

## **Broads Authority**

Minutes of the meeting held on 20 September 2013

### **Present:**

Dr J S Johnson – in the Chair

Mr K Allen	Mr D A Broad	Mr P Durrant
Mr M Barnard	Prof J A Burgess	Mr C Gould
Mr L Baugh	Mr N Dixon	Mr G McGregor
Miss S Blane	Sir Peter Dixon	Mr R Stevens
Mrs J Brociek-Coulton		

### **In Attendance:**

Dr J Packman – Chief Executive  
Mr T Adam – Head of Finance  
Mrs S A Beckett – Administrative Officer  
Mr S Birtles – Head of Safety Management  
Ms H Franzen – Press Officer  
Ms A Kelly – Senior Ecologist  
Ms A Long – Director of Planning and Resources  
Ms L Marsh – Head of Communications  
Mr J Organ – Head of Governance and Executive Assistant  
Mr R Rogers – Head of Construction and Maintenance  
Mr N Sanderson – Education Officer  
Mr C Skinner – for Solicitor and Monitoring Officer  
Ms C Smith – Head of Development Management  
Ms B Williams – Volunteer Coordinator

### **Also in attendance:**

Prof R Card – Chairman of Broads Forum  
Mr R McNaughton

## **2/1 Apologies and Welcome**

The Chairman welcomed everyone to the meeting.

Apologies were received from Mr C Fox, Dr J M Gray, Mrs L Hemsall, Mr P E Ollier, Mr J Sharpe and Mr P Warner.

## **2/2 Chairman's Announcements**

### **(1) Membership – Sir Peter Dixon**

The Chairman announced that the Secretary of State had invited Sir Peter Dixon to be appointed for a further four year term from March

2014 to 2018. Sir Peter confirmed that he had accepted the invitation and members offered him congratulations.

(2) **Annual Report 2012-2013**

Copies of the latest Annual Report were available for all members. This would be available from the Authority's website following the meeting. [http://www.broads-authority.gov.uk/broads/live/authority/publications/general-publications/Annual\\_Report\\_2012-13\\_for\\_website.pdf](http://www.broads-authority.gov.uk/broads/live/authority/publications/general-publications/Annual_Report_2012-13_for_website.pdf)

(3) **Various Dates to Note as part of the Member Development Programme**

The Chairman reminded members of the following dates:

- **Planning Committee Site Visit** on 4 October 2013 at 10.00am to examine Application BA/2013/0207/FUL Marton House, Low Road, Mettingham
- **New Members Induction Day** at How Hill on 15 October 2013 starting at 9.00am
- **National Parks Conference** 25 – 27 September 2013 North Yorkshire Moors– to be attended by Chairman and Vice-Chairman.

(4) **Broads Authority Email Accounts**

Members were requested to inform the Head of Governance and Executive Assistant as to whether or not they wished to have a Broads Authority email account. This was required by the end of the month in order to determine the number of licences to be purchased.

**2/3 Introduction of Members and Declarations of Interest**

Members introduced themselves and expressed declarations of interest as set out in Appendix 1 to these minutes.

**2/4 Items of Urgent Business**

The Chairman announced that an issue has arisen in that the results of a tender required consideration by the Authority as a matter of urgent business due to the need to finalise details and to award a contract for commencement of work in November. He proposed to take this as an exempt item at agenda item 26 titled "Consideration of Tender Response" in accordance with Standing Orders and Section 100A of the Local Government Act 1972 Part 1 of Schedule 12 A (as amended).

## **2/5 Public Question Time**

A question was received from Mr Rob McNaughton concerning the Authority's decision to proceed in being recognised as a National Park. This was read out and the Chairman provided the Authority's response as set out in Appendix 2 to these minutes. Mr McNaughton was given the opportunity to respond but declined and thanked the Authority for allowing him to put his question and for the response.

## **2/6 Minutes of Broads Authority Meeting held on 12 July 2013**

The minutes of the meeting held on 12 July 2013 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 addition, members noted the updates concerning:

### **Visitor Centre Development (Minute 1/11)**

The Whitlingham Charitable Trust had approved the Architect's Development Brief at their meeting on 18 September 2013 to progress matters further.

## **2/8 Minutes Received**

### **(1) Financial Scrutiny and Audit Committee – 9 July 2013**

In presenting the Minutes, the Chairman of the Committee drew particular attention to Minute 4/6 under Statement of Accounts 2012/13 concerning the position of the Authority's pension deficit and assured members that, following the 2013 valuation exercise, this would be further considered.

The Financial Scrutiny and Audit Committee had met on 19 September and their comments would be reported to the Authority at the relevant agenda item for this meeting.

**RESOLVED**

that the minutes of the Financial Scrutiny and Audit Committee held on 9 July 2013 be received.

(2) **Planning Committee: 19 July and 16 August 2013**

RESOLVED

that the minutes of the Planning Committee meetings held on 19 July and 16 August 2013 be received.

(3) **Broads Forum – 25 July 2013**

The Chairman of the Broads Forum drew particular attention to the presentation received on electric boating, the comments concerning Water Quality Across the Broads and Habitats Regulations Assessment, the wide ranging discussion following the presentation of the Education Strategy Update and the particular concerns regarding the increased number of applications to Natural England for reversion from grassland to arable, the latter two topics being considered at this meeting.

Members of the Broads Forum had also suggested that it would be beneficial for them to have an annual site visit. Members of the Authority supported the proposal and it was agreed that this be included within the programme of meetings for 2014.

RESOLVED

- (i) that the minutes of the Broads Forum Meeting held on 25 July 2013 be received;
- (ii) that members of the Broads Forum be given the opportunity to attend an annual site visit and that this be included within the programme of meetings for 2014.

(4) **Navigation Committee: 5 September 2013**

The comments from the Navigation Committee would be fed into the discussions at this meeting as well as reports for future meetings.

In particular the Chairman of the Navigation Committee referred to the proposals from the NSBA and BHBF relating to Navigation Charges, which had been presented to all Commodores of the sailing clubs in the Broads, and the Broads Rowing Scheme, both of which would be taken into account when considering the setting of Tolls.

The Navigation Committee fully supported the idea of a survey for Broads Users presented by the Vice-Chairman of the Authority.

The Chairman referred to the meeting held in London with five local MPs following representations to some MPs from some toll payers and some members of the Navigation Committee. The notes of the meeting, once agreed would be circulated to all members.

RESOLVED

that the minutes of the Navigation Committee meeting held on 5 September 2013 be received.

**2/9 Education Strategy 2012-16 Progress Report September 2013**

The Authority received a report and presentation on the progress relating to the Education Strategy 2012-2016, which provided a framework and action plan for cross cutting educational activity related to all three of the Authority's purposes and in particular delivering the Broads Plan objective PE3.

Members noted the progress being made against the five key objectives with specific targets within the Strategy. They welcomed the establishment of a Steering Group for the Broads Environmental Education Network (BEEN) and particularly the partnerships being set up and involved in the development of a Broads Curriculum. They were particularly pleased that work was continuing with the Short Stay Schools Network and links being made with socially deprived areas, although expressed a caution that those in the mainstream should not be overlooked.

Members congratulated the Education Officer on the inspiring interim report and welcomed the considerable achievements. They expressed encouragement for the development of a Broads Curriculum and the relevance to the GCSE programme as well as the Broads experience and taster days since these were considered key elements for maintaining a long term interest in the Broads and the environment. With reference to the concerns raised by the Broads Forum about the limited resources of schools especially for transportation, members were pleased that this was being examined and would be discussed further at the National Parks Education Officers meeting to be held in the Broads in November 2013. It was suggested that there were opportunities for sponsorship through certain coach companies which would be worthwhile pursuing. A member also suggested that there could be the potential for income generation possibly through development of a university course and that the links with universities be expanded.

RESOLVED

that the report be noted and welcomed.

**2/10 Volunteer Strategy 2012 – 16 Progress Report September 2013**

The Authority received a report and presentation on the progress and development of the Volunteer Strategy 2012-2016 which provided a framework for volunteer development with the Broads Authority and was underpinned by the values of inclusiveness, mutual benefit, fairness and equality.

Members noted that of the 97 target/milestones within the Action Plan close to two thirds had been met with ten being brought forward and/or ongoing. It was also noted that the length of time assigned to initiate and embed changes to long adhered to practices had been underestimated and therefore some of the targets, particularly relating to collaborative partnerships and facilitating community led volunteering had been deferred or delayed. However, Members considered that given the ambitious programme, this should not be considered a problem. They were particularly encouraged by the considerable achievements so far including the establishment of key procedures, training, risk assessment and a clear data base which now provided a solid foundation for the strategy.

Members welcomed the progress being made and the need to develop the role of Volunteer Leader. They also considered that tapping into the Parish Forums would provide excellent opportunities to build on the community led initiatives. They congratulated the Volunteer Coordinator on the progress being made and were pleased to note the links and integration with the Education Strategy. Although it was considered that there was a potential income stream from the development of a corporate volunteer group if developed appropriately, it was noted that despite expressions of interest for a volunteer service, when a fee had been suggested, that interest had not materialised into a specific project.

RESOLVED

that the report be noted and progress welcomed.

### **Strategy and Policy**

#### **2/11 Strategic Direction *including***

- ***Progress on Strategic Direction for 2013/14***

The Authority received a report setting out the Broads Authority's activities in delivering progress against the Broads Plan 2011 through a series of Strategic Priorities designed to meet those objectives where the Authority has been identified as the lead partner. The strategic priorities followed the three key themes in the Broads Plan together with an organisational priority as agreed in March 2011. Members noted the progress made towards the objectives, projects and key milestones for the Strategic Priorities for 2013/14 and that these were largely on track. They also noted the exceptions on timing relating to community engagement on climate change, the Site Specifics DPD submission to the Inspectorate, and the development of the Broads Curriculum although noted that considerable progress was being achieved.

With reference to engagement with stakeholders, Members noted that the first Parish Forum had been held on 18 September in Ludham Village Hall, and had proved to be very successful with approximately 60 people attending and engendering a very positive exchange. It was intended to hold at least three more such events over the year and the Vice-Chairman encouraged all members to take the opportunity to attend in the future.

The Chief Executive further reported that he had attended a positive meeting of the National Parks Chief Executives with the Minister involved detailing the initiative from the National Parks for consideration in association with the Government Spending Review.

## RESOLVED

that the performance of the different projects to meet the Strategic Priorities for 2013/14 in the accompanying schedule Appendix 1 to the report be noted.

### **2/12 Agri-Environment Scheme and the Value of Grass Marsh in Broadland**

The Authority received a report outlining the history of the agri-environment support in the Broads as well as the development of the new agri-environment scheme, alongside the current increase in applications to Natural England to allow reversion back to arable which was of considerable concern, and the proposed way forward.

It was noted that the New Environment Land Management Scheme (NELMS) was due to replace the Stewardship scheme and was currently being discussed prior to Defra carrying out consultation. In the current system landowners wishing to change land management of drained grasslands would be required to undertake an Environmental Impact Assessment if the grassed area was over two hectares and not been cultivated in the last 15 years and had to submit this to Natural England. This was to enable Defra to minimise the loss and it was understood that landowners were aware of the procedures, although it was not actively publicised.

Members recognised that this was a very important issue for the Broads, given the value of grassland management to the area both in terms of ecosystem services including carbon and pollution management, landscape and biodiversity which provided key characteristics and elements that made the area unique in the UK, the impacts on water levels, and the role and experience the Authority had in developing government policy. Members considered that, given the potential threats, it was important that the Authority had a clear scientific understanding of those risks. Members noted that the new scheme would have a more targeted approach and therefore were fully supportive of the need to consider how the Authority advised Defra and Natural England to target the new scheme.

Members were appraised of the agricultural perspective and the complexity of the decisions facing landowners given the changes in the agri-environment funding, the international markets and circumstances as well as the added uncertainties concerning the EU Common Agricultural Policy. Members were advised that it was the responsibility of Natural England to deal with all the landowners in the area directly and that the Authority did not have the resources to do so. However, the Authority through the Senior Ecologist was consulted particularly on the HLS (Higher Level Schemes) for fens,

developing wetland creation and restoration projects and provision of advice when approached.

Members were supportive of the proposed 5 point plan of action which included engagement with landowners through discussions with the NFU and CLA, contributions to a study building on the NFUs document Why “Farming Matters” produced in 2010, coordination of the messages to Defra and New Anglia Local Enterprises Partnership concerning capital investment and benefits, working closely with the Water Management Alliance and Internal Drainage Boards and a reappraisal of the Halvergate Conservation Area.

#### RESOLVED

- (i) that the legacy of public support for grass marshes and traditional grazing management in the Broads be noted;
- (ii) that the proposed plan of action, including engagement and awareness raising with partners and landowners as set out in the report at paragraphs 4.1 be endorsed; and
- (iii) that the Authority be appraised of progress and evaluation.

## **2/13 Financial Performance and Direction**

The Authority received a report providing a strategic overview of current financial issues which included the Authority’s Statement of Accounts for the financial year ending 31 March 2013 for approval along with the final outturn figures for general and navigation income and expenditure. They took each of the matters in turn.

### **Section 2: *Summary of Statement of Accounts***

The Authority noted that the draft Statement of Accounts had been submitted to Ernst & Young as the Authority’s External Auditors appointed by the Audit Commission and that external audit work had been carried out during August and September 2013 and was continuing. As a result, some issues had been identified which required amendments to those papers sent out to Members. The adjustments to the Statement of Accounts were set out in a Supplementary Paper which was tabled for information and approval. The majority of these amendments related to disclosure or reclassification issues.

It was noted that one of the main amendments related to an adjustment of accrued PRISMA income of £11,563 which had an effect on the navigation Revenue Account Outturn Figures. The resulting effect was that (after taking account of £27,625 interest transferred to earmarked reserves) the consolidated deficit for the year was £901,553 with an additional £272,452 carried forward into the 2013/14 budget. The navigation reserve was reduced to £353,237 as at 31 March 2013. Although (after taking account of carry-forward expenditure) this fell below the recommended levels as previously



advised to the Authority during the year, it was anticipated that the balance would be restored in 2014/15 and beyond.

The Financial Scrutiny and Audit Committee had considered and accepted the auditor's findings at its meeting on 19 September 2013 and received a report that they anticipated issuing an unqualified audit opinion. The Audit was due to be completed by 30 September and the Audit Report would be signed and incorporated into the Statement of Accounts. The Annual Governance Statement would also be appended to the Statement of Accounts (subject of separate report Minute 2/14.).

Members noted that there was a Pension Fund deficit which had been growing due to the wider economic climate but the Norfolk Pension Fund (which the Authority was part of) had a strategy to address the overall fund deficit. The Auditors were confident that there was not a risk within the current year but this would need to be kept under review for the future. There was a regular triennial valuation of the Pension Fund with the results of the next one being due at the end of the year, following which would be an opportune time for a report to the Authority.

Members noted the adjustments and the impact on the financial statements as set out and

#### RESOLVED

- (i) that the amendments to the Statement of Accounts 2012/13 and the revenue out turn figures be approved; and
- (ii) that the Chairman be authorised to sign the Statement of Accounts 2012/13 subject to the satisfactory conclusion of external audit work in the week commencing 23 September 2013.

### **Section 3: Consolidated Income and Expenditure figures from 1 April to 31 July 2013**

The Authority received the details of the consolidated actual income and expenditure for the four month period to 31 July 2013 presented in the new monitoring format as agreed at the Authority's meeting in July to allow for greater strategic focus. Members noted the key differences when compared to the format for 2012/13 as highlighted in the report. It was noted that at the end of July 2013, the forecast outturn indicated that income was expected to be broadly in line with the original budget with total forecast income of £6,473,433, total expenditure was forecast to be £6,536,389 and the resulting deficit for the year was forecast to be £62,956. This represented an underspend of £11,897 when compared with the latest available budget, which provided for a consolidated deficit of approximately £74,853.

Members were appreciative of the new format which helped to highlight where there were substantive differences from the original budget and considered that this provided sufficient safeguards for which all members were

responsible. Members considered that attendance at the financial awareness workshop provided on 4 September 2013 had been very helpful.

RESOLVED

- (iii) that the Consolidated Income and Expenditure figures from 1 April 2013 to 31 July 2013 be noted.

#### ***Section 4: Selective Tendering ad-hoc list for Broads Authority Photocopier Requirement***

The Authority received an outline of the process through which contractors would be invited for inclusion on a Selective Tendering ad-hoc list of contractors for the provision and comprehensive maintenance of the Authority's two main photocopiers. As the value of a five year contract would potentially exceed £50,000 the approval of the Authority to decide on those who should be invited to tender was required. Following a public notice, in accordance with standing orders, Members noted the four contractors who had expressed an interest in being included in the Selective Tendering List.

RESOLVED

- (iv) that the following contractors: EBS Copiers, Mayday Office Equipment, Protocopy Limited and Norfolk Copiers be approved for inclusion on the Selective tendering Ad-hoc list to allow competitive tenders for photocopiers to be sought.

#### ***Section 5: Waiver of Standing Orders – PRISMA Procurement Activity***

The Authority received a request to waive Standing Orders for the procurement of a dredging/dewatering trial as part of the Authority's PRISMA project due to the techniques to be used in the trial being innovative and experimental and therefore the equipment and expertise was only available from one supplier, Innovative Water Contractors (IWC). The project at Hardley Dyke and Loddon Basin was proposed to be carried out in cooperation with the Environment Agency and offered a number of opportunities to apply new techniques and benefits to the Authority. These were in line with the PRISMA criteria for funding.

Members accepted the detailed justifications to waive standing orders.

RESOLVED

- (v) that the Waiver of Standing Orders for PRISMA dredging and dewatering activities at Hardley Dyke and Loddon Basin be approved as set out in Section 5 of the report.

## **Section 6 Payment of Tolls on the Hire Boat Fleet**

The Authority noted that as a result of Members visits to a selection of boatyards, officers had been in discussions with representatives from the Broads Hire Boat Federation concerning the payment schedule for next year's tolls taking into account the pattern of income to the hire boat yards and the administrative demands on the Authority. Members considered the proposal to adopt a varied payment schedule for Hire Boat Yards which had been reported to the Navigation Committee. Although the proposal related to the larger yards, it was necessary to explore the framework with smaller yards in order to ensure fairness.

Although it was preferable and administratively less burdensome to the Authority to receive full payment of tolls at the beginning of the year, it was accepted that by adopting a more flexible approach, this would be helpful to the larger yards given the current economic climate and uncertainties.

### **RESOLVED**

- (vi) that the principle of the proposal set out in Section 6 of the report be approved:
- Total bills for an individual yard below £2,500 will be required to be paid in one sum by 1 April.
  - Total bills for an individual yard between £2,500 and £7,500 will be eligible for the arrangement of two equal payments on 1 April and 1 July.
  - Bills for yards paid by Hoseasons will be paid for simplicity and reduced administration in one payment by 1 April.
- (vii) that the larger hire boat yards be offered the facility to pay navigation charges by way of four payments in the ratios as set out
- For yards that are members of the British Marine Federation **or** the Broads Hire Boat Federation and have total bills greater than £7,500 an option to make four payments in the following manner will be available:
- |         |      |
|---------|------|
| 1 April | 10%  |
| 31 May  | 30%  |
| 30 June | 30%  |
| 31 July | 30%. |
- (viii) That the Chief Executive be authorised to finalise other details, with further consultation with the officers of the Broads Hire Boat Federation as necessary.

## **2/14 Annual Governance Statement 2012/13**

The Authority received a report providing an explanation of the purpose of the Annual Governance Statement, and the requirement to carry out an annual review of the Authority's systems of internal control and governance arrangements (to accompany the Statement of Accounts as stipulated by the Accounts and Audit (England) Regulations 2011). They also received the actual Annual Governance Statement 2013. It was noted that the Financial Scrutiny and Audit Committee had received a report on 9 July and had confirmed at their meeting on 19 September that proper arrangements had been put in place to comply with the statutory requirements relating to Internal Audit and that the system of internal control was effective.

A member expressed concern that with only five members appointed to the Financial Scrutiny and Audit Committee there were occasions when there was limited availability and that in future its constitution should be reviewed. It was suggested that in relation to Appendix 1b of the report, in future the Action Plan should include the task origination date alongside the target date.

### **RESOLVED**

- (i) that the report be noted;
- (ii) that the Annual Governance Statement for 2012/13 and Action Plan for 2013/14 be approved as it is considered that it represents a true reflection of the control environment present in the Authority; and
- (iii) that, subject to implementation of the improvements identified in the Action Plan, the Authority's internal control systems and governance arrangements are confirmed to be adequate and effective.

## **2/15 Appointment Process for Coopted Members of the Navigation Committee**

The Authority received a report outlining the requirement for making appointments to the Navigation Committee including seeking applications and holding interviews to allow the new appointments to be made by the Broads Authority. The Authority considered the proposals to determine the terms and timings for future appointments to provide more consistency with other appointments to the Authority. These proposals had been considered and supported by the Navigation Committee at its meeting on 5 September 2013.

### **RESOLVED**

- (i) that the Authority migrates to a four year appointment term for Navigation Committee members, with a maximum aggregate term of appointment of eight years, to maintain consistency with members appointed by the Secretary of State;

- (ii) that the Authority extends the term of the current appointment term of co-opted members to four years to facilitate the potential for current co-opted members to serve for an aggregated term of seven or eight years, depending on their initial appointment date;
- (iii) that the Authority adopts a timetable for future appointments, in accordance with paragraph 6.1 of the report:
  - a. To allow the appointment of co-opted members of the Navigation Committee to the Broads Authority prior to the Annual Meeting in accordance with paragraph 4.6 of the report; and
  - b. to facilitate the temporary appointment of co-opted members of the Navigation Committee to the Broads Authority, if required, in accordance with paragraph 5.3 of the report.

October 2013 Navigation Committee	<ul style="list-style-type: none"> <li>Brief the current Navigation Committee on the Broads Authority resolutions.</li> </ul>
October 2014	<ul style="list-style-type: none"> <li>Broadsheet advertises appointment process, inviting all Toll Payers to apply.</li> </ul>
Early November to Mid December 2014 (6 weeks)	<ul style="list-style-type: none"> <li>Seek applications and consult relevant organisations.</li> </ul>
Mid December 2014	<ul style="list-style-type: none"> <li>Appointments Panel carry out short-listing.</li> </ul>
January 2015	<ul style="list-style-type: none"> <li>Hold interviews.</li> </ul>
February 2015 Navigation Committee	<ul style="list-style-type: none"> <li>Consult Navigation Committee, having consulted relevant organisations, on appointment proposals.</li> <li>If required, consult the Navigation Committee on the temporary appointment of up to two co-opted members to the Broads Authority.</li> </ul>
March 2015 Broads Authority	<ul style="list-style-type: none"> <li>Appointments to the Navigation Committee formally made by Broads Authority for a term until two meetings prior to the Annual meeting in 2019 (nominally March).</li> <li>If required, temporarily appoint up to two co-opted members to the Authority until the May meeting.</li> </ul>
April 2015 Navigation Committee	<ul style="list-style-type: none"> <li>Consult Navigation Committee on the appointment of two members to the Authority.</li> <li>If required, appoint an interim Chairman of the Navigation</li> </ul>

	Committee.
May 2015 Broads Authority	<ul style="list-style-type: none"> <li>• Appoint two members of the Navigation Committee to the Broads Authority</li> </ul>
July 2015 Broads Authority (Annual Meeting)	<ul style="list-style-type: none"> <li>• Co-opted members appointed to the Authority in time for all Annual meeting member appointment opportunities</li> </ul>

- (iv) That John Edmonds, who chaired the Selection Panel last time, be invited to do so again, but, if unavailable, that the Chairman and Chief Executive appoint an alternative Independent Chairman for the Selection Panel from waterway organisations independent of the Broads.

## **2/16 Member Appointments to Outside Bodies**

The Authority received a report concerning the appointment of a member to the Norfolk Duty to Cooperate Member Forum. Members noted that the Norfolk Forum had been set up as a result of the Localism Act 2011 that required local authorities and certain public bodies to discuss key issues under a “Duty to Cooperate” when preparing Development Plan Documents and other Local Development Documents and to provide evidence of having done so. The purpose of the Forum was for members appointed by their respective authorities to discuss the strategic transport and economic issues that were planning related and affected all or the majority of the local planning authorities under the Act’s duty to cooperate. Members concurred that the Forum’s activities were very much planning related.

Members also noted that Mr Gould had been appointed to the Mills and Pumps Trust in accordance with the Authority’s decision at Minute 1/17.

### **RESOLVED**

- (i) that the report be noted;
- (ii) that the Broads Authority appoints Dr J M Gray to the Norfolk Duty to Cooperate Member Forum; and
- (iii) that authority be delegated to the Planning Committee to appoint future replacement members to the Norfolk Duty To Cooperate Forum.

## **2/17 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 Head of Safety Management confirmed that there were no items which needed to be raised under this item.

**2/18 Feedback from Lead Members and Those Appointed to Represent the Authority**

No matters were reported.

**2/19 Date of Next Meeting**

The next meeting of the Authority would be held on Friday 22 November 2013 commencing at 10.00am at Yare House, 62 – 64 Thorpe Road, Norwich.

**2/20 Items of Urgent Business**

The item of Urgent Business related to tenders and contracts and therefore involved the possible disclosure of exempt information as defined by Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act as amended and therefore would be dealt with as an exempt item at Minute 2/26.

**2/21 Formal Questions**

There were no formal questions of which due notice had been given.

**2/22 To consider a motion of which notice has been received: Investigation into Alternative Forms of Broads Authority Finance**

The Authority received a report detailing a motion from Mr D Broad in accordance with Broads Authority Standing Orders Part A, Clause 4. The Chairman reported that at its meeting on 19 September 2013, the Financial Scrutiny and Audit Committee had considered a report on External Funding Opportunities and Income Generation which raised some of the issues set out in Mr Broad's motion detailed in the papers.

The Committee had welcomed the Officers' report but considered that it addressed wider strategic and policy issues beyond the purely financial and was therefore beyond its own remit as well as being beyond that of just a small group of Members. It was considered that it warranted an input from all members of the Authority including the co-opted members of the Navigation Committee, before an updated report could be submitted for consideration at a future meeting of the full Authority. Members supported the views of the Financial Scrutiny and Audit Committee.

On this basis, Mr Broad commented that he was happy to withdraw the motion.

**RESOLVED**

that the report on External Funding Opportunities and Income Generation presented to the Financial Scrutiny and Audit Committee on 19 September 2013 be circulated to all members for comment to allow an updated report to be presented to the November meeting of the Broads Authority.

## **2/23 Exclusion of the Public**

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraphs 1 and 3 of Part 1 of Schedule 12A of 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 meeting during consideration of the following items**

### **Summary of Exempt Minutes**

## **2/24 Exempt Minutes of Broads Authority meeting held on 12 July 2013**

RESOLVED

that the exempt minutes of the Broads Authority meeting held 12 July 2013 were agreed as a correct record and signed by the Chairman.

## **2/25 Update on Proposed Action at Wayford Mill**

Further to Minute 6/24 and 1/29, the Authority received an update on the situation containing exempt information with regard to the potential legal proceedings in relation to Wayford Mill and the potential to seek a settlement agreement with the landowner in order to conclude matters. Members gave consideration to the recent offer from the landowner with the aim of concluding the matter in line with the objectives agreed at previous meetings of the Authority.

RESOLVED unanimously

- (i) that the reports and correspondence be noted;
- (ii) that the progress made since the Broads Authority meeting on the 12 July be welcomed;
- (iii) that the Authority agree to a 28 day adjournment of the court proceedings;
- (iv) that Officers be delegated to continue negotiations to achieve a robust Settlement Agreement with the landowner to include those matters discussed in relation to the restoration of the mill;
- (v) that all members be kept informed of negotiations and a potential Settlement Agreement; and



- (vi) that, if agreement cannot be reached, the Authority proceed with the action already agreed.

## **2/26 Item of Urgent Business: Matters relating to Tender procedures**

The Authority received a report that contained exempt information with regard to a tendering process for dredging work. The item was brought as an urgent item as it was hoped to offer the contract by the end of October in order to commence work in November so that this could be undertaken during the winter months and complete the work in sufficient time to benefit from funding through the PRISMA Project.

Having considered the details and the costs submitted,

### **RESOLVED**

- (i) that the two companies who had submitted the most economically advantageous tender to carry out the necessary dredging works be invited to participate in post-tender negotiations in line with the Authority's Standing Orders; and
- (ii) that the company able to provide the necessary assurances on all technical aspects within the timescale required at the most economically competitive price be offered the contract.

The meeting concluded at 13.55 pm

CHAIRMAN

## Code of Conduct for Members

**Declaration of Interests**

Committee: Broads Authority 20 September 2013

<b>Name</b> <b>Please Print</b>	Agenda/ Minute No(s)	<b>Nature of Interest</b> (Please describe the nature of the interest)
D A Broad	Items 2/7– 2/24	Toll Payer, Member of Great Yarmouth Port Consultative Committee
Guy McGregor		Member of Suffolk County Council

**Public Question for Broads Authority on 20 September 2013**

**Question submitted by Mr Robert W McNaughton**

The following is contained in the Chief Executive's Report to the Navigation Committee meeting of 28 February 2013 – "Establish Member/Stakeholder Working Group to progress national park status .....".

I would like to know what value there is in expending effort in this regard and in what direction the working group may direct their activities. At present there appears to be an irreconcilable conflict between the Broads Authority's twin primary responsibilities and adoption of the Sandford Principle which governs the national parks. The notion that any stakeholder consensus could be won that would allow the navigation responsibilities to be subordinated to the Sandford Principle is frankly risible. Moreover this fruitless pursuit of national park status only serves to reinforce a widespread, even if erroneous, view amongst toll payers that the Authority is partial in its policy making and operational decisions.

**Broads Authority Response**

In May 2010, members of the Broads Authority discussed the draft long-term vision for the Broads and supported the objective that, by 2030, the Broads would be a national park where the public legal rights of navigation continued to be respected and embraced. Though this objective would require primary legislation, members considered this an important ambition in support of the long-term vision.

The Broads has a status equivalent to that of a National Park but is unable to use the name itself and make the most of the international brand status that goes with national parks. Full National Park status would be of tremendous benefit to the tourism industry in and around the Broads, which would then contribute to the sustainable economic development of the local and wider area.

The Authority has the general duty to manage the Broads for the three purposes, two almost identical to the national park purposes and a third, specifically around protecting the interests of navigation.

The national parks are subject to a provision that states if there is a conflict between their first purpose/aim – 'conserving and enhancing the natural beauty, wildlife and cultural heritage'; and their other aim (s) then greater weight shall/must be given to the first aim, the so called Sandford Principle. As part of our examination of what National Park status would mean for the Broads, we expect to look at how the Sandford Principle has actually operated within the English National Parks since their designation. We also propose to review how the Principle sits alongside the added levels of protection for sites of nature conservation importance under the Habitats Directive.

The Authority wants to work with stakeholders to understand fully the hurdles to full national park status and how they could be surmounted.