

Broads Authority

Minutes of the meeting held on 19 March 2021

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Present

Bill Dickson – in the Chair, Kelvin Allen, Harry Blathwayt, Stephen Bolt, Matthew Bradbury, Andrée Gee, Gail Harris, Lana Hempsall, Tristram Hilborn, Bruce Keith, James Knight, Leslie Mogford, Greg Munford, Simon Roberts, Matthew Shardlow, Simon Sparrow, Nicky Talbot, Vic Thomson, Melanie Vigo di Gallidoro and Fran Whymark

In attendance

John Packman – Chief Executive, Hilary Slater – Monitoring Officer, Natalie Beal – Planning Policy Officer (minutes 11-12), Maria Conti – Head of Governance, Emma Krelle – Chief Financial Officer, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services, Lewis Treloar – Waterways & Recreation Officer (minute 10), Essie Guds - Meeting moderator, Sarah Mullarney - Meeting moderator and Sara Utting – Governance Officer

1. Welcome and apologies

The Chairman welcomed everyone to the meeting.

Apologies were received from Tim Jickells.

2. Chairman's announcements

Openness of Local Government Bodies Regulations 2014 and provisions of The Local Authorities Police and Crime Panels (Coronavirus) Flexibility of Local Authority and Police and Crime Panel Meetings England and Wales) Regulations no. 392.

The Chair reminded members that the meeting was being held under the provisions of the above regulations and in accordance with the Broads Authority's Standing Orders for remote meeting procedures agreed on 22 May 2020. The meeting was being live streamed and recorded and the Broads Authority retained the copyright. The minutes remained the record of the meeting.

Kelvin Allen

The Chair reported that this would be Kelvin's last Broads Authority meeting, having first been appointed in 2013 and serving the maximum term of 8 years as a Secretary of State appointee and also serving as a member of the Navigation Committee. He paid tribute to Kelvin's dedication and involvement in many partnerships, such as the Broads Local Access Forum and Upper Thurne Working Group and the recently constituted Water Resources East, as well as his representation for angling interests across the Broads Catchment. His position as a Trustee at Whitlingham Charitable Trust and his involvement with the Tolls Working Group required him to balance different issues and interests. In conclusion, the Chair wished Kelvin well for the future and thanked him for all his hard work and noted that members would continue to

work with Kelvin outside of the Authority due to his ongoing membership of other organisations.

Mollie Howes

The Chair advised members of the sad loss of Mollie Howes, who had passed away on 10 March, aged 90 years. Mollie was a recognised character within the Broads, as an active member of Horning and Snowflakes Sailing Club and the Norfolk Broads Yacht Club and an organiser of the Three Rivers Race. She had been a regular attendee at Navigation Committee and Broads Authority meetings, affectionately known as “Mrs Public”, and petitioned against the Broads Bill in the Houses of Parliament, fighting for her keenly held beliefs. As an individual, Mollie was a very sociable lady, full of personality, and the Chair expressed his condolences to Mollie’s family on behalf of the Authority. A number of members added their own thoughts and recollections in tribute to Mollie.

Lana Hempsall joined the meeting at 10.15am.

3. Introduction of members and declarations of interest

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

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

The minutes of the meeting held on 29 January (reconvened on 9 February 2021) were approved as a correct record and would be signed by the Chairman.

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 (CE) advised that the Statutory Instrument had been laid in Parliament on 21 January for the transfer of Mutford Lock and this came into force on 19 February, meaning the transfer was now finally complete. This constituted a significant change, with the Lock now being in the Authority’s ownership and part of the Authority’s navigation area.

In terms of the item relating to the Climate Change Emergency, the CE informed members that the Authority had facilitated a presentation by Asher Minns to the Norfolk Public Sector Leaders’ Board on 12 March, at which Asher had done an excellent job in summarising climate change from a global level down to UK level, and then interpreting what it meant for Norfolk. The Leaders had then participated in a lively debate on the topic.

Regarding the response to the Covid-19 emergency, the CE stated that the Broads Authority, together with all the National Parks, would be facing a very difficult summer, with a large number of visitors expected to the area. He added that, again, it had been a struggle to get simple, clear advice from the Government on what this meant for boating, but the relevant organisations were all working together as it was important to give common advice. In terms of day boats, the advice from Defra was not easy to interpret and he thanked British Marine, the Royal Yachting Association and the Association of Inland Navigation Authorities for their assistance. The Authority's website was continually updated with the most recent advice. In addition, the CE gave special thanks to the Head Ranger, Lucy Burchnall, in the recent recruitment of new Rangers which had gone extremely well. A new Senior Ranger had been appointed, together with four excellent new seasonal Rangers. The nine animated safety videos had been completed and distributed and he encouraged their publicity as far and as wide as possible. The CE commented that he had been impressed with the quality and speed at which they had been produced and gave particular thanks to Rob Leigh, Head of Communications and Greg Munford. He concluded that the Authority was in a good place ahead of a difficult summer, and the Head of Visitor Services, Sam Bates, was finalising the preparations for the opening of the visitor centres and yacht stations.

A member referred to the fact that, in about a month's time, remote meetings would no longer be allowed under the current Government regulations, which would expire on 6 May. He questioned what the Authority's plans were for holding meetings after this date, particularly if Covid restrictions were still in place, and if face to face meetings would take place. The CE responded that a response was awaited from the Government following lobbying from a number of authorities concerned about this situation. He considered it would be premature to hold the next Authority meeting face to face. Officers would be keeping a close eye on the situation and keeping members informed of any changes.

The report was noted.

Lana Hemsall left the meeting at this point.

8. Financial performance and direction

The Chief Financial Officer (CFO) introduced the report, which provided a strategic overview of current key financial issues and items for decision. The report covered three items:

- the National Park Grant agreement for 2021/22;
- Consolidated Income and Expenditure up until 31 January 2021 and
- the Capital, Treasury and Investment Strategy for 2021/22.

The CFO confirmed that the Investment Strategy had recently been reviewed by the Audit and Risk Committee (ARC) at its meeting on 2 March 2021 with an addition to paragraph 2.2 to include reference to institutions' ethical and environmental activities being taken into consideration for longer term investments.

In terms of the National Park Grant settlement for 2021/22, confirmation had been received that this would remain at the level for 2020/21 (ie “flat cash”). It was noted that this was the third financial year the amount had remained the same and not kept in line with salary inflation and other increased costs.

The CFO advised that there were no updates to the figures for February. £578,000 had been received for next year’s tolls for private crafts and £10,000 for hire craft. A £1m fixed term investment had matured and been returned, which was currently sitting with Barclays while a decision was made on its future investment. The CFO drew to members’ attention the fact that interest rates were at an all-time low and notification had been received from Barclays that the rates would be decreasing again on 12 April, with 0.15% being the maximum rate to be achieved. This would result in £5,250 interest being accrued against a profiled budget of £13,500 and so the Authority would need to look at other options for investment. The policy’s fundamental principle was one of security of capital investment. However, to move to equity type investments would require a change in the investment policy by the Authority and would require the strategy to come back to members for decision. In conclusion, the CFO referred to paragraph 8.5 in response to a query raised by a member at the ARC meeting, which confirmed that early repayment of the Public Works Loan Board (for the purchase of the dock yard some years ago) would not be the lowest cost option, due to the early repayment fee.

A member thanked the CFO for her comprehensive report and taking on board the comments raised at the ARC meeting, which she had considered with due diligence.

A question was raised on whether the Authority had experienced any issues of money laundering and what measures were in place to mitigate. The CFO advised that all local authorities must be aware of money laundering and the BA had a policy in place stating that it would not accept cash for payments above a certain value and this would enable transactions to be tracked back to source to the relevant bank.

In response to a request to see the figures relating to the PWLB, as the member concerned had not seen them reported anywhere, the CFO advised that the figures were published in the committee papers for a previous meeting, but the member had not been in attendance. To assist the member, she confirmed that to repay the loan (£101,500 outstanding), taking into account lost interest, would total £120,524.98. If the loan was allowed to run until the end of its term, £118,843.81 would be repaid and therefore it was cheaper to let it run its course. She added that, last year when this matter had been discussed previously, members had been keen to keep Capital Reserves for investing in other capital projects rather than using it to repay the loan.

Melanie Vigo di Gallidoro proposed, seconded by Matthew Shardlow, and

It was resolved unanimously

- i. To note the progress of the National Park Grant agreement for 2021/22.
- ii. To note the income and expenditure figures.
- iii. To adopt the Capital, Treasury and Investment Strategy.

9. Strategic direction: draft Annual Business Plan 2021/22 and strategic priorities update

The Head of Governance introduced the report, which provided the draft Annual Business Plan for 2021/22 and the final update on this year's set of strategic priorities. The Annual Business Plan was the link between the Broads Plan, guiding strategies (eg Tourism Strategy, Integrated Access Strategy) for the Broads and the Authority's Directorate work plans.

The Chief Executive reminded members that the organisation was very stretched and the plans for this year were ambitious but focussed on public safety. He also referred to the Water, Mills and Marshes project and CANAPE, to which the Authority was committed to delivering, and Defra work on the future of agri-environment. This would be another challenging year, but the Business Plan helped in setting out what was to be achieved.

A member commented that there was not much in the Business Plan related to navigation and moorings. He referred to a recent communication regarding a potential major problem at St Benet's mooring and asked for an update on the current situation, particularly in relation to the forthcoming season. The Chief Executive responded that moorings had been an issue for the BA for a number of years, particularly where the Environment Agency's (EA) previous flood defence had been the piling adjacent to the river and, in effect, had provided the moorings. Where the defence had been set back, there had been a debate about the future of the moorings, as the EA was in effect removing its responsibility for the pilings by either handing back to the landowner or removing it. The BA had had that debate at several locations with landowners and the EA, and the situation had been difficult to manage. As a result, the policy for the Authority was, wherever possible, to try and purchase the land for moorings and discussions were ongoing regarding the current situation.

The Director of Operations (DoO) provided an update, advising that the Authority had been notified that the EA had not maintained the pilings as a flood defence for the past 12 months. The site had recently changed ownership, but the Authority had not been made aware of the sale. The Authority had been in negotiation with the new landowner for the past year and was making good progress. A tender had been advertised for the capping and waling before the season started. However, at very short notice it had come to the Authority's attention that the landowner and the EA had not been able to agree the lease relating to responsibility for the piles. As the Authority was potentially going to invest £48,000 on the mooring, it had to pull the project while there was uncertainty over the future of the moorings and the issue was back with the EA. The Authority had offered to buy the site, agreed to accept responsibility for the pilings and given advice to the landowner. The current piles were very deep and heavy as they acted as the flood defence; these were no longer needed for that purpose but it would be expensive to remove them, and they had up to 25 years of life remaining. The importance of these moorings was accepted but the Authority had explored all possible options open to it; it could not force the landowner to come to a decision and was only able to give advice and assistance. Sections of the moorings were no longer safe so unfortunately had to be closed off.

A member referred to the figure of 2% quoted in the report as a provisional pay increase for staff and this had been factored into the setting of tolls, but queried if this had been included in the NPG. The Chief Executive responded that no provision had been made in the grant settlement for additional increases in pay for staff and the flat cash settlement was a real cut in the Authority's funding. He referred to the Landscapes Review, which included a major recommendation for more funding for the National Park Authorities and it would be interesting to see if this was referred to in the Ministerial announcement.

In welcoming the documents, another member congratulated the team on their production, particularly the inclusion of safety to staff as well as boat users. However, he wished to raise three questions. Firstly, in Table 1 he would like to see greater clarity on whether milestones had been achieved. Secondly, in the Strategic Services Directorate Workplan, Ref SD5 relating to the monitoring of species, he would like to know how this would be undertaken over the coming year and if the results would be reported back. Finally, he referred to the Local Nature Recovery Strategy (LNRS), of which there was no mention in the Plan, commenting that the Bill had not yet been passed and would the Strategy be produced next year.

The Chief Executive responded that all the strategic priorities had been achieved last year and this could be circulated to members in due course. In terms of species, he would obtain data from relevant officers on work with the Broads Biodiversity Partnership, including on protected species. In relation to the LNRS, the Director of Strategic Services advised that the Authority was working with Norfolk and Suffolk County Councils as well as other partners. Given the geography of the BA area, the approach was different to other National Parks as they were likely to be the owners of the LNRS. Terms of Reference had been drafted for the group to work on the strategy and so work was in progress. It was a high priority to get a better understanding and action plan in place, and it would certainly involve partnership working. This could be added to the Business Plan.

Referring back to St Benets, a member commented that while he had not inspected the moorings yet himself, he had received correspondence on the situation. He questioned if it had been necessary to tape off the whole mooring, as he did not believe it could all be dangerous. In terms of mink, this had been discussed very recently at the Norfolk Rivers Internal Drainage Board and it was noted that a new type of trap was available which was both humane and effective.

Lana Hemsall rejoined the meeting at this point (10.58am).

The DoO responded that the whole of the moorings had not been taped off, only 140m in various locations, meaning half of the moorings were available. Vessels were able to double-moor, although this would not be applicable under the current Covid restrictions. He confirmed that, in accordance with BA policy, mink were trapped humanely and quickly despatched.

A member questioned if putting in pontoon moorings at St Benets was still being considered, to which the DoO responded that this was a potential option but an expensive one, costing £300,000 for a 300m pontoon. The site was mainly used by cruisers so a hard edge was

needed and that was why it was preferable to maintain the pilings. A member referred to piled edge moorings and questioned if the risk had been covered off for their total loss; with the options of removal or someone else taking them on. The member also referred to his recent attendance at a meeting of the Broads Catchment Steering Group when ELMS had been discussed, and he commented that it was very pleasing that BA staff were seen as leading the way amongst stakeholders. The DoO responded that the Authority continued to maintain 64 moorings and was in continual negotiations with all parties for their maintenance and on-going availability as moorings.

Another member re-entered the discussion, commenting that that the Authority had known about the removal of hard pile edges for about 25 years and so it was not a new problem. His concern about St Benets was that he had first learnt about the situation on social media and an email from the Senior Communications Officer. He referred to the website which stated that the Authority leased the moorings from the landowner and questioned if this was correct or not; when the lease ended and if it had, why was this not known previously, expressing disappointment at the loss of a public asset. The DoO responded that the Authority did have a lease on that mooring, until 2027, but the only part applicable was the piled edge. Therefore, if this were to be removed, there would be no lease to have (the lease would be Frustrated – a legal term meaning the contract was no longer capable of performance), similar to a situation with an eroded footpath next to a river. If, because of erosion, the footpath was lost, then the lease would be null and void. Legal advice had been taken and work had been progressing well until recently when negotiations between the landowner and EA had stalled. The current situation was seen as only temporary and officers were working hard to resolve the situation, while protecting the Authority's investment and finances.

Nicky Talbot proposed, seconded by Matthew Shardlow, and

It was resolved by 19 votes for and with one abstention (due to the member having earlier lost connection) to adopt the Annual Business Plan 2021/22 and to note the strategic priorities update.

10. Hoveton Riverside Park – proposal

The Waterways & Recreation Officer (W&RO) introduced the report, supplemented by a presentation, which provided an update on the proposed project plan for Hoveton Riverside Park, the aim of which was to rejuvenate the site, increase its use and reduce the costs of its long-term site maintenance. If supported, the next steps would be to source external funding for the proposed major changes to the site.

A member referred to the proposed children's play area and queried if this would include natural play principles to enhance its natural setting. The W&RO responded that this would be a key theme, and this would not be a typical commercial park as seen in an urban development such as a housing estate.

Another member referred to the value of parks and open spaces, which had become particularly apparent during the past 12 months, and their value in the longer term, in terms

of sustainability and accessibility. He added that there were a number of funding opportunities which would be available to the Authority for match funding such a massive opportunity to deliver good quality facilities and sustain them for the longer term.

A question was raised on access for disabled children and the W&RO confirmed that the whole park had accessibility in mind, albeit only a concept at this stage, but this would be a key principle when looking at the specifics.

A member commented that she was pleased to see a natural type play area, which would hopefully encourage children to respect and look after the natural environment in the future, adding that the site could potentially be used as an educational project. The W&RO acknowledged that there was a need for educating and connecting young people to their landscape and the area would incorporate a meadow and ponds to assist with this focus. There would also be an opportunity to involve local schools.

It was resolved by consensus to support the proposed project plan for Hoveton Riverside Park.

11. Peat Guide – for adoption

The Planning Policy Officer introduced the report, which proposed the adoption of a Peat Guide to elaborate on the policy within the adopted Local Plan seeking a reduction in the amount of peat that was excavated as part of a development proposal. The Guide had been subject to consultation between September and November 2020 and the Planning Committee had unanimously recommended it for adoption by the Authority, at the meeting on 5 March 2021.

Melanie Vigo di Gallidoro proposed, seconded by Bruce Keith, and

It was resolved unanimously to adopt the Peat Guide.

12. Norfolk Strategic Planning Framework – for endorsement

The Planning Policy Officer introduced the report, containing the third version of the Norfolk Strategic Planning Framework which set out agreements relating to cross boundary, strategic planning matters. It demonstrated how all the local planning authorities would work together under the Duty to Co-operate, through a series of agreements on planning related topics. While the Framework was not an adopted planning document in its own right, it could be seen as a guide for future planning work. It was noted that the Planning Committee, at its meeting on 5 March , had unanimously recommended it for adoption by the Authority. The PPO advised that version 4 was now in production as part of the ongoing requirement under the Duty to Co-operate.

A member questioned how this supported the Greater Norwich Development Partnership, as there was a reliance on Local Plans and there was no joined up work on issues such as the water industry. He stated there was no strategic water plan for Norfolk for both housing and agricultural needs. As it currently stood, he was unable to endorse the document. The PPO

responded that water cycle studies were carried out by local planning authorities, including for the supply and disposal of water, and the one for the GNDP had been completed and was reflected in its Local Plan. Both Anglian Water and the Environment Agency were both involved in the GNDP as key stakeholders, and the Local Plan for the Greater Norwich Area was currently out for consultation. In addition, Anglian Water and Essex & Suffolk Water both had Water Resources Management Plans, which were also relevant. She concluded that she could report to the group overseeing the NSPF to potentially address this issue in version 4 of the document.

One of the local authority members confirmed that Water Resources East had provided a presentation and reports to the GNDP meetings. Furthermore, she had attended the meeting hosted by Lord Dannatt on flooding and the BA was now a member of that group. A holistic approach was being taken towards water and flooding generally across Norfolk, with organisations doing what they could to protect the water resource and address climate change.

Another member referred to the issue of 5G and its environmental impacts, commenting that while this were mentioned in Appendix 2 of the document, it related to the infrastructure only (their location and visual appearance). He had concerns on the frequencies being absorbed by wildlife, particularly small animals, and also that organisms were sensitive to them. Reference was made to the Scientific Committee on Health, Environment and Emerging Risks, which had reviewed the roll-out of 5G in 2018, giving the highest possible risk rating on wildlife, and that no risk assessment had been done on the roll-out of 5G at international, national or local level. Unless he could be reassured on this issue, he was unable to sign off the roll-out of 5G. The PPO responded that she was not a representative on all of the groups associated with producing the document, including telecommunications, and therefore was unaware if the impacts had been mentioned. She referred to Permitted Development Rights relating to telecommunications to enable the easier roll-out of telecommunications technology and recent Government consultations, but added that no final way forward had been announced as yet by the Government. Another member commented that as a local planning authority, the Authority would consider any planning applications for the Broads and it had to trust the national government organisations to determine safety issues. This view was challenged by the member who raised the issue, stating that there was no evidence it had been found safe, and some areas were not rolling out 5G until proper assessments had been carried out. Another member supported this view. The PPO advised that she would pass on members' comments to the group to see how they could be progressed in version 4 of the document.

A member commented that the document under discussion was a planning document, looking at visual impact on the built environment. While she appreciated the safety concerns about 5G and the environment, these belonged elsewhere and not as part of this document, and should be raised at a different forum.

In conclusion, members noted the concerns expressed about the possible effects of 5G, but acknowledged that this did not prevent endorsement of the document under discussion, and

that officers would raise the above issues as part of the production of version 4 of the document.

Bruce Keith proposed, seconded by James Knight, and

It was resolved by 16 votes for, two against and with two abstentions (due to the members having lost connection) to endorse the Norfolk Strategic Planning Framework (version 3), noting that officers would raise the safety concerns on the roll-out of 5G with the group in producing version 4.

13. Scheme of powers delegated to Chief Executive and other authorised officers

The Head of Governance introduced the report, advising that the two documents comprising the Authority's scheme of powers delegated to officers had been reviewed, updated and rationalised into a single draft document entitled "Scheme of powers delegated to Chief Executive and other authorised officers". It was noted that those elements in the draft document relevant to planning and heritage were presented to the Planning Committee on 5 March and the Committee had resolved to amend some of the proposed changes in sections 37 (iv) and (v) and to reword sections 37 (vi) and (vii).

A member referred to the proposed changes to paragraphs (25) and (26) (relating to reimbursement of costs of damage to employees' personal property and ex gratia and honoraria payments) and asked why these decisions would no longer involve Directors and HR. He also questioned how many payments had been made. The Chief Executive (CE) responded that such payments were very rare, with only one or two damages payments in recent years and similarly for ex gratia payments. He reassured the member that he always consulted Management Team and the Head of HR when considering payments, but suggested that the wording be amended to read "The Chief Executive in consultation with the Head of HR and Directors."

Stephen Bolt proposed, seconded by Fran Whymark, and

It was resolved unanimously to adopt the "Scheme of powers delegated to Chief Executive and other authorised officers" as contained within Appendix 3 of the report and as amended above.

14. Committee calendar 2021/22

The Head of Governance introduced the report, which proposed a calendar of meetings for the Broads Authority and its committees for the period August 2021 to July 2022. It was noted that the calendar followed a similar pattern to previous years but it was proposed to change the start time for the Navigation Committee, Broads Local Access Forum (BLAF) and the Audit & Risk Committee (ARC) from 2pm to 10am. She advised that staff had checked these particular meeting dates for potential clashes with local authority meeting dates. The BLAF and ARC were both notified of the change at their March meetings and had supported the

change. The Navigation Committee would have the opportunity to review the dates and proposed change in time at its April meeting.

It was resolved by consensus to approve the committee calendar for the period August 2021 to July 2022, subject to consultation with the Navigation Committee.

15. 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.

16. Minutes to be received

Members received the minutes of the following meetings:

Planning Committee – 8 January 2021

Planning Committee – 5 February 2021

17. Feedback from members appointed to outside bodies

The Authority's representative on the Upper Thurne Working Group advised that the last two meetings had coincided with BA meetings, making his attendance at the Group difficult. He had requested the Group to review its meeting dates to avoid any potential conflict in future and a decision was expected shortly.

A member referred to the discussions at the last meeting and asked for a progress update. The Chief Executive advised that work had started on a report looking at alternative options but more urgent demands in the days before this meeting meant it had not been possible to complete this in time, and it would be reported to the next meeting.

18. Other items of business

None.

19. Formal questions

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

20. Date of next meeting

The next meeting of the Authority would be held on Friday 14 May 2021 at 10am.¹

The meeting ended at 12:10pm

Signed by

Chairman

¹ This was subsequently amended to Friday 30 April 2021

Appendix 1 – Declaration of interests: Broads Authority, 19 March 2021

Member	Agenda/minute	Nature of interest
Harry Blathwayt	10	North Norfolk District Councillor and the site was within that council's jurisdiction
Gail Harris	12	Norwich City Councillor and that council was one of the signatories to the document
Bruce Keith & Simon Roberts	10 (insofar as it referred to the Broads Charitable Trust Discovery Hub)	Trustees appointed by the Authority to the Broads Charitable Trust
Greg Munford	10	Richardsons Leisure Ltd was a potential sponsor for the leisure hubs
Matthew Shardlow	12	Involved in undertaking green infrastructure mapping work
Fran Whymark	12	Broadland District and Norfolk County Councillors