

## **Navigation Committee**

Minutes of the meeting held on 27 October 2016

### **Present:**

Mrs Nicky Talbot (Chairman)

Mr K Allen

Mr M Bradbury

Mr J Knight

Mr J Ash

Mr A Goodchild

Mr G Munford

Ms L Aspland

Mr M Heron

Mr B Wilkins

### **In Attendance:**

Ms N Beale – Policy Planning Officer

Mrs L Burchnall – Head of Ranger Services

Mr A Clarke – Senior Waterways and Recreation Officer

Ms E Guds – Administrative Officer (Governance)

Mr B Housden – Collectors of Tolls

Ms E Krelle – Head of Finance

Ms A Long – Director of Planning and Resources

Dr J Packman – Chief Executive

Mr R Rogers – Head of Construction, Maintenance and Environment

Ms C Smith – Head of Planning

Ms T Wakelin – Director of Operations

### **Also Present:**

Prof J A Burgess, Chairman of the Broads Authority and Tolls Review Group (TRG)

Mr W A Dickson (TRG)

Mr L Baugh (TRG)

Mrs L Hempsall, Member

Mr B Iles, Member

Mr V Thomson, Member

Mr K Marsh, BESL

### **3/1 To receive apologies for absence**

Apologies for absence were received from Michael Whitaker and Peter Dixon.

### **3/2 To note whether any items have been proposed as matters of urgent business/ Variation in order of items on the agenda**

No items had been proposed as matters of urgent business.

### **3/3 To receive Declarations of Interest**

Members expressed their declarations of interest as set out in Appendix 1 of these minutes.

### **3/4 Public Question Time**

No public questions were raised.

### **3/5 To receive and confirm the minutes of the Navigation Committee meeting held on 8 September 2016**

The minutes of the meeting held on 8 September 2016 were confirmed as a correct record and signed by the Chairman.

### **3/6 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.

Members noted the report.

### **3/7 Tolls Review 2016 and Proposed Navigation Charges for 2017/18 in the Navigation Area and Adjacent Waters**

Members received a report which consulted them on the proposals by the seven members of the Tolls Working Group (TR-16) for the restructuring of navigation charges and the proposed charges for 2017/18. The three main recommendations were:

- (i) a new set of Guiding Principles to underpin the Tolls structure;
- (ii) a simple charging structure based on the area of each vessel in square metres without a fixed element; and
- (iii) a flexible charging structure where different types of vessel in each fleet are given independent costs per square metre. In addition a range of subsidiary matters were considered.

The report then identified the level of income required in 2017/18 to maintain the existing level of services and took account of the further predicted fall in the number of hire boats. This was then combined with the proposed new charging structure to present a draft list of charges for different categories and sizes of vessel in 2017/18.

Members were taken through the recommendations one at the time and were asked to vote on each proposal. The Chair reported that comments received from Peter Dixon would be incorporated into the discussion.

#### [Recommendation 1: New Guiding Principles for Tolls](#)

The views of the Norfolk and Suffolk Boating Association were represented and while they embraced many of the changes, concerns were expressed in regards to the fairness and flexibility in relation to usage. It was clarified that, although the NSBA's views were expressed by a Committee Member, Members were in attendance as a Member of the Navigation Committee and not to represent a specific interest group.

It was further clarified that the group of commercial boats referred to in the report were not just confined to hire boats but included all boats with commercial use. It was also confirmed that ferries would continue to be treated in a similar way as currently. [Note: Ferries travelling between two fixed points up to 200 metres apart are charged at the private rate.]

Members supported the proposed new Guiding Principles so a motion was proposed by Matt Bradbury, seconded by Greg Munford and it was

RECOMMENDED by 9 votes to 1 abstention

that the new Guiding Principles to underpin the tolls structure be adopted by the Broads Authority.

### Recommendation 2: A simple charging structure

Overall Members agreed that charges based on the single variable rate per square metre was clear, logical and easy to understand. It was also considered positive that it offered the flexibility to change rates within the categories. There was some concern however about the impact the new toll structure would have on toll payers. It was further suggested that introducing a change in structure before changing the rates might have been more acceptable.

The NSBA had forwarded a letter to the Members of the Navigation Committee requesting that the excessive charges for private boats should be re-considered. They claimed that nearly a third would face an increase of over 10% in the charge levied.

It was explained that the Working Group had carefully considered the option of phasing in the changes over two or more years and concluded that the fixed and variable rate was neither fair, transparent nor ethical, and it was preferable to make the change in one go. They further concluded that there were significant benefits in using a single variable rate.

In response to a question from a member it was clarified that the rules and charges in regards to dinghies using an outboard engine would remain the same. [Note: The Outboard Motor toll allows an owner to exchange one outboard motor between vessels as opposed to paying the motor craft toll on each one. The toll is only applicable if an owner has paid tolls on three or more rowing or sailing craft of 5m or less in length.]

An amendment to the recommendation was then proposed by Brian Wilkins, seconded by James Knight, that:

other than those relative to those of the structure of the tolls for private craft, it is suggested that the TRG is to reconsider the structure of proposed tolls for private craft before the Broads Authority set private boat tolls for 2017/18.

The amendment to the proposal was lost by 7 votes to 2 and 1 abstention.

Members of the Tolls Working Group highlighted that they found the fixed and variable rate used to calculate the tolls hard to justify. They recognised however that there were risks in changing the structure and therefore it was important to conduct an evaluation of the impact of the change. The Group asked for the Committee to recommend that the Broads Authority review the impact of the proposed changes in three years' time.

Recommendation 2 of the Tolls Working Group was then proposed by Max Heron, seconded by Kelvin Allen, it was

RECOMMENDED by 7 votes to 1 and 2 abstentions

that the Authority adopt a simple charging structure based on a square metre size of the craft without a fixed element and for this to be reviewed in three years.

### Recommendation 3: A flexible charging structure

This was proposed by Kelvin Allen, seconded by James Knight. It was

RECOMMENDED unanimously

that the Authority adopt a flexible charging structure with different types of vessels in each of the two fleets, commercial and private, given independent costs per square metre.

### Subsidiary Recommendations

#### *i. Wherries*

Proposed by Alan Goodchild, seconded by Max Heron, it was

RECOMMENDED unanimously that

Wherries should be charged a flat rate, to reduce their overall costs, promote their important cultural heritage and reflect their iconic status.

#### *ii. Electric and Hybrid Boats*

After some consideration it was agreed that hybrid boats should be charged the same rates as electric boats and therefore it was suggested to change the wording in the proposal from diesel generator to diesel propulsion.

Proposed by Matt Bradbury and seconded by Alan Goodchild it was

RECOMMENDED unanimously

- (i) that electric boating should continue to be encouraged through lower rates for private motor boats

Proposed by Linda Aspland, seconded by Max Heron it was

RECOMMENDED unanimously

- (ii) that any boats using diesel propulsion to power electric engines should be charged at a lower commercial/private motor boat rate.

iii. *Discount for Early Payment*

Proposed by Max Heron, seconded by John Ash it was

RECOMMENDED unanimously

that the current discount for early payment offered to the larger hire boat operators should be discontinued but the provision for staged payments should be retained.

iv. *Toll Plaques*

Proposed by Alan Goodchild, seconded by Linda Aspland it was

RECOMMENDED unanimously

that the non-display of toll plaques trial should be extended for a future year.

v. *Adjacent Waters*

One Member in particular disagreed with the proposal that *Charges for craft in adjacent waters should remain identical to those in the Navigation Area* and suggested that a decision on this should be deferred. The member declared an interest in the issue but indicated that it was not of a pecuniary nature. He continued that in his view the Authority had spent too much money on legal fees and intimated that the issue of the charges levied for static houseboats had not been brought to the Navigation Committee for discussion.

It was agreed that the matter of static houseboats in adjacent waters would be brought to the Navigation Committee as an agenda item for debate as soon as reasonably practical after the current legal case had been concluded.

Proposed by Matthew Bradbury and seconded by Max Heron, it was

RECOMMENDED by 8 votes by 2 abstentions

that the charges for craft in adjacent waters should remain identical to those in the Broads Navigation Area to account for the interconnected relationship between the two.

vi. *Mutford Lock*

Overall Members were concerned that the proposed increase in fees for transiting Mutford Lock would discourage visitors to the Southern Broads. Mutford Lock is an important gateway into the Broads from the North Sea. Although Members argued that the Lock fees should cover the annual running cost of the Lock, it was suggested that a nominal fee was retained to encourage greater usage of the Lock.

Proposed by Alan Goodchild, seconded by John Ash it was

RECOMMENDED unanimously

that the Chief Executive represent the views of the Committee in his report to the Broads Authority – that while the Committee supported the proposal that the income should ideally balance the annual costs associated with the operation of the Lock, in order to encourage users in the short term and publicise the service more fully, the existing charge should be maintained and reviewed annually at the end of the season.

*vii. Short Visit Tolls*

Proposed by John Ash, seconded by Alan Goodchild it was

RECOMMENDED unanimously

that the current charging policies for short visit tolls and boats removed from the Broads system, should be retained.

[Draft Income and Expenditure for 2017/18](#)

The Committee expressed concerns about mooring facilities and stressed that as long as mooring facilities could be improved an increase in toll rates could be justified.

The Chairman put the motion to the vote and it was

RECOMMENDED unanimously

that the income and expenditure proposed in Table 4 of the officer report and the schedule of charges in Table 6 of the report be adopted by the Broads Authority.

Members welcomed the report and thanked the members of the Tolls Working Group for the good work they had delivered.

**3/8 Broads Local Plan: Preferred Options – Policies with Navigation Implications**

Members received a report which introduced the selected policies with potential navigation implications from the Broads Local Plan Preferred Options. This was the second consultation stage of the Local Plan production and included draft policies for the stakeholders and public to consider. Consultation would run for a period of nine weeks from 5 December 2016 to 4pm on 3 February 2017.

Members were informed that comments could be fed through verbally to the Planning department and Broads Authority if received within the next two weeks.

Members noted the report.

**3/9 Broadland Flood Alleviation Project: Compartment 37 (Upton Dyke) – Piling Removal Works and the Installation of Erosion Protection – Application for Discharge of Pre-Commencement Conditions linked to Planning Permission (BA205/0364/FUL)**

Members were provided with a copy of Broadland Environmental Services Ltd (BESLs) submission that sought to discharge the pre-commencement requirements associated with the planning condition imposed on the consent granted for the removal of piling and installation of erosion protection in Upton Dyke (in Compartment 37).

It was confirmed that none of the moorings would be lost. Some Members were concerned about what would happen in 2021 and about the handover and believed this should be discussed sometime soon.

Members raised concern in regards to the use of coir matting but Kevin Marsh from BESL confirmed that core matting lasts for approximately 18 months and that channel markers would be put in place. He further explained that using a clay covering was not an option and that there was little evidence from other sites of vessels hitting coir matting.

Members noted that while the application for the discharge of conditions referred to the piles being driven to a minimum depth of 1.5m below MLWS, a greater depth would need to be agreed with the Broads Authority in order to take account of the Sediment Management Strategy waterways specification for Upton Dyke and avoid navigation hazards.

Members noted the report.

**3/10 Navigation Income and Expenditure 1 April – 31 August 2016 Actual and 2016/17 Forecast Outturn**

The Committee received a report which provided them with details of the actual navigation income and expenditure for the five month period to 31 August 2016, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2017). Members were also provided with a verbal update on actual variance for the end of September giving a total favourable variance of £67,050. Members were informed that there were no further updates to the forecast at the end of September.

Members noted the report.

### **3/11 Construction, Maintenance and Environment Work Programme Progress Update**

Members received a report which set out the progress made in the delivery of the 2016/17 Construction, Maintenance and Environment Section work programme. It also included an update on the Hickling Enhancement Project (1.4) for Member's information.

It was explained that the reason for the deferred dredging at Lime Dyke was due to the lack of Linkflotes being available. In June 2016 the oldest set of flotes inherited from May Gurney were found to be beyond economical repair. A new set is on order with delivery expected in February 2017.

Members noted the report.

### **3/12 Boating Safety Management Group**

The minutes of the Boating Safety management Group meeting held on 19 September 2016 were noted by the Members.

### **3/13 Chief Executive's Report**

Members received a report which summarised the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings.

It was highlighted that the revised Code of Conduct had been issued and Members were reminded to sign and return this by the end of November 2016.

Members noted the report.

### **3/14 Current Issues**

One Member mentioned the noise of boaters running their engine. It was recognised that complaints were received but that by law 84 did not allow enough flexibility to address it. It was explained the problem was addressed by encouraging courteous mooring and boat owners and hirers not to run their engines between 8 pm and 8 am.

Members were given an update on the Reedham footpath and were informed that the agreement with the landowner had been terminated and therefore the Authority was no longer responsible for the footpath. Norfolk County Council had applied to reinstate the path. The Senior Waterways and Recreation Officer agreed to ask whether signage was in place but it was Norfolk County Council's responsibility. It was clarified that responsibility for any accidents would rest with the landowner.

### **3/15 Items for future discussion**

None were identified.



**3/16 To note the date of the next meeting**

The next meeting of the Committee would be held on Thursday 15 December 2016 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2pm.

The meeting concluded at 5.25 pm

Chairman

Code of Conduct for Members

**Declaration of Interests**

Committee: Navigation Committee

Date of Meeting: 27 October 2016

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest
James Knight	7 - 8	Hire Boat Operator, Toll Payer, Director of business with land holdings	
Brian Wilkins	7	NSBA Chairman, Toll Payer, various sailing clubs and organisations	
Greg Munford	7	Toll Payer, Chairman BMBS and BT, Employee HBO	
Nicky Talbot	7	Toll Payer, Member of NSBA and NBYC	
Max Heron	7 5-14 general	Toll Payer, Landowner, Member of British Rowing, NRC, NSBA, RCC, Chair Whitlingham Boathouses	
Matthew Bradbury	7	Toll Payer, BCU Member	
John Ash	7	Toll Payer, Chairman and Director of WYCCT,	
Kelvin Allen	7	Officer BASG	
Alan Goodchild	7,8,9	Chairman MBCM, Wingtask 1995 Ltd, MD Goodchild Marine, Toll Payer	
Linda Aspland	7, 8 in particular	Hunter fleet, Toll payer, NBYC Committee, local resident	