

Broads Authority

Navigation Committee

Minutes of the meeting held on 19 April 2012

Present:

Mr D A Broad (Chairman)

Mr L Betts	Mr A Goodchild	Mr S Johnson
Mrs S Blane	Mr P Greasley	Mr J Knight
Sir Peter Dixon	Mr M Heron	Mr P E Ollier
Mr P Durrant		

In Attendance:

Dr J S Johnson – Chair of Broads Authority
Mr S Birtles – Head of Safety Management
Mr A Clarke – Senior Waterways and Recreation Officer
Ms R Evitt – Administrative Officer
Mr R G Holman – Director of Change Management and Resources
Mr J Organ – Head of Governance and Executive Assistant
Mr J Packman – Chief Executive
Mr R Rogers – Head of Construction and Maintenance
Mr A Vernon – Head of Ranger Services
Mrs T Wakelin – Director of Operations

4/1 To receive apologies for absence

Apologies for absence were received from Mr Mallett and Mr Whitaker.

4/2 To note whether any items have been proposed as matters of urgent business

There were no items of urgent business.

4/3 To receive Declarations of Interest

Members expressed their declarations of interest as set out in Appendix 1 to these minutes.

4/4 Public Question Time

No questions had been received.

4/5 To receive and confirm the minutes of the meeting held on 23 February 2011

The minutes of the meeting held on 23 February 2011 were approved as a correct record and signed by the Chairman subject to the following change:

(i) Minutes 3/12: Boating Safety Management Group

‘Members noted the verdict of ‘accidental drowning’ from the Coroner’s Report on the drowning at the Norwich Yacht Station in April 2011.’

Should be amended to read:

‘Members noted the verdict of ‘accidental drowning’ from the Coroner’s Report on the drowning at the Great Yarmouth Yacht Station in April 2011.’

4/6 Summary of Progress/Actions/Response Taken Following Discussions at Previous Meetings

Members noted that there had been no further changes to the Swing Bridges update.

4/7 Policy in Respect of Charging at Moorings

Members received a report summarising the Authority’s established policy to provide a network of free, well maintained 24 hour moorings for use across the navigation area. The exceptions in respect of charging were the two yacht stations at Norwich and Great Yarmouth where facilities such as showers and toilets were provided. The only other mooring where a member of staff was employed to help the public to moor was the Quay at Reedham where, for safety reasons, a Seasonal Quay Assistant was employed.

The report sought the views of the Navigation Committee on the principle of charging boats to moor at the Broads Authority’s 24 hour moorings in response to a request from Ranworth Parish Council that a charge be levied on visitors to Ranworth Staithe as the means of funding the costs of a local warden to assist boats mooring, collecting rubbish and general use of the staithe.

Members were also asked to consider the suggestion from Mr Cator that a feasibility study be undertaken “to determine the financial viability of the parish taking this on”. It was noted that the report had come to the conclusion that the moorings should continue to be free of charge.

Members noted that the Authority had looked at alternative arrangements with the Norfolk Wildlife Trust (NWT) to improve management of the Staithe. A checklist had been put in place to allow the NWT to manage the area.

It was noted that stakeholders were unsatisfied with the general appearance and management of the site and there had been further correspondence referring to the problems caused by irresponsible mooring, dog faeces, increased rubbish and disturbances late into the night. It was felt that many of the issues had arisen from the time of the handover to Rivers Engineer NWT and, in the view of the Head of Ranger Services, matters had settled down considerably in the meantime.

Members noted that Broads Authority Ranger, Holly Berwick, had compiled a list of completed tasks which showed that the Authority had continued to commit support and time into the area in many different capacities.

It was noted that there had been problems on weekends when large cruisers had moored for long periods of time and had not moored responsibly. It was also noted that many of these private boats had made it difficult for other boats to moor, preventing visitors from using the facilities and /or spending money at local businesses. However, members agreed that the correct response was to report the incidence and that a full time Ranger on site was not a practical or financially viable solution.

Members also agreed that it would not be appropriate in this case to set a precedent and bring in a charge when the period of transition was the real issue. Members noted that there was a need to educate and remind the public of sensible and polite boating etiquette and an interpretation board on site could facilitate this. It was also suggested that suitable training could be provided by the Authority so NWT staff could undertake the list of tasks they had agreed with more confidence

4/8 Governance of National Park Authorities and the Broads Authority

Members received a report detailing the Government's response to the consultation on the governance of national park authorities (NPAs) and the Broads Authority. The report detailed the five areas of development requiring changes to primary legislation which Defra were consulting on, though some of these were not applicable to the Broads Authority. Members' comments on the consultation questions were sought, and in particular on the questions relating to direct elections and the proposed limit to the maximum term of appointment for members.

Members noted that the Government had accepted the recommendations from the Authority which related to retaining the current membership and composition of the Authority. However, the Government was proposing to bring forward legislation to allow for the possibility of direct elections to the national park authorities and the Broads Authority and to trial these in two national parks before potentially extending this to some or all of the other national park authorities and the Broads Authority.

A member commented that it was difficult not to agree with the 'principle' of direct elections. However, members considered that the current boundaries of the Executive Area would make it difficult to define an electorate.

Members agreed that it was an expensive and complicated process and the benefits must be demonstrated and not just assumed. A member commented that National Parks and the Broads Authority were not just about the people who lived within the boundary but all the people who visited and spent time there too.

Members agreed that Direct Elections were not necessarily a practical solution to improve local democracy and queried the added value to the area and its governance.

It was noted that if this was a 'true' pilot the results could be studied and then rolled out to other areas if it had been a success. However, it must be taken into consideration that each authority was very different and with two streams of income rather than one the Broads Authority was more different than most. The Authority would need to take a robust position and make its uniqueness clear within this process.

Members were interested to see who the electorate was in comparison to the actual people using the area. There was an estimated 6,000 people residing within the Executive Area but people living in parishes split by the boundaries would have an equal interest and should be considered.

It was noted that any decision made by those elected would affect people who had second homes in the Executive Area and toll payers who used the navigational areas but did not live within the boundaries, neither of which could be considered as part of the electorate.

Discussion took place regarding the administration of the election itself. It was suggested that it could take place alongside other elections using the electoral roles. Direct Elections in Scotland had garnered substantial interest in their first year; however interest had significantly dropped in the second year. It was suggested that perhaps a postal poll would prompted more engagement.

Members noted that it may be possible to stretch boundaries to encompass a wider electoral influence. This process had been implemented to increase the catchment area for the Sustainable Development Fund; where a boundary of 5 miles outside the Executive Area had been included.

Members discussed the proposals for the length of service for members and agreed that a term of eight years was not sufficiently long enough to comprehensively understand the Authority's main issues. Members supported the maintenance of a maximum ten year term, which should be applied to all types of members.

In summary, the Committee considered that:

- The Broads Authority's boundaries would make it very difficult to determine an electorate, which would make the introduction of Direct Elections impracticable.

- The Government should trial whether the process adds value, rather than just trialling the process, and take into consideration the uniqueness of the Broads and its Executive Area when determining whether the process should be adopted elsewhere.
- The maximum term of membership should be maintained at ten years, with this maximum term being applied to all types of members.

4/9 Appointments of Members to the Tolls Review Working Group

Members received a report which sought a recommendation from the Navigation Committee on the appointment of two of its members to serve on the Tolls Review Working Group.

Members noted that the Authority had now adopted the scope, process and timetable for the 2012 Tolls Review. Two members from the full Authority had already been appointed: Phil Durrant and Stephen Johnson.

David Broad was nominated to represent the Navigation Committee on the Tolls Review Working Group. James Knight was also provisionally nominated, subject to determining the full external nomination list, with Alan Goodchild nominated as a reserve should James Knight be nominated externally.

Members noted that the Tolls Review timetable depended on the success of the workshop and fewer meetings would be necessary if an early consensus was achieved.

4/10 Broadland Flood Alleviation Project

(1) General Update

Members received a report which provided an update on the Broadland Flood Alleviation Project including the works scheduled and works at the design, pre-application stage and construction phase.

Members were made aware that officers had been in discussion with the Environment Agency regarding the piling collapse at Norton Subcourse at the extreme downstream end of the River Chet. Members noted that emergency piling removal was now in progress.

A meeting had taken place to look at timescales for submitting a reasonable planning application to resolve this issue which would be subject to consultation with the public and landowners later in the year.

It was noted that this was a serious issue and the Committee would return to it at a future meeting.

4/11 Planning Application with Navigation Implications: Installation of a Pontoon and Wooden Ticket Office for a Punting Business on the River Wensum, Norwich

Members noted that a planning application had been submitted in respect of the installation of a new pontoon and ticket office sited in the River Wensum. The pontoon was proposed to be situated on the northern bank of the Wensum by St George's Bridge and the Playhouse Bar and Theatre.

Anticipated navigation issues were set out in the paper and members' views were sought on these and the report's conclusions

Members noted that the punt tours would be manned by trained professionals at all times and members of the public were not permitted to hire out any of the vessels. The trips would be available throughout the year and in the evenings by appointment only.

Members raised their concerns regarding the negative impact on the other operator in that area. It was confirmed that these operations would have little or no effect, physically or otherwise, on any other businesses in the vicinity.

Members agreed that it was a positive initiative for an underused part of the river. Their only concerns were those of health and safety.

Members supported the application subject to further consultation with Planning Officers and receipt of a current safety report and/or certificates.

4/12 Boating Safety Management Group

The Committee received the minutes of the Boating Safety Management Group (BSMG) meeting held on 20 March 2012

Members noted the new terms of reference and were invited to make some comments and suggestions. It was noted that risks were As Low As Reasonably Practicable and changes to the terms of reference reflected that. An annual review of the hazards had taken place and a wider group of stakeholders would be consulted next year.

Members agreed that in the interest of maintaining continuity Mr David Broad would represent the Navigation Committee on the BSMG.

4/13 Annual Safety Audit 2011

Members received a report which gave details of the incidents reported during 2011, including an analysis of any deaths and personal injury since 1993. Of the seven fatalities on the Broads in that time there had been four boat related deaths and 17 people had been reported as requiring hospital treatment. Given the significant number of visitors and users of the Broads it showed that statistically the Broads continued to be a safe environment for boating.

Members noted that the coroner had confirmed that two of the recent deaths had been aggravated by the actions of the individual themselves. In one case the fatality had been exacerbated by the individual's refusal to wear a life jacket which could quite possibly have saved his life.

All operators adhered to the correct safety procedures when hiring out vessels wherein all passengers were issued with a life jacket or they would not be allowed to take the vessel out but you could not force people to wear them. Members agreed that communicating the message regarding the use of life jackets was still imperative.

4/14 Construction and Maintenance Work Programme Progress Report

Members received a report which set out the progress made in the delivery of the 2011/12 Construction and Maintenance Work Programme to date and updated members on changes to the programme.

Members noted that the slew ring at Grab Ten Crane - large cog which rotates the crane turret - needed replacing and the cost was not economically viable. Despite continual maintenance, this crane had finally broken and this had caused a two week delay to the dredging programme and a 2,000m³ reduction in dredged material being removed.

Members also noted the fish deaths reported at Hickling on 5 April. It had been suggested by some external stakeholders that these deaths had been caused by the Authority's work at Duck Broad. They were mainly Perch, about 250 in number of all sizes.

Officers confirmed that the creation of the perimeter of the new island had been completed but there had not been any dredging. Members noted that the Authority had been working in conjunction with the Environment Agency to ascertain what had caused this incident. The EA's involvement in rescuing fish and aerating the water at Hickling Broad had been of a higher level than the Authority as it was the EA's responsibility to manage and maintain fish within the river system. There had been no proven scientific link between the dead fish and the Authority's work at Duck Broad.

The Authority's water quality results had shown an increase in Pymnesium Parvum in Hickling Broad, but levels at Duck Broad, over two miles away, had remained consistently low throughout the works being carried out. There was, however, also a general problem of poor oxygen and low water levels caused by the then prolonged dry spell which had not helped fish health.

A number of toxic pymnesium outbreaks had occurred naturally over the last 40 years and there had been no correlation with dredging works in the area.

It was noted that the EA was in charge of fish rescue and had deployed aerators in the area and had so far removed 125,000 fish to safety.

Officers had agreed a statement with the EA confirming the presence of an algae bloom. They had also received a supportive statement from the leaders of angling groups. There was plenty of scientific data to prove that the work had been carried out with the proper precautions and minimal impact to the surrounding area. Members agreed that the data proved there was no evidence of a link between the Authority's work and the reported fish deaths.

4/15 Navigation Income and Expenditure: 1 April 2011 to 29 February 2012

Members received a report which summarised the actual navigation income and expenditure for the eleven month period to 29 February 2012, compared to the revised budget. The report provided a list of major variances and reasons for these variances. In response to a member's comments, it was acknowledged that the past year's budgeting and reporting process was not as satisfactory as would have been desired and that we planned to have more accurate budgetary profiles for the forthcoming year in order to be better able to report progress.

Members noted that this was the last time the report would be presented in this format. The report highlighted the ring fenced expenditure and long term commitments which had prudent and adequate provisions for the future and that officers and staff had made significant savings over the last year.

Members received an update on the tolls system. 6,000 licences had been processed to date, 11.3% of those on line. Members noted their appreciation to the Tolls Team who had worked incredibly hard in the delivery of the new system and its success had been a credit to them.

A member commented that the accounts showed a large underspend and that he wished to see these reserves spent in an appropriate manner.

4/16 Chief Executive's Report

Members received a report which summarised the current position in respect of a number of important projects and events, including decisions taken during the recent cycle of committee meetings.

4/17 Current Issues

Members noted that there were no current issues.

4/18 Date of Next Meeting

The next meeting of the Committee would be held on Thursday 7 June 2012 at Dragonfly House, Norwich, commencing at 2.00pm.

4/19 Exclusion of the Public

RESOLVED

that the public be excluded from the meeting under section 100A of the Local Government Act 1972 for consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraphs 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighed the public benefit in disclosing the information.

Summary of Exempt Minutes

4/20 Premises Strategy

Members received a presentation which outlined the current premises strategy, including the replacement for the new workshop, which had been significantly delayed, and the potential action to be taken in relation to Dragonfly House expenditure.

Members supported the proposals in the report.

4/21 Breydon Water and the Lower Bure

Members noted that this issue was coming to a conclusion and the Chief Executive had been working on a press release with the Port Authority. A Public Notice would be placed in the London Gazette and the Eastern Daily Press on 3 May.

Members recommended the Authority to approve the takeover.

The meeting concluded at 16.50

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date: 19 April 2012

Name Please Print	Agenda/ Mins No(s)	Nature of Interest (Please describe the nature of the interest)	Please tick here if the interest is a Prejudicial interest ✓
A Goodchild	7,9,1,12, 13,15	Toll payer, ABA, ME Chairman, BMF Committee Dredge Contractor	
D A Broad	7,9,11,12, 13,15	Toll payer, Great Yarmouth Port Consultative Committee,	
L Betts	7 – 15	Toll payer and Landowner	
P E Ollier	7,9,12, 13,15, 21	NSBA committee member, toll payer, member of BA Planning Committee, member of Broads sailing clubs	
P Greasley	7,9,11,12, 13,15, 21	Toll payer, Boat Hirer and Operator, BHBF Chairman	
P Dixon	7,9,11,13, 15, 21	Toll Payer, Sailing Club, RYA, SEV	
M Heron	7,9,11,12, 13,15, 21	Toll Payer, Chair Whitlingham Boathouses, Member Norwich RC, British Rowing, NSBA, NBYC, RCC, Landowner	
J Knight	7,9,11,12, 13,15	Toll payer, Boat Hirer and Operator	