

# Broads Authority

## Minutes of the meeting held on 02 December 2022

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## **Present**

Bill Dickson – in the Chair, Harry Blathwayt, Stephen Bolt, Andrée Gee, Gail Harris, Paul Hayden, Tristram Hilborn, Tim Jickells, James Knight, Leslie Mogford, Michael Scott, Matthew Shardlow (items 10-27), Simon Sparrow, Nicky Talbot, Vic Thomson, Melanie Vigo di Gallidoro

## **In attendance**

Natalie Beal - Planning Policy Officer (items 12-16), Michelle Glover - Governance Officer, Linda Ibbitson-Elks - Head of Safety Management (items 1-13), Emma Krelle – Director of Finance, Harry Mach - Carbon Reduction Project Manager (items 1-9), John Packman – Chief Executive, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services and Sara Utting – Senior Governance Officer

## **Also in attendance**

Chris Bing – Monitoring 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 Matthew Bradbury, Nigel Brennan, Tony Grayling, Greg Munford and Fran Whymark.

# **2. Chairman's announcements**

The Chair commented that responding to the biodiversity crisis appeared prominently in the Strategic Priorities for 2023/2024 and in the new Broads Plan. The Chair suggested that biodiversity should therefore be a priority topic for a briefing or workshop next year, and asked members to send in other suggestions for topics to the Chief Executive.

# **3. Introduction of members and declarations of interest**

Members declared interests as set out in Appendix 1 to these minutes.

Having both declared a Disclosable Pecuniary Interest in agenda item 13, James Knight and Simon Sparrow advised that they had been granted a dispensation by the Monitoring Officer to participate/speak but not to vote on that item.

## 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

Subject to making an amendment to record that Tony Grayling was present, the minutes of the meeting held on 23 September 2022 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 confirmed that there were no further updates.

A member commented that a positive meeting had been held with officers and the parish councils involved in the Wherryman's Way.

**The report was noted.**

## 8. Strategic priorities for 2023/24 and update on priorities for 2022/23

Members received the report. The Chair commented that the new Strategic Priorities (SPs) were set within the context of the new Broads Plan.

The Chief Executive (CE) confirmed that in terms of Farming in Protected Landscapes (FiPL) all of the money had been allocated for the current year. There was more detail on the 7 priorities for next year in the report which followed on from the workshop held in October.

The Director of Strategic Services made members aware of an error in the report: on Table 1, in the column 'Expected Milestones', the date in 1 i. and ii. should read "March 2024".

Tim Jickells proposed, seconded by Andrée Gee, and

**It was resolved unanimously to agree the strategic priorities for 2023/24:**

- 1. Climate Change crisis response**
- 2. Biodiversity crisis response**
- 3. Navigation IT**
- 4. Water Mills and Marshes**
- 5. Local Plan for the Broads**
- 6. Farming in Protected Landscapes (FiPL)**

## 7. Budget pressures

and to note the progress in implementing the 2022/23 priorities.

## 9. Climate change update

The Carbon Reduction Project Manager (CRPM) introduced the report and gave a short presentation. The presentation showed estimations that were produced for the Authority and provided an indication of emissions that occurred within the Executive Area of the Broads and supply chain. The figures reflected the emissions and carbon footprints related to residents of the area, those travelling to and from the area and from visitors staying in the area. The presentation also showed suggested targets and timelines for reducing carbon emissions to reach Net Zero.

A member asked for clarification on the term “blended finance”. The CRPM confirmed that blended finance referred to the different types of finance and payments available to farmers and land managers to reduce their carbon footprint. For instance, in converting to paludiculture, there may be finance available to the farmer by way of selling carbon credits, biodiversity credits or other forms of credit, and finance available from ELMS (Environmental Land Management scheme). The CRPM added that ultimately there would need to be some offsetting, though it was not clear at this stage what form that would take. Care would also need to be taken in terms of monitoring different claims for the same area. It was necessary to have mechanisms in place for farmers to be paid to reduce their footprint as otherwise it would not be possible for them to make these changes. The Authority was currently working with Palladium, looking at a scheme called ‘Nature for Climate’ which was something that the national parks and the Authority were starting to look at, but there was no formal offsetting scheme for lowland peat at the moment.

A member asked how the emission cost of an item of food was calculated. The CRPM explained that the methodology that Small World Consulting used was based on research of supply chains. From that they produced a figure of CO<sub>2</sub> per grams on a class of item. These were estimated calculations but gave an indication of the environmental costs and footprints involved.

A member commented that the details around public transport were ambitious and relied upon change in people’s behaviour. The CRPM confirmed that it was about behaviour change which, although was a challenging task, it was one that had to be addressed. The Department of Transport had agreed with most major bus operators to subsidise buses so that there was fare cap of £2 for 3 months from January to March 2023.

A member asked whether the Authority was still working with local authorities on the Electrifying the Broads project and if there was a map showing where the EV charging points would be placed. The CRPM confirmed that there was a map of where the charging points were proposed, and that he would send the link to this document to the member. Finance for the Electrifying the Broads project was still an issue, as it was outside of the scope of that requested for the third round of the Clean Maritime competition. The CRPM was having initial

discussions with the Canals and Rivers Trust and the Environment Agency to discuss opportunities for collaboration, but this was at a very early stage.

A member asked whether it was envisaged that the stage would be reached where the Authority prioritised work on an emissions basis, rather than a financial one. The CRPM commented that some initial work had been done on this topic: a basic study of the carbon emissions of the construction team divided by the cubic metres of sediment moved had been made and this could be something developed for the future.

Stephen Bolt proposed, seconded by Harry Blathwayt, and

**It was resolved unanimously to:**

- i) Approve the priority actions set out in Section 3 of the report, noting the Authority's limited ability to deliver them because of the reduced National Park Grant;**
- ii) Note the progress on the reduction of carbon emissions for Broads Authority operations, and the climate change workplan with the list of projects/bids in the pipeline.**

## 10. Capital funding from DEFRA

Members received the report.

The Chair commented that this was the outcome of a successful and unique last-minute funding bid that was carried out extremely quickly by the CE and colleagues. It was discussed briefly at the recent Audit and Risk Committee (ARC) in positive and supportive terms. The Vice Chair of ARC added that it was a remarkable achievement to secure the finance from DEFRA, and that if the Authority delivered what was asked of it then it could be the start of a longer-term relationship for further funding. The Vice Chair of ARC also commented that it was important that support was provided to enable the CE and team to work on this swiftly, particularly supporting colleagues around procurement. The CE confirmed that he had received an email from DEFRA recently, stating that DEFRA had both Finance Business Partner Approval and Senior Responsible Officer approval for the funding, and that the Authority could proceed at risk but it might be best to wait for the Change Control Notice if it did not take too long.

The CE commented that these purchases needed to be made by the end of March 2023 and time was very short. He gave a short overview of the specific items, many of which required an immediate deposit. The CE sought members' views on the small risk as indicated by DEFRA's email<sup>1</sup> and suggested that, for the 4 most urgent and rarely available items (the Truxor, barge, excavator and weed harvester) that the deposits for those should be made immediately, rather than run the other risk of not being able to acquire those items later. The remaining items could then be purchased in January.

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<sup>1</sup> The CE received a further email from DEFRA during the meeting, which stated that all the approvals for the funding had been received, and added that the risk of proceeding at this stage was very low.

The CE commented on how important it was to build good relationships with DEFRA and that it was important to have a list of potential capital items ready for possible future opportunities. He therefore suggested the team started to draw up a list in spring 2023, in anticipation that DEFRA may make another offer in autumn 2023.

As two additional recommendations, the CE asked members for authorisation on the immediate deposits and orders for the four most urgent items mentioned above, and for a regular report to Audit and Risk, Broads Authority and DEFRA on progress.

Members were in agreement for the CE to proceed with the urgent orders and deposits. There were ear marked reserves that could be used if necessary.

A member commented that it was important to give the officers flexibility to act in order to make the best of this opportunity.

Leslie Mogford proposed, seconded by Melanie Vigo di Gallidoro, and

**It was resolved unanimously to:**

- i) Welcome the capital funding from Defra and in view of the compressed timescale for the purchase of the capital items and the specialist nature of the equipment:**
  - a) Approve the waiver of Standing Orders relating to Contracts for the purchase of the following three items: Truxor T50, long reach 360 excavator, plant harvester.**
  - b) Authorise the Chief Executive to make appropriate variations to the listed items to ensure that the additional funding is used to best effect.**
- ii) Authorise the Chief Executive to proceed with ordering and making deposits for the most urgent pieces of equipment immediately, and to pursue the remaining items in January.**
- iii) Ask the Chief Executive to provide a regular progress report to the Audit and Risk Committee, Broads Authority and DEFRA.**

## **11. Statement of Accounts 2021/22**

The Director of Finance (DoF) introduced the report, drawing members' attention to the delays in the audit, and the auditors were working hard to finish off their main testing by today. The audit was delayed due to Ernst Youngs's (EY) resourcing issues.

There had been some changes to the draft statement of July due to the fact that there were some backdated rate relief for business rates on Yare House, and additional invoices for CANAPE and Water, Mills and Marshes.

When the draft statement of accounts was produced, a draft valuation from the pension fund was received (which made an estimation for the March contributions and returns) but a revised valuation had since been received which had caused some movement on the pensions.

Since the meeting of the Audit and Risk Committee on Tuesday, Audit had been working its way through the PPE valuations (Property, Plant and Equipment) and there was potentially a need to adjust due to a valuation relating to one of the launch boats. This may result in a reduction in the PPE amount in the balance sheet of approximately £50,000. If any significant issues were raised throughout the remainder of the Audit, then these would be brought before the Committee.

As a result of the delayed audit, a statement had been published on the Authority's website as the Authority was unable to publish its accounts by the deadline of 30 November. This situation was not unique to the Authority and was a result of significant issues with audit, which had been discussed at the Audit and Risk Committee on Tuesday.

The final version of the Statement of Accounts would have additional 'going concern' note at the end. This would be based on the draft budget and forecast.

Tristram Hilborn proposed, seconded by Gail Harris, and

**It was resolved unanimously to:**

- i) Note the delayed audit for the reasons set out above.**
- ii) Delegate the final sign off to the Director of Finance and Chair of the Authority if there are no significant findings by the auditors, EY.**

## 12. Financial performance and direction

The DoF introduced the report which provided details of actual income and expenditure for the seven-month period to 30 October 2022 and a forecast of the projected expenditure at the end of the financial year. The most significant variance was due to salaries following the negotiation process. The salary increase negotiated had now been agreed and paid to most staff in November.

**The report was noted.**

## 13. Licensing all craft hired on Broads waterways

Members received the report.

The Director of Operations (DoO) referred to a comment received from a hire craft operator that the Authority should consult nationwide about the canoe scene outside of its waters. The DoO commented that the concern of safety in Broads waters needed to take priority, advising that between 2019 - 2022 there had been had been a 33% increase in paddle sports in the Broads, and during that same period there had been a 200% increase in accidents reported to the Authority. He added that there were over 40 operators hiring out canoes on the Broads who were not part of any licensing or safety scheme, and so the Authority had no knowledge of their hand-over procedures or what safety equipment they supplied.

A member asked whether all the correct procedures had been followed in dealing with the concern of the above stated hire craft operator and the consultation in general. The CE

responded that the information included in the email that was sent to members from the hire craft operator was advisory, and that it was not a requirement of the Broads Authority to meet those timetables, it was more a guidance for central government. The CE added that the DoO initially wrote to all operators in good time, and the hire craft operator concerned had two meetings with the DoO and with the Head of Safety Management about their issues and concerns. There had therefore been good opportunity to put points across and have answers given. The DoO reported back on all of the comments that had been received from the consultation, and had directly engaged with those who had any concerns.

A member asked what the situation would be if a canoe operator was hiring vessels outside of Broads waters but their craft entered the Broads area, and whether there would be plans to negotiate with other agencies. The DoO commented that this related to another point that the hire craft operator had previously raised which was the question of what happens with those operators outside of the Executive Area who come into the Broads area with paddle craft. The DoO commented that this scheme has been shared with the Environment Agency and that there were further meetings scheduled to talk further about this topic.

A member asked if the scheme would apply to visitors who bring in their paddle craft from out of the area. The DoO confirmed that visitors would pay a toll, but the licensing scheme was for businesses who hired out paddle craft used on Broads waterways.

In response to questions, the DoO confirmed that if an operator hired out craft on Broads waters then they would be required to be in the licensing scheme. He also confirmed that the Authority was able to grant any licensing as it saw fit in its own waters. The DoO also confirmed that there was staff capacity to perform the necessary enforcement, and that a priority list of operators would be drawn up if the scheme was agreed by members today.

Leslie Mogford proposed, seconded by Stephen Bolt, and

**It was resolved unanimously (by those permitted to vote) that the Authority introduces licensing charges for non-powered craft let for hire from 1 April 2023 as follows:**

- i) the private canoe toll, currently £37.78 per vessel**
- ii) a £5 licensing fee for each craft within the licence and**
- iii) a £25 per operator's licence fee**

**NB: An additional licence will not be required for operators with an existing Hire Boat Licence (powered or sail).**

## **14. Coastal Adaptation Supplementary Planning Document (SPD) consultation**

Members received the report. The Planning Policy Officer (PPO) confirmed that if agreed, consultations would start in January.

Harry Blathwayt proposed, seconded by Paul Hayden, and

**It was resolved unanimously to:**

- i) To endorse the SPD for consultation.**
- ii) To authorise the Head of Planning, in consultation with the Chair of Planning Committee, to make any modifications and presentational or typographical amendments to the draft Coastal Adaptation SPD that arise from other relevant Local Planning Authority sign-off committees, prior to it being published for formal consultation.**

## **15. Worlingham Neighbourhood Plan - being made/adopted**

Members received the report. The Chair explained that this report would have normally been considered by Planning Committee first, but had been exceptionally brought straight to the Authority meeting for a decision due to time constraints.

The Planning Policy Officer confirmed that more than half of those voting voted in favour.

Stephen Bolt proposed, seconded by Andrée Gee, and

**It was resolved unanimously that the Worlingham Neighbourhood Plan be made/adopted by the Broads Authority.**

## **16. Bungay Neighbourhood Plan - being made/adopted**

Members received the report. As with the above item, the Chair explained that this report would have normally been considered by Planning Committee first, but had been exceptionally brought straight to the Authority meeting for a decision due to time constraints.

The Planning Policy Officer confirmed that more than half of those voting voted in favour.

Melanie Vigo di Gallidoro proposed, seconded by Michael Scott, and

**It was resolved unanimously that the Bungay Neighbourhood Plan be made/adopted by the Broads Authority.**

## **17. Appointment of a Monitoring Officer and provision of legal services**

Members received the report. The Senior Governance Officer (SGO) gave some background information about Jonathan Goolden and Estelle Culligan of Wilkin Chapman LLP as follows:

Jonathan was one of the three-person team which drafted the new LGA (Local Government Association) Code of Conduct, the guidance on that code and associated process guidance. He was also an advisor to the Committee on Standards in Public Life on its 2019 report on ethical standards in local government. Currently, he was a Deputy Monitoring Officer for Redcar & Cleveland Council and Ashford Borough Council. Both Jonathan and his deputy Estelle advise Internal Drainage Boards and had some appreciation of water management and conservation issues from that. Jonathan was a member of the Green Wyvern Yacht Club which taught

Broadsmanship to young people in 1930s Norfolk River Cruisers sailing vessels and had some degree of personal knowledge of the Broads from that.

The SGO addressed the question on whether the Monitoring Officer (MO) has to be an employee of the Authority. Caselaw had established that whilst employees of an authority were necessarily its officers, officers were not necessarily employees, nor was there a statutory requirement that they be so. This was the ruling by the Judge in *Pinfold North v Humberside Fire Authority* [2010]. The arrangement in Pinfold was that Mr Price was the Chief Finance Officer of the Fire Authority. He was employed by a service company - Pinfold North Ltd, which provided his services at a fee to the Fire Authority. The judge saw no objection to this triangular arrangement. Therefore, the officer appointed as the Authority's MO does not need to be an employee of the Authority.

The SGO made an additional recommendation to the report, that if the Authority agreed to appoint Jonathan Goolden as its MO, it would clearly wish to enter into a contract for the provision of his services with Wilkin Chapman LLP, it being understood that it was a condition of his appointment that his services were provided with and through that firm. Therefore, as part of recommendation (i) add: "To authorise the Chief Executive to enter into an appropriate form of contract with Wilkin Chapman LLP for the provision of Monitoring Officer services pursuant to Section 5 of the Local Government and Housing Act 1989."

The SGO commented that the MO role was an important one and it was hoped that going forward there would be less difficult issues for the MO to deal with.

A member asked for clarification on the difference between the MO and the Independent Person, whether they were paid only when used. He added that a permanent contract for the MO would be preferable. The CE confirmed that the Authority only paid for when services are used and that it was a legal requirement to have both the MO and the Independent Person who had different roles.

There was discussion on whether to appoint the new MO on a 6 month or permanent contract. It was suggested to not use the word "permanent" but instead use the words "open-ended contract for services provided", and the CE suggested that a 6-month review could also be indicated.

Nicky Talbot proposed, seconded by Tim Jickells, and

**It was resolved unanimously to:**

- i) Appoint Jonathan Goolden of Wilkin Chapman LLP as the Authority's Monitoring Officer with effect from 1 January 2023.**
- ii) To authorise the Chief Executive to enter into an appropriate form of contract with Wilkin Chapman LLP for the provision of Monitoring Officer services pursuant to Section 5 of the Local Government and Housing Act 1989.**
- iii) Thank East Suffolk Council for their provision of a Monitoring Officer.**

- iv) To note the continuing use of Birketts LLP for the provision of legal services to the Authority under the Kent Commercial Services Framework, from 1 January 2023 to 31 December 2026.

## 18. Member Code of Conduct - updated Complaints Procedure (draft)

The Monitoring Officer (MO) introduced the report. The MO confirmed that under section 28 of the Localism Act 2011, the Authority must adopt a Code of Conduct for members and must also have arrangements in place for considering or determining complaints against members' alleged breaches of the Code of Conduct. The Authority's arrangements were last revised in 2018 and were now in need of updating and re-formatting so the Authority's arrangements were clear and fit for purpose.

The current procedure for dealing with a complaint was through either formal investigation or by Local Resolution Procedure (LRP). LRP was convoluted and open to interpretation with various formal or informal stages and various processes which didn't always read together particularly easily. The proposed amendments also provided clarity on the roles of the Chair, Monitoring Officer and Independent Person. The circumstances in which a complaint should be referred to the Police were also covered by the proposed amendments. The new arrangements, if agreed, would apply with immediate effect. However, any decisions or actions taken in relation to any extant complaints would not be affected because the changes would not apply retrospectively.

A member suggested that the initial assessment part of the procedure should have clearer timescales attached to it. The MO confirmed that in paragraph 4.1 of the procedure it stated: "the [initial assessment] decision will normally be taken within a month of receipt of a complaint. If there is likely to be any delay in this decision, the Monitoring Officer will notify the complainant."

Gail Harris proposed, seconded by Andrée Gee, and

**It was resolved unanimously to adopt the updated Member Code of Conduct complaints procedure.**

The Chair thanked the MO for his work and East Suffolk Council for the provision of MO.

## 19. Corporate Partnership Register

The SGO introduced the report and brought to members' attention that unfortunately, with the conversion of the document into a PDF file, some tracked changes were not apparent. For instance, on page 309 of the papers, National Parks England had been deleted (and therefore moved to the recently ended partnerships section on page 314) but also still appeared in the current partnerships section at table 1.

The SGO added that at the Audit & Risk Committee on Tuesday, a request was made for the register to include information on the basis of the partnership, and whether it was formal,

informal or a contract, as well as an indication of the officer time commitment. This would be included in the next version of the Register. It would also be considered as to how to improve the presentation of this information for future meetings.

A member asked if the Authority was still a member of Water Resources East (WRE). The Director of Strategic Services confirmed that this was still the case, and the decision on WRE membership for 2023/24 would be made at the Broads Authority meeting in January when the budget was discussed.

**The updated Corporate Partnerships Register was noted.**

## 20. Items of business raised by the Designated Person in respect of the Port Marine Safety Code

There were no matters to report under this item.

## 21. Member report on outside bodies - How Hill Trust

Members received the report from Tim Jickells, who was the Authority's appointee to the How Hill Trust.

He reported at the meeting that, with government and local authority support, How Hill came through the Covid period successfully. They had used the time during the period when it was shut down to refurbish the building, using their reserves and schools had since returned to using the facilities. The new bedrooms were designed for older people as well as children and there were plenty of weekend activities to suit everyone.

**The report was noted.**

## 22. Minutes to be received

Members received the minutes of the following meetings:

- 9 June - Navigation Committee
- 26 July - Audit and Risk Committee
- 31 August - Broads Local Access Forum
- 21 September - Planning Committee
- 14 October - Planning Committee

## 23. Other items of business

There were no other items of business.

## 24. Formal questions

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

## 25. Date of next meeting

The next meeting of the Authority would be held on Friday 20 January 2023 at 10.00am at the King's Centre, 63-75 King Street, Norwich NR1 1PH.

## 26. Exclusion of the public

Proposed by Stephen Bolt, and seconded by Gail Harris.

**It was resolved by 15 votes for and one abstention to exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Order 2006, and that the public interest in maintaining the exemption outweighed the public benefit in disclosing the information.**

There were no members of the public present. The recording was suspended.

## 27. To receive the Exempt Minutes from the meeting on 23 September 2022

The exempt minutes of the meeting held on 23 September 2022 were approved as a correct record and signed by the Chair.

The meeting ended at

Signed by

Chairman

## Appendix 1 – Declaration of interests: Broads Authority, 02 December 2022

<b>Member</b>	<b>Agenda/minute</b>	<b>Nature of interest</b>
James Knight and Simon Sparrow	13	Hire boat operators - disclosable pecuniary interest
Andrée Gee	15 and 16	Member of East Suffolk Council - other registerable interest