dickson – in the Chair, Harry Blathwayt, Nigel Brennan, Andrée Gee, Tony Grayling, Gail Harris, Paul Hayden, Tristram Hilborn, Tim Jickells, James Knight, Greg Munford, Michael Scott, Matthew Shardlow (from item 6), Simon Sparrow, Nicky Talbot and Melanie Vigo di Gallidoro (from item 5)

## **Officers in attendance**

Estelle Culligan – Deputy Monitoring Officer, Jonathan Goolden – Monitoring Officer, Andrea Kelly – Environment Policy Officer (for item 12), Emma Krelle – Director of Finance, John Packman – Chief Executive, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer

## **Others in attendance**

Ben Falat, Chair NSBA, and Duncan Holmes and Paul Savage of the Broads Society, all in respect of item 5

# **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 Stephen Bolt, Matthew Bradbury, Leslie Mogford, Vic Thomson and Fran Whymark.

# **2. Chairman's announcements**

The Chair advised that the forms relating to annual appraisals would be circulated during February. He reminded Members that, for Secretary of State appointees, the annual appraisal was mandatory but participation by local authority appointees was encouraged. The process provided a useful insight and an opportunity for personal development.

Following the last meeting, two suggestions had been received for themes of future workshops:

- 1) climate change adaptation – it was accepted that this would be more productive to hold in a year's time once the information was available from the Broadland Futures Initiative in the form of the hydrological model; and
- 2) biodiversity crisis – diarised for Summer 2023.

Finally, the Chair invited the Monitoring Officer (MO) and Deputy Monitoring Officer (DMO) to introduce themselves, as this was their first meeting since being appointed. The MO stated that it was both an honour and a challenge to be engaged by the Broads Authority and he was looking forward to working with the Authority to seek a process of continuous improvement in its governance and transparency.

### 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

There were no items of urgent business.

### 5. Public question time

Three questions had been received from Duncan Holmes, Trustee of the Broads Society and one question from Ben Falat, Chair of the Norfolk & Suffolk Boating Association. It was confirmed that Members had received a copy of the questions and supporting statements (as set out in Appendix 2) and therefore, both were invited to read out just their questions. The Chair provided the Authority's response as set out in Appendix 2 to these Minutes.

### 6. Minutes of last meeting

The minutes of the meeting held on 02 December 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.

In response to questions on progress with the QAB scheme, the Director of Operations (DO) advised that the Hire Boat Licensing Officer was in regular contact with those boatyards which had yet to do what was required. All hirers had been written to three times and a further letter would be issued this month as a reminder. At the last meeting with British Marine (BM) just before Christmas, they had confirmed that they had appointed three local assessors. It was acknowledged there was a delay in the process as this depended on how much work was required by each yard to comply with the scheme. The DO advised that the response time for BM was within three weeks and the Authority would liaise with hirers, confirming that for those operators who were already engaged in the process and going through the QAB audit, their licence would be issued. However, at the beginning of the season no licence would be issued for those operators who had yet to make a start.

**The report was noted.**

## 8. Strategic Priorities – update

Members received the report setting out the latest progress in implementing the Authority's annual strategic priorities for 2022/23.

**The report was noted.**

## 9. Capital funding progress report

Members received the report providing an update on the progress in implementing the capital funding programme, as requested by Members at the last meeting. This had also been provided to Defra and confirmation had been received that the format and content met their requirements.

The Chief Executive (CE) advised that he had brought two issues to the attention of Defra as a result of the late receipt of the grant-award decision which had only been received just before Christmas, despite the application being submitted in August.

1. The restoration and repairs to Strumpshaw Fen drainage system were very complicated and it was extremely unlikely that these works would be completed before the end of this financial year.
2. Purchase of the barge – a deadline had been missed due to the delay in Defra's decision. The delivery date was now after March.

Defra officials were sympathetic with the Authority's position and had advised they would research what needed to be actioned.

The CE reported that he had attended a meeting of Chief Executives of all the National Parks in England, together with Defra, when it was announced that Defra would be seeking bids for capital funding from National Parks in 2023/24. This confirmed his impression that the recent award of £1.3m was unique to the Broads Authority. He referred to the pressures on navigation due to the fine weather and improved water quality which had resulted in a very rapid and increased growth in aquatic plants and the impact this had on the ability to navigate the waterway system. The Authority had struggled to keep up with the cutting and the purchase of the new weed harvester in time for the new season would bring huge benefits. This was the first time the Authority had been able to purchase a brand-new harvester, and would mean a total of three machines would be available to staff plus there was the added reliability of having a new machine. It was also worth noting that the price was better than originally provided for, due to some hard negotiating. This meant that officers had been able to make some changes to the proposed list of purchased items with the purchase of a 14-tonne excavator rather than some of the more minor items and Defra were satisfied with these changes. The remaining smaller items could be paid for from existing budgets.

A member referred to the potential financial risks of continuing with the works at Strumpshaw Fen after this financial year and whether the Authority should proceed or wait for confirmation from Defra. The CE responded that Defra officials were being helpful in looking for a solution to this particular issue; with the costs at £60,000 there were considered

to be minimal risks until such time the contract was placed for the works. An engineer had been appointed to design the repairs and officers were working with the Environment Agency regarding the necessary consents and applying for planning permission. All this needed to be completed before the contract for the works was let. In terms of the barge, if it proved necessary, the Authority could fund the cost from existing budgets.

**The report was noted.**

Having declared a Disclosable Pecuniary Interest, James Knight, Greg Munford and Simon Sparrow left the room for the following item.

## **10. Proposed charges for 2023/24 in the navigation area and adjacent waters**

The Chief Executive (CE) referred to the numerous pieces of correspondence which he and/or the Chair of the Navigation Committee had received in relation to this matter, some from individuals and some from yacht clubs etc. which had been reported at the Navigation Committee on 12 January. Since then, a further nine representations had been received including two in the last 24 hours. One was from Mary Sparrow on behalf of Hippersons Boatyard and as a member of the Visit the Broads Committee, and one from the Clerk to Reedham Parish Council. There had also been recent articles in the Eastern Daily Press (13 Jan) and BBC News online (14 Jan).

A summary of the issues raised from the correspondence could be grouped into areas as follows:

1. Concern over the proposed increase in charge for using Mutford Lock from £15 to £17 and the adverse impact this would have on local yacht clubs.
2. The proposed new charges for mooring at Ranworth and Reedham would have a detrimental impact on the shore-based businesses plus they equated to an additional 3% increase in tolls. The charges were considered unjustified as there were no showers provided.
3. At Reedham, making a charge was considered to have unsafe consequences. Question how the Authority could levy a charge there and how would it be enforced. Also concern on impact on small businesses in the village.
4. Concern on the impact on boat owners - the increase in costs would discourage them from owning a boat. There should be a more moderate increase, or stage the proposed increase over 2-3 financial years or raid the Reserves instead.
5. Too late notice for tourism businesses to do anything about increased charges. Bookings for 2023 were 15% down on 2019; Broads holidays were seen as too expensive compared to an all-inclusive holiday abroad. Broads business had raised their prices by an average of 5-6%.
6. With the shift between National Park and navigation costs, there was the expectation that toll-payers will bear a higher proportion of the Authority's overheads; seen as an attempt to use current inflationary factors to justify a considerable increase in the navigation contribution to the Authority's costs rather than being realistic about the

services which could actually be funded and the functions which it can and should perform.

7. The charges had risen over the last ten years well above the rate of inflation but the services provided by the Authority had actually declined.

The CE stated that he would respond to the last issue first as this was important: looking at charges in relation to the RPI was not straight-forward. In particular, Members had made some changes about the charges for specific types of boats. He had reviewed the figures for the previous ten years and the RPI had increased by 46% and the toll for a large, private motor boat had increased by approx. 80% which was a significant increase. For the weekly hire fleet this was not so great an increase as the Authority had taken the decision to change the proportion they paid so the increase was more likely 50-55%. At the other end of the scale, a very small motor boat (5 sq m) in 2012/13 would have paid £97.44 and for 2023/24 the proposed charge was £85.10, an increase from £75.30 for 2022/23. This meant that the increases affected different boat owners in different ways but reflected the policy decisions made by Members.

The CE questioned the statement that the Authority was doing less than previously as there was no evidence to support this. In fact, the opposite was true and that was partly the reason for increased costs above RPI. In terms of moorings, officers had tried to negotiate a new lease at Thurne Mouth, a site identified in the correspondence, but had been unable to reach agreement with the landowner. However, over a ten-year period, there had been a significant increase in moorings, equating to 10% in length and officers were continuing to look for new sites, either for rent or purchase. A review of all moorings would be conducted this year to identify any gaps and the CE assured Members there had been no loss in the length of available moorings.

In terms of the Rangers, there had been a significant increase in the number of hours in patrolling over the last two years, compared to the previous ten years, and the figures for 2022/23 demonstrated a figure of 1,713 days which was well above the figures for 2012/13 (1,241 days).

Another significant expense was dredging; previously this had required a huge amount of effort by officers but with better hydrological information in recent years, the amount of material taken out had been large and targeted at the areas in greatest need and so the waterways were now in a very good condition. There had also been a huge increase in waterplant cutting, with 72 days ten years ago and 198 days last year. This was reflected in the condition of the water compared to ten years ago. There had also been improvements in the management of trees and scrub adjacent to the rivers. The CE concluded that it was important the toll-payers were made aware of all of this information.

The CE then presented his report, supplemented by a presentation, on the proposed navigation charges in the navigation area and adjacent waters, and other charges for 2023/24.

Firstly, he referred to the all-Member briefing on 5 October 2022 when officers had highlighted the pressures on the budget from inflation and the significant reduction in NP Grant from £4.4m (2009/10) down to £3.2m currently. This had a big impact on the organisation as a whole, as well as its navigational responsibilities through the costs of diesel, aggregate, steel etc. In addition to this, audit fees had increased considerably and there had been a continuing loss of weekly hire boats.

The CE explained that, in order to retain services on both NP and navigation, this would require an increase in 10% and to retain the additional Ranger patrolling would require an overall increase of 13%. The unanimous feedback of Members in October was that it was vital to retain the safety provision and so a 13% increase had been supported.

There had been huge uncertainty at that time, including the Authority's pension contributions, and that was why the decision had been taken to consult the Navigation Committee in January rather than November. Income was actually slightly better than anticipated due to increased income from higher interest rates and the reduction in hire boat income was not as great as budgeted for, plus there had been an increase in private boat numbers. In terms of non-payers, the Authority had a good success rate with the prosecutions for non-payment, with the majority of people paying just before they were summonsed to Court.

The Authority, along with many other authorities, had budgeted for a salary increase of 2% and it had no control over the figure which had been agreed through the local government settlement scheme. The local government employers and unions had agreed a flat cash increase of £1,925 for all staff which equated to an increase overall of 6.2% in the Authority's salary costs (staffing made up 65-70% of the Authority's total costs).

The Government decision not to increase National Insurance contributions had helped, coupled with no changes to the anticipated pension costs. Conversely, rising inflation had impacted on the cost of raw materials and fuel. Therefore, whilst income had risen, expenditure had also risen but it was expected to be broadly in line with the budget. In terms of Reserves, the Authority had drawn down on both the NP and Navigation Reserves in recent years to both maintain services and mitigate the impact on charges but this could not continue.

The challenges for 2023/24 came from a flat-cash NP Grant settlement, compounded by inflation which reduced the value of the cash even further, plus a reduction in weekly hire boats. Private motor boats accounted for 55% of navigation income and weekly hire boats 23%. There were predicted to be at least 15 fewer boats which equated to approx. £20,000 loss of income. Private boat numbers were more difficult to predict and were currently at a high point, with an increase in the number and size of the vessels. Looking back to 2009/10, the time of the last recession, private boat numbers actually increased. It was acknowledged the pressures on toll-payers was high, with the current cost of living, but a lot was discretionary spend. Looking at the profile of private boat owners, the majority were in ABC1 social classes and it was acknowledged that pensioners might find it difficult but overall it was difficult to predict a potential change in private boat numbers. The Director of Finance had

taken a fairly cautionary approach in budgeting for predicted salary increases (5% in 23/24; 4% in 24/25 and 2% in 25/26) but this was a great unknown. With the Authority's salary costs making up a high proportion of its overall costs, any increases to these estimates would have a big impact. Whilst it was accepted that inflation was decreasing in some areas, costs for materials, legal fees and audit services were increasing.

Looking at savings and potential income, Yare House was one of the Authority's biggest overheads and so the decision had been taken to drastically reduce the amount of rented floorspace (down by 50% wef summer 2023). This would impact on both staff and Members, for example, the meeting room on the ground floor would be reduced in size to enable part of it to be used as desk space to maximise its occupancy rate. Like the public, the Authority was facing increased charges for services such as electricity which affected not only the offices but also the Yacht Stations and electric charging points. Some positive news was the Authority had managed to secure a longer lease with Great Yarmouth Borough Council for the Great Yarmouth Yacht Station and the Chief Executive thanked Sam Bates (Visitor Centres Supervisor) and Leslie Mogford for all their hard work. This would enable the Authority to install additional electricity charging pillars which would be greatly welcomed by visitors.

The CE referred to the proposed increases in charges: Mutford Lock up from £15 to £17; new charges for mooring at Ranworth and Reedham at £5/day and £10 for overnight. He referred to the theme of the comments received about the charges for Reedham and pointed out the proximity of the moorings close to the railway bridge and the impact of the swift tide. Staff helped with mooring and had received a great deal of positive feedback from boat owners. Staff provided an excellent service which helped to avoid accidents and problems and often went above and beyond what was expected. The local Public House charged a £10 mooring fee and feedback identified that many visitors were surprised that the Broads Authority currently did not charge. Therefore, it was not anticipated there would be any great push-back on people wanting to moor there, or significant adverse impact on local businesses. The issue of charging at Ranworth had been debated for many years, with the neighbouring landowner in favour. They already charged for moorings at the island even though no services were provided. It was considered that the introduction of charges and helping with the mooring of boats would enable more boats to moor there and increase support for the local shop. It was accepted no services, such as showers, were provided at either site but staff helped boaters to moor and therefore the charges were considered to be reasonable and would not have a detrimental impact on local business or deter people from mooring there.

Turning to the split of costs between National Park (NP) and navigation, not many operations were purely one or the other and so many were shared costs. The split had been reviewed by the Resource Allocation Working Group (RAWG) in 2012. Prior to that date, the Yacht Stations were costed as 100% navigation but, due to concerns on the impact on tolls, this figure had been decreased with 25% allocated to NP. However, this was recently reviewed on the basis that the Yacht Stations were purely navigation: if the Authority was not also a navigation authority then there would be no need for the Yacht Stations. The biggest item was the Rangers at c. £100,000 and although they spent 20% of their time on NP activity, NP paid 30% of their costs. Navigation was the second purpose duty of the NP: to promote enjoyment and



understanding of the Broads, therefore the splits were somewhat artificial. You could justify funding all navigation activity from NP Grant if the award from Defra amounted to £10m and this would negate the need for tolls. However, the Authority was trying to manage a declining level of grant and the NP Grant could no longer support navigational activity. It was acknowledged that the proposed increase of 13% might be difficult to accept but it was necessary to avoid creating problems elsewhere, eg cutting back on highly valued activities and issues such as the climate change and biodiversity crisis. There were also the statutory functions, such as planning, and the required support services such as HR and IT to maintain. It had to be looked at in the round with the aim of managing how to deliver the services for boat owners, the general public and Defra.

Looking at private motorboat numbers, in terms of income this was the most important group, ranging from a small motor-powered dinghy up to a very large ocean-going, twin-engine motor boat. Numbers were currently at a high point (5,142) which was an increase on the number for 2013 (4,967) and had been generally stable. Boat sizes had increased in this group which ultimately meant more income for the Authority and offset losses elsewhere. In terms of sailing craft, whilst these were iconic for the Broads, there had been a persistent decline in numbers despite the Authority charging a lower fee than for a motor boat.

Turning to the hire fleet, the biggest contributors in this group were the motor cruisers. In 2000 a review of the hire boat industry had been carried out which identified that a hire boat holiday was not competitively priced when compared to an overseas package holiday and there had been a gradual decline partly for this reason. At that time, a figure of 500 boats was predicted for the fleet. However, this forecast had not turned out as expected, with the current number at 673, a reduction of 56 boats compared to 2021 (a reduction of approx. 8%). There had also been a restructuring of the industry which included replacing the oldest boats and investment in more high-quality craft with a higher range of facilities onboard, and these were popular with hirers. In addition, smaller yards were being bought-out by the larger boat yards, who had advantages such as economies of scale and diversification of businesses, such as land-based holiday accommodation, hire of day boats etc. There had been an increase in the number of boats of a larger size within the overall numbers.

Although the 13% figure sounded like a large increase, this was not necessarily the case in cash terms, eg a small sailing craft would pay an additional £6 p/a; a small private motor boat would pay an additional £9.80 p/a; a 38 m<sup>2</sup> private motor boats an additional £74 p/a; day hire boats (12 m<sup>2</sup>) an additional £81 p/a and the bigger (48m<sup>2</sup>) hired motor-craft £212 p/a. The CE said he accepted that there would be an impact on some individuals but the toll was a small percentage of the overall cost of owning, maintaining and running a boat (approx. 9% of overall costs for both private and hire fleet).

Regarding the continuing flat-cash settlement from Defra, the CE advised that, at the Navigation Committee, he had urged people to write to their MP highlighting the impact this had and the difficulties the Broads Authority faced by a continual reduction in financial support from the Government. The three largest inland navigation authorities were the Canals and River Trust (CRT), followed by the Environment Agency and then the Broads Authority.

The CRT had increased its charges by 4% mid-way through 2022/23 then by an additional 9% totalling 13%. If the Authority was to deliver its statutory purposes as a whole, then it had little choice but to increase the tolls as proposed and by accurately reflecting the shared costs. There was evidence to justify the change in the allocation of the Rangers' costs; a £55,000 navigation deficit had been budgeted for and a 3% increase in income from the new charges. The majority of boats were at the smaller end and so the cash impact for owners would be relatively minor.

The CE concluded that, at the Navigation Committee last week, Members had voted 9-1 in favour of recommending the increased charges to the Broads Authority, with one abstention.

The Chair thanked the CE for his very thorough presentation and the comprehensive information which had been provided.

A Member referred to the interests which had to be declared under the adopted Code of Conduct (CoC) and his concern at the different approach which had to be taken by individual toll-payers and the hire boat operators (HBO), with the latter having to leave the room. He considered that the meeting would miss their valuable contributions to the debate and asked that this be reviewed for the future to enable HBOs to remain in the room and contribute to the debate at the Authority meeting. The Monitoring (MO) responded that an established case (Richardson -v- North Yorkshire County Council) indicated that a Member was either in the room or not. They could not remain with a pecuniary interest but not vote. In terms of a Disclosable Pecuniary Interest (DPI), the commercial owners had a directorship of a commercial company in the Register of Interests and this required them to leave the room. Therefore, it was not possible to contribute to the debate but not take part in the vote. However, it was possible to apply for a dispensation and the MO confirmed that he had received such a request from a Member two days before this meeting. He outlined the grounds for granting a dispensation:

1. Quorum – how many Members were affected and would this affect the quorum to such a degree that the business could not be conducted. Not applicable in this case.
2. In the interests of the residents of the area. In the MO's view this was not applicable as the Authority had in place a statutory consultation method through the Navigation Committee. Members with commercial interests who were members of the Navigation Committee had been granted a dispensation by the previous MO to take full part in the consideration of tolls at that meeting.

The MO referred to the need for the Authority to adopt a process of continuous improvements to its governance arrangements, which would be discussed elsewhere on the agenda. He concluded that he was not discounting the ability of the Authority to return to this issue in the future.

The Member responded that as a sailor, he could be seen as welcoming a smaller fee compared to HBOs but he was not sanctioned and they were not in the meeting. However, he did understand about the dispensation granted for the Navigation Committee meeting but just wanted the situation to be made clear. The MO confirmed that the Authority's Code of

Conduct included a specific exemption, and a private boat owner was a non-registerable interest and Members were permitted to remain.

Another Member commented that he had been persuaded by the experts and the advice given at the Navigation Committee and would be voting in favour of the proposed increases. He referred to the use of percentages, and to CPI and RPI which could be an issue. If inflation was currently at 10% and the Authority was seeking a 13% increase someone could think that the Authority was trying to seek more than what could be justified. Some of the representations were considered to be unhelpful but the presentation by the CE had provided the detail and assuaged any concerns. However, in terms of the policy stance and direction, he felt that this should be reviewed in the future, focussing on issues such as net-zero, climate change etc. The current proposal was for an increase of 13% across all craft and he felt there could be options to incentivise less-polluting boats and electrification etc. This was an issue for the whole Authority, not just navigation members, and should look at how to persuade people to take on a different form of boating or even the sustainability of tourism and the broader economy. The CE responded that the current tolls structure had beneath it a policy which supported non-carbon boating by lower charges, eg a sailing boat paid less than a diesel motor boat. However, this was something that could be looked at again, whilst mindful that the toll was only a small proportion of the total cost of owning a boat. Our policy stance would be an important indicator of where the Authority should be going but it was highly unlikely to impact significantly on an individual's decision on owning a different type of boat, due to the difference in purchase/conversion costs, similar to buying an electric car. The Member referred to the report commissioned on the electrification of the hire boat fleet and suggested a policy indication be provided in future. The CE added that a sustainable boating workshop could be held later that year, possibly with external specialist speakers. It was worth noting that this was an area which was changing rapidly and that the Authority had been a leading-player on sustainable boating for over 20 years. As members were aware, it had recently been successful in a piece of research, using grant-funding from the Department of Trade and Industry.

A Member stated that he was minded to support the proposals as he was conscious of the need to move to a balanced budget and get the right proportions in the split of costs. The NP funding could not afford to subsidise navigation expenditure and he welcomed the recent capital funding from Defra which navigation would benefit from. He questioned how the mooring fees would be enforced and how the apportionment of costs was calculated for the visitor centres. The CE responded that there were no specific byelaws for enforcement powers and he used the analogy of someone leaving a premises without having paid for their goods/services. There were ways to recover such costs and the Authority would be seeking a legal opinion as required. He stated there had not been any enforcement issues at either of the two Yacht Stations. The Director of Finance (DF) confirmed that the split of costs had only been amended for Ranworth (previously 100% NP). From the new mooring fees and sales from the tourist information centre there was a predicted income of £40,000 for mooring fees and £15,500 for the other income (from sales of ice-creams etc). The costs had been apportioned on that basis.

In supporting the proposed charges, a Member commented that he accepted the difficulties but could not see any alternative and it was vitally important to maintain the Ranger service. He added that it was important when notifying the increases to also publicise the reasoning, including the increase in services and improvements to the area.

Another Member referred to the recurring flat-cash NP Grant which had been received for a number of years and also the fact that users benefitted from both sides of navigation and the National Park, seeing the Broads as an attractive place to visit and benefitting from the investment made by the Authority. The Authority could not operate with decreasing resources and navigation being a burden. He also referred to the risks experienced during the Covid pandemic and how there might be similar circumstances in the future. During that time, it was important to maintain the navigation of the Broads and keep it in good condition. This had been achieved by a temporary loan payment from NP Reserves to support navigation which was subsequently being paid back. The current situation where some navigation activities were subsidised by NP budget was not sustainable in the long-term and navigation needed to be secure and financially independent. He had not heard any example of services delivered by the Broads Authority which should not be delivered. He concluded that a really strong case had been presented at both the Navigation Committee and this meeting today.

A Member supported comments made previously about incentives for low-carbon emitting boats, using a comparison with electric cars and the Government policy not to charge road tax and the message this sent out. He referred to a comment made by a Member at the Navigation Committee about not expecting others to subsidise his hobby and he concurred with this view.

A Member referred to the importance of safety, and also whilst a figure of 13% was regrettable, they had been persuaded by the information provided, acknowledging that the toll was a small proportion of the costs of owning and maintaining a boat. They therefore supported the proposed charges. With regards to the Members with a DPI and remaining in the meeting, the Member referred to the differences between Navigation Committee and Authority meetings; one was advisory and the other was a decision-maker.

In response to questions on accessibility and also affordability, the CE advised that whilst commercial operators could pay over a number of months, private boat owners were required to pay in one instalment, based on the amounts involved and the administrative overheads. He added that if someone was experiencing particular financial difficulty, the Collector of Tolls would discuss payment options with them.

A Member questioned if any issues were envisaged by introducing charging at Ranworth and in particular, a possible increase in the use of boats hanging off mud weights. The CE responded that it was a very busy spot for mooring and with staff helping and a payment scheme in place, it was expected that there should be less problems not more.

Tim Jickells proposed, seconded by Michael Scott and

**It was resolved unanimously to approve**

- 1. an increase of 13% in navigation charges for 2023/24 in the navigation area and adjacent waters (as exemplified in tables 3 & 4 of the report);**
- 2. an increase in the charge for Mutford Lock from £15 to £17;**
- 3. an increase in the charge at the two yacht stations from £13 to £16**
- 4. the introduction of mooring charges at Ranworth and Reedham (£5/day and £10 overnight).**

James Knight, Greg Munford and Simon Sparrow re-joined the meeting.

The meeting adjourned at 11.50am and reconvened at 12pm.

## **11. Budget 2023/24 and financial strategy to 2025/26**

The Director of Finance (DF) introduced the report providing a strategic overview of current issues and items for decision. This included consolidated income and expenditure up to the end of November 2022, and the consolidated budget, as well as the updated budget for 2023/24 and the financial strategy to 2025/26.

The DF provided an update as at the end of December 2022:

- Favourable variance of £410,209 – whilst a large increase, this was mainly due to timing differences in the profile for the peat project expenditure.
- Toll income was £40,000 over the annual budgeted figure.
- Earmarked Reserves down by £137,000 – this was as a result of expenditure for deposits on capital items under the Defra grant which would be reimbursed once the money was received.
- Pension valuation – a review was conducted every three years to ensure contributions made to the Pension Fund were accurate. This was split into primary and secondary contributions. The primary contribution was a monthly percentage of employees' pay, and the secondary was for funding any deficits in the Fund. As a result of the re-evaluation, the Authority's position in the Pension Fund improved and its proportion improved so the secondary contribution had been consolidated into the monthly payment.
- Variances – always budgeted for staff at 100% occupation of posts. Where there were vacancies, there was often a period of time between advertisement and recruitment before the post was occupied. In the past consideration had been given to reduce the occupancy part in the budget but it was concluded that this was not particularly prudent on the basis that there could be years when all staff remained in post and there were no vacancies.
- Reserves – will be used to balance a deficit in the budget but the level would remain above the minimum threshold which was 10%+ £100,000 for NP and 10% for navigation.

A Member referred to the 2023/24 budget and the level and use of Reserves and asked the DF to provide some commentary, particularly as a suggestion had been made that Reserves could be used to defray some of the navigation costs. The DF referred to page 73 of the report and the close of CANAPE reserve which resulted in a total surplus of £270,000 split equally between NP and navigation. When the project had been set up, some Earmarked Reserves had been used to fund it as the amount of the Euro had an impact on the amount of cash received. By the end of the project, a surplus of £270,000 was forecast. This was a one-off payment. A Member questioned if the Authority would increase its free cash Reserves over the next four years in view of the greater uncertainty ahead. The DF responded that, at the end of last year, a detailed analysis had been carried out of the Authority's Reserves and commitments. This was compared to the other NP's minimum level, with the majority set at 5% or at cash value, but the Broads Authority was considerably above this level. Worst case scenarios had been looked at including if the Authority totally failed, all money currently held in Earmarked Reserves and future capital would no longer be required and would be rolled-back into those Reserves. Therefore, in policy terms, the current level of Reserves was considered to be appropriate.

A Member referred to the increase in interest rates (income of £84,000) and questioned if officers had looked at reviewing the Authority's policy for Reserves and investments to see if there was potential for more than £84,000 next year. The DF responded that the Capital Treasury and Investment Strategy was presented to the Authority annually for approval for the coming year. It was due to be considered by the Audit & Risk Committee on 14 March and so was currently being updated. The Authority's policy was for low-risk but this could be reviewed. Interest rates had gone up which is why income was higher than budgeted for. There was the opportunity for the Authority to tender for the appointment of Treasury Management advisors to look at future investments and this would be included in the report to Audit & Risk Committee.

Tony Grayling proposed, seconded by Andrée Gee and

**It was resolved unanimously to:**

- 1. Note the actual income and expenditure figures, and adopt the:**
  - i. 2023/24 Budget, including endorsement of the assumptions made applied in preparation of the Budget; and**
  - ii. Earmarked Reserves and Financial Strategy for the period 2023/24-2025/26.**
- 2. Approve the use of the Premises Earmarked Reserve as set out in paragraph 2.6 of the report to implement the reduction in the costs of occupation at Yare House.**

## **12. Broads Peat project – update**

Members received the report by the Environment Policy Advisor (EPA) providing an update on the progress of the Broads Peat project which was funded through the Nature for Climate Peatland Grant Scheme - Discovery Grant. Authority was also being sought to approve two

waivers of Standing Orders relating to Contracts to commission environmental surveys, as the additional work represented more than 10% of the initial contract value. The works would be fully funded by additional funding from Natural England, for which confirmation had been received.

The EPA provided further information on the project at the meeting, advising that there were major barriers to raising water tables in the peat soil to ensure there were no carbon leaks into the atmosphere. The Broads had 2,5000 hectares of drained peat which gave off, over the last 40 years, over a million tonnes of Carbon Dioxide into the atmosphere. Over those grazed marshes which were drained, there was evidence of subsidence rates of over 1cm p/a which was slightly less than arable fields but not much, and so the emissions were a similar magnitude as arable farming. This was something which was not yet well incentivised in terms of agri-environment payments and carbon payments and why the project was in the discovery phase. The first barrier was finance and good financial models. Habitats were also key: a substantive change in say a grassland or permanent pasture to a reedbed or very wet fen could require permission under the Environmental Impact Assessment Regulations. For a large wetland where the peat was formed in under wet conditions, putting the water back to the floodplain would require considerable consenting processes including planning permission, habitats assessment, historic environment assessment, looking at flood risk and also water abstraction. Building capacity and capability to overcome these barriers was clearly needed. The Discovery project was about pushing ahead and putting in place with the regulators what needed to be done. This was why additional funding was needed.

The EPA reported that the project had been rather successful, and a seminar was held recently with Palladium for 35 people from Defra, Natural England and the other Discovery projects on carbon finance. The Peat Partnership was leading carbon finance for peatland. One of the successes was the development, for the first time, of a carbon finance model working with Palladium across the Revere Partnership. The model forecasts a payment of £140-£190 per year per hectare on top of the agri-environment scheme for areas of peat protected by raised water table. She had also worked with Cranfield University on a model for identifying the watercourses. In the Netherlands, where their watercourses are instrumented, they knew exactly their water levels. We only know at pump level, and as the pumps are getting replaced by the Water Management Alliance and the Internal Drainage Boards, there is an opportunity to review these levels to protect the peat soils. The modelling produced by Cranfield was unique in the UK and so it would be exported to the other Discovery projects. In addition, a baseline was needed for Water Voles. Members may recall the work at Petos Marsh for Water Vole survey and mitigation which was very expensive. These costs had been reduced by around four times by creating a habitat tool which meant that, rather than go out and hand search each nest, burrows etc, you could look at each habitat and evaluate water vole numbers. The habitat tool marked the relationship between Water Vole habitats and occupancy.

Another success was landowner engagement with some brilliant work undertaken by Norfolk FWAG along with Palladium. Around 60+ farmers had attended workshops, walks etc.

Looking at next steps, the project finished at the end of March and so an extension was being sought. The Restoration project, should an application be made, started in the autumn. There was a need to extend the discovery phase to enable officers to continue the work, and liaise with the EA, planners etc to get the necessary permissions. Work was also underway to establish a Paludiculture Exploration Fund (PEF) – working with Norfolk County Council, Norfolk FWAG, River Waveney Trust, NUA, architects and people overseas to create an economy to create a wetter environment, encouraging new or existing products made using paludiculture crops, such as fibre-board, reed and thatch. The PEF would be about demonstrating wet farming and water filtration, producer/farmer engagement and product development models.

A Member referred to the huge amount of work which had been done and suggested this should be part of the Authority's core activities particularly improvements in peatland. He questioned what was the plan longer-term, referring to Montreal COP 15 biodiversity summit on 30-by-30 targets. The EPA responded that the project was clearly evident in the Broads Plan – it was about land management and adaptation and how to manage water for multiple benefits. There were trade-offs between different options – some of the PEF would be to work on the opportunity mapping. Some farmers might be more interested in energy, others in fibre, and others just continuing to graze or arable farming. It was important to get the whole economy with the whole market chain around any new system. It was not just about the producing and the growing and the economics, but also pulling the markets through. An example was the fibreboard and magnesite boards used in construction materials produced from Reedmace (also known as bulrush or Typha). Typha had a high biomass, over and above what you could get from a woodland, in terms of its growth rates and annual harvest so Kingspan was investing its green-lines in its unbonded, no-glue, clean-green product which was a high value market in terms of possible return for farmers. It was at the early stages and the Lowland Agricultural Peatland Taskforce at which the EPA had been a member, chaired by the Association of Drainage Authorities, has created a Road Map with a potential ten-year investment from Defra subject to ministerial sign off. The Member commented that it would be preferable to take this away from just project work and improving the peat in the Broads had to be a core part of the Authority's activities. He asked if the EIA Regulations had been tested in this regard yet, through people making an application. The EPA responded that this was a concern as the project would be a test case. There wasn't peat across the whole of the Broads, just an area of 2,500 hectares comprising the mid-range within each valley and particularly the Yare, Waveney and Upper Thurne, but water mattered for the whole, eg wintering and breeding waders in the marshes. Beside peat, other types of soil were carbon rich –many of the alluvial soils formed in the ancient estuaries and salt marshes were also carbon stores.

A suggestion was made to contact the Internal Drainage Boards as they recorded information on Water Vole numbers.

A Member referred to the governance and social side underlying this – questioning what if all farmers in, say Halvergate, bought-in and we ended up turning all of the Halvergate marshes into reedbed. That would have implications for RAMSAR sites and also the public perception.



This might require a future envisioning study to see what it would look like. The EPA responded that mapping was something which was missing and this was part of the PEF. This would include choice mapping so people could cite what options were available for adaptation and nutrient neutrality, water storage, washlands and empower people to see the future in a positive way and to see the possible income streams associated with that. Peat restoration hadn't happened in many places despite some incentives being in place already and so it was recognised there was a need to work with those who were willing, which are not the majority of landowners. The mapping would include ownership and hydrological management eg Beccles Marshes comprised 200 hectares of peat; this site is more straightforward as it is under the same ownership and water management, the Town Council, and they were very supportive. Other sites such as on the south side of Heckingham involved eight landowners upstream of there. The EPA had talked to them and some were positive and some less so and this would be more difficult to solve. The cost implications of sub-dividing the catchment and providing a pump to enable people to still be serviced (approx. £1m) meant there would be challenges for cost benefit decisions.

Matthew Shardlow proposed, seconded by Michael Scott and

**It was resolved unanimously to:**

- 1. note the update and**
- 2. approve two waivers of Standing Orders relating to Contracts, to commission additional environmental surveys and to update a report (as detailed in section 8 of the report).**

## **13. Recommendations from external review into formal complaint**

Members received the report of the Monitoring Officer on the findings and recommendations of the independent review into the formal complaint by Cllr Fuller. Some improvements to the Authority's governance and processes were recommended for adoption.

The MO referred to one of the public questions which had been presented earlier in the meeting, advising that he had received a similar request from the Broads Society for publishing the VWV report. He considered that, if the Authority instructed officers to comply with that request, the report could be placed on the website without delay. He emphasised that today's report was not about the findings of the VWV report, but learning from, and implementing, the recommendations produced by the investigator (table 1). It was a matter of regret that a dispute over what Mr Heath described as an error in a planning condition but a minor error, resulted in the involvement of the Police, a three-stage formal complaint process and two external reviews. The MO stated that Members, and others, should be able to raise concerns and suggest improvements to the governance of the Authority without recourse to such steps. The Authority itself should seek to continually ensure its governance arrangements were fit for purpose as part of its duties as a Best Value authority. It was normal in other parts of local government for the Monitoring Officer, and other relevant officers

tasked with governance, to work with Members to identify and consider regular improvements to the constitutional workings of the authority. That work should be informed by suggested improvements or concerns raised by Members, officers and stakeholders alike. The core of the recommendations in table 1 was to provide two important foci for governance improvements:

1. enhanced role for the Audit & Risk Committee to receive, consider and recommend to the Authority improvements to the Broads Authority's Constitution on a regular basis, and
2. amend the Hearings Committee, which currently had a purely reactive role in determining breaches of the Code of Conduct, to a full Standards Committee, and such a committee, as was normal in other areas of local government, would have not only a reactive role of adjudicating on complaints under the Code of Conduct but also a proactive role in identifying measures such as training, guidance and governance improvements which would assist the Authority and Members in meeting the statutory duty to ensure high standards of conduct by Members.

Lastly, and in specific response to the concerns expressed in relation to the Haddiscoe applications, officers would work with the Planning Committee to improve and clarify the call-in arrangements on planning applications, including a means for resolving disputes about the use of call-in.

The MO stated that the recommendations of the VWV report would be referred to the Audit & Risk Committee (ARC) for detailed consideration. Together with the Director of Finance and Senior Governance Officer, he would prepare proposals and a timetable for those governance improvements to the next meeting of ARC. He concluded that he was looking forward to working with members of the former Task and Finish Group in preparing those proposals.

A Member welcomed the report, stating that he fully supported the request for publication of the VWV report as it would help the public's understanding particularly regarding the Planning Committee and the call-in process.

Another Member added his support, commenting that the accusation of misconduct in public office was quite inappropriate and serious, and certainly did not cross the threshold. He was particularly mindful of the recommendation relating to the well-being of staff and the need for Members to recognise the stress which had been put upon staff inappropriately; how Members should support the staff and ensure this did not happen again in the future. The Member welcomed the recommendations for improvements in governance arrangements and supported the publication of the VWV report (redacted as necessary) and he considered the report to be a vote of confidence in the Authority's planning function. Another Member added to these views, commenting that it was important to work together and whilst the planning function may not be perfect, there had certainly not been misconduct in office. He supported the recommendations plus the publication of the VWV report on the Authority's website as soon as possible.

One Member commented that it had been drawn to his attention that the original draft of the report to be very different to the final version, giving a number of examples where the content had been watered-down (such as serious concerns about confidence in the planning function); reference to errors by the Authority being removed or reclassified as minor and the section relating to governance completely rewritten. In addition, the draft report made it clear that the application should have been referred to the Planning Committee and this had been removed from the final version. He felt it was important that Members were aware of these facts. In conclusion, he stated that, whilst he would not be able to welcome the report, he did accept the recommendations coming from it.

Another Member welcomed the report, especially the recommendation (iv). In response to a comment on the effectiveness of publishing the VWV report and if this would draw a line under the whole issue, the Chair advised that the report would be available under a Freedom of Information request and so the Authority was being proactive in publishing it and that was the intention behind doing this.

Another Member commented that it was beneficial to have an independent report; this concluded the matter, and the fact that it was largely funded by Defra showed that it couldn't be anything other than independent. He concluded that the report should be published in the interests of transparency and, as a Member, he had very clear assurances on all of these matters.

In terms of what redaction would be required, the MO advised that only the name of the planning agent would need to be redacted as all of the other people named had been contacted and responded that they did not object to the publication of their name.

Nicky Talbot proposed, seconded by Harry Blathwayt and

**It was resolved with 15 Members voting for and one against, to:**

- i. Welcome the findings and recommendations of the independent investigation into the formal complaint and in particular that:**  
*"In our view officers acted in good faith and professionally throughout", and that*
  - a. The Broads Authority's governance arrangements are regularly reviewed by Internal and External Audit, both external to the organisation... There is continuous improvement underway within the realm of governance.**
  - b. "any suggestion that there are significant fundamental problems at the Authority and that it is "failing" or similar would be completely incorrect."**
- ii. In accordance with recommendation a. above and recognising the Authority's designation as a Best Value Authority it adopts in full the recommendations of the independent review for improvements in the organisation's governance and procedures as set out in Table 1.**
- iii. Refers the recommendations of the VWV report to the Audit and Risk Committee for detailed consideration and implementation.**

- iv. **The Authority recognises the serious impact this process has had upon its officers' well-being and, while implementing the practical steps in the recommendations, recognises the duty to officers as their employer and commits to protecting its officers in future from unfounded allegations.**
- v. **Thank: the Task and Finish Group for its work which has been concluded and its views incorporated into the VWV report; VWV for their independent review and Defra for meeting the costs.**
- vi. **To publish the VWV report on the Authority's website (subject to one redaction of personal information).**

## **14. Member report on outside bodies – Upper Thurne Working Group**

Members received the report of Stephen Bolt, who was one of the Authority's appointees to the Upper Thurne Working Group.

The Chair took the opportunity to remind Members to submit reports on an annual basis, in liaison with the governance team, on those bodies to which they had been appointed.

## **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 – 20 October 2022

Planning Committee – 11 November 2022

## **17. Other items of business**

There were no other items of business.

## **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 17 March 2023 at 10.00am at the King's Centre, 63-75 King Street, Norwich.

The meeting ended at 1.01pm

Signed by

Chairman

## Appendix 1 – Declaration of interests: Broads Authority, 20 January 2023

Member	Agenda/minute	Nature of interest
Harry Blathwayt, Bill Dickson, James Knight, Michael Scott and Nicky Talbot	10	Private toll-payers. Non-registerable interest affecting own financial interest to a greater extent than majority of inhabitants and reasonable member of public would believe that it would affect view of wider public interest – permitted to remain, speak and vote by the Authority’s Code of Conduct.
James Knight, Greg Munford & Simon Sparrow	10	Commercial hire boat operators. Disclosable pecuniary interest (employment, office, trade, profession, or vocation carried out for profit or gain) and left the room for this item.
James Knight	13	Involved in the planning process and had been asked for evidence as part of the review. Non-registerable interest affecting own well-being but not to a greater extent than majority of inhabitants or reasonable member of public would not consider it would affect view of wider public interest – permitted to remain, speak and vote by Authority’s Code of Conduct.

## Appendix 2 – Public Questions: Broads Authority, 20 January 2023

### 1. Question 1 for meeting 20/01/23 - Broads Society

Could the members please offer an explanation as to why this meeting was suddenly brought forward by 5 working days, giving members of the public only 1 working day to submit questions? And are they satisfied that by allowing this to occur that they have complied with the Authorities Code of Conduct regarding openness. (Appendix A – Seven Principles of Public Life).

#### **Supporting Statement**

Section 1(4) Public Bodies (Access to Meetings) Act 1960 normally requires at least 3 days' notice of a meeting but given that 4 working days' notice is required for questions it should be usual for the BA to give at least 14 days' notice of any public meeting.

Given that the requirement for more than 20 members or officers to clear their diaries in order to attend, clearly the Authority would not have moved this meeting without good reason. Similarly, the short notice amendment would restrict the public's ability to submit a question or attend the meeting.

The practice of publishing the notice of meeting etc. on Friday and then insisting on 4 working days' notice of a question inhibits the public from asking a question and is in breach of the Nolan Principle of "Openness".

Given the sensitivity of the agenda and public concern regarding the Budget 2023/24 and re-allocation of costs to navigation, We are concerned that the purpose of the sudden change in meeting was to restrict the ability of the public to engage.

#### **Response by the Chair on behalf of the Authority:**

I thank Mr Holmes for his question and note his comments. The meeting originally scheduled to take place on Friday 27 January 2023 was rescheduled to Friday 20 January in July last year (2022). Members were informed on 20 July 2022 via email of 3 changes which were required to the agreed committee calendar for 2022/23 (including the Audit & Risk Committee and Broads Authority meetings in November). The Authority's website was updated on 26 July 2022. The agenda papers for the 20 January Authority meeting were published on Friday 13 January. Therefore, the Authority has complied with all requirements regarding notification of this meeting. The Authority's public question scheme currently requires questions to be submitted 4 days in advance of the meeting. This is to provide sufficient time for officers to research and prepare the response in time for the meeting. This does not prohibit the public from asking a question before the papers are published. For clarity, a question does not have to relate to an item on the agenda and indeed, the public can submit questions in advance of an agenda being published.

The Authority acknowledges the importance of openness, as referred to, and also the public's ability to attend and, where permissible, participate in meetings. We will be reviewing the public question scheme as part of the overall review of governance documents and processes to ensure it meets those aims.

## 2. Question 2 for meeting 20/01/23 - Broads Society

We note the Monitoring Officer's "findings" of the External Review of Cllr. Fuller's complaint. As the Monitoring Officer's Report of 10 January – published on 13 January – gives no reasons nor evidence for the findings, will the Members publish the external review?

### Statement in Support

A letter from the Broads Society was used in support of the imposition of Condition 6 and we recommended to Members of the Planning Committee that they should rely on section 101(4) Local Government Act 1972. We gave evidence to Mr Heath. Thus, we are an "interested party".

**Finding 2** – The Landowner's Representative pointed out, in the application to remove the "no mooring" condition, that the imposition was inappropriate, because the site had been used as a permanent mooring for in excess of 10 years. The original application by the Environment Agency, for permission to carry out works, stipulated the existing use was "private moorings". We do not understand how the "intention was to avoid conferring any unlawful use."

**Finding 5** – The justification given to Members for the imposition of the condition, was that the site is too narrow for mooring, not that mooring would be "unlawful".

The Landowner's Representative also pointed out that the Authority had previously asked to rent the site for a mooring and this had been agreed in principle, but no agreement was reached concerning rent. It was in the Authority's 2009 Moorings Policy as a "priority site" to acquire for a mooring and a S106 agreement had been enforced to oblige the Landowners to create a de-masting mooring adjacent to the site.

Simultaneously with removing the condition, the Head of Planning informed the Landowners that there was no right to moor, but the Authority would like to rent it for mooring. These facts are inconsistent with the justification of narrowness.

The evidence given to Members for imposing the condition, did not support the contention that the site was too narrow for mooring and the fact that this was so was obscured by redacting the text.

**Finding 9** S101(4) states that any delegation of power "shall not prevent" the Members from taking back the function. The Members were prevented from "calling-in" the application. Why does the Monitoring Officer say the view it was unlawful is "incorrect"?

**Findings 11, 12, 13 and 14.** Misconduct in Public Office is an offence which requires the investigator to form an opinion as to how serious the alleged conduct of an Officer is. To

constitute the offence, the misconduct must be so serious as to amount to an “affront” to the public. This is a matter of opinion. This investigator concluded the misconduct did not reach that standard, but nevertheless, there was misconduct. Giving her view of the conduct was an essential part of her investigation.

We do not follow why the Monitoring Officer concludes making a complaint to the police was “inappropriate” given that there matter was taken up to the Chief Executive by Council Leaders.

The CPS Charging Guidelines say the views of the Injured Party should be taken into account when assessing the degree of seriousness. Whilst the landowner did not support a prosecution, clearly the Local Authorities (especially South Norfolk and Norfolk County Council), whose Members were prevented from calling-in, evidently took a different view. The reason why the grounds for a decision tend not to be disclosed, especially to the potential defendant, is not that giving reasons is somehow improper. It is because it can lead to an argument that a subsequent decision to prosecute amounts to an Abuse of Process, because it can lead to a suspect not bothering to look for evidence in his support. A subsequent delay can therefore cause an Abuse. The police usually tell the suspect they have decided not to prosecute, but reserve their position to change their mind if further evidence comes to light.

**Response by the Chair on behalf of the Authority:**

I thank Mr Holmes for his question and note his comments. If the report is published, the Authority may need to redact it appropriately to remove any personal data which should not be published. The recommendations from Mr Heath’s report are due to be discussed at item 13 of today’s meeting. There are a number of recommendations in the report and it is open to any member to suggest an additional recommendation that the report is published.

Just for noting, the Terms of Reference actually identify the interested parties in his report and state: “The interested parties in this investigation are the original complainant (Cllr Fuller), the subject of those complaints (the Authority) and DEFRA. These 3 interested parties will see the draft report and be given an opportunity to comment on it. It will be a matter for Mr Heath to decide in due course whether the draft report requires to be shared with any other persons/parties before it is finalised.

### **3. Question 3 for meeting 20/01/23 - Broads Society**

1. Are the Members truly persuaded that the proposed changes to tolls for next year are a genuine prediction of the cost of actual “navigation expenses”, as defined in the Norfolk and Suffolk Broads Act 1988?
2. What would the increase in tolls have been if the expenses in Appendix 2 had not been reallocated or entirely redefined as “navigation” expenses?



## **Statement in Support**

According to the published accounts, the actual navigation income (including tolls) for the year to April 2003 was £1,435,100. Increased in line with inflation, according to the Bank of England's inflation calculator, that would amount to £2,407,464 in 2022. The actual navigation income for 2022 was £3,708,458. That was an increase of 78%.

The proposed increase in tolls for 2023 is in excess of the government's annual CPI figure for inflation of 10.1%. It appears that tolls have been steadily increasing in excess of inflation for the last 20 years

By law, the "navigation income" must be equal to the actual "navigation expenditure". Navigation income may only be spent on "navigation expenses".

We see that in Appendix 2 of the report for proposed tolls for next year such things as the cost of the Visitor Centre at Ranworth is in future to be regarded as 72% a "navigation expense", because the staff will collect mooring charges. We cannot see how 72% of the cost of running this visitor centre can fit the definition of a "navigation expense" and we are sceptical of the other reallocations in Appendix 2.

## **Response by the Chair on behalf of the Authority:**

I thank Mr Holmes for his question and note his comments. In accordance with the Norfolk and Suffolk Broads Act 1988, navigation expenses are any expenditure in furtherance of the Authority's duties set out in part 2 of the Act. Those duties are wide and include maintenance, improvement and safety of the navigation area.

The introduction to the budget report including proposed charges for the navigation area, at item 10, makes clear that the Authority, like many public bodies, is facing an extremely challenging financial situation, which is due both to intense inflationary pressures and a flat national park grant which remains as £3.414 million for the fifth year running and as a result is roughly half the value of the grant received in 2009/10. Members are well aware of this, and the Chief Executive highlighted it at the all-member briefing on 5 October and at the meeting of the Navigation Committee on 12 January.

Paragraph 5.2 of the report explains that these intense financial pressures have meant that it was essential to review the allocation of shared costs between navigation and National Park expenditure because the current use of National Park income to moderate navigation charges cannot be sustained.

The result of that review is contained at appendix 2 and is based on evidence. For example, the largest item is the apportionment of Ranger time. The Rangers are duty rostered with their task time accurately recorded, 80% of their time is spent on navigation activity while only 70% is currently charged. The Authority is satisfied that appendix 2 represents a fair assessment of shared costs.

In order to continue the effective delivery of its statutory purposes and responsibilities and retain the enhanced safety provision from increased patrolling by seasonal Rangers an increase in charges of 13% is required.

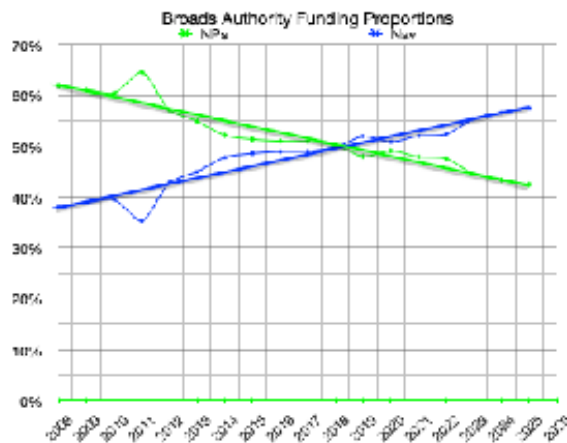
The review of the shared costs between National Park and Navigation expenditure moves £324,148 between those headings. As stated the largest item is the apportionment of Ranger expenditure (£100,869). If the corrections are not made it would require the reduction of £324,148 in National Park Expenditure and a 3.3% increase in tolls.

#### 4. Question 1 for meeting 20/01/23 - Ben Falat of the NSBA

### Broads Authority Meeting: Fri-20-January-2023 Public Question

Whereas, at NavCom last week, there was abject failure to undertake thorough discussion of the “Boiling Frog” analogy of successive year-on-year erosion of distributed funding between NPs Grant and Tolls, there was indeed very full recognition given to the current proposal for the new year’s Tolls increase being not too far removed from the previous year.

Also, the 60:40 distribution from 2008, achieving parity in 2018, and reversing gradually towards 40:60 projected by 2026 is doubtless wholly recognised and welcomed by DEFRA in not needing to apply additional grant because the Service continues to be provided at approximately previous levels and indeed is propped-up through external (Tolls-) funding.



While CEO at NavCom stated, “... **if the BA wants to maintain services ... then it needs to move to a more accurate distribution ...**”, wherein the, “... **wants to maintain services ...**”, becomes a very pertinent focus for The Authority’s forward strategy.

And indeed one might imagine a consequent ‘traffic-light’ style of exercise identifying **Must, May, Miss** criteria placed onto each area of Service such that executive can collate those parts of its operation which are critical against those which are rather niceties, perhaps considered available for delay or outright deletion within the present national financial climate.

Therefore without such evidential and informed submission DEFRA will doubtless welcome and continue its low level of grant provision; it needs to be spelled out explicitly **which parts of the current service are at risk.**

Question:–

→ **Has The Authority conducted an explicit internal spending review directed at each area of responsibility to report their impacts against a suggested ~60% reduction in funding, and reported results to DEFRA ?**

**Response by the Chair on behalf of the Authority:**

Paragraph 5.2 of the Budget report (Item 11) states: “This year the budget has been prepared by Management Team rather than zero based approach taken in previous years. The main objective of this approach is to manage our resources in context of flat cash National Park Grant and to reduce underspends at the end of the financial year.” All items of expenditure have been reviewed as part of this process. The implications of the flat cash settlement have been discussed with Defra officials in the annual review meeting in December 2022 as required in the National Park Grant agreement.