

Broads Authority

Minutes of the meeting held on 22 September 2023

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Present

Bill Dickson – in the Chair, Harry Blathwayt, Stephen Bolt, Peter Dixon, Tony Grayling, James Harvey, Paul Hayden, Tristram Hilborn, Tim Jickells, Sian Limpenny, Leslie Mogford, Greg Munford (from item 8 onwards), Keith Patience, Michael Scott, Matthew Shardlow

In attendance

John Packman – Chief Executive, Natalie Beal – Planning Policy Officer (item 10), Dan Hoare – Head of Construction, Maintenance and Ecology, Estelle Culligan – Deputy Monitoring Officer (items 12 and 13 via Teams), Emma Krelle – Director of Finance, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services, Sara Utting – Senior Governance Officer, and Lorraine Taylor – Governance Officer.

1. Welcome and apologies

The Chair welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chair explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The Chair needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

Apologies were received from Alan Goodchild, Martyn Hooton, Kevin Maguire, Vic Thomson, Melanie Vigo di Gallidoro, and Fran Whymark.

2. Chairman’s announcements

The Chair confirmed that there was no change to the order of the agenda items.

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.

4. Items of urgent business

There were no items of urgent business.

5. Public question time

No public questions had been received.

6. Minutes of last meeting

The minutes of the meeting held on 28 July 2023 were approved as a correct record and signed by the Chair.

7. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. The Chief Executive (CE) directed the Members to the final page of the summary and asked them to note the two outstanding matters added following the last meeting on 28 July 2023.

The CE provided an update on the Hulver Ground purchase where the Authority was proceeding with a conditional purchase. The Historic Environment Manager visited the drainage structure at Strumpshaw Fen on 21 September 2023 and confirmed that the repair of the brick channel was three-quarters complete, the pipework was fitted for the dry fix, and work had started on the end of the channel.

Regarding the reduction in office space at Yare House, the Authority were still waiting for approval by the landlord of the plans submitted.

The report was noted.

8. Strategic priorities - update

Members received the report of the Senior Governance Officer (SGO) setting out the latest progress in implementing the Authority's annual strategic priorities for 2023/24.

The Chief Executive (CE) provided an update on the Tolls System explaining that the current system had two different elements – internal and external. The Authority had found a company that may be able to take the existing internal system, update it to the latest version and host it in the Cloud. If successful, this exercise could save the Authority some money.

A Member asked whether the new company was sufficiently large and robust for the Broads Authority to rely on. The CE replied that the Authority believed this to be so and that this was a small part of the larger project.

In response to a question on whether the system would be in place for this coming round of tolls, the CE replied that it would not be in place and that the refresh of the tolls system was a much longer project.

A Member asked about item 2(i) of the report and the progress of the Local Nature Recovery Strategy (LNRS). The Director of Strategic Services (DSS) replied that there had not been much progress on the LNRS due to some staffing changes at county level. The Nature Recovery Manager had been appointed by Norfolk and Suffolk County Councils to work on drafting the strategy.

A Member asked whether there was an update on how the Authority was progressing in undertaking the review in relation to species and habitat priorities and what the Authority

wanted to see delivered in respect of the Nature Recovery Strategy. The DSS replied that the Authority had submitted an updated Nature Recovery Portfolio on the latest activity from England's National Parks. It recorded areas that the Authority had been working on and types of habitats. The DSS was looking into preparatory work on translocation, to move one species from one location to another as we adapt to Climate Change. In terms of status of species, the Biodiversity and Water Strategy covers this, however, the Authority had not completed any additional work on this since it was last updated.

The report was noted.

9. Financial performance and direction

Members received the report from the Director of Finance (DF). The Members were asked to note the income and expenditure figures, the latest pay negotiations in paragraph 4.2 of the report, and the prudential indicators in paragraph 6.1 of the report.

The DF reported that the figures in the report were up to the end of July 2023, and updated the Members on the August figures. As at the end of August, the actual variance had decreased to £147,455, a £50,248 improvement compared to the July figure. The income variance had reduced by £69,658 and this was mainly due to an improvement in hire craft tolls and investment income, however, this had been slightly offset by a reduction in private craft toll income. There had been no change to the latest available budget and the forecast deficit had decreased to £73,022 due to the increased investment income and tolls and also included the forecast adjustment for the latest pay offer which was noted in paragraph 4.2 of the report. Earmarked reserves had increased slightly to £3,821,210. Based on the current forecast National Park reserves are predicted to be at £828,000 which was 23.8% and Navigation reserves at £557,000 at 12.6%.

The Chief Executive (CE) commented that the Head of IT and Collector of Tolls (HITCT) had completed some in-depth analysis on toll income, and it showed that in 2020 the total number of crafts on the Broads had significantly reduced because of Covid. In 2021 and 2022 there had been a significant increase post-Covid, and in 2023 boat numbers had returned to almost the same figures as 2014-2019. There had, however, been changes in the composition on the crafts, i.e., more paddle boards, and the HITCT was looking into that in more detail.

The report was noted.

10. Planning policy – Coastal adaptation SPD

The report from the Planning Policy Officer (PPO) was received by the Members. The Chair invited Harry Blathwayt as Chair of the Planning Committee (CPC) to comment on the proposal. The CPP said that the issue for the Broads Authority was not the risk from erosion, but from flood and the stretch of coast concerned was looked after by the Environment Agency. The Coastal adaptation SPD was a major piece of work, but not as major for the Broads Authority as perhaps other districts where there was eroding coast.

In response to a question on what practical difference the Coastal Adaptation made, the PPO advised that for the stretch of coast in the Broads Authority the SPD is not as relevant as those LPAs with settlements or properties at risk of erosion, however, it was about collaborative working with other authorities and organisations for a joint approach on the stretch of coast that the document covered. The CPP added that everything was connected and that the east coast was the most dynamic coast in Europe and was the fastest moving and changing, which meant that everything would have an impact. With this document, the work outside the Broads Authority area would benefit the Authority's area.

Stephen Bolt proposed and Leslie Mogford seconded.

It was resolved unanimously to:

- i. adopt the SPD; and**
- ii. authorise the Head of Planning, in consultation with the Chair of Planning Committee, to make any presentational or typographical amendments to the Coastal Adaptation SPD prior to it being published.**

11. Riverside Tree Management

Members received the report from the Head of Construction, Maintenance and Ecology (HCME) which explained the navigational issues posed by riverside trees and scrub to waterways users and the prioritisation of management actions by the Broads Authority.

The Chair confirmed that, as per paragraph 10.3 in the report, the Navigation Committee had unanimously supported the report at its meeting on 7 September 2023. He added that the document was an excellent piece of work and that the HCME should be congratulated and thanked for the work that had been put into this report.

The HCME gave an overview of the report and said that there was always the potential to do more in different areas, however, the Authority had set out a framework to work within resources and constraints such as permits required from statutory partners, as well as balancing the needs of navigation and other activities.

A Member asked how the Broads Authority prioritised each area, whether there were any opportunities to time the work to avoid sensitive times of year, and whether the environmental impacts were understood in respect of species habitat. The HCME referred the Member to Table 1 of paragraph 3.4 of the report which set out the prioritisation criteria and scoring methodology used. The areas were broken down into small manageable pieces where sailing intensity, boat usage, mooring presence and the tree growth then assessed in those areas and scored as noted in Table 1. Once areas were identified, then the works were programmed as set out in paragraph 3.5 of the report. The Authority worked with statutory partners to obtain permissions and consents to enable work to be carried out at the appropriate times of year for the sensitive species involved.

A Member said that riverside tree management was a complex and contentious area and asked whether the Authority could find a simpler way to publicise what the Authority did and

why in a short document, laying out the balance which could then be widely distributed. The HCME confirmed that there was a web page which set out an overview of how and why the work was done, however, it was something that could be looked at.

In response to a question on how the Authority was reducing its herbicide and pesticide use, the HCME advised that a reduction in herbicide use was embedded in the Authority's processes and that some of the actions taken included only treating 50% of tree stumps that were cut, and a reduction of herbicide use on moorings to manage vegetation.

There was further discussion on the management of the Broads area in terms of scrub and tree management, and the history and heritage of the area. A Member commented that tree management was a hazardous task and asked how the Authority considered the safety of the staff. The HCME replied that one of the investments made in the past few years was the purchase of hydraulic tree shears which enabled the mechanisation of certain activities, thereby reducing risk. He confirmed that safety was a big consideration when carrying out any work.

Members unanimously agreed to endorse the paper and the approach set out for proactive management of riverside trees for the principal purpose of navigational safety.

12. Establishment of a Standards Committee

The Deputy Monitoring Officer (DMO) joined the meeting remotely.

Members received the report from the Senior Governance Officer (SGO) setting out the proposals for the establishment of a Standards Committee. The SGO commented that this was the next recommendation to be implemented from the external review into the formal complaint. From that, two important issues had been identified for governance improvement, the first was to enhance the role of the Audit and Risk Committee which was agreed by Members at the last meeting, the second was to establish a Standards Committee with not only a reactive role in dealing with complaints under the Code of Conduct, but also a proactive role.

The SGO informed Members that since the publication of the report, there were four suggested changes to be considered:

- In terms of the frequency of meetings set out in the proposed terms of reference (page 72 of the papers), it was originally suggested that the committee would meet three times per annum based on a possible predicted workload, however, on reflection it was proposed to amend this to a minimum of one scheduled meeting per annum, and any additional meetings called as necessary.
- Following on from the recommendation to reduce the number of meetings, it was proposed to delete recommendation iii in view of the reduced number of meetings and anticipated workload for the Chair of that committee, as it was no longer considered that a Special Responsibility Allowance was applicable.

- In terms of the membership, it was considered that on reflection there was no merit in stipulating a split, i.e., 4 Secretary of State members and 3 local authority members. The proposal was to have seven members with no prescribed split.
- In terms of recommendation ii and the appointment of members to the Standards Committee, it was suggested that Members who were interested in serving on the committee be invited to submit an expression of interest to the Governance team, and that the decision on the final membership be delegated to the Chief Executive in consultation with the Chair of the Authority.

The DMO confirmed that under the Section 27 of the Localism Act, all authorities must have a Code of Conduct and arrangements for dealing with complaints. Most authorities had a Standards Committee, and it was good practice.

A Member questioned the role of the Independent Person and the DMO advised that it was an important role if there were to be a Code of Conduct complaint. The Monitoring Officer could discuss with the Independent Person about how to proceed and the subject Member was also able to consult with them. The Independent Person was an independent voice in the process, and they would be able to attend any hearings. Usually, the Independent Person was a retired legal or HR professional.

There was a lengthy discussion on the make-up of members on the committee and some Members expressed concern if there was not a prescribed split. One Member had a particular concern if there was a contentious issue and local authority appointees might be influenced by their appointing body. The Chair took this opportunity to remind Members of the basis of local authority appointees, which was not to represent their local authority but to represent the best interest of the Broads Authority.

The Chief Executive (CE) said that seven good members from the Authority would be appropriate regardless of whether they were Secretary of State or local authority appointees. The DMO said that the CE's point was valid and that all Members of the Broads Authority were working to the same goal, and that a mix was a good idea, but it was not necessary to document this.

The SGO confirmed that in the normal meetings cycle the membership of the Standards Committee would be brought to the July Broads Authority meeting to agree, along with the other committee appointments. If Members were unable to support the suggested approach in this instance, the proposed membership could be brought to the next meeting of the Authority if it was thought necessary. It was agreed after some discussion that the decision could in this instance be delegated to the CE in consultation with the Chair of the Authority.

A Member referred to paragraph 4.2(e) of the complaints procedure and said that there might be instances where the 3-month timescale may not be appropriate. He suggested that the word 'usually' be added. The DMO confirmed that it was sensible to add extra words to make it clear that in exceptional circumstances, the time period could be extended and make it more discretionary.

A Member asked whether there was a timescale for acknowledgement of complaints and whether the Standards Committee would produce an annual report. The DMO replied that the requirement of producing an annual report was a feature of the Monitoring Officer Protocol and the Terms of Reference of the Standards Committee. The DMO confirmed that sensible timescales could be added to the document and officers would look at other authorities' standard timescales for responding.

In response to a question, the SGO confirmed that the Standards Committee would report to the Board. She advised that an email would be sent to Members requesting expressions of interest from those who would like to be considered for appointment to the committee.

Leslie Mogford proposed, and Paul Hayden seconded.

It was resolved unanimously to:

- i. appoint a Standards Committee and agree its terms of reference (as amended), together with the associated changes to the Member Code of Conduct complaints procedure (and as amended above); Standing Orders 21 and 24 and the relevant sections of the Scheme of Powers Delegated to the Chief Executive and other authorised officers; and**
- ii. invite Members who were interested in serving on the Standards Committee to submit an expression of interest and that the decision on the membership be delegated to the Chief Executive, in consultation with the Chair of the Authority.**

13. Monitoring Officer protocol

The Members received the report on the proposal to adopt a Monitoring Officer protocol from the Senior Governance Officer (SGO). The SGO said that although this was not a recommendation from the external complaint, it was considered that the adoption of a Monitoring Officer protocol would complement the Authority's other changes and improvements that had been made.

Stephen Bolt proposed, and Michael Scott seconded.

It was resolved unanimously to adopt the proposed Monitoring Officer Protocol.

14. Minutes to be received

Members received the minutes of the following meetings:

Broads Local Access Forum – 07 June 2023

Planning Committee – 21 July 2023

Planning Committee – 18 August 2023

15. Other items of business

There were no other items of business.

16. Formal questions

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

17. Date of next meeting

The next meeting of the Authority would be held on Friday 24 November 2023 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY.

The meeting ended at 11:15am.

Signed by

Chairman

Appendix 1 – Declaration of interests: Broads Authority, 22 September 2023

Member	Agenda/minute	Nature of interest
Peter Dixon	Item 11	Owner of a river cruiser and a member of the river cruiser class. Non-registerable interest and the item under discussion did not directly relate.
Harry Blathwayt	Item 10	Portfolio holder of the North Norfolk Coast as Member of North Norfolk District Council. Other registerable interest but the matter under discussion did not relate directly to the finances or well-being of his interest.