

Navigation Committee

Minutes of the meeting held on 11 October 2012

Present:

Mr D A Broad (Chairman)

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| Mr L Betts | Mr A Goodchild | Mr A S Mallett |
| Miss S Blane | Mr P Greasley | Mr P E Ollier |
| Mr P Dixon | Mr M Heron | Mr M Whitaker |
| Mr P Durrant | Mr J Knight | |

In Attendance:

Dr J S Johnson – Chairman, Broads Authority
Mr T Adam – Head of Finance
Ms R Evitt – Administrative Officer
Mr R G Holman – Director of Change Management and Resources
Mr S W P Housden – Head of ICT /Collector of Tolls
Mr J Organ – Head of Governance and Executive Assistant
Dr J Packman – Chief Executive
Mr T Risebrow – Planning Officer/Hire Boat Licensing Officer
Mr R Rogers – Head of Construction and Maintenance
Mrs C Smith – Head of Development Management
Mr A Vernon – Head of Ranger Services
Mrs T Wakelin – Director of Operations

2/1 To receive apologies for absence

Apologies for absence were received from Mr P Frost.

Members wished that their sincerest condolences were passed on to the family and colleagues of Mark Funnell, who passed away on 26 September. Mark was a well known Norfolk businessman and was highly regarded in the marine industry. Members noted that the Broads had lost one of its champions.

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

No items were proposed as a matter of urgent business.

2/3 To receive Declarations of Interest

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

2/4 Public Question Time

No questions were received.

2/5 To receive and confirm the minutes of the special meeting held on 6 September 2012

The minutes of the meeting held on 6 September 2012 were approved as a correct record and signed by the Chairman.

2/6 Summary of Progress/Actions/Response Taken Following Discussions at Previous Meetings

A report detailing progress on various items was received.

Members noted that officers had arranged a meeting with Network Rail to discuss the current position with Swing Bridges.

The hydraulic issue with Trowse Bridge had been fixed at the beginning of October; however there were still issues with the sensors. More work was planned for the future to rectify this.

2/7 Draft Strategic Priorities 2013/14

Members received a report seeking the Committee's views on the draft Strategic Priorities for 2013/14. These were developed annually and adopted as a set of strategic objectives, projects and key milestones against which progress was measured throughout the year.

Members noted that the purpose of this exercise was not to record all the work that was to be undertaken during the year, but instead to identify the actions that would make significant contributions towards the attainment of the aims and objectives in the Broads Plan, so that members could be appraised of progress and officers could be held to account.

A member suggested that a figure of 50,000m³ for dredging works was not an ambitious enough target. Officers responded that, as part of a comprehensive work programme, 50,000m³ was considered to be a suitable target. It was further explained that the main issue was not the capacity to undertake more dredging, but the availability of suitable land for depositing the waste. As a result, officers had changed tack by looking into innovative ways of using the waste, some of which had already been trialled successfully, such as at Duck Broad. A member commented that the Strategic Dredging Disposal Project, carried out in 2009 had concluded that adequate disposal capacity existed in the Broads. Officers said that experience since then had shown that landowners were reluctant to co-operate.

It was also noted that the work programme had to take into account and identify other items of priority. Members therefore suggested that the strategy be amended to recommend at least 50,000m³ of dredging in total.

A member also suggested that it would be useful to provide costings for a variety of proposed dredging works stating the other tasks that would be affected as a result.

Members queried the previous lack of response from parish councils with regard to the development of Strategic Proposals. Officers commented that time needed to be spent engaging with parish councils to encourage better communication, but the Authority's experience was that parish councils are better placed to respond to consultations on specific local issues, rather than those on more strategic and wide ranging subjects.

2/8 Apportionment of Costs for the Communications Team

Members received a report which summarised a proposition that Navigation Income should be used to part fund a new post in the Communications Team to work with Broads Tourism on marketing and promotion of the Broads. The post was to be funded two-thirds National Park Grant and one-third Navigation expenditure.

Since the last Navigation Committee meeting the legal basis for that arrangement had been questioned. It had also been suggested that the Committee should have received a written report to consider the issue before being asked to make a decision.

The report invited the Committee to consider whether it reaffirmed its original view, given at the meeting on 6 September, that Navigation Income should be used to support the costs of employing a new officer in the Communications Team with a budget to market and promote the Broads.

Members commented that they had two main concerns. One was that this decision could set a precedent and that as a result, over time, other items would be charged to Navigation, opening the gates to other expenditure. The second was regarding the legality of the proposal.

One member commented that in his opinion the proposal was illegal as the Authority did not have the powers to fund tourism from Navigation Expenditure. He pointed out that this view had been endorsed by the legal advisor to the Royal Yachting Association and Chair of the Norfolk and Suffolk Boating Association.

A member commented that though he took on board the 'literal' elements of this issue and understood why some members were concerned about its ramifications, there was no denying that the area's economy was dramatically influenced and bolstered by tourism, including supporting a wide range of jobs, businesses and services. This view was supported by a majority of other members.

It was noted that if this did come down to a question of law and it was not in fact legal there would be no way forward with the discussion. Concern was

expressed by some members that such a decision could be challenged through the Courts or by a Judicial Review.

Members therefore questioned the Authority's Solicitor on whether he believed that this was in fact a legal proposal. The Solicitor commented that he was very clear in his mind that the expenditure was capable of being Navigation Expenditure and that the Authority does have the power to use Navigation Expenditure to promote and market the Broads.

It was suggested by officers that further discussions could take place between the Royal Yachting Association (RYA), British Marine Federation (BMF) and Norfolk and Suffolk Boating Association (NSBA) to try and reach agreement on the legal position.

Members were asked to vote on whether, in principle, they supported the use of Navigation Expenditure to part fund a new post in the Communications Team to work with Broads Tourism on the marketing and promotion of the Broads, subject to the Authority having the power to do so, and following further discussion with the RYA, BMF and NSBA to see if agreement could be reached on the legal position.

Eight Members supported and three disagreed with the proposal.

A further report on the subject would be brought back to the Committee before any funding of the new post from Navigation Expenditure was implemented.

2/14 Navigation Income and Expenditure: 1 April 2012 to 31 August 2012

(This matter was considered before item no. 9).

Members received a report which summarised actual income and expenditure for the five month period to 31 August 2012, and provided a forecast of the projected expenditure at the end of the financial year (31 March 2013). The report provided details of the forecast outturn position expected at year end and the reasons for any changes from the original budget.

It was noted that contracts had been agreed for the Dockyard development, the acquisition of a new launch, Breydon works (including modelling), Heigham Sound dredging and a new JCB. All of these items are expected to have been invoiced and fully paid up by the end of this financial year.

Members congratulated officers on the new layout of the Financial Statement and agreed that it was much easier to use and view.

Members were assured, in view of the work which was already underway, that the under spend within the Navigation budget, which had previously concerned them, was unlikely to be repeated during the current financial year. They were also advised that expenditure on non-operational activities was expected to be in accordance with the latest forecast outturn figures.

2/9 Navigation Charges 2013/14

Members received a report and presentation from the Chief Executive, recommending that overall toll income be increased by 3% with effect from April 2013, to meet the targets set in the Financial Strategy adopted by the Broads Authority on 21 September 2012 following consultation with the Committee.

Members noted that there was a large programme of capital expenditure over the current financial year with a projected drawdown of almost £700,000 from the general Navigation reserves, reducing these to less than the recommended level of 10% of net expenditure.

However the Authority had agreed that earmarked reserves could be drawn on for the appropriate expenditure in the event of emergency. There was also the potential to take out additional loans, although the Authority's Investment Strategy was to minimise the amount of debt and officers did not recommend that additional debt be taken on at the present time.

Members considered the three tables which had been subsequently produced to view the three key questions, as follows:

- whether tolls should be increased by 3%, as set out in the Financial Strategy;
- whether the toll for smaller private motor boats should be set at £90; and
- whether the multiplier between private and hire craft should be retained or modified.

Members noted the draft recommendations put forward by the working group.

It was agreed that the working group had been unanimous about its desire to decrease the tolls for entry level boats.

Members were concerned that in the current financial climate many businesses had very little room to manoeuvre and budgets were being cut from top to bottom. It was suggested that this must reflect on the decision to increase navigation charges and that the Authority should look at ways to help the industry. It was noted that the figure of 3% was slightly above current inflation (the Retail Price Index had increased by 2.92% for the 12 month period to August 2012).

Some members commented that, because of the level of reserves and historic spending patterns, there was absolutely no need for any increase. They suggested that any shortfall in income could be met from further borrowing, which would negate the need for any rise in tolls and which was how most organisations funded capital expenditure.

Members put forward a variety of proposals for the 2013/14 Navigation Charges including:

- they should track inflation;
- they should be below inflation; and
- there should be no increase – with the charge being frozen.

The Chairman pointed out that if members could not agree on a definitive proposal the Authority would be likely to vote in accordance with the agreed Financial Strategy. It was therefore important to pose an alternative.

Mr Mallett proposed, duly seconded by Mr Goodchild, a 1.5% increase in tolls. After being put to the vote, eight members voted in favour and four against. The four dissenting voices made clear that their preference would be for no increase.

The Committee also supported the following proposals:

- that the costs for the smaller private motor boats of 5 metres² be reduced from £97.44 to £90 to narrow the gap in charges with unpowered boats of the same size;
- that the multiplier for hire boats be reduced to 2.65% and passenger boats 2.95%;
- that the charges for seven day short visit tolls be reduced from 70% to 50% of the 14 day visit toll as an incentive to visiting craft;
- that ferries, defined as a public service offered between fixed points be charged at the private rate toll, subject to officers considering the distance to be specified through the Integrated Access Strategy;
- that the charges for rowing craft operated by rowing clubs (from the 2014/15 financial year) be the subject of a separate report to a later meeting after further investigation;
- that the Authority investigates the idea of a discount arrangement for boats visiting the Broads (from the 2014/15 financial year) for a limited time with access through Mutford Lock as part of the lock fee; and
- that the hire and passenger boat multiplier be reviewed on an annual basis.

Members also supported the Guiding Principles and criteria suggested by the Tolls Working Group.

Members noted that there had been a wide range of difficulties dealing with such a complex and emotive matter within a very limited time scale. Members looked forward to receiving the final report of the Tolls Review, once the minutes of the final meeting had been satisfactorily agreed.

2/10 Breydon Water and Water Ski Zone Designation

Members received a report which set out the recent draft risk assessments for water skiing on Breydon Water and the outcome of the recent Water Ski Stakeholder Review Panel.

Members' views were sought both on the draft risk assessments and the Water Ski Review Panel's recommendation to the Authority.

Members noted that having identified the risks, they had been appropriately mitigated and the proposed zone had been identified with mitigation in mind. All the proposals have been agreed and unanimously supported by the Water Ski review panel.

As well as the wide variety of safety issues, there was also potential for conflict with other users. The panel had therefore agreed not only to a special location designation for users, but also a time designation. Members noted that officers had carried out a mini boat census in July and that there had been a very strong correlation between the data gathered and support for these decisions. It was noted that the members of the Boat Safety Management Group were also happy with the report.

A member suggested introducing some contemporary ICT in the form of a real time communications aid to display the cut off times to users of Breydon Water. An electronic board positioned at the Great Yarmouth Yacht Station was suggested. Officers commented that all water skiers and hire boat operators would have had tide tables provided, however the way this information was communicated could be improved.

Members pointed out that the use of the description "high speed activities" in the Appropriate Assessment might be more widely applied than just to water skiing and advised that the wording be changed. They also pointed out the need to acknowledge the historic uses of Breydon Water.

Members paid tribute to officers for all the hard work done to address this matter over a very short period of time.

2/11 Hire Boat Licensing Audit

Members received a report which set out the background of the Hire Boat Licensing regime with the findings of audits undertaken in the past year of operation and the results of a survey undertaken of handover experience.

Members' views were sought on the outcome of the survey, proposed action plan and principle for licence charges.

Members noted that when the audit had been in its initial year there had been an increased need for officer intervention. However now that one year's paperwork was in hand there was less need for this, and the audit was a very cost effective process.

Members noted that the Authority had agreed a policy that the licensing scheme should be self-financing with fees being set to cover administration and enforcement. That was not currently the case and members felt that fees and costs should be kept under review.

It was agreed that the audit had been very useful and they supported its continuing activity, with a review in a couple of year's time. Members also agreed it was important not to reduce enforcement and monitoring.

2/12 Construction and Maintenance 2012/13 Work Programme Progress Report

Members received a report which set out the progress made in the delivery of the 2012/13 Construction and Maintenance Work Programme to date and updated members on changes to the programme. A draft programme for 2013/14 was also set out for members' views/comments.

Members agreed that any works relating to the Barton Broad Management Plan was open to an assessment. However, as there were so few aquatic plants, no cutting need take place this year.

2/13 PRISMA Financial Update

Members noted a report which provided an update on the PRISMA programme, focussing on the financial costs and benefits of activities undertaken and the progress of claims submitted to date. It was noted that a wide range of auditors were involved in the PRISMA financial process.

2/14 Navigation Income and Expenditure: 1 April 2012 to 31 August 2012 (This matter was considered before item no. 9 – see minute above)

2/15 Boating Safety Management Group: Update

Members noted the report of the Boating Safety Management Group meeting held on 4 September 2012.

2/16 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.

Members noted that officers were continuing to be involved with a variety of related organisations to monitor the current bridge situations and highlight ongoing issues.

2/17 Current Issues

No issues were raised.

2/18 To note the date of the next meeting

The next meeting of the Navigation Committee would be held on Thursday 13 December 2012 at Yare House, 62-64 Thorpe Road, Norwich commencing at 2.00pm.

2/19 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 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 Act as amended, and that the public interest in maintaining the exemption outweighed the public benefit in disclosing the information.

Minute excluded from Public Deposit

2/20 Reedham Quay Lease

Members received a presentation detailing the Reedham Quay lease and the current issues involved. Officers would work towards a business case which supported a long term solution.

The meeting concluded at 17.27

Chairman

Code of Conduct for Members

Declaration of Interests

Committee: Navigation Committee

Date: 11 October 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 ✓ |
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| D A Broad | 2/6 – 2/17 | Toll payer, Member of Great Yarmouth Port Consultative Committee. Hon. Local representative Cruising Association | |
| A S Mallett | 2/5 -2/17 2/16 | Toll payer, Member of NSBA, Enforcement first item – member Norwich Frostbite Sailing Club, Reedham Quay - Member of Broadland District Council | ✓ |
| M Heron | 2/6 – 2/10, 2/13-2/16 | Toll Payer, Landowner, Member of British Rowing,NRC, NBYC, NSBA, RCC, Whitlingham Boathouses. | |
| M Whitaker | 2/6 – 2/17 | Toll payer, BHBF Committee, Hire Boat Operator | |
| J Knight | 2/6 – 2/17 | Toll payer, Hire Boat Operator Member of NSBA, NBYC, WOBYC | |
| P Greasley | 2/66-2/17 | Toll payer, Hire/Passenger boat operator, Member of BHBF | |
| P Dixon | All | Toll Payer, Boating organisations | |
| A Goodchild | 2/6 – 2/17 | Toll Payer, Chairman BMF Commercial and Marine East, | |
| L Betts | | Toll payer and Landowner | |
| P E Ollier | Generally | NSBA committee member, Toll payer, member of various sailing clubs, RYA member | |