

Broads Authority

Minutes of the meeting held on 18 January 2013

Present

Dr J S Johnson – in the Chair

Mr M Barnard	Sir Peter Dixon	Mr G McGregor
Mr L Baugh	Mr P Frost	Mr P E Ollier
Mr D A Broad	Mr P Durrant	Mr P Rice
Prof J A Burgess	Dr J M Gray	Mr J Sharpe
Mr N Dixon	Mr A S Mallett	Ms R Varma

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
Mr C Brown – for the Solicitor
Mr A Clarke – Senior Waterways and Recreation Officer
Ms H Franzen – Press Officer
Mr R G Holman – Director of Change Management and Resources
Mr S Hooton – Head of Strategy and Projects
Mr T Hunter – Rivers Engineer
Ms A Kelly – Senior Ecologist
Ms J Lawrence – Communications Manager
Ms A Leeper- Asset Officer
Mr J W Organ – Head of Governance and Executive Assistant
Ms T Wakelin – Director of Operations

Also in attendance:

Mr A Roy – Independent Person
Mr C Bielby – Natural England (for Agenda Item 15)

4/1 Apologies and Welcome

The Chairman welcomed everyone to the first full Authority meeting in Yare House.

Apologies for absence were received from Miss S Blane, Mrs J Brociek-Coulton, Mr C Gould, Mr M T Jeal and Mr R Stevens.

The Chairman welcomed Mr A Roy, the second newly appointed Independent Person for the Authority.

4/2 Chairman's Announcements

- (1) **Members Working Group to Review Consultative Arrangements –**
The next meeting of the group would be held on **Thursday 31 January 2013 at 2.30pm**.
- (2) **Members Workshop on Conservation Issues with particular reference to Broads Biodiversity and Water Strategy**

Members welcomed the proposal for a workshop. A suitable date would be arranged through doodle poll. The agenda for the Broads Biodiversity Forum to be held on 5 February 2013 was tabled for information. Any member not already included who would like to attend, was asked to contact Pauline Simpson.

- (3) **Equality Act 2010 and the Role of Members**

In view of the forecast of more heavy snow falls, the Chairman announced that the presentation at Agenda Item 13 on the Equality Act 2010 would be deferred to another occasion. The matters for information relating to Agenda Items 17 – 21 would be taken as read unless there was any new information to present or members had any questions they wished to raise.

4/3 Introduction of Members and Declarations of Interest

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

4/4 Items of Urgent Business

There were no items of urgent business.

4/5 Public Question Time

Two questions had been received from Mrs M Howes relating to the level of navigation tolls to be imposed for 2013/14 and the allocation of overheads between Navigation income and National Park Grant. These were read out and the Chairman provided the Authority's response as set out in Appendix 2 to these minutes. Mrs Howes commented that she was pleased that smaller craft would be required to pay less than in 2011/12 as this would encourage more people, particularly youngsters to take up boating. However, she was still concerned that the proposed overall increase would be too high and she supported the Navigation Committee's views. With regard to the impact of potential government cuts, it was noted these would be dealt with by the Authority at the appropriate time, following consultation with the Navigation Committee and Financial Scrutiny and Audit Committee.

4/6 Minutes of Broads Authority Meeting held on 23 November 2012

The minutes of the meeting held on 23 November 2012 were approved as a correct record and signed by the Chairman.

4/7 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:

- **Transfer of Responsibilities for Breydon Water and the Lower Bure**

The hydraulic/sediment modelling of Breydon Water had been delayed. The vessel to patrol Breydon Water was in the process of being completed and was expected to be operating by the end of April/beginning of May.

- **Local Development Framework: Broads Site Specifics DPD**

It was noted that the period for consultation closed on 13 December 2012. As no significant issues were raised as a consequence, the Authority was now proceeding towards formal submission to the Secretary of State by 28 February 2013 in accordance with the Authority's decision. Members noted that John Clements, the Planning Policy Officer, had left the Authority in early January to take up another post. Recruitment for a replacement was well underway as a matter of urgency due to the public examination being expected in April/May although this would be confirmed on submission.

- **Growth and Infrastructure Bill**

The Chairman reported that a group representing the national park authorities had appeared before the Government Select Committee specifically to respond to Clauses 6 (Housing Development) and 8 (Telecommunications). The Secretary of State appeared to accept the arguments in relation to Clause 6. However, it was understood that the Minister for CLG was not minded to accept those in relation to Clause 8. The Bill would be proceeding to the House of Lords and efforts would be made in association with the national park authorities to seek means of making suitable amendments to the Bill at this stage.

4/8 Minutes Received

(1) **Planning Committee: 9 November and 7 December 2012**

RESOLVED

that the minutes of the Planning Committee meetings held on 9 November and 7 December 2012 be received.

Attention was drawn to the recommendation from the Planning Committee of 7 December 2012 concerning **Minute 6/12 Strumpshaw Neighbourhood Plan**.

In view of the fact that such matters were likely to be arise more frequently, it was considered that consideration and confirmation of neighbourhood area plans should be delegated to the Planning Committee.

A member reported that Suffolk County Council was due to consider proposals for nuclear power station at Sizewell C. From initial examinations there were concerns about inadequacies relating to transport among other issues. He requested that the Planning Committee consider implications of the potential proposals and provide representations re holding comments if required.

A member requested further information and update on the wider implications of the decision by the Secretary of State to allow the Appeal against refusal concerning the holiday cottages at Wayford Bridge. It was noted that since the decision, the wording of conditions for holiday accommodation had been amended in order to take account of the decision.

RESOLVED

- (i) that the whole of Strumpshaw Parish insofar as it lies within the Broads area be designated as a “neighbourhood area” to facilitate the Parish Council’s ambitions in preparing a Neighbourhood Plan;
- (ii) that the consideration and confirmation of Neighbourhood Area Plans and designation of the “neighbourhood areas” to facilitate parish councils’ ambitions in preparing a Neighbourhood Plan be delegated to the Planning Committee; and
- (iii) that the Planning Committee considers the initial proposals for Sizewell C and potential implications for the Broads Area.

(2) **Broads Forum: 22 November 2012**

The Chairman referred to relevant matters raised at the Broads Forum meeting on 22 November 2012 and confirmed that these, particularly relating to the review of consultative procedures, had been taken into account when considering the items on this agenda.

He drew attention to the Forum’s comments on the National Grid link from the North Sea to Norwich (Minute 5/2(3)). It was noted that a meeting would be held on 4 February with the National Grid and that

the Suffolk MP, Tim Yeo, was setting up meetings to raise awareness at the highest level.

It was important to consider the benefits of renewable energy and the environment in the round.

RESOLVED

that the minutes of the Broads Forum meeting on 22 November 2012 be received.

(3) Financial Scrutiny and Audit Committee: 4 December 2012

It was noted that there would be a significant reduction in the resources available to the Authority in the future. The new Budget Management Procedure was confirmed as involving budget holders in its yearly formulation and would help to enable stricter project management of budget. Although there was a number of unspent balances showing in the accounts as at the end of November, it was considered more prudent to have an underspend than an overspend.

RESOLVED

that the minutes of the Financial Scrutiny and Audit Committee meeting held on 4 December 2012 be received.

(4) Broads Local Access Forum: 5 December 2012

The Chairman and Vice-Chairman of BLAF had been re-elected and since attended the East of England Access Forum meeting and it was noted that some of the main challenges facing all forums related to the ending of the Stewardship Schemes, which provided support for permissive footpaths.

Minute 3/8 (3) of Broads Authority (BLAF minute 1/9) Ludham Bridge Footpath link to St Benets Abbey

It was noted that the formal agreement with the landowner had not yet been signed although it had been agreed in principle. Members of the Committee were optimistic of a favourable outcome.

RESOLVED

that the minutes of the Broads Local Access Forum meeting held on 5 December 2012 be received.

(5) Navigation Committee: 13 December 2012

RESOLVED

that the minutes of the Navigation Committee meeting held on 13 December be received.

Matters raised at the 13 December meeting would be considered when dealing with the reports on the agenda. It was noted that the application referred to the Navigation Committee from the Planning Committee (BA/2012/0294/FUL Compartment 3, Western Bank of River Ant and Northern Bank of River Bure), had been agreed.

4/9 Whitlingham Country Park: Next Stage of Development

The Authority received a report setting out progress on the proposals for the development and enhancement of the facilities at Whitlingham Country Park and the proposed next stage, specifically for the development of the education and visitor provision and consideration of how best the Authority could engage with that process. It was noted that, in view of the Authority's significant interest in Whitlingham Country Park, the expectation of the Trust was that the development of these facilities would be a joint project with the Authority. Members noted the importance of the issues to be considered and resolved around any new buildings at Whitlingham.

Members agreed that it was important that the Authority had a major involvement in the project. There were three Broads Authority members on the Whitlingham Charitable Trust, Sholeh Blane, Julie Brociek-Coulton and John Sharpe, and as Trustees their prime responsibility was to the Trust not to the Authority. Members therefore agreed that two further Broads Authority members join a Member Working Group of five members to steer the Authority's input and report back to the Authority as it developed.

RESOLVED

- (i) that a small task and finish member working group be set up to work with the Whitlingham Trustees and officers in developing the ideas for the expansion of the educational and visitor facilities at the site: and
- (ii) that in addition to those Authority members on the Whitlingham Charitable Trust, Louis Baugh and Peter Dixon be appointed to the member working group to steer the Authority's input and report back to the Authority as it develops.

4/10 Recommendation by the Navigation Committee

The Authority received a report detailing the Navigation Committee's recommendations from its meeting on 13 December 2012 and in particular its request that the Authority reconsiders its decision taken at the meeting on 23 November 2012 that the overall level of tolls income be increased by 3% from April 2013. Members also received within the report a full and comprehensive

response to the points raised in the Navigation Committee's motion and details of the process and issues raised. It was noted that, under Standing Order 13, the agreement of six members of the Authority was required for the Authority to consider rescinding an earlier decision. However, this Standing Order did not apply to the Authority's Committees which was why the Navigation Committee's recommendation was before members.

Mr Mallett spoke to the recommendation from the Navigation Committee contained in the report explaining that it was unfortunate that the situation had arisen. He was aware of the Authority's constraints but it was important for the Authority to be aware of its relationship with its stakeholders. He reiterated the reasons for the Navigation Committee's recommendation that the overall level of toll increase should be 1.5%, that such an increase would help the commercial sector to thrive and prosper and that such a level would be reasonable to help to meet financial predictions in these economic times. Members of the Committee had recognised that there was a need for adjustments to all sectors and had been aware of a track record of underspending. He commented that the previous reference to tax relief was a theoretical matter, was dependent on profit and could be misleading. He was particularly concerned that the Authority's relationship with its key stakeholders was not allowed to deteriorate.

Mr Mallett proposed, seconded by Mr Ollier, that the Authority reconsiders the decision it had made at its meeting on 23 November 2013.

Members considered (a) whether the Authority had followed the correct procedures and members had received sufficient information as well as whether they had had a full and proper debate at its previous meeting, (b) whether the reasons given to the Navigation Committee for making that decision were comprehensive and adequate and in accordance with the requirements in the Norfolk and Suffolk Broads Act (S9(9)) and (c) the relationship between the Authority and its constituent committees, and the alleged presumption that the Authority had to follow the Navigation Committee's advice.

The Solicitor commented that in his view there had been a full debate at the last meeting and the reasons for not adopting the Navigation Committee's recommendations were clearly set out in the minutes. It was a perfectly legal and proper process for the Chief Executive, in consultation with the Chairman and Vice-Chairman of the Authority, to agree the wording and provide those reasons through the Chief Executive's report.

Members noted that the Authority was required to consider the recommendations of the Navigation Committee and take account of the Agreement with the British Marine Federation (BMF) and Royal Yachting Association (RYA). However, the Solicitor emphasised that there was no presumption or requirement in the Norfolk and Suffolk Broads Act 1988 as amended by the Broads Authority Act 2009, that the Authority was bound to follow that advice. He advised that as a public body it was essential that the Authority had a free hand to examine any recommendations and not be

constrained or fettered by any agreement with third parties. Although it should take serious account of any agreements and those recommendations, it was required to examine the wider issues in accordance with all its duties. Not to do so would be unlawful.

Members unanimously agreed with the general tenor of the Navigation Committee's recommendation (d) from 13 December 2013, that its induction procedures be widened so that all new members were fully appraised of the Norfolk and Suffolk Broads Act 1988 and amendments of the Broads Authority Act 2009 and the status of the agreements with the RYA and BMF as well as the relationship of the Authority with its constituent committees. They considered that the careful guidance given by the Solicitor should be imparted to all new members. They also welcomed the initiative from the Chairman and Vice-Chairman that members be given the opportunity to understand the Broads Hire Boat Federation's position through the provision of an information pack for all members and an invitation from the Federation to visit boatyards to see how those businesses operated in 2013.

Members noted the Navigation Committee's disappointment that the Authority had not accepted its advice on the level of toll charges for 2013/14. The Chairman, supported by members, commented that the Authority greatly valued the advice it received on significant matters affecting the navigation. However some of the sections ((a) and (b)) of this particular motion from the Navigation Committee were considered to be regrettable, divisive and, given the views of the Solicitor, a misinterpretation. The Chairman stated that in his view collective responsibility devolved on Authority members for decisions properly taken by the Authority, and post-decision analysis of who voted for what was unwelcome. It was not considered that there was a link between the "process" of reviewing the structure of tolls for 2013/14, on which the Authority unanimously accepted the recommendations of the Tolls Review Working Group and the Navigation Committee, and the decision on the level of tolls for 2013/14, on which the Tolls Review Working Group was at pains to make no recommendation.

In the subsequent debate a number of members expressed the view that the Authority had had a full, balanced and proper debate at its meeting in November and that proper and due process had been carried out. The meeting had been quorate and full information had been provided. In general members were of the view that to revisit a decision which had received due process and for which there was no new information or justification available to reverse that decision would be a dangerous precedent.

The Chairman of the Navigation Committee apologised if the recommendation from the Navigation Committee appeared disrespectful as this was not the intention. The Navigation Committee was required to be fully consulted and, at its meeting in December, had also received the presentation on the Authority's asset management, which the Authority had received at its meeting in November. He also pointed out that the Financial Strategy, which included the 3%, did so with the proviso that the figure was still subject to the consultation process and for this to be genuine, had to include the possibility

of variation. He felt that this had not been sufficiently emphasised in the presentations. The Navigation Committee was of the view that the Authority should be requested to reconsider its decision to increase tolls income by 3%.

On being put to the vote, the motion to revisit the decision was lost by 11 votes to 3 against with 2 abstentions.

Members then considered whether the reasons given to the Navigation Committee for making that decision were comprehensive and adequate and in accordance with the requirements in the Norfolk and Suffolk Broads Act (S9(9)) and whether a more detailed explanation was required.

Mr Frost proposed, seconded by Mr Barnard, that the Chief Executive's report to the Navigation Committee, compiled after consultation with the Chairman and Vice-Chairman of the Authority, together with the minutes of the Authority's meeting from 23 November 2012, were adequate and there was no need for this to be supplemented. On being put to the vote this was accepted by 13 votes to 0 with 3 abstentions.

In order to provide the Navigation Committee with full and comprehensive reasons as to why the Authority had decided not to revisit the decision it was proposed by the Chairman, seconded by Mr McGregor that these be detailed as follows:

- Decisions taken by the Authority after a full debate are properly taken by members acting with independent judgement, and committed to working in the best interests of the Broads.
- The motion from the Navigation Committee gives no material justification in the form of further considerations relevant to the issue of the level of tolls as to why the Authority's properly taken decision should not stand.
- Authority members, whichever way they voted at the previous meeting, should accept collective responsibility for the decisions of the Authority.

On being put to the vote, this was accepted by 14 votes to 0 with 2 abstentions.

The Authority then considered a recommendation proposed by the Chairman, seconded by Mr Frost that, in any future instances when the Authority does not accept a recommendation from the Navigation Committee, that the reasons for not doing so be set out in full in the minutes of the meeting. (This was accepted by 14 votes to 0 with 2 abstentions).

RESOLVED

- (i) that the induction of all new members includes information on the 1988 Norfolk and Suffolk Broads Act and the Broads Authority Act 2009, and the status of the agreement with the Royal Yachting Association and British Marine Federation as well as careful guidance from the Solicitor

on these and the relationship between the Authority and all its constituent Committees;

- (ii) that the recommendation of the Navigation Committee, that the Authority reviews its decision to raise overall toll income by 3% with effect from April 2013, be not accepted (by 11 votes to 3 with 2 abstentions);
- (iii) that the reasons for this decision are as follows:
 - decisions taken by the Authority after a full debate are properly taken by members acting with independent judgement, and committed to working in the best interests of the Broads;
 - the motion from the Navigation Committee gave no material justification in the form of further considerations relevant to the issue of the level of tolls as to why the Authority's properly taken decision should not stand;
 - Authority members, whichever way they voted at the previous meeting, should accept collective responsibility for the decisions of the Authority (by 14 votes to 0 with 2 abstentions);
- (iv) that there is no need to supplement the feedback provided in the Chief Executive's report, compiled after consultation with the Chairman and Vice-Chairman of the Authority, as the reasons for not adopting the Navigation Committee's recommendations are clearly set out in the formal minute of the Authority's meeting of 23 November 2013 and in the Chief Executive's report (by 13 votes to 0 and 3 abstentions); and
- (v) that, in any future instances when the Authority does not accept the recommendation of the Navigation Committee, the reasons for not doing so would be as set out in full in the minutes of the meeting (by 14 votes to 0 with 2 abstentions).

4/11 Consolidated Budget 2012/13 (Revised) – 2013/14

The Authority received a report on the proposed consolidated income and expenditure budget for 2013/14. This was based on the Financial Strategy adopted by the Authority at its meeting on 21 September 2012 and the detailed work carried out by the Resource Allocation Working Group. Members noted the number of significant changes approved by the Authority within 2012/13 and the resulting impact on the Authority's forecast outturn for 2013/14 and overall financial position.

Members noted that Defra had notified the Authority that the grant settlement for 2013/14 would be unchanged but that future funding levels were far from certain and the agreed settlement figure for 2014/15 could not be guaranteed. Members noted that the total income for 2013/14 was estimated at £6,498,931 based on that National Park Grant (NPG) and a toll increase of 3%. This represented a reduction of £148,118 from the original 2012/13 budget with NPG income reducing by £224,852 and Navigation income increasing by £76,734. It was noted that, taking account of projected net

expenditure and transfer of interest, overall reserves were expected to be £921,556 at 31 March 2014 (14.4% of net expenditure). Navigation reserves would stand at £253,754 (8.7%) whilst National Park reserves would increase to £667,802 (19.3% of net expenditure). In accordance with the Financial Strategy this would allow for one-off project expenditure from National Park grant as outlined in the report at paragraph 3.7. It was clarified that specific provision had not yet been included in the revenue budget for this expenditure. Such details would be submitted to the Authority as and when proposals were developed.

In its Financial Strategy the Authority had agreed that a cushion of 10% of net expenditure plus £100,000 be held back in National Park reserves until more clarity had been provided about the impact of the next round of the Spending Review. In view of the potential for further reductions to public expenditure, and the advice recently received from Defra to be “prudent and retain flexibility in its spending plans to deal with contingencies that may arise internally or externally”, members noted the importance of adhering to this decision. It was clarified that capital and asset expenditure were included in the budget for 2013/14 and that salaries within the Constructions and Maintenance budget were apportioned on a 60% Navigation/ 40% National Park basis, as agreed by the Authority.

Members noted that the Navigation budget would be back in balance in 2013/14 and the National Park budget in surplus. They also noted that the Authority was currently benefiting from an eighteen month rent free period for Yare House which would enable additional capital projects to be undertaken during 2013/14 and 2014/15. Members supported the budget whilst remaining mindful that, given the advice from Defra, the Authority would still need to be prudent and cautious.

RESOLVED

that the consolidated budget for 2013/14 as set out in the Appendix to the report be adopted.

4/12 Broads Authority Standing Orders

The Authority received a report setting out proposed amendments to the Broads Authority Standing Orders taking into account changes already made as a result of the introduction of the new standards regime in 2012 and clarification sought by members of the public following the Planning Committee meeting on 27 April 2012. The main amendments related to Clauses 9, 14, 20, 24, 31 and 33. Concern was expressed in relation to Standing Order 14 on Voting and the recording of how each member voted, as this was normally a provision for protecting an outvoted minority who would wish the votes cast to be recorded. It was considered that instead of “half of the members present” showing support this should be amended to “one third”. This was accepted.

With reference to Standing Order 13, Members agreed with the Chairman that the power of a Committee to request the Authority to rescind a recent decision should remain in place, but had to be exercised very carefully. If any Committee wished the Authority to consider rescinding any decision, there would need to be detailed justification for doing so.

RESOLVED

that the revised Standing Orders as set out in Appendix 1 be adopted, with an amendment to Standing Order no 14 on voting to read “at least one third of the members present”.

4/13 Equality Act 2010 and the Role of Members

The presentation from Jeanette Wheeler of Birketts on the provisions of the Equality Act 2010 and the Role of Members was deferred to a future occasion.

4/14 Sediment Management Strategy

The Authority received a report that reviewed the Sediment Management Strategy (SMS), the progress to date and officers’ proposals for issues that should be prioritised in the updated SMS and its Action Plan. The strategic approach was still considered to be robust, appropriate and proportionate. However, since the publication of the SMS in 2007 a number of legislative economic, technical and operational developments had occurred which necessarily had changed the way in which the Authority dealt with sediment management. Therefore an alternative methodology for assessing and reporting on compliance with the SMS Waterway Specifications was proposed and members received a detailed presentation on this.

It was recognised that dredging was still seen as a priority. Given the lessons learnt and the increased efficiency in dealing with dredging, members endorsed the officers’ view supported by the Navigation Committee that the focus in future should be on achieving more effective dredging operations as well as as concentrating on volume targets. The Navigation Committee had also considered the draft action plan at Appendix 2 noting that further work was required to identify realistic timescales and costs. Members noted that the following were key factors: improvements to dredging plant and methods which would be essential; the need to establish strategic sites throughout the system; the need to develop and trial improved methods for processing, treatment and reuse of dredged material in the Broads through work with PRISMA and BESL; source control, and research/information management including developing a relationship with a specialist hydrographic surveying contractor and development of the GIS data base. It was anticipated that the new system would help to demonstrate how the navigation system was being used.

Members supported the alternative methodology. With reference to the Authority’s Lake Restoration Strategy 2008 it was noted that a report on

Biodiversity would be submitted to the next Authority meeting in order to contribute to the action plan. Concern was expressed about the need to address the backlog of dredging. Although sediment management was a high priority and there was sufficient plant and capital equipment available to the Authority, it was noted that there were other demands on the Authority's resources within the Construction and Maintenance Work Programme, including vegetation cutting and moorings. It was also recognised that one of the major challenges was obtaining strategic disposal sites.

RESOLVED

- (i) that the revised SMS and its action plan should focus on the issues outlined in the table at Appendix 2 to the report;
- (ii) that in future compliance monitoring reporting is based on an assessment of the total bed area of the waterway specification envelope in each management unit and the percentage of the management unit that would be economic to dredge rather than by cross section analysis; and
- (iii) that future dredging operations should be programmed based on an assessment of non compliant areas using the trigger levels of 10% of the total area of the waterway specification envelope being non compliant and sediment depth above compliance being greater than 300mm as set out in paragraph 6.2 to the report.

4/15 Breydon Water and Water Ski and Wakeboarding Zone Designation:

The Authority received a report and presentation setting out the responses to the recent consultation, which ran from 27 November 2012 to 9 January 2013, on the proposals to designate a water skiing zone on Breydon Water on the basis of the agreement at the previous meeting on 23 November 2012 (Minute 3/13). It was noted that the majority of the responses received had been positive. The Navigation Committee and Broads Forum had both considered the proposal and recommended unanimously that the trial should proceed.

Members also noted the progress made on the proposed monitoring methodology. Since the report had been written, additional responses had been received including Natural England (NE) and the RSPB, copies of which had been circulated to members. In addition correspondence from the independent Chairman of the Water Ski Review panel was tabled as a result of further consultation with members of the panel. This provided a response to the comments from NE and the RSPB and was considered to be very helpful.

The requirements of the monitoring programme had been discussed with Natural England on 17 January 2013. At that meeting, the RSPB had been content with the proposals for monitoring and the proposal for waterskiing to be excluded 30 minutes before and two hours after low water.

Chris Bielby from Natural England provided members with details of the Habitats Regulations and the reasons for the need to carry out a monitoring programme. Although it was accepted that waterskiing had taken place on this stretch of water, given the international importance of the area as a bird habitat and the site's designations, it was important to comply with the Habitat Regulations, and therefore certain procedures needed to be complied with as required by government and in order to be lawful. It was noted that at present the data regarding the level of activity was limited and remained insufficient to make any robust conclusions about the impact of waterskiing. Therefore, due to the uncertainties, it was necessary to apply a precautionary approach. It was noted that this was advocated by the Water Ski Review Panel.

Members were provided with an outline of the possible monitoring methods and the potential costs of these. In view of the fact that this was very specialist work and the costs could potentially be high, it was considered important that they were examined very carefully and that they should be proportionate. It was also important that the monitoring was in place prior to the opening and use of those water ski zones. Members also made it clear that the temporary designation must not have any detrimental effect on the site in accordance with the Habitats Regulations. Therefore, although members accepted the principle of designation for a trial period to include monitoring, they requested more details on the options for monitoring and the costs involved.

It was noted that following the trial the Water Ski Review Panel would review the outcomes and prepare recommendations for the future management of water skiing on Breydon Water and these would be submitted to the Authority for consideration.

RESOLVED that the Authority agree in principle to the following:

- (i) that a temporary designation of the water ski zone with the limitations proposed would not have an adverse effect on the integrity of the site within the meaning of the Habitats Regulations;
- (ii) that a zone for water skiing on Breydon Water may therefore be designated for a trial period of at least one year commencing from 1 April 2013, as set out in Appendix B of the report;
- (iii) that the proposed zone would be used for water skiing and a form of wakeboarding including/or involving manoeuvres and momentarily leaving the surface of the water, for the trial period of one year; and
- (iv) that the implementation of this decision is subject to further details on the monitoring processes and the costs and benefits of the designation involved being brought back to the Authority for consideration at its meeting in March 2013.

4/16 Wakeboarding Trial Findings and Proposed Zone Variations

The Authority received a report on the findings of the trial of recreational wakeboarding including “getting air” on the River Yare and River Waveney and the results of a consultation following the Water Ski Review Panel’s recommendations. The public consultation on proposed changes took place between 27 November 2012 and 9 January 2013. There had been no complaints and the feedback had been positive. The Navigation Committee and Broads Forum had considered the proposals and were supportive that these should proceed.

RESOLVED

- (i) that the trial of wakeboarding including ‘getting air’ takes place on the River Yare Zones 2 and 4 and the River Waveney Zones 3, 4 and 5 for the year 1 April 2013 until 31 March 2014;
- (ii) that the times when water skiing and wakeboarding can take place on the River Waveney are varied as set out in the schedule (Appendix 4 of the report);
- (iii) that the form of wakeboarding including ‘getting air’ is approved to take place alongside water skiing on the River Yare Zones 3 and 5 and the River Waveney Zone 1 from 1 April 2013;
- (iv) that the permit conditions set out in Appendix 5 of the report are approved; and
- (v) that the Water Ski Review Panel’s findings following a review of the remaining trial of wakeboarding be brought back to the Authority for consideration.

4/17 To consider 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.

4/18 Review of Consultative Arrangements and Community Engagement: Report from Members Working Group

The Authority received a report which advised on the progress made to date on the review of consultative arrangements and community /stakeholder engagement. A final report would be prepared for the consideration by the Authority in March 2013.

RESOLVED

that the report be noted.

4/19 Strategic Priorities 2012/13

The Authority received a report by the Chief Executive which set out the projects and actions used to deliver the strategic priorities adopted for 2012/13.

RESOLVED

that the performance of the different projects in the accompanying schedules to the report be noted.

4/20 Operations Work Programme: 2012/13 Progress Report

The Authority received a report which set out progress in the delivery of the 2012/13 Construction and Maintenance Programme. The report also set out the draft work programme for 2013/14. This would be presented to the Authority at its next meeting in March for formal approval taking account of the Strategic Priorities for 2013/14.

RESOLVED

that the report be noted.

4/21 Consolidated Income and Expenditure: 1 April 2012 – 30 November 2012

The Authority received a report which summarised the actual consolidated income and expenditure for the six month period to 30 November 2012 and provided a forecast of the projected income and expenditure at the end of the financial year (31 March 2013). It was noted that the figures for the period to the end of December showed a reduction in the actual underspend against the profiled consolidated budget to £145,000.

RESOLVED

that the report be noted.

4/22 Feedback from Lead Members and Those Appointed to Represent the Authority

(1) Broads Flood Alleviation

Mr Durrant, the Lead Member for the Broads Flood Alleviation Project reported that BESL on behalf of the Environment Agency intended to submit a planning application for the flood alleviation proposals for the River Chet in early February 2013. Discussions with landowners on the plans had been well received. It was therefore anticipated that works should start in the summer.

(2) Communications

Mr Frost, the Lead Member for Communications informed the meeting that the updated Communications Strategy was now on the Authority's

website. He drew attention to the role of members and contacts with the media.

http://www.broads-authority.gov.uk/broads/live/authority/strategy/COMMUNICATIONS_STRATEGY_Nov_2012.pdf

4/23 Date of Next Meeting

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

4/24 Items of Urgent Business

There were no items of urgent business.

4/25 Formal Questions

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

4/26 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 involve 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 outweighs the public benefit in disclosing the information.

Members of the public left the meeting during consideration of the following items

Summary of Exempt Minutes

4/27 Exempt Minutes of Broads Authority meeting held on 23 November 2012

RESOLVED

that the exempt minutes of the Broads Authority meeting held on 23 November 2012 be agreed as a correct record and signed by the Chairman.

4/28 Exempt Minutes of Navigation Committee meeting held on 13 December 2012

RESOLVED

that the exempt minutes of the Navigation Committee meeting held on 13 December 2012 be received.

4/29 Dragonfly House Costs

The Authority received a report containing exempt information concerning the costs in relation to Dragonfly House following the relocation to Yare House.

RESOLVED

that the report be noted and the matter be referred to the Financial Scrutiny and Audit Committee for further consideration and recommendation as to what reserve position (if any) should be made.

4/30 Purchase of Moorings

The Authority received a report containing exempt information concerning the potential to purchase moorings together with dredging disposal land. This had been considered and supported by the Navigation Committee at its meeting on 13 December 2012.

RESOLVED:

- (i) that the proposed purchase of the site for the protection and enhancement of 24 hour moorings be approved in accordance with the costs set out in the report; and
- (ii) that the dredging disposal site reserve account specified within the report be used to fund the purchase.

The meeting concluded at 1.45pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Broads Authority

Date of Meeting: 18 January 2013

Name Please Print	Agenda/ Minute No(s)	Nature of Interest (Please describe the nature of the interest)
D A Broad	Items 4/9 – 4/30	Toll Payer, Member of Great Yarmouth Port Consultative Committee
P E Ollier	Items 4/9 - 4/30	Toll Payer, Member of NSBA, RYA, Various sailing Clubs
J Sharpe	Items 4/9, 4/15, and 4/16	Trustee of Whitlingham Charitable Trust, Employee of RSPB
Sir Peter Dixon	General 4/10, 4/11, 4/14, 4/15, 4/19	Toll Payer
M Barnard	4/15 -4/16	Member of RSPB
L Baugh	Minute 3/8(3)	Ludham Bridge Access
G McGregor		Member of Suffolk County Council
A S Mallett	Items 4/6 – 4/8	Re Minutes - as previously declared at meetings including Minutes of Planning and Navigation Committees
	4/8 onwards	Toll Payer

**Public Questions to the Broads Authority
Questions submitted by Mrs M Howes with
Response from Broads Authority**

- 1. By increasing the tolls for larger craft by 6%, which includes Hire Craft, it will be even cheaper for holidaymakers to turn to package holidays abroad. Is it their intention to drive tourists away?**

The Broads Hire Boat Federation has estimated that the charges levied by the Broads Authority for most firms amount to around 7% of the total costs of operating a hire boat fleet on the Broads. The level of tolls is therefore not the only factor in the pricing of a Broads holiday or in the commercial viability of the operators.

The impact of the decisions taken by the Broads Authority on 23 November, including the raising of navigation income by 3%, will have the net effect of increasing the contribution from the 1,561 vessels in the commercial fleet by £40,800, representing a 3.8% overall increase. There will be a reduction in the charges for smaller craft, including day-boats, but larger boats, used for longer hires, will be charged more.

There will be a reduction or no increase in the charges for over 50% of all boats on the Broads next year.

The Authority has resolved to continue its proactive work with Broads Tourism to promote holidays on the Broads and is seeking to fund part of this expenditure from the income from boats.

- 2. I noted in a budget review that by 2014 the income for navigation will rise to about one half of all the income for the Authority. Will the Authority confirm that it will cut back on overheads in line with government grant cuts and not seek to soften the impact of grant cuts by allocating an increased share of overheads to the navigation account?**

National Park Grant is currently predicted to fall to £3.35 million in 2014/15 and with a 3% per annum increase in navigation charges, navigation income is predicted to rise to £3.04 million in the same year. When other income is taken into account, navigation income is predicted at 45% of total income in 2014/15.

The Authority has already cut back on its running costs in the wake of previous years' reductions in NPG, and reorganised staff so as to find savings. The Authority will continue to share relevant costs pro-rata between National Park and Navigation Expenditure on the basis of staff time and usage, and will continue to look to reduce its overheads and maximise efficiencies building on the cost savings from the relocation to Yare House.