

Navigation Committee

Minutes of the meeting held on 20 October 2022

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Present

Nicky Talbot – in the Chair, Linda Aspland, Mike Barnes, Andrew Hamilton, Greg Munford, Michael Scott, Simon Sparrow, Paul Thomas and Alan Thomson

In attendance

Michelle Glover - Governance Officer, Dan Hoare - Head of Construction, Maintenance and Ecology, Bill Housden - Head of IT and Collector of Tolls, Emma Krelle – Director of Finance, John Packman - Chief Executive, Rob Rogers - Director of Operations, Andrew Walters - Waterways and Recreation Officer

Also in attendance

Bill Dickson - Secretary of State, and a member of the public

1. Apologies and welcome

The Chair welcomed everyone to the meeting.

Apologies were received from Harry Blathwayt, Stephen Bolt and Leslie Mogford.

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 formal record of the meeting. She 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.

2. Declarations of interest

Members expressed their declarations of interest as set out in Appendix 1 of these minutes. See also minute 6 * below.

3. Matters of urgent business

No items were proposed as a matter of urgent business.

4. Public question time

No public questions were raised.

5. Minutes of last meeting

The minutes of the meeting held on 9 June 2022 were signed by the Chair as a correct record of the meeting.

6. Summary of actions and outstanding issues following discussions at previous meetings

Members received a report summarising the progress of issues that had recently been presented to the Committee. In regards to swing bridges being open on Christmas Day and Boxing Day, the Director of Operations (DoO) confirmed that this matter would be followed up with Network Rail and that the DoO would report back.

* Simon Sparrow joined the meeting at 10.12am and declared a Disclosable Pecuniary Interest in agenda item 9 and he had been granted a dispensation by the Monitoring Officer to participate/speak and to vote on that item.

7. Chief Executive's report and current issues

The Chief Executive (CE) introduced the report. Two of the largest costs for the Broads Authority (BA) were salaries and raw materials. Inflation was having a significant impact on the Authority's expenditure through the cost of raw materials. The offer of salary increases of £1,925 for all local authority employees would represent a 6.2% overall increase in the Broads Authority's wage bill which was well above the 2% budgeted for 2022/23. There were also many uncertainties in terms of governmental changes which could have an impact on, for instance, the amount of money that Defra had to distribute.

Historically, consultations on the budget and tolls for the following year had been presented in October to the Navigation Committee, followed by the decision of the Broads Authority in November. However, because of recent improvements in the processing of tolls, there was no longer the same time pressure to have a decision by November, and so it had been proposed to consult the Committee on next year's charges on 12 January 2023 before the Authority takes a decision on 20 January 2023.

The Director of Operations (DoO) clarified that table 4 on page 20 of the combined papers was missing date information, and confirmed that the total number of Broads Control calls were over a period of one month, August 2022. From April 2022 to September 2022 there were 18,307 calls to Broads Control, with 2,803 VHF radio calls.

A member asked why there was a marked difference in 'actual' days and 'allocated' days in the tables in Appendix 2 of the report. The CE confirmed that the allocated days were those that had been scheduled for the whole year, whereas the last column showed the days used so far. The DoO confirmed that patrolling by rangers would continue through the winter.

A member asked for comment on the impact that salt surges and avian flu were having on the total biodiversity of the Broads, as there were smaller creatures and invertebrates, in addition to the fish, that would not survive the salt. Both issues were having an impact on the bird population; with one member stating that there had been a noticeable decrease in Kingfisher sightings this year because they had not been able to find live fish to catch and have had to hunt more frequently. It was therefore possible that a lot of small birds would decline due to lack of food. The member added that the Authority had a responsibility for the diversity of the

Broads as a whole and asked if pressure was being placed on the Environment Agency and what the long-term plans of the Authority were.

The CE commented that, as regards the impact of saline incursions on the biodiversity as a whole, there was not enough data to be able to answer that question, but clearly a significant reduction in fish would impact the bird population. Generally, fish stocks had grown well over the last few years with the improved water quality but it was not certain what proportion of the fish stock had been lost as result of saline incursion. Avian flu was a major concern: the BA had been put in a difficult position as it did not have trained staff or the equipment necessary to deal with birds directly. The Authority was working with Defra and local authorities to try and gain a common position on the issue, particularly with the district councils who did have the equipment and trained staff. It had been very distressing for public and for staff. What the combination of saline incursion and avian flu meant for the biodiversity of the Broads was extremely difficult to assess at this stage. The member added that the issue of dead swans floating in the water would add bacteria to the water as well as have an impact on water quality.

A member asked if it was usual for the Waveney or Yare to have saline incursion. The DoO commented that salt water incursions and resulting fish deaths had happened in previous years and that there were many variables involved such as wind, tide, depth of water and reduced river flow / climate change.

A member commented that there could be further mention of moorings on the report. Availability of moorings was an ongoing concern for hirers and toll payers, so it was important to keep this subject open and active.

8. Navigation annual income and expenditure 1 April to 31 August 2022

Members received the report. The Director of Finance (DoF) gave a further update to 30 September. The variance on table 1 had moved to £133,836, compared to £136,439 in the report. There had been no further change to the latest available budget, however the forecast has decreased slightly by £5,605 due to further savings that had been identified. The balance on the ear-marked reserves had decreased slightly by £4,956.

The report detailed a number of salary variances which was due to the outstanding pay negotiations for 2022/23. Of the three unions consulted, Unison had accepted the pay offer, and GMB's ballot would close on 21 October 2022.

A member asked whether the current political uncertainty could have an impact on Defra grants. The CE responded that it was difficult to know but given the uncertainty about what was happening at a national level, caution needed to be applied to everything. If Defra was to have a significant cut to its total revenue allocation, then the national park grant may be impacted. However, it was possible that Defra would be giving the Authority some capital money. The CE added that these were very uncertain times and the Authority would continue to do its best to manage the resources that it currently has in the most effective way possible.

9. Licensing all craft hired on Broads waterways

The Director of Operations (DoO) introduced the report, the purpose of which was to evaluate whether there was an appetite for an improved licensing scheme for paddle craft and rowing craft let for hire and to gather members' views on the proposed fee structure.

The DoO explained that there had been a call from members for some time to licence paddle craft. In the 1990's the Broads Authority Paddle Scheme (BAPS) was introduced in order to promote paddle sports in the Broads and this had been very successful. Paddle sports had dramatically increased since the lockdown of Covid and with that increase came safety issues, particularly from new start-up companies. The BAPS scheme was a voluntary scheme and there was no requirement for hire operators to use it. The proposal was to introduce a new compulsory licence scheme to improve safety of hirers. In September 2022, all 101 hire operators within the Broads had been written to, advising them that this was what the Authority was planning to do and 8 responses had been received. Out of those 8 responses, the following questions and comments were raised:

It would be helpful if the BA could publish its 'Incident and Near Miss' report or equivalent so we can all understand what issues the new measures are looking to mitigate. The DoO confirmed that the Authority's incident and near miss reporting was presented annually to the Boat Safety Committee, the Navigation Committee and to the full Authority.

With respect to 'In Water' trials for paddle craft, I am confused to the purpose and what level of skills are deemed appropriate. The DoO confirmed that it was important that people could demonstrate that they can carry out basic craft skills and be able to reach the bank and get on and off the craft.

I understood all owners would need to obtain the QAB. Where does the BA advice fit with the QAB accreditation? The DoO confirmed that the QAB would not be appropriate for non-powered paddle sports.

I can understand guidelines being helpful but surely the operator needs to decide what is appropriate. The DoO agreed with this comment and added that the Authority proposal was providing a framework for operators to work within. The operator would still have responsibility for decisions on how they control risk and how they plan for the safety of their customers.

There were a number of comments received on the charge that would be made for licensing.

Who have you spoken to from the paddleboard community prior to the proposals? The DoO confirmed that all hirers within the Broads had been contacted.

In the peak of summer, we do not have time to watch individual hirers try out a paddleboard on an in-water trial prior to deeming them safe. The DoO commented that the height of summer was a particularly important time to make sure that people were safe on the water.

No practical consideration for partnership working to bring into line all hire operators, not just those on Broads Authority waters. The DoO commented that this was a useful observation and it was hoped that other areas would adopt similar procedures in time. However, the current concern was with the Broads Authority waterways.

The paper lacks content and information in relation to any pricing structure, or true evidenced facts as to the necessity for such regulation, based against the BAPS scheme. The DoO commented that the pricing structure would be presented to members for their views and so it was not yet confirmed.

A real fear that this proposal is based purely on financial opportunity (significant charge increases). The DoO confirmed that the proposal was driven by concerns for safety, as the huge increase in paddle sports was bringing with it more activity and conflict on the river.

The DoO thanked the people who had responded with comments and confirmed that he would go back to each one of those to answer their questions once the Broads Authority had debated the proposal.

A member commented that, as the emphasis was on safety, in terms of equipment provided by hirer companies of stand-up paddleboards (SUPs), could the BA insist that waist tethers should be used as opposed to ankle tethers, as there had been fatal accidents in the United States where people had not been able to reach the quick release mechanism on their ankle. The DoO responded that there were differences of view in the paddleboarding community about the best placement of the tether, so for the time being the only recommendation the BA could make was that the person should be tethered.

The CE commented that there was no current agreement as to who the national body for paddleboarding was. British Canoeing were playing a leading role but there was no common guidance. Discussions were taking place about working towards a common position for paddleboard advice.

The DoO commented that under BA licensing, the person would have to have a flotation device and the in-water trial would test whether a person can reach their tether or not. A member commented that in a trial, one could bend their knee to reach the ankle tether, but in a situation where the leg was pulled in the opposite direction this would not be possible. If a boat's hull went over the tether, between person and board, then the person would get dragged underneath, whereas if it was on their waist, it could be more easily reached.

The CE commented that this was a rapidly changing environment and it was of benefit to make sure, as far as it was possible, that there was an appropriate hand over procedure and advice given. The DoO commented that the licensing would bring consistency: everyone would need to submit risk assessments and every hirer operator would need to develop a rescue plan and this consistency would allow an audit to make sure that standards were upheld. The issue on tethers may change upon any new advice from the SUP sector.

A member asked whether other bodies such as British Canoeing or more experienced hire operators had been consulted and whether the BAPS scheme could be extended. The DoO

commented that discussion had taken place with Tony Urwin of Bank Boats who assisted with the BAPS scheme. The BAPS scheme was designed to encourage charity and youth groups on to the river and it was formed before the rise in hire paddleboard and canoes. The BAPS scheme would still exist for those groups, but commercial operators needed further checks, particularly in light of, for example, the proposed introduction of 'mega boards' which allowed 10 people to stand on one board and the related safety concerns of 10 people all suddenly entering the water. Some hire companies also offered paddleboard hire bookings online where boards were delivered to any location in the Broads and it was unknown as to whether any instruction or buoyancy aids were provided. As a licensing Authority, the BA needed to know what was happening on the water, who was operating and how safety was being managed.

A member asked that in the cases where a company had franchises or multiple outlets, who would need licensing in that situation. The DoO responded that it would be the overall company owner who would need the licence, but checks would still be performed on the individual outlets to checks standards were being maintained.

The DoO had received 3 emailed questions as follows:

Had the Authority approached the community to find out about advocacy for the scheme?

The DoO confirmed that this had been done.

Would administration of the scheme go up, resulting in the need for more inspectors?

The DoO confirmed that there was currently a Hire Boat Licensing Officer whose time had been recently increased from 1 day to 3 days. That timetable would be sufficient to cope with the amount of work. There would also be assistance from the Compliance and Safety Ranger.

Are operators required to record their safety incidents? The DoO confirmed that if an operator was under a BAPS scheme then they were required to record safety incidents and to inform the BA but under a licensing scheme everyone would need to inform the Authority and this would be an important part of gathering information. The Boat Safety Committee particularly looked at trends, as did the BA's own Health and Safety Committee.

As regards the financial implications, the DoO confirmed that the proposed charges for the new scheme for the commercial non-powered craft let for hire were:

- i. the private canoe toll, currently £37.78 per vessel
- ii. a £5 licensing fee for each craft within the licence and
- iii. a £25 per operator's licence fee

For operators with an existing Hire Boat Licence (powered or sail), an additional licence would not be required.

The Chair read out a comment received from an absent member which supported the proposal that all users of the waters should pay a toll irrespective of the classification private or for public hire and that canoes should pay a direct toll to the BA.

The CE commented that the BAPS scheme was a discount scheme, originally for scout groups, voluntary and charity groups, to encourage them to have more boats and promote canoeing. BAPS scheme was not appropriate for a commercial operator and now that there were many more commercial operators a new appropriate scheme needed to be applied.

There was some discussion that clarified that private SUPs did pay for licences and were subject to random checks.

A member asked whether the proposed charges would cover all costs of the scheme. The DoO confirmed that it should cover costs and that it would rise in line with toll rises.

The DoO added that much of the work would be with very small operators such as those which offer a cottage with two canoes. The CE commented that there was an incident which drew attention to the fact that small operators like these could be more of a risk in terms of safety than larger companies. Other incidents in this category have also been recorded. The DoO added that there was a growing trend of getting more reports of problems in the high season with paddle sports than day boats.

A member asked if some of the detail in the documentation was still open to modification and the DoO confirmed that the Scheme had not been finalised and so the document would be open to further amendment.

Michael Scott proposed, seconded by Alan Thomson, and

It was resolved unanimously that members were content to recommend to the full Authority the new licensing scheme and agreed that level of charges proposed were at the right level.

10. Waterways Specification Compliance

The Waterways and Recreation Officer (WRO) introduced the report. The Waterways Management Strategy set out the ideal waterways' specifications. Compliance was assessed using hydrographic survey data that allowed a comparison to be made between the actual bed profiles with the desired profiles defined in the strategy. Economically dredgeable areas (the 'non-compliant' areas) and the level of use in that part of the navigation, were also considered in the ranking of management units in the prioritised list.

The table in the report used a scoring formula to give an indication of which areas need dredging as the greatest priority. The images showed the work at Oulton Broad over the past year. The Chair commented that the maps were particularly useful and asked if they were available online. The Head of Construction, Maintenance & Ecology (HCME) confirmed that the files were available under the Navigation pages of the Broads Authority website, although they were on a different scale to the ones in the report and that discussions with ICT would be needed to establish the possibility of adding different formats of the maps online.

A member asked how a site with low usage would ever become more of a priority: there were a number of areas that were not heavily used but were still deemed by people as important. The DoO responded that the Authority has to work on the most popular areas first, although

some of these difficult areas do get dredged when possible. The HCME added that areas of low usage would register as more priority on the table if their economically dredgable area and volumes were high, as the amount of usage was only part of the calculation, which consisted of three criteria: non-compliant area, volume and level of use.

11. Construction, Maintenance and Ecology work programme – progress update

Members received the report and the HCME updated members. The biggest change in the year had been the ability to secure a dredging re-use site in the upper Bure. Work was in progress with landowners and parish councils in that area to agree upon a place for sediment storage. Work was continuing in Oulton Broad, as the re-use area in Peto's marsh was already established. An additional project which had been brought forward was the dredging at Malthouse Broad.

The HCME canvassed members' views on the level of responsibility the Authority should have to maintain stretches of navigable channels within the Broads Authority Executive Area, for which there was no statutory obligation for the Authority to maintain as part of the Navigation Area.

At Geldeston Dyke, for example, the water between the dredged section and Geldeston Staithe was becoming shallow for navigation and comments about this had been received from the public and from representation of the Norfolk and Suffolk Boating Association. The Authority had undertaken surveys of that area as a result. This was one example of several 'blind end dykes', such as Hardley Dyke, Martham Boat Dyke and Oby Dyke, where the question was raised as to whether they were truly public navigation. A criterion previously used to assess this question, was if there was a publicly accessible staithe or launch point. There was no registered ownership of Geldeston Dyke, and thus no clear responsibility for maintenance. However, as the Authority was seen to dredge the adjacent area, people had asked why the Authority were not maintaining it.

Members agreed that a good base principle to adopt was whether there was public access and mooring, in which case the Authority should have responsibility for maintenance of that stretch of water.

The CE confirmed that the Authority had the discretion as to whether it carried out maintenance in adjacent waters of the navigation area or not. The fact that there was public access and use was a strong argument for distinguishing it from a private cut which was not used by the public.

The Chair commented that it would be useful for the Navigation Committee to know the likely cost involved of dredging. The HCME suggested that when potential opportunities to work on these areas became apparent, he would bring those to the Navigation Committee for consideration.

A member commented that the option of monitoring and working in partnership with landowners could have potential to generate some revenue. The HCME added that if the land owner was keen to make an area available for public use, then there would be a benefit to the wider public for that public investment in dredging.

The HCME gave further update on moorings: the Authority had a tender about to be released for the re-piling of a large section of the Neatishead 24 hour mooring where the steel sections needed replacing and this work would be carried out during the winter.

In summary of the water plant cutting, the HCME commented that the volume of material taken out of the water this year was far greater than in previous years, likely due to the sun and low water levels experienced this year. The HCME expected that more resources would be dedicated to this task if such conditions repeated themselves.

In terms of navigational safety, all the planned steel marker posts for Barton Broad had been installed. There were plans over the winter to remove the plates at the top of those markers to prevent possible interactions with vessels.

The contractor engaged to replace the large channel marker posts across Breydon Water had stopped trading and would not be able to deliver the work as planned. Therefore, the work programme was being reviewed to ascertain whether this could be done by Authority staff instead. It would mean the hire of some equipment and a possible delay of other proposed work such as dredging.

A member asked, that if the work at Breydon Water was done in-house, whether a contractor could be hired to do the dredging instead. The HCME responded that it would be more cost efficient if the Authority did the work.

The HCME referred to the need for a systematic framework for replacement of marker posts and an effective condition assessment process, the planning of which was in progress. Marker posts were a large area of work and a cost that had increased given the price of materials.

A member asked if the absence or failings of marker posts across Breydon had contributed to any groundings of vessels. The DoO responded that this had not been the case as far as he was aware and that groundings had taken place near the Bure mouth. The marker posts were improved in that area as a result.

In regards to the volume of work discussed, a member asked if overtime was available for staff. The HCME commented that it was not available as the salary budget and staff resource was fixed and the annual budget to support that would not increase unless tolls increased.

A member asked whether the money that would have paid a contractor could go into the available budget. The HCME confirmed that the money had already been earmarked to fund the increased cost of fuel.

A member asked if there was a set of KPIs (Key Performance Indicators) on moorings which were currently out of use. The HCME confirmed that there were no KPIs, but most moorings were open, and that there was a set programme to work to as regards their repair.

12. Date of next meeting

The next meeting of the Navigation Committee would be held on Thursday 12 January 2023 at 10am, venue to be confirmed.

The meeting ended at 11.50am

Signed

Chairman

Appendix 1 – Declaration of interests: Navigation Committee, 20 October 2022

Member	Agenda/minute	Nature of interest
Simon Sparrow	9	Hire boat operator - hires out paddle craft. Disclosable Pecuniary Interest.