

Chief Executive's Report

Summary: This report summarises the current position in respect of a number of important projects and events, including any decisions taken during the recent cycle of committee meetings. It does not include matters which are already on the agenda for this meeting of the Committee. Members are asked to note the report.

1 Premises Strategy

Contact Officer/Broads Plan Objective: John Packman/None

- 1.1 During its meeting on 18 May 2012, the Authority agreed to award a design and build contract for the construction of the new workshop at the Dockyard, subject to acceptable tenders. The Authority also agreed to pursue options for relocating from Dragonfly House, with potential for considerable savings to the costs for office accommodation. Members will note that 29% of Dragonfly House costs are apportioned to Navigation expenditure, so the savings will have a significant effect on Navigation expenditure.

2 Governance of National Parks and the Broads Authority

Contact Officer/Broads Plan Objective: John Packman/None

- 2.1 During its meeting on 18 May 2012, the Authority agreed its response to Defra's consultation on Governance arrangements. The Authority took note of the Navigation Committee's summary comments from its meeting on 19 April 2012 and would represent the point that the Authority's boundaries would make it very difficult to determine an electorate, which would make the introduction of Direct Elections impracticable. The Authority would also respond that the suggested maximum term of eight years for members was considered to be too short and that a longer term in line with the OCPA guidance would be more appropriate, this being applied to all types of members.

3 New Standards Arrangements

Contact Officer/Broads Plan Objective: John Organ/None

- 3.1 During its meeting on 18 May 2012, the Authority agreed a range of recommendations from the Solicitor and Monitoring Officer concerning new Standards arrangements following the implementation of the Localism Act 2011. The new arrangements are scheduled to come into place on 1 July 2012, following which the Solicitor and Monitoring Officer will provide a briefing to members on issues of conduct arising from the Act. The new Code of Conduct which has been adopted is at Appendix 1.

4 Strategic Priorities 2012/13

Contact Officer/Broads Plan Objective: John Packman/Multiple

- 4.1 The Broads Authority's strategic priorities relating to the Management of the Navigation Area and Moorings are detailed at Appendix 2, together with the action taken to date and their current status.

5 Navigation Patrolling and Performance Targets

Contact Officer/Broads Plan Objective: Adrian Vernon/NA4.3

- 5.1 The significant exercise of powers by the Rangers during March 2012, together with the running totals from April 2011, are detailed in Appendix 3. As can be seen the workload has been significant with 6,597 verbal warnings given, 224 blue book warnings issued, 850 toll offence reports completed and 15 prosecution files submitted. This was the first year of the new Ranger Service which combined countryside tasks and Whitlingham duties with the navigation work. The year included considerable training for all staff, particularly those new to navigation duties. Other major undertakings for the team were the adjacent water survey and area team plans. A business case was made for two further seasonal rangers for the 2012 season bringing the team numbers during the summer season to ten full-time rangers and six seasonal. The rostering of staff reflects the 60/40 funding split and the final year figures shows navigation 53% and countryside 26% with other duties showing at 21%. Other duties include training and some tree work on land. The percentage in the first year was higher for navigation in the summer months which reflects the required launch manning and during the winter more countryside tasks are completed. Overall, confidence is high that the 60/40 split was maintained.
- 5.2 As can be seen in Appendix 4, there have been 17 Navigation prosecution files (excluding Toll prosecutions) submitted between April 2011 and March 2012. Of those, nine have been to court and have all either pleaded or been found guilty. Of the other reports, one received a warning, one returned immediately abroad, one gave false particulars and five cases could not be proceeded with due to insufficient evidence from witnesses.

6 Sunken and Abandoned Vessel Update

Contact Officer/Broads Plan Objective: Adrian Vernon/NA5

- 6.1 The update of sunken or abandoned vessels is shown in Appendix 5. The Broads Authority crane rig has removed the large steel cruiser at Thorpe to the dockyard and the vessel at the Beachamp Arms area has been raised by the owner with considerable assistance from the local ranger. The owner of the vessel sent a very complimentary email praising the ranger for his help and knowledge.

7 Planning Enforcement Update

Contact Officer/Broads Plan Objective: Adrian Vernon and Cally Smith/None

- 7.1 Following queries raised by a member it was agreed to provide regular updates on the position regarding relevant planning enforcement actions. These details are included at Appendix 6.

Background papers: Nil

Author: John Organ
Date of report: 21 May 2012

Broads Plan Objectives: NA4.3, NA5

Appendices:
APPENDIX 1 – Template Code of Conduct
APPENDIX 2 – Strategic Priorities for 2012/13
APPENDIX 3 – Report on the Significant Exercise of Powers by the Rangers during February to March 2012
APPENDIX 4 – Prosecutions Dealt with in Court Between April 2011 and March 2012.
APPENDIX 5 – Report of Sunken and Abandoned Vessels
APPENDIX 6 – Planning Enforcement Update

Template Code of Conduct

You are a member or co-opted member of the Broads Authority or one of its Committees and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.



Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.


Strategic Priority Objectives, Projects and Key Milestones for 2012/13


Priority 2 - Working in Partnership on the Sustainable Management of the Broads –
(c) Management of the Navigation Area

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
2(c)1	NA1: Deliver a strategic catchment approach to sustainable sediment management to achieve a balance of inputs with outputs, securing defined waterways specifications for the navigation area.	Head of Construction & Maintenance Senior Waterways and Recreation Officer	Implement PRISMA Project Plan by end of March 2013 Dredge 50,000m ³ of sediment from the navigation area by end March 2013 Identify, secure and prepare priority strategic disposal locations to deliver future dredging projects by March 2013 Identify significant sediment sources and develop projects to reduce the inputs by Dec 2012 Complete Sediment Management Strategy Review and update 5 year Action Plan by September 2012; review & agree appropriate performance indicators Dec 2012	Works currently on target	
				Dredging underway on Lower Bure	
				Sites under review to target resources	
				Surveys to be completed summer 2012 to inform project development	
				Compliance data review in progress and nearing completion	
2(c)2	NA2: Manage trees and scrub along the river corridor in line with agreed management guidance and criteria.	Head of Construction & Maintenance	Identify priority tree clearance sites, and secure all necessary consents by Sept 2012 Complete 80 days of river bank tree clearance works by end March 2013, including providing opportunities for volunteers Support and facilitate community or users groups to complete appropriate tree clearance work	Surveys to be completed summer 2012 to inform project development C&M programme includes 80 days for tree clearance Broadsword dates agreed for winter 2012/13, starting on 21 st Oct following	

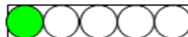
				appropriate H&S training	
2(c)3	NA4: Implement, manage and promote safety management measures for the navigation and boats, to minimise risk and reduce environmental impact	Head of Construction and Maintenance	<p>Complete legal transfer of Breydon Water to Broads Authority jurisdiction by July 2012</p> <p>Complete programme of identified immediate maintenance requirements by March 2013</p> <p>Investigate sediment modeling of Breydon Water to inform Turntide Jetty replacement options by Sept 2012</p>	<p>Update on this agenda, Appointed day agreed as 1st June 2012</p> <p>Site visit held on 3rd May to agree and plan priority maintenance tasks</p> <p>Initial discussions held with modeling contractors, works will be tendered after the Appointed day</p>	 

**Priority 3 - Encouraging the Sustainable Use of the Broads –
(b) Tourism, Recreation and Access**

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
3(b)2	TR3.1 Develop a strategic approach to sustainable access in the Broads	Head of Strategy and Projects and Senior Waterways & Recreation Officer	<p>Publish for public consultation the Integrated Access Strategy for the Broads by September 2012</p> <p>Publish action plan for implementing access priorities by December 2012</p>	Strategic Mapping almost complete. Draft Strategy in production	

3(b)3	TR2.2 Maintain programme of expansion and improvement of moorings, slipways and yacht stations	Senior Waterways and Recreation officer	Refresh action plans for moorings and slipway strategies by Autumn 2012; Develop implementation funding options and priorities for development of new moorings and slipways to 2016 by Jan 2013	Progress linked to Integrated Access Strategy above. Potential new slipway projects being developed	
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Priority 4 - Governance/Organisational Development of the Authority

Ser	Objective	Lead Officer	Projects and Key Milestones	Action to Date	Status
4.3	Obtain general stakeholder consensus towards a revised Tolls System, taking into account the Authority's Financial Strategy.	Chief Executive	Undertake review of the tolls system by September 2012. <ul style="list-style-type: none"> - Survey Broads boat owners and analyse results by May 2012. - Conduct workshop for members and stakeholders by end of June 2012. - Develop recommendations through a Working Group by end August 2012. - Consult Navigation Committee on recommendations by 6 September 2012, - Recommendations to be considered by Broads Authority by 21 September 2012. 	Report on this agenda Workshop to be held on 21 June 2012	

APPENDIX 3

Report on Exercise of Powers by Authorised Officers – Report to be completed for every Navigation Committee

Rangers Exercise of Powers Analysis <i>(Bracketed figures are running totals, April 2011 to March 2012)</i>				Date: MARCH 2012		
Launch Patrol Areas	Wroxham and Upper Bure	Ant and South Walsham	Hickling, P. Heigham and Lower Bure	Norwich and Middle Yare	Oulton Broad and Upper/Middle Waveney	Breydon Water, Lower Waveney and Yare
Verbal Warnings						
Care & Caution	1 (88)	2 (117)	6 (129)	(41)	(16)	(33)
Speed	35 (2817)	7 (663)	15 (726)	(302)	2 (227)	(438)
Tolls offences	7 (213)	(132)	(49)	(75)	(59)	(17)
Other	9 (139)	(51)	(51)	(34)	(29)	(151)
Blue Book Warnings						
Care & Caution	(1)	(1)	(2)	(1)	(4)	(3)
Speed	(56)	(8)	(19)	(31)	(14)	(28)
Other	(11)	(6)	(1)	(8)	(23)	(7)
Reports for Prosecutions	(1)	(4)	(2)	(2)	(4)	(2)
Special Directions	(42)		(60)	(11)	1 (223)	(28)
Toll Compliance Reports						
Non Payment	(115)	(57)	(122)	(161)	2 (105)	(39)

Non Display	(77)	(18)	(22)	(81)	(42)	(11)
28 Day request for information	(4)		(18)	(18)	1 (5)	
BSS Hazardous Boat Inspections			(4)	(1)		
Entry on to Vessels Under BSS			(2)	(1)		
Launch Staffed	13 (244)	9 (137)	16 (237)	13 (260)	11 (182)	2 (212)
Mooring Inspection Reports Percentage Compliance	100% (135%)	100% (121%)	100% (131%)	38% (128%)	100% (128%)	(93%)
Best Value Patrol Targets Percentage Compliance	425% (243%)	82% (66%)	61% (114%)	218% (121%)	217% (145%)	65% (114%)
ANR Patrols	1 (75)	3 (22)	(63)	7 (38)	4 (38)	(2)
IRIS Reports	2 (73)	1 (45)	3 (63)	8 (135)	1 (51)	2 (111)
Broads Control Total Calls	2,034 (35,175)	Telephone 1,801 (27,782)		VHF 233 (7,393)		

Prosecutions Dealt with in Court Between April 2011 and March 2012					
No		Place	Offence	Magistrates court	Result
1	SW	River Waveney	1. Speed.	Gt.Yarmouth Magistrates. 6 January 2012	1) Fined £120 Costs £50 Surcharge £15
2	SW	River Waveney	1.Speed	Gt.Yarmouth Magistrates. 6 January 2012	1)Fined £120 Costs £120 Surcharge £15
3	SW/CH	River Waveney	1.Speed 2.Care and Caution	Gt.Yarmouth Magistrates. 6 January 2012	1)Fined £100 2)Fined £100 Costs £100 Surcharge £15
4	RA/SW	River Waveney	1.Care and Caution	Gt.Yarmouth Magistrates. 6 January 2012	1)Fined 180 Costs £150 Surcharge £15
5	AE/ JD/ SW	River Bure	1. Overstaying on a 24 hour mooring.	Norwich Magistrates. 1 September 2011	1) Fined £100 2) Costs £120 Surcharge £15
6	AE	River Bure	1.Speed 2. Care and Caution	Norwich Magistrates Court	1) £150 2) £150. £150 costs
7	JH/AE	River Bure	1.Speed 2. Care and Caution	Norwich Magistrates 15 March 2012	1) Fined £120 2)NSP. Costs £150 3) Surcharge £15

8.	JH	River Ant	1.Speed 2 Care and Caution	Gt.Yarmouth Magistrates. 6 January 2012	1) £175 2) NSP £150 costs
9.	AC	Yare	1. Speed 2. Safe Speed	Norwich Magistrates	Guilty plea sentence to be confirmed

The Authority also assisted the EA with a prosecution after a joint patrol.

In Lowestoft magistrates court the man was found guilty of fishing with x4 fishing rods while only holding one licence.

Fine = £300

Surcharge = £15

Costs = £457.70

Total of: **£772.70** to be paid at £20 per week.

Sunken and Abandoned Vessels

Description	Location found	Action	Abandoned /Sunken Notice Affixed	Result
Abandoned/Sunken small cabin cruiser	Upstream end of Thorpe New Cut.	No known owner. Abandoned vessel notice issued	yes	The BA crane has not been allowed by Network Rail to operate near the railway line. This vessel will be recovered by workboat Shoveller when she is next in the area.
Sunk wooden cruiser	Old Yare Thorpe	The owner is proving difficult to contact and has made no apparent attempt to raise the vessel. An abandoned/sunken vessel notice will be issued by the end of May.	No	
Sunken wooden cruiser	River Waveney Beccles	It is hoped that this vessel will be raised and removed when the BA undertake work in the area later this year.	no	
Abandoned wooden MFV	Oulton Broad	Vessel abandoned after being towed into BA area via the Mutford lock.	Yes	Notice period expired. Local enquiries still proceeding to trace the owner. Vessel will be advertised for sale.

Enforcement Update

This table shows the updates on enforcement matters relating to Navigation matters currently under consideration since the last Navigation Committee on 19 April 2012.

Committee Date	Location	Infringement	Action taken and current situation
7 December 2007 23 April 2010	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices and take enforcement action following legal advice. • Network Rail wrote directly to those concerned and set in train procedures for notices to quit land . • Network Rail procedures underway.
5 December 2008 5 March 2010 16 July 2010	“Thorpe Island Marina” West Side of Thorpe Island Norwich (Former Jenner’s Basin)	Unauthorised development	<ul style="list-style-type: none"> • Temporary Stop Notice served on 10 and 11 November 2008 and Enforcement Notice served on 12 November 2008 with compliance required by 11 January 2009. • Authorisation granted to initiate prosecution proceedings should compliance not be achieved. • Compliance not achieved therefore • Enforcement action delegated to Director of Planning and Strategy in consultation with solicitor • Use of basin monitored. • Landowner served with Section 330 Notice on 11 August 2011 – Response received. • Berth holders advised of breach. • Site inspection on 21 October 2011 showed vessels in basin and unauthorised works and structures on land. • Enforcement Notices served on 7 November 2011 on landowner, third party with legal interest and all occupiers. Various compliance dates from 12 December 2011 • Appeal lodged on 6 December 2011

Committee Date	Location	Infringement	Action taken and current situation
			<ul style="list-style-type: none"> • Public Inquiry took place on 1 and 2 May 2012
4 February 2011	Hardley Mill, Hardley Marsh	Breach of condition of Planning Permission BA/2007/0100/FUL Materials for mooring pontoons	<ul style="list-style-type: none"> • Authority for officers to negotiate further to attempt to reach a satisfactory solution concerning modification of mooring pontoons. If no resolution reached, authority to issue a Breach of Condition Notice. • Agreement in writing re painting of railings and fencing. • Trust have completed the work to a satisfactory standard. File to be closed.
4 November 2011	Plots 37 and 38 Crabbetts Marsh, Horning	Unauthorised development of piling	<ul style="list-style-type: none"> • Authority given for enforcement notices to be served.. • Enforcement Notice served on 18 November 2011. • 19 December 2011 meeting with landowner • Appeal submitted. Start date 3 February 2012