

# Broads Authority

## Minutes of the meeting held on 17 May 2019

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## **Present**

Haydn Thirtle - In the Chair, Louis Baugh, Matthew Bradbury, Jacquie Burgess, Bill Dickson, Lana Hemsall, Bruce Keith, Greg Munford, Nicky Talbot, Simon Roberts, Simon Sparrow, Vic Thomson, Melanie Vigo Di Gallidoro.

## **In attendance**

John Packman – Chief Executive, Natalie Beal – Planning Policy Officer (Up to and for Minute 9), Sandra Beckett – Administrative Officer (Governance), Steven Bell – Monitoring Officer, Steven Birtles – Head of Safety Management (Minute 16), Lucy Burchnall – Head of Ranger Services (Minute 17 – Minute 25), Adrian Clarke – Senior Waterways and Recreation Officer (Minute 10), Emma Krelle- Chief Financial Officer, Robert Leigh – Head of Communications, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services.

## **1. Apologies and welcome**

The Chairman welcomed everyone to the meeting. In particular he welcomed Harry Balthwayt, officially appointed by North Norfolk District Council, and Fran Whymark, prospective member appointed by Norfolk County Council following the Broads Authority Annual Meeting in July 2019.

**Apologies** received from Kelvin Allen.

### **Changes in membership**

Following the recent elections, Ron Hanton and Paul Rice had not been re-elected to their respective appointing authorities and Mike Barnard had retired. On behalf of the Authority, the Chairman expressed his sincere thanks for their contributions to the Authority's work.

## **2. Chairman's announcements**

### **Openness of Local Government Bodies Regulations 2014**

The Chairman reminded Members that the meeting would be recorded as a back-up for accuracy. The Broads Authority retained the copyright. If a member or a member of the public 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.

### **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:

Photographic exhibition and reception at the Broads Forum – to celebrate the 30-year anniversary of the implementation of the Norfolk and Suffolk Broads Act 1988 and 70-year anniversary of the National Park legislation. The event included the publication of the second Still Waters booklet, made available for members, a copy of which was circulated.

Norfolk Construction Excellence Club Awards – It was really pleasing to be able to attend the award ceremony where the Water, Mills and Marshes team, together with City College

Norwich tutors and the students, were not only awarded first prize in the Preservation and Rejuvenation category but also First Prize overall, alongside other notable construction companies - a tremendous achievement.

The Broads Engage event on 25 April 2019 at Hoveton Village Hall on biodiversity had been well attended and successful.

The Chairman had met with the Leaders of Norfolk County Council and other local authorities and attended 9 parish council meetings on issues relating to the Broads.

### Dates to note

**4 July 2019** – Members' Annual Site Visit – Potential venue is the North Norfolk Coast in association with Norfolk County Council looking at the North Norfolk AONB and issues relating to climate change/sea level rise and managed retreat.

**12 July 2019 at 10.00am** – Finance and Statement of Accounts Briefing for all members.

### General proceedings

The Chairman commented he would take it that Members had read the papers and therefore the emphasis would be for members to ask questions and debate the issues.

## 3. Appointment of two co-opted members to the Broads Authority

The Authority received a report concerning the appointment of the two co-opted Members from the Navigation Committee to the Authority in accordance with the procedures and following the Navigation Committee meeting's recommendation on 11 April 2019.

The Navigation Committee agreed to appoint Mrs Nicky Talbot as Chairman and Mr Simon Sparrow as Vice-Chairman of the Navigation Committee and had recommended that they both be appointed to the Authority for the forthcoming year.

**Resolved** unanimously that Nicky Talbot and Simon Sparrow be appointed to the Authority until the Broads Authority meeting on 22 May 2020.

## 4. 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.

## 5. Items of urgent business

There were no items of urgent business.

## 6. Public question time

No public questions had been received.

## 7. Minutes of Broads Authority meeting held on 22 March 2019

The minutes of the meeting held on 22 March 2019 were approved as a correct record and signed by the Chairman.

## 8. Summary of actions and outstanding issues following decisions at 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:

**UK National Parks Charity Foundation** - The Charity had now been registered and a bank account is being set up. Following consultation with the Chair and Vice-Chair, Sir Peter Dixon has been nominated by the Broads Authority as one of the five Trustees of the new Charity. The National Parks Partnership had also supported the nomination.

**Acle Bridge** - Members applauded and welcomed the opening of the catering operation on the site for the 2019 season (April to September) and hoped that this would be given as much support as possible.

## 9. Local Plan for the Broads – adoption

The Authority received a report from the Planning Policy Officer on the progress of the Broads Local Plan. It was noted that the Examination was complete and the Inspector's report received. This concluded that with modifications, the Local Plan was sound. Members were provided with the main changes to the Local Plan, which had recently been the subject of consultation. Any subsequent changes to the Local Plan as a result of the Inspector's report had been assessed using the Sustainability Appraisal and Habitats Regulation Assessment process, both of which had been revised to assess the modifications to the Local Plan. It was noted that once adopted, the policies in the Core Strategy, Development Management DPD and Sites Specifics Local Plan as well as the saved policy from the 1997 Local Plan would be superseded and no longer valid in the determination of planning applications. This document would then be used to assess all planning applications within the area. It would be reviewed in 18 months' time.

The Planning Policy Officer commented that following the date of adoption there was a regulatory six-week judicial review period, but the Local Plan would be in place and used to assess all planning applications within the area.

The Navigation Committee had received the draft report on 11 April 2019 and the Planning Committee had also received the Inspector's report, which it endorsed and it had recommended the adoption of the Local Plan.

In response to a member's question, the Planning Policy Officer confirmed that the policy relating to the provision of residential moorings within Norwich City had been discussed in detail at the Examination stage and was considered to be a positive inclusion.

Members commended and congratulated the Planning Officer's work in completing the Local Plan which was clear and very well put together.

Bruce Keith proposed, Melanie Vigo di Gallidoro seconded and it was **resolved** unanimously that the Inspector's report is endorsed and the Broads Local Plan is adopted.

## 10. Broads Integrated Access Strategy and action plan

The Authority received a report on the Draft Integrated Access Strategy and Action Plan and the progress on its review particularly following the adoption of the Broads Plan 2017. The Senior Waterways and Recreation Officer (SWRO) explained that it was aimed at providing a broad framework for development of the recreational access network in the Broads in a holistic manner taking account of both land and water access, including footpaths and moorings. The key action was for the 'development and implementation of schemes to upgrade and improve the network of access points and routes (where adverse effects can be prevented) that are linked to visitor facilities and include easier access for people with mobility and sensory needs.' It was emphasised that the Broads Local Access Forum (BLAF) and the Broads Engage workshop in November 2018 had been major contributors to the process as well as regular meetings with the NSBA and BHBF. The new strategy provided the opportunity and need for partnership working, especially with Norfolk and Suffolk County Councils for the delivery of the action plan, linking into the Norfolk Access Improvement Plan and the Suffolk Rights of Way Improvement Plan. The strategy had seven key objectives and would be delivered through an outline three-year action plan with detailed annual monitoring in line with the Broads Plan review.

The SWRO paid special tribute to George Saunders, who sadly died earlier in the month, in recognition of his valuable contribution to BLAF over a number of years in providing significant worthwhile advice on access for the disabled. Although not a member of BLAF, Martin Symons had offered to provide advice to the Authority on access for those with disabilities. The SWRO also assured members that the suggestions made by a member of the Authority relating to appropriate circular walks, especially taking account of disability, had been tabulated and mapped. It was also noted that parking required careful management.

Members' comments were invited in advance of consultation with the Navigation Committee.

A member reported that he had received a number of comments concerning the positioning of ladders at access points for canoeists to disembark and this needed to be considered.

With regard to funding, the SWRO acknowledged that this was a significant consideration. The key to obtaining the necessary funds would be working closely with Norfolk County Council in coordinating, prioritising and packaging groups of proposals and identifying the appropriate

sources for and to which applications could be made. The Authority also had a Project Development Fund from which specific projects might be funded.

A Member referred to the Government's policies and potential proposals for agri-environment payments involving "payment for public benefits" where public access would be a key public benefit. Therefore, working with local landowners would provide a valuable collaboration in delivering integrated access.

Members were particularly pleased that the consultation with stakeholders and the contributions from the Broads Engage workshop were evident. They also acknowledged that balance with conservation interests had been well captured.

A member, who was a member of BLAF and had been a member prior to being involved with the Broads Authority, commented that sadly the SWRO, Adrian Clarke, would be leaving the Authority at the end of the month and this would be his last meeting. He considered that Adrian had transformed the group's work. One of his most positive contributions had been the greater collaboration with other stakeholders, including Norfolk County Council, resulting in much improved access throughout the Broads, for which the Authority owed a great deal. The Chairman echoed this appreciation and on behalf of all members thanked Adrian for his valued contribution.

Adrian Clarke thanked members and commented that he had thoroughly enjoyed his entire career with the Authority.

The Chairman put the report recommendation to the vote and it was **resolved** unanimously that the Draft Broads Integrated Access Strategy and Action Plan be noted and endorsed for further consultation including the Navigation Committee.

## 11. Strategic direction and Annual Business Plan

The Authority received a report which set out the progress in implementing the Broads Plan 2017 - 2022 and the Strategic Priorities for 2018/19 as well as the Strategic Priorities for 2019/20. It also provided the Authority's Annual Business Plan, which gave an overview of the work priorities for the coming year and was the link between the Broads Plan and Directorate work plans.

The Chief Executive drew attention to the two major projects being undertaken - the Water, Mills and Marshes Landscape Partnership Scheme and CANAPE, both of which were on track. In addition, he highlighted the priority for the Broadland Futures Initiative (BFI) (integrated flood risk management) which, in light of the issues relating to climate change, was an area the Authority needed to give greater weight and leadership through having further detailed discussions with partners to progress. The electronic survey and explanatory leaflet would be sent out soon on behalf of the BFI partnership.

Members fully supported the approach.

**Resolved** unanimously:

- i. That the Strategic Priorities update for 2018/19 is noted, together with the Strategic Priorities for 2019/20.
- ii. that the Annual Business Plan is noted.

## 12. Financial performance and direction

The Authority received a report providing a strategic overview of current key financial issues and items for decision details of the actual income and expenditure for the full year 2018/19. This would form the basis for the Statement of Accounts for this last year. The report also included carry forward requests.

It was noted that the actual consolidated Income and Expenditure to the end of March 2019 was a surplus of £84,760 and showed a favourable variance. There were no changes to the budget. The forecast outturn at the end of March 2019 was an expected surplus of £70,611. The adjustments related to salary savings from vacant positions and staff leaving and additional income from tolls, planning fees and interest. Where there had been some increase in expenditure this had been offset against other savings.

Members noted the carry forward requests which related to projects already underway but had been delayed by external events, or where ring-fenced income provided by third parties and was earmarked for specific purposes. Taking account of the 2018/19 budget and the carry forward requests, £15,094 was only £945 away from the forecast if that expenditure had gone ahead.

The Chief Financial Officer drew attention to the very tight timetable for the Audit of the Accounts for 2018/19. The completed accounts were to be signed off by the 31 May 2019. Unfortunately, the External Auditors (Ernst and Young) were not due to commence the onsite audit until 15 July 2019. Therefore, the actual final audit would not be available prior to the deadline for issuing the report to the Audit and Risk Committee on 23 July 2019. However, auditors would be able to provide a verbal report in order for the Broads Authority to consider and formally adopt the audited accounts at its meeting on 26 July 2019.

Members expressed disappointment at the timing for the onsite audit. They were assured that the matter had been raised by the Audit and Risk Committee, the Chairman of which commented that they would continue to reinforce the difficulties this caused and the need for better service. Members were reminded that the Authority had taken the decision to join the national collective scheme for external audit, led by the Public Sector Audit Appointment (PSAA), as to stand alone and run its own procurement exercise would be more expensive and unlikely to benefit from economies of scale and achieve a competitive price.

Members congratulated officers and particularly the Chief Financial Officer for achieving the targets set within budget.

Jacquie Burgess proposed, seconded by Gail Harris and it was **resolved** unanimously:

- i. that the Income and Expenditure Figures for the draft year end position (1 April 2018 to 31 March 2019) and timetable are noted.
- ii. that the carry forward requests detailed in paragraph 8.2 of the report be approved and added to the 2019/20 budget as additional expenditure.

### 13. Standing orders relating to contracts/standing lists of contractors

The Authority received a report providing the annual summary of instances where the standing orders had been waived by the Chief Executive during 2018/19 and the three-year review of the Standing Lists for Piling contractors and Fen Contractors.

It was emphasised that the waivers were only approved in exceptional circumstances, usually when there was an extreme urgency or only one supplier. With innovative externally funded projects, waivers would sometimes be required to test new solutions. There had only been 9 occasions when the standing orders had been waived and 3 of these related to the purchase of second-hand equipment. Others were due to there being only one supplier, for specialist equipment and or urgency. The 2019/20 Internal Audit would be looking at the waiver process and procurement.

Members noted the process for reviewing the Standing List of contractors for fen management and piling, and the criteria used. The next review would be in 2022.

Melanie Vigo di Gallidoro proposed, seconded by Lana Hemsall and it was **resolved** unanimously:

- i. That the annual report of instances where Standing Orders have been waived is noted.
- ii. That the standing list for the piling contractors (12 as stated in Para 5.6 of the report) and fen contractors (15 as stated in para 6.5 of the report) be approved

### 14. Appointment of Monitoring Officer and consequential amendments to the Scheme of Delegation to Officers

The Authority received a report setting out the decision taken by the Chief Executive following consultation with the Chairman of the Authority and the Chairman of the Audit and Risk Committee for the appointment of a Monitoring Officer. Following that decision, and the resolution by the Authority at its last meeting regarding legal advice (Minute 5/19), consequential amendments to the Scheme of Delegation to Officers were proposed. The amendments were proposed to cater for the position during the coming year.

It was also suggested that Birketts be requested to review all the Authority's constitutional documents to ensure they were up to date with current legislation and met best practice standards as well as being consistent. It was anticipated that some of the necessary documents might be amalgamated and made simpler.

The Chief Executive explained the financing process for legal advice. NPLaw would continue to deal with prosecutions relating to navigation matters. Birketts would be providing advice to the Authority on a case by case basis with a price being agreed beforehand with the Chief Executive and Directors. This would be constantly reviewed by the Management Team. It was considered important for matters to be dealt with speedily, efficiently and to a high standard.

Gail Harris proposed, seconded by Bill Dickson and it was **resolved** unanimously

(i) that the appointment of Mr Steven Bell as the Authority's Monitoring Officer be endorsed.

Lana Hemsall proposed, seconded by Mathew Bradbury and it was **resolved** unanimously

(ii) that the amendments to the Scheme of Delegations set out in Appendix 1 of the report be adopted.

## 15. Summary of formal complaints (annual report of complaints by members of the public)

The Authority received a report summarising the formal complaints made by members of the public and service users dealt with by the Authority during the two-year period from 1 April 2017 to 31 March 2019, together with a summary of the Authority's responses to those complaints. The number of formal complaints received and dealt with had remained fairly constant, with an average of 10 per year.

The Director of Strategic Services reported that the one outstanding Ombudsman's decision on the only case for the last year, had now been received. The Authority had been requested to apologise to the complainant, which it would be doing.

**Resolved** that the report be noted

## 16. Health and safety

The Authority received a report setting out the annual health and safety report and the annual review of marine incidents. It was noted that the Authority continued to demonstrate a good safety record and incident and accident rates were consistent with previous years. It was also noted that this was particularly the case when considering the annual marine incident statistics in relation to the large number of visitors to the Broads. The Broads continued to be a safe place for boating and boating related activities.

Members expressed considerable disappointment in the recent article in the Eastern Daily Press (EDP) which gave a gross misrepresentation of the facts. It was clarified that although the total incidents for 2018/19 showed an increase this was explained by more accurate reporting, especially relating to the public at Broads Authority sites and damage to property incidents which did not feature in previous years. One of the most frequent incidents related to embarking and disembarking from boats and the Authority would continue to make people aware of the dangers, especially relating to cold water shock, and highlight the safety measures to be taken including the wearing of life jackets.

It was suggested that at the beginning of future annual reports, the number of incidents be set in the overall context of the number of visitors to the Broads.

(A member undertook to take up the matter of the standard of reporting with the Editor of the EDP).

Nicky Talbot proposed, seconded by Melanie Vigo di Gallidoro and it was **resolved** unanimously:

- i. that the Authority notes the priorities for action on internal health and safety for the coming year, which are to:
  - a. continue the promotion of the safety reporting system to help to influence a positive change in culture and to capture near miss events (Opportunity for Improvement);
  - b. focus on reducing the number of incidents resulting from driving;
  - c. continue monthly health and wellbeing communications with staff and volunteers; and
- ii. that the Annual Marine Incident Statistics are noted.

## 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

There were no matters to report under this item.

## 18. Minutes received

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

### Navigation Committee – 17 January 2019

**Resolved** that the minutes from the Navigation Committee meeting held on 17 January 2019 be received.

**Abandoned/Sunken vessels** - A member commented that he had received complaints about a couple of boats that appeared to be abandoned. Members were assured that the Authority logged and investigated all such matters reported to it and/or were seen by the rangers. There was a regular report on the number of sunken and abandoned vessels to the Navigation Committee. It was important to contact the owner in the first instance and this could take some time. Provided the vessel was not causing a navigation hazard, taking direct action to remove a vessel was the very last resort once all other avenues had been explored. The aim was to deal with the matter by negotiation. If necessary, the Authority would attempt to

subsequently reclaim the costs from the owner, if it had to remove any vessel itself, which was a very expensive operation.

### Planning Committee - 8 March 2019

**Resolved** that the minutes of the Planning Committee meetings held on 8 March 2019 be received.

## 19. Feedback from Members appointed to represent the Authority on outside bodies 2019/2020

### Outside bodies

**National Parks UK and England** – The Chairman commented that he had attended a meeting of the Chairs of the National Parks on 30 April 2019 at which the importance of education and recreation and having the opportunity to visit green spaces was emphasised.

**How Hill Trust** – Jacquie Burgess reported that following a successful fundraising appeal two years ago, the Trust had purchased a new boat built by students from the International Boat Building College. This was to enable the Trust to give the students visiting the centre an experience of the Broads from the water. The boat was due to be launched from the Swallowtail Boatyard on Horsefen Road, Ludham on Tuesday 21 May 2019 at 10am and a meeting of the Trust was due to take place in the afternoon.

**Norfolk and Suffolk Broads Charitable Trust** – Bruce Keith reported that the Trust was now focusing on the development of hubs for priority areas of funding and on collaborating with the Authority and other partners. The next meeting was on Monday 20 May 2019 when the Trust would be considering grant applications.

**Whitlingham Charitable Trust** – Matthew Bradbury reported that the pedal path event at Whitlingham Country Park the previous weekend was successful and it was hoped that the partnership with the Pedal Revolution Charity could be extended. There was also a new parking provider. The provision of incorporating toilet facilities within the complex was being reviewed.

## 20. Items of urgent business

There were no items of urgent business for consideration.

## 21. Formal questions

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

## 22. Date of next meeting

The next meeting of the Authority would be held on Friday 26 July 2019 at 10.00 am at Yare House, 62 – 64 Thorpe Road, Norwich. (This would be the annual meeting to include the appointment of the Chair and Vice-Chair of the Authority and appointments to committees.)

## 23. Exclusion of the public

The Authority RESOLVED to exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraph 1 ,2, 3, 5 and 7 of Part1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

The public left the meeting and the recording was suspended.

## 24. Launch replacement programme

The Authority received a report containing exempt information on the progress made in developing the Launch Replacement Programme. Following consultation with the Navigation Committee, authority was sought to replace a particular launch subject to a satisfactory sale price being agreed to a certain level.

Lana Hemsall proposed, seconded by Jacquie Burgess and it was **resolved** unanimously that the Spirit of Breydon launch is offered for sale, subject to the agreed price being at least a certain percentage (as stated in the report) of the market value excluding any brokerage fee up to a stated percentage.

## 25. Cybercrime

The Authority received a report containing exempt information about a cybercrime incident against the Authority resulting in payment being made to a fraudulent party and subsequent financial loss to the Authority.

Members expressed considerable concerns and disappointment about the incident but considered that the matter had been handled appropriately and the correct processes and procedures were in place. They felt reassured that the necessary support and training for staff was being undertaken.

### **Resolved:**

- i. That the cybercrime incident, the results of the internal investigation, the actions taken to protect the Authority against this happening in the future are noted
- ii. The costs incurred to be funded from the National Park Reserves

The meeting ended at 12.20pm

Signed by

Chairman

# Appendix 1

## Declaration of interests Broads Authority, 17 May 2019

<b>Member</b>	<b>Agenda/minute</b>	<b>Nature of interest</b>
Greg Munford		As previously declared
Matthew Bradbury		As previously declared
Bruce Keith		As previously declared
Nicky Talbot		As previously notified
Louis Baugh		As previously notified
Simon Roberts		As previously notified
Bill Dickson		MMO (Marine Management Organisation) Board Member