

Broads Authority

Minutes of the meeting held on 28 September 2018

Present:

Mr H Thirtle – in the Chair

Mr J Ash	Mr W A Dickson	Mrs N Talbot
Mr K Allen	Ms G Harris	Mr J Timewell
Mr L Baugh	Mrs L Hemsall	Mrs M Vigo di Gallidoro
Mr M Bradbury	Mr B Keith	Mr B Wilkins
Prof J Burgess	Mr S Roberts	

In Attendance:

Dr J Packman – Chief Executive
Mrs S A Beckett – Administrative Officer (Governance)
Ms M Conti – Strategy and Project Officer (Minute 2/11 - 2/12)
Mr D J Harris – Solicitor and Monitoring Officer
Mr B Hogg – Historic Environment Manager (Minute 2/11)
Mr S Hooton – Head of Strategy and Projects (Minute 2/11)
Ms E Krelle – Chief Financial Officer
Mr R Leigh – Head of Communications
Mr H Mach – Canape Project Manager (Minute 2/11)
Mr R Rogers – Director of Operations
Ms M-P Tighe – Director of Strategic Services

Guests:

Philip Bodie and Mark Buxton – Feildon and Mawson Architects. (Minute 2/11)
Richard Linington and Kevin Brown – Planning Solutions Consulting Ltd
(Minute 2/11)

2/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting. In particular he welcomed Mr Simon Roberts the new Secretary of State appointee.

Apologies had been received from Mike Barnard, Greg Munford and Vic Thomson. Gail Harris had to leave early.

2/2 Chairman's Announcements

- (1) **Openness of Local Government Bodies Regulations 2014**
The Chair reminded Members that part of the meeting would be recorded as a back-up for accuracy. The Broads Authority retained the copyright. If a member wished to receive a copy of the recording, they should contact the Solicitor and Monitoring Officer. No one else indicated that they would be recording or filming the meeting.

(2) **Dates to Note:**

Navigation Committee Appointments

The process for appointing Members to the Navigation Committee from next April had begun. Invitations for applicants have been publicised in Broads Sheet, which was sent out to all tollpayers, the Eastern Daily Press and with full details and application forms on the Authority's website. The deadline for application forms was 19 October 2018.

Broads Engage – Tuesday 6 November 2018

This was to be held at the Acle Recreation centre from 1.30pm to 4.30 pm and will concentrate on Access in the Broads to help inform the Access Strategy. All members were invited and encouraged to attend.

(3) **Chairman and Vice-chairman activities**

The Chairman provided members with an update on the appointments he had been involved in over the last two months:

He had chaired the following:

- Meeting with Network Rail on Swing Bridges – 1 August 2018
- Parish Forum – 19 September 2018
- Hearings Committee – 12 September 2018

He had attended

- A meeting with the Chairs and Chief Executives of the National Parks England in London on 27 September 2018
- Hosted the visit from the Permanent Secretary of Defra – Clare Moriarty;
- A meeting with Peter Aldous MP and he was also due to meet with Keith Simpson MP and Norman Lamb MP as well as Brandon Lewis MP;
- A number of Parish Council meetings and advised them on the role of the Broads Authority;
- The Volunteers Celebration Day on 16 September 2018, which was a great success and had been an excellent opportunity to show appreciation;

He had also chaired the pre-agenda meeting on 24 September that gave members the opportunity to discuss matters informally.

He had had meetings with 14 members of the Authority and hoped to meet with the remaining members.

The Vice-Chair had also been very active in attending meetings with him with officers as well as in the local community.

(4) **General Proceedings.**

The Chairman emphasised that the meeting would concentrate on two main items of business that would be dealt with exempt from the public

as they included confidential personal information and financial details with commercial sensitivity. This was the first meeting that would have more of a workshop format.

2/3 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.

2/4 Items of Urgent Business

There were no items of urgent business.

2/5 Public Question Time

No public questions had been received.

2/6 Minutes of Broads Authority Meeting held on 27 July 2018

The minutes of the meeting held on 27 July 2018 were approved as a correct record and signed by the Chairman.

2/7 Summary of Progress/Actions Taken Following Decisions of Previous Meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings.

In particular attention was drawn to the following:

Ludham Field Base: This had now been sold at a price above the market value. As a capital receipt the proceeds could only be put against capital expenditure.

Membership Appointments – Unfortunately, Charles Reynolds was not able to take up his appointment as a member of the Authority. Great Yarmouth Borough was due to inform the Authority of a replacement appointment shortly.

Members noted the report.

2/8 Exclusion of the Public

Kelvin Allen proposed, seconded by Jacquie Burgess and it was

RESOLVED

that the public be excluded from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the items below on the grounds

that they involved the likely disclosure of exempt information as defined by Paragraphs 1 and 3 and 5 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighed the public benefit in disclosing the information.

Members of the public left the room.

The audio recording was suspended.

Summary of Exempt Minutes

2/9 Exempt Minutes of the Broads Authority meeting – 27 July 2018

The exempt Minutes of the Broads Authority meeting held on 27 July 2018 were confirmed.

2/10 Code of Conduct Complaint

Report from Hearings Committee

The Authority received a report containing exempt information providing the Decision Notice from the Hearings Committee together with the independent Investigation Report from the barrister concerning a code of conduct complaint made by a former member against a co-opted member of the Navigation Committee. The Chairman stated that there had been a full process of evaluation with an independent barrister at Eastern Law and a final hearing on 12 September 2018.

The Hearings Committee was unanimous in its decision having reviewed all the evidence presented to it and analysis of the facts. It accepted the findings of the Investigating Officer. By making certain posts on social media, accusing staff of deliberately misleading members, the subject member of the complaint has breached the Authority's Code of Conduct by demonstrating a lack of leadership and showing a lack of respect for the Authority's officers and employees. (Paragraphs 2.8 and 2.11 of the Code).

The Chairman stated that the Subject Member of the complaint was informed of the conclusions of the Hearings Committee on 19 September 2018. He had been offered a chance to apologise and complete the actions set out by the Committee including the retraction of his statements and been given seven days to do so from the date of the Decision Notice.

The Solicitor and Monitoring Officer reported that no acknowledgement of the decision or apology had been received.

The Chairman commented that regretfully there was no alternative but to put forward the recommendation from the Hearings Committee, as set out within the report. He therefore proposed the motion. This was seconded by Gail Harris.

It was RESOLVED by 12 votes for, one against and two abstentions

that the Subject Member of the complaint is removed from the Navigation Committee. (The Subject Member's continued membership of the Committee would in the circumstances, be incompatible with what would, in effect, be the continuation of conduct which has been found to be in serious breach of the Code of Conduct and would otherwise mean that the sanctions for the breach would have had no effect.)

As a result of the decision taken above, Bill Dickson proposed the following motion

That the Authority

- (i) express its thanks to the members of the Hearings Committee who had the task of dealing with the matter;
- (ii) expresses its profound regret for the serious distress this issue has caused members of staff over a protracted period;
- (iii) notes that the investigation found that officers did not in any way mislead the Planning Committee at all, far less "wilfully and deliberately", and that the Authority reaffirms its unqualified confidence in its officers.

The motion was seconded by Jacquie Burgess and it was

RESOLVED by 12 votes in favour, one against and two abstentions.

The Chairman supported by Members, commented that this had been a very difficult time for all concerned as well as being regrettable. It was hoped that this could draw a line under the matter.

2/11 Acle Bridge National Park Visitor and Education Centre

The Authority received a report and presentations containing exempt information, which provided a rounded assessment of the potential development and risks of the project for a National Park Visitor and Education Centre at Acle Bridge.

The Chief Executive introduced the item providing the background to the specific project to develop the Acle Bridge site, as well as placing this in the wider context of the need to raise awareness of the Broads National Park and as a tourist destination and for investing significant funds in the infrastructure of the Broads as a whole. He explained that the architectural competition had proved to be far more popular than originally expected and had raised further questions and avenues of exploration as well as highlighting the need for further discussions with funding bodies.

Richard Linington and Kevin Brown of Planning Solutions Consulting Ltd provided their conclusions on the business analysis. Philip Bodie and Mark Baxter of Feilden and Mawson presented the further design work the company had undertaken together with an analysis of the costs of construction of the Centre.

Members were able to discuss the merits of the site, the building and its potential as a hub for tourism as well as a building in its own right, the differing models for its functions and the costs and risks involved. They recognised the challenges of the site and that more detailed work would be required.

Members considered a range of options open to them as to how to take forward the refurbishment and development of the site.

Following detailed and lengthy discussion, Members considered that for the project to succeed, there needed to be further thought and analysis as to how it could fit into a much wider vision for the whole of the area. They considered that it could be just one element in the context of a larger, more ambitious project delivering wider benefits and improvements to the whole of the infrastructure of the Broads and thus contribute to the area's further economic and social well-being. This would require discussions with New Anglia on how to raise the profile of tourism and its contribution to the area as well as engaging with other potential funding partners. The development of the Acle Bridge site could help cement those plans and provide a central hub for the area and link between the northern and southern broads.

Members were very appreciative of the work undertaken by Feildon and Mawson as well as Planning Solutions Consulting Ltd and expressed gratitude for their detailed contribution and clear presentations.

Jacquie Burgess proposed, seconded by John Timewell and it was

RESOLVED by 13 votes, 0 against and 1 abstention

To delegate authority to the Chief Executive

- (i) to continue discussions with the neighbouring landowner over the possibility of purchasing additional land at the Acle Bridge site;
- (ii) to continue discussions with Great Yarmouth Borough Council for the acquisition of the toilet block;
- (iii) to proceed with the essential repairs to the moorings at the Acle Bridge site subject to the views of the Navigation Committee;
- (iv) to investigate whether the development of a Visitor and Education Centre could form an important element in a wider more ambitious project to improve the infrastructure for Broads tourism and raise awareness of the special qualities of the area in future; and

- (v) in the context of reviewing the Sustainable Tourism Strategy to consider with members options for a wider project to enhance tourism in the Broads.

The Public were invited back into the meeting and audio recording resumed.

2/12 National Park Review

The Authority received a report on the Government's decision to carry out a review of designated landscapes (National Parks and AONBs) as part of its 25 Year Environment Plan (2018). Julian Glover was leading the Review with support from an expert panel, which included Sarah Mukherjee, until recently a member of the Authority. The Review Team was due to visit the Broads at the beginning of November and a programme for this had been drafted. The views of members and staff would be provided through the feedback on the calls for evidence. Therefore, the Chief Executive suggested convening a small group of Members to include the Chairs Group to discuss a proposed response for submission.

Members were invited to suggest issues, which officers could investigate as the basis for a response to the call for evidence based on the eight areas the Review was asked to consider.

Members raised the following points:

- **Extending or creating new designated areas** Extension of the boundary: To consider the potential for extending the boundary to create a more coherent Park area, due to the difficulty of not having whole parishes within the Broads area.
- **Governance:** To consider the structure of the Broads Authority and have a more effective means of engaging with the navigation interests.
- To recognise the importance of those with specific expertise being included on the main board, not necessarily relying on those elected.
- **Finance:** To emphasise the impact from Brexit and the loss of that potential source of funding, if this is not replaced.
- To ensure that the Natural Capital of National Parks is recognised not only for commercial and environmental purposes but for the wellbeing of people, visitors and the local communities and:
- **Enhancing our environment and biodiversity** To raise awareness of the uniqueness of the Broads, its special ecosystem and its fragile nature. To emphasise the impact of climate change/sea level rise and the potential increase in flooding as well as the potential for increased incursion of salt water into a fresh water system. To raise the importance of flood defences and the role of and links with the Environment Agency.

- **Legislation for the Future** for the Authority to deliver the vision for the Broads. Eg; The Authority to have similar powers to the Highways Authority to ensure navigation is not impeded. ie: to deal with maintenance and overhanging vegetation by landowners
- **Connecting more people with the environment and improving well-being:** To improve facilities and access to the Broads for all and especially providing boating facilities for those with disabilities.
- **Supporting Communities through Purposes:** At present, the National Park Authorities and the Broads Authority had the responsibility to take account of those who live and work in the area and their economic wellbeing. This could become a purpose and therefore strengthen the Authority's ability to engage.
- **Finance:** To ensure there is sufficient finance to carry out the duties and responsibilities for managing the National Park.

Members considered that it was important to provide the Review Team with key strategic messages and that these were prioritised, clear and precise.

RESOLVED unanimously

- (i) That the Chairs' Group together with the Chief Executive consider and provide a robust response for submission to the Review Team based on the eight areas required of the team and guidance from Members as indicated.
- (ii) That a report be brought back to the Authority for consideration in November.

2/13 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Director of Operations reported that there were no items to be raised under this item.

2/14 Minutes Received

The Chairman indicated that he would assume that members had read these minutes and were invited to ask any questions.

RESOLVED

- (i) **Financial Scrutiny and Audit Committee – 6 March 2018**

RESOLVED

That the minutes from the Financial Scrutiny and Audit Committee meeting held on 6 March 2018 be received.

The Chairman of the Financial Scrutiny and Audit Committee commented that the Annual Audit Letter had been circulated to all Members following the last meeting in July 2018.

(ii) **Broads Local Access Forum**

RESOLVED

That the minutes from the Broads Local Access Forum meeting held on 6 June 2018 be received.

(iii) **Navigation Committee – 14 June 2018**

RESOLVED

That the minutes from the Navigation Committee meeting held on 14 June 2018 be received.

(iv) **Planning Committee: 22 June, 20 July and 17 August 2018**

RESOLVED

that the minutes of the Planning Committee meetings held on 22 June, 20 July and 17 August 2018 be received.

2/15 Items of Urgent Business

There were no items of urgent business for consideration.

2/16 Formal Questions

There were no formal questions.

2/17 Date of Next Meeting

The next meeting of the Authority would be held on Friday 23 November at 10.00 am at Yare House, 62 – 64 Thorpe Road, Norwich.

The meeting ended at 13.15 pm

CHAIRMAN

**Code of Conduct for Members
Declaration of Interests**

Committee: Broads Authority 28 September 2018

Name	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
Bruce Keith		Broads Charitable Trust and Whitlingham Charitable Trust
Simon Roberts		Suffolk Wildlife Trust Trustee
Gail Harris		None other than previously declared
Jacque Burgess		As previously declared
Kelvin Allen		As previously declared
Matthew Bradbury		As previously declared
John Ash		As previously declared
Louis Baugh		As previously declared
Nicky Talbot		Chair of Navigation Committee, NSBA, NBYC, Toll Payer
Brian Wilkins		As previously disclosed
Melanie Vigo di Gallidoro		Member of Hearings Committee
Bill Dickson		None other than those already declared.
Haydn Thirtle		As previously declared