

Broads Authority

Agenda 22 September 2023

10.00am

Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY

John Packman, Chief Executive – Friday, 15 September 2023

Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities, however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

Introduction

1. To receive apologies for absence
2. Chairman's announcements
3. Introduction of members and declarations of interest
4. To note whether any items have been proposed as matters of urgent business
5. Public question time – to note whether any questions have been raised by members of the public
6. **To receive and confirm the minutes of the Broads Authority meeting held on 28 July 2023** (Pages 3-19)
7. **Summary of actions and outstanding issues following decisions at previous meetings – to note the schedule** (Pages 20-25)

Strategy and policy

8. **Strategic priorities - update** (Pages 26-33)
Report by Senior Governance Officer
9. **Financial performance and direction** (Pages 34-52)
Report by Director of Finance
10. **Planning policy – Coastal adaptation SPD** (Pages 53-57)
Report by Planning Policy Officer

11. **Riverside tree management** (Pages 58-67)
Report by Head of Construction, Maintenance and Ecology

Governance

12. **Establishment of a Standards Committee** (Pages 68-86)
Report by Senior Governance Officer and Deputy Monitoring Officer
13. **Monitoring Officer Protocol** (Pages 87-92)
Report by Senior Governance Officer

Minutes to be received

14. **To receive the minutes of the following meetings:**

[Broads Local Access Forum – 7 Jun 2023](#)

[Planning Committee – 21 Jul 2023](#)

Planning Committee – 18 Aug 2023

15. Other items of business
Items of business which the Chair decides should be considered as a matter of urgency pursuant to section 100B (4)(b) of the Local Government Act 1972
16. To answer any formal questions of which due notice has been given
17. To note the date of the next meeting/workshop – **Friday 24 November 2023** at 10.00am at Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY

For further information about this meeting please contact the [Governance team](#)

Broads Authority

Minutes of the meeting held on 28 July 2023

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Present

Harry Blathwayt, Stephen Bolt, Bill Dickson, Peter Dixon, Alan Goodchild, Tony Grayling, James Harvey, Paul Hayden, Tristram Hilborn, Martyn Hooton, Tim Jickells, Sian Limpenny, Kevin Maguire, Greg Munford, Keith Patience, Michael Scott, Matthew Shardlow, Melanie Vigo di Gallidoro, Fran Whymark

In attendance

John Packman – Chief Executive, Jonathan Goolden - Monitoring Officer, Emma Krelle – Director of Finance, Rob Rogers – Director of Operations, Sara Utting – Senior Governance Officer, Nick Sanderson, Education Officer (item 3), Harry Mach – Carbon Reduction Project Manager (item 10), Ellie Richards – Senior Accountant (item 13), Natalie Beale – Planning Policy Officer (item 15), Andrew Walters – Waterways and Recreation Officer (item 21), and Lorraine Taylor – Governance Officer.

The Chief Executive (CE) welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The CE 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.

1. Appointment of Chair

Bill Dickson was proposed by Greg Munford and seconded by Tim Jickells.

There being no other nominations Bill Dickson was appointed Chair of the Authority for the forthcoming year.

Bill Dickson took the Chair.

2. Appointment of Vice Chair

Tristram Hilborn was proposed by Bill Dickson and seconded by Tim Jickells.

There being no other nominations Tristram Hilborn was appointed Vice Chair of the Authority for the forthcoming year.

3. Chairman's announcements

The Chair thanked all members on behalf of himself and the Vice Chair and said that they would do their utmost to live up to the confidence that the members were showing in them.

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The Chair then welcomed the six new members of the Broads Authority and invited them to tell the attending members a little bit about themselves during the member introductions and said that they all represented a very welcome refresh of the membership of the Authority and looked forward to working with them.

The Chair continued and said that, as with last year, it would be another challenging year as the Broads Authority try to do more with fewer resources against a difficult economic environment – not least in areas like climate change and the biodiversity crises that appeared at the top of our strategic priorities.

The Chair said that the Broads Authority would continue with member workshops and briefing sessions on issues of particular importance, which offered the opportunity for wider and more informal discussions than was possible in formal board meetings. The first of these would be the annual Tolls Workshop on Friday 13 October 2023, followed by a Sustainable Tourism Workshop on Friday 27 October 2023 – details to be confirmed by the Governance Team in due course.

The Chair advised that agenda item 20 had been withdrawn from the agenda and an explanation would be provided at that point in the meeting.

Finally, the Chair said that he would like to offer on behalf of all the members, huge congratulations to Nick Sanderson (NS), Education Officer, and his team on winning the National Park Protector Award for his community nature recovery work at Barton Turf Adventure Centre. The award was presented at a ceremony earlier in July at the House of Commons, hosted by Baroness Jones of Whitchurch.

The Chair continued to say that NS had created an outdoor classroom at Barton Turf SSSI, and that his work with children from the Parkside school since 2001, had provided practical experience in land management, cutting scrub from the fen to improve the wetland habitat for Swallowtail butterflies. Nick's dedication and commitment to the Broads education has long been recognised by his colleagues, but this award is the overdue wider recognition that he deserves. The Chair then said that the award was very well-deserved and has the Broads Authority sincere congratulations and asked NS if he would like to say a few words.

NS told the meeting that the nomination was very extraordinarily special to him because it was done without his knowledge, and to win was an honour and privilege, and it was really nice to spotlight the Broads. He added that it was a real privilege to work in the Broads with inspirational young people and volunteers. To play just a small part in engaging them with nature on their doorstep and making a difference to their future and the planet's future and getting the message across about the environment and biodiversity - what better place to do it than the Broads.

4. To receive apologies for absence

Apologies were received from Leslie Mogford and Vic Thomson.

5. Introduction of members and declarations of interest

The new members introduced themselves and provided a brief synopsis of their background.

Members indicated they had no further declarations of interest other than those already registered, and as set out in Appendix 1 to these minutes.

6. Items of urgent business

There were no items of urgent business.

7. Public question time

No public questions had been received.

8. Minutes of last meeting

The minutes of the meeting held on 12 May 2023 were approved as a correct record and signed by the Chair.

9. Summary of actions and outstanding issues

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. For the benefit of new members, the Chair explained the purpose of the item which was to keep members informed of progress made on implementing decisions taken at previous meetings.

A member expressed his disappointment at the continued delay in restoration of the footpath at Wherryman's Way and asked whether the recent ecological findings would further affect progress.

The Chief Executive (CE) replied that this was an example of the difficulty in managing Britain's most important wetland. The issue was a long-distance footpath which was well-loved; on one side was an area of land which many years ago was flooded. The County Council had a statutory duty to maintain the footpath and the bridges, however the bridges had fallen into disrepair, therefore a diversion had been in place. The CE said that the land between the flood and the Chet was constantly under pressure so the Broads Authority, when dredging the Chet, put some of that dredged material on the bank to strengthen the bank. Since this, some important species took up residence on this land. The challenge was how to manage all these things for the benefit of everyone. The Broads Authority was now working with the County Council on a solution.

In response to a question on what the priority was for statutory rights of way versus ecology, the Director of Operations (DO) replied that the water vole was a protected species, and the diverted footpath was deemed a suitable solution.

The CE responded that the Broads Authority was having to mitigate actions with impact on water voles, which the Broads Authority area had in significant numbers.

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The Monitoring Officer (MO) advised that, broadly speaking, ecology would take precedence as long as a right of way was preserved, and a public path diversion order would be permissible.

The report was noted.

10. Race to Zero

The Carbon Reduction Project Manager (CRPM) introduced the report seeking support from the Broads Authority to join the Race to Zero scheme, which would build on the work of the National Parks Energy and Climate Group.

A member asked why the wording “well below 2-degree rise” was used in the report (para. 1.1). The CRPM replied that this was the United Nations Framework on Climate Change wording.

A member asked about working in partnership with the Local Authorities and the potential benefits this could bring. The CRPM replied that the Broads Authority is a part of the Norfolk Climate Change Partnership, and the Suffolk Climate Change Partnership. The Authority is currently having extensive discussions around potential and partnership work with various local authorities.

In response to a question on the meaning of the term ‘fair share’, the CRPM advised that in terms of climate change, fair share referred to ‘as fast as possible you can go’. As an example, this is the approach used by the Tyndall Centre Carbon Budget Tool
<https://carbonbudget.manchester.ac.uk/reports/>

A member queried the benefits of the Broads Authority joining the scheme and what would be done differently to things that were already being done. The CRPM replied that the campaign would provide a clear a public accountability framework, which would enable the Authority to demonstrate that it was committed, having a flagship on protected landscapes, and replicating this across all National Parks. It will also standardise the methods of reporting that will be used across the fifteen National Parks.

The Director of Strategic Services (DSS) added that the difference was that the Broads Authority would make a commitment to an annual publication of progress, and it was a national flagship scheme.

A member commented that this should account for actions across the whole of the Broads area, not just the Broads Authority’s own emissions. In that regard, the sugar factory at Cantley accounted for a large amount of emissions and therefore the Authority needed to recognise vulnerability about things not in its control. A member then asked because of the unique character of the Broads, would it be just the Authority’s footprint when the data was published. The CPRM replied that the report template had not yet been seen, however the report would cover the Authority’s footprint and actions taken on wider issues.

Michael Scott proposed, and Harry Blathwayt seconded.

It was resolved unanimously to support the Broads Authority joining the Race to Zero scheme and affirm the required commitments.

11. Strategic priorities for 2023/24 and draft strategic priorities for 2024/25

Members received the report of the Senior Governance Officer on the latest progress in implementing the Authority's annual strategic priorities for 2023/24 and the draft strategic priorities for 2024/25.

A member asked whether the Authority could produce a report/update around the Nature Recovery Strategy and the work that will go into that – there is an important leadership role for the Authority in Norfolk and Suffolk and how the Nature Recovery Strategy should work/targets/biodiversity of the area and address long-term issues.

The Chief Executive (CE) replied that one of the roles that the Broads Authority has is influencing others, and the Nature Recovery Strategy is an ideal opportunity for us to influence that across Norfolk and Suffolk and will report back to the members in due course.

In response to a question on whether the Broads Authority could secure extra funding from Natural England and DEFRA for nature recovery as they are uniquely placed to benefit, the CE confirmed that this was possible, however, the challenge was that notification of funding was often at short notice, and plans needed to be delivered very fast. The Authority needed to be flexible enough to respond to these challenges.

The Director of Strategic Services (DSS) said that the Authority was currently working on a Landscape Recovery bid.

Members expressed their support for the suggested priorities for 2024/25, as follows:

- Responding to climate change (Broadland Futures Initiative)
- Biodiversity crisis response
- Local Plan for the Broads
- Farming in Protected Landscapes (FiPL)
- Tolls system replacement.

The report was noted.

12. Annual governance statement 2022/23 and code of corporate governance 2023

Members received the report of the Senior Governance Officer (SGO) on the Annual Governance Statement for 2022/23 and the Code of Corporate Governance for 2023. The (SGO) reported that, at its meeting on 25 July, the Audit and Risk Committee had recommended these documents for approval by the Authority.

Paul Hayden proposed, and Matthew Shardlow seconded.

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It was resolved unanimously to approve the Annual Governance Statement 2022/23 and to note, subject to the implementation of improvements identified in the action plan, that the Authority's systems of governance and internal control were considered to be adequate and effective.

13. Draft statement of accounts 2022/23

Members received the report of the Senior Accountant (SA) which provided an update on the Broads Authority's Statement of Accounts and its audit for the year ending 31 March 2023. The Chair confirmed that this report was considered by the Audit and Risk Committee (ARC) on 25 July 2023 and no issues had been raised.

The SA thanked the members who attended the Statement of Accounts training on 18 July 2023. She informed members that no date had been provided by the external auditors for when the audit of the 2022/23 accounts would start. This was due to a backlog of audits of other local authorities going back as far as 2015/16, however, the Authority's 2021/22 accounts had been signed off. A letter was issued by DLHUC last week on how the backlog of audits would be addressed. ARC members had received an email from the Director of Finance attaching a letter from EY regarding the audit delay.

The Vice Chair commented that it was critical that the Authority maintained pressure on EY to complete the audit.

The report was noted.

14. Capital funding progress report

Members received the report of the Chief Executive (CE) providing a regular update on the progress implementing the capital funding programme. For the benefit of new members, the CE provided some background, advising that following a visit from DEFRA last August, the Authority was given short notice that it could apply for some capital funding (which had to be spent by 31 March 2023). The officer team quickly pulled together a list of possible capital expenditure of £1.2m and the bid had been successful.

There were two outstanding items: the purchase of the Hulver Ground at How Hill and the repair of the drainage structure at Strumpshaw. The land purchase has been delayed but was still in progress. The contractors were continuing with the repairs to the drainage channel Strumpshaw steam pump. The CE thanked the staff who had worked on this programme, together with the DEFRA officials. The Authority had named the new plant cutter, purchased with some of the capital funding, Amber, after the DEFRA official who had been of great assistance to the Authority.

Now that the programme was almost complete, the CE queried the format for future reporting. Members concurred the regular progress report was no longer necessary and progress on the purchase of Hulver Ground be added to the summary of actions item.

The report was noted.

15. Hemsby Neighbourhood Plan

The Planning Policy Officer (PPO) introduced the report which proposed the adoption of the Hemsby Neighbourhood Plan. The PPO added that Great Yarmouth Borough Council adopted the plan on 27 July 2023 and the Planning Committee endorsed adoption of the plan at its meeting on 21 July 2023.

Harry Blathwayt proposed, and Stephen Bolt seconded.

It was resolved unanimously to endorse the result of the referendum and the Broads Authority adopt the Hemsby Neighbourhood Plan.

16. Committee membership and member appointments

Members received the report of the Senior Governance Officer (SGO) on the proposals for member appointments to committee and other bodies for the year 2023/24, following expressions of interest by members and a review by the Chairs Group.

The Chair reminded members, sitting on outside bodies, of the requirement to submit a report at least once a year.

Peter Dixon proposed, and Tony Grayling seconded.

It was agreed unanimously to confirm the Broads Authority member appointments for the 2023/24 year as set out in Appendix 2 to these Minutes to:

- i) the Audit and Risk Committee; Navigation Committee, Planning Committee and Broads Local Access Forum (table 1 in the report), and**
- ii) outside bodies (table 2 in the report).**

17. Whitlingham Charitable Trust – appointment of Trustees

Members received the report of the Senior Governance Officer (SGO) on the appointment of four Trustees to the Whitlingham Charitable Trust. The Chair commented that all candidates were impressive, and it was felt that they would be complimentary to the existing trustees.

It was noted that the appointments would be made on the following basis, agreed by the Authority at its meeting in September 2022:

- Trustees shall be appointed for not less than one and not more than three years.
- A Trustee appointed by the BA may resign by giving notice in writing.
- The Authority shall terminate the appointment of a Trustee in the following circumstances: they fail to attend any meeting in one year; fail to declare an interest in any matter brought up at a meeting.
- Trustees will provide the Authority with an annual report and report significant issues, if and when they arise.

Discussions would need to take place with the Trustee on how they would provide their annual report to the Authority.

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A member asked whether the Authority had any liabilities in relation to the Trust. The Director of Finance (DoF) responded that if the Trust was wound up, the Authority would be liable for £1.

Harry Blathwayt proposed, and Melanie Vigo di Gallidoro seconded.

It was resolved by 18 votes for (1 member having left the room during this item) that Matthew Bradbury; Tracey Brown; Anne Crotty and David Diggins be appointed as Trustees to the Whitlingham Charitable Trust on behalf of the Authority, for a period of three years and on the terms outlined above.

18. Scheme of Powers delegated to Chief Executive and other authorised officers

Members received the report of the Senior Governance Officer (SGO) on proposed changes to the Scheme of Powers delegated to the Chief Executive and other authorised officers, as part of the ongoing implementations from the external review into the formal complaint.

The SGO reported that, at its meeting on 21 July, the Planning Committee supported the proposed changes but made a further recommendation for additional wording. This related to paragraphs (vi) and (vii) on the ability of Broads Authority members and respective District Council Ward members to call an application. The proposal was for the words “of significant weight” to be added to the end of those paragraphs. This would then bring them into parity with paragraphs (iv) and (v). The Planning Committee asked that this be considered by the Authority when adopting the proposals.

The Chair of the Planning Committee commented there had been a very full discussion at the Planning Committee meeting and was happy to commend this proposal to the Broads Authority.

In response to a comment on extending the ability to potentially challenge interpretation to a wider range of delegated powers, the Monitoring Officer (MO) commented that the key issue was that planning was often more of an art than a science. Other delegated powers were more clear-cut and not open to interpretation. However, this report provided a future means of discussing uncertainty and a mechanism to discuss and continue debate.

Tim Jickells proposed, and Tony Grayling seconded.

It was resolved unanimously to adopt the proposed changes to section 37 of the Scheme of powers delegated to the Chief Executive and other authorised officers as outlined in the report and further amended as outlined above.

19. Revised terms of reference for Audit & Risk Committee

Members received the report of the Senior Governance Officer (SGO) on revised terms of reference for the Audit and Risk Committee, as part of the ongoing implementation of the recommendations from the external review into the formal complaint.

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The SGO reported that, at its meeting on 25 July, the Audit & Risk Committee supported the proposals but recommended the name of the committee be amended to Risk, Audit and Governance Committee, or RAG, as it was considered important to retain reference to the Committee's responsibilities regarding risk. The SGO highlighted one further minor amendment which officers were proposing, to paragraph 7.3 to add the word "internal", so that it read "The appointment of *internal* auditors has been delegated to the Director of Finance." The SGO pointed out that this change was for clarity and was not a change in the delegation.

The Monitoring Officer (MO) commented that this proposal formed the third part of a number of governance changes, which was to reflect amendments to the Audit & Risk Committee and to very firmly embed continuous oversight of governance within that committee, hence the change of name to reflect that.

The acting Chair of the Audit & Risk Committee advised that he was happy to commend the proposed changes to the Broads Authority for adoption.

Greg Munford proposed, and Fran Whymark seconded.

It was resolved by 18 votes for (1 member having left the room during this item) to adopt the revised terms of reference for the Audit and Risk Committee as outlined in the report and to agree the committee's name as Risk, Audit and Governance Committee.

20. Waiver of standing orders relating to contracts

The Director of Finance (DoF) explained that this item was withdrawn from the agenda following the decision by the Audit and Risk Committee to approve changes to the Standing Orders for contacts, at its meeting on 25 July 2023. The changes included an increase to the limits under which the Chief Executive could approve extensions (up to 10% or £25,000 whichever was greater). Both contract extensions in the report now fell within this revised limit and therefore, could be approved under delegated powers.

21. Broads Local Access Forum annual report 2022/23

The Waterways and Recreation Officer (WRO) introduced the Broads Local Access Forum (BLAF) Annual Report for 2023/23. He advised that the BLAF had met three times in the last year, twice online and once in person as part of a site visit. In August, the members of BLAF would be attending a site visit at Hoveton.

The WRO reported that there were still membership vacancies on the forum, however, applications were closing today (28 July 2023). It was hoped to attract applications from a more diverse range of the population.

In response to a query on the membership of BLAF, the Senior Governance Officer clarified that before item 16 of the agenda, Harry Blathwayt and Michael Scott were the Authority's representatives. However, following today's decision, the representatives were now Harry Blathwayt and Peter Dixon. The Regulations provided for two members of the Authority to be

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appointed to BLAF and the membership of any member who had been appointed in a different capacity (prior to becoming a member of the Authority) would cease.

The report was noted.

22. Minutes to be received

Members received the minutes of the following meetings:

Audit and Risk Committee – 14 March 2023
Navigation Committee – 13 April 2023
Planning Committee – 28 April 2023
Planning Committee – 26 May 2023
Planning Committee – 23 June 2023

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 **22 September 2023** at 10.00am at Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY.

26. Exclusion of the public

Stephen Bolt proposed, and Paul Hayden seconded.

It was resolved unanimously to exclude the Press and public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the item below on the grounds that it involves the likely disclosure of exempt information as defined by Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) 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 outweighs the public benefit in disclosing the information.

There were no press or public attending, and the recording was suspended.

27. Medium term financial planning

Members received the report of the Management Team providing options for consideration on how to spend the £440,000 National Park Grant received unexpectedly at the end of the 22/23 financial year. At the meeting on 17 March, members had agreed to place this

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additional money into a new medium-term financial planning earmarked reserve and, together with interest, this now totalled £450,000.

The Authority had previously committed to reducing overheads and one of its largest overheads was the occupancy of Yare House. Therefore, officers were suggesting a large proportion of the money was earmarked for the downsizing of the Authority's occupation at Yare House. This was based on the Authority having transformed its working practices, following the Covid emergency, with many of the office-based staff working part of the week from home. The required works (with the costs detailed in the exempt report) were likely to be complete in January 2024, and would reduce the space occupied by the Authority by approx. 60%, and thereby reduce costs, as well as the carbon footprint through reduced heating and lighting etc.

The report detailed a number of options, with costings, for how the remainder of the allocation could be spent.

It was noted that the Authority had a good track record in bidding for and winning external funding from several sources. The CE explained that the Water, Mills & Marshes project had been hugely successful, and this was achieved from a Heritage Lottery Grant. The Heritage Fund had now published its priorities for the next 10 years and a high priority was the work done by National Parks to increase people's understanding and connection with nature.

The CE went on to say that over the years, the Authority had learned a lot about applying for funding, in that the more preparation that was done, the smoother the process was. This meant that the Authority needed a resource to work up partner relationships and develop a proposal that could secure at £10m grant. Therefore, it was proposed to create a new position of Partnership and External Funding Manager to focus on developing those partnerships and obtaining external funding.

The CE went onto explain that the report had been considered at the Audit & Risk Committee on 25 July 2023, and there was some discussion about the principle of the money being used for the Yare House relocation and not being able to be used for navigation. The Director of Finance (DoF) advised that the money had to be spent in 2022/23 and therefore the money displaced other income received, and other monies were placed in the reserve. The DoF also added that a precedent had already been set in 2008 when DEFRA funded the Authority's move to Dragonfly House.

The acting Chair of the Audit & Risk Committee reported that the Committee had recommended option 1 (external funding and partnership working), which would hopefully increase fundraising potential, and ultimately potentially unlock options 2 and 3.

A member asked whether sustainability of the role beyond the 2-year term of option 1 could be built into the project's terms. The CE replied that the intention was that this would be a permanent post.

The CE commented that option 2 (education and access) was something that the Authority would like to do, and this should be possible from option 1, if successful.

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In response to a question on whether the Broads Authority carried out assessments on those working from home to ensure that staff were properly equipped to do so, the CE confirmed that it was compulsory for those that worked from home to complete a DSE assessment. If, for whatever reason, office-based staff wished to work only in the office, they could do so.

Greg Munford proposed, and Sian Limpenny seconded.

It was agreed unanimously to spend the additional National Park Grant:

- i. in reducing the long-term costs of occupation at Yare House as detailed in the report; and**
- ii. on employing a Partnership and External Funding Manager, to increase the capacity of the Authority to develop partnerships and seek external funding, as set out in Option 1.**

The meeting ended at 12.12pm

Signed by

Chairman

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Appendix 1 – Declaration of interests: Broads Authority, 28 July 2023

Member	Agenda/minute	Nature of interest
Greg Munford	15	No interest to declare but advised the meeting that he owned a business in Hemsby

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Appendix 2 – Appointments to committees and other bodies 2023/24

Table 1: committee appointments

Committee	Members
<p>Audit and Risk Committee* At least 6 BA members, to include Chairs of BA and Navigation Committee</p> <p>*subsequently renamed Risk, Audit and Governance Committee</p>	<p>Chair of Broads Authority (Bill Dickson) Chair of Navigation Committee (Alan Goodchild) Tony Grayling Paul Hayden Tristram Hilborn Sian Limpenny Kevin Maguire Michael Scott Matthew Shardlow</p>
<p>Navigation Committee 5 BA members and 8 co-opted members</p>	<p>BA members Harry Blathwayt Stephen Bolt Leslie Mogford Greg Munford Michael Scott</p> <p>Co-opted members (appointed by BA on 17.3.23) Mark Collins Peter Dixon Alan Goodchild Bob Neate Remus Sawyerr Simon Sparrow Daniel Thwaites Paul Thomas</p>
<p>Planning Committee At least 11 BA members</p>	<p>Harry Blathwayt Stephen Bolt Bill Dickson Tony Grayling James Harvey Martyn Hooton Tim Jickells Kevin Maguire Leslie Mogford</p>

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Committee	Members
	Keith Patience Vic Thomson Melanie Vigo di Gallidoro Fran Whymark
Broads Local Access Forum 2 BA members	Harry Blathwayt Peter Dixon

Table 2: appointments to outside bodies

Outside body	Recommended appointments
BFI Elected Members Forum	Matthew Shardlow
How Hill Trust	Tim Jickells
Norfolk and Suffolk Broads Charitable Trust	Paul Hayden Martyn Hooton
Upper Thurne Working Group	Harry Blathwayt Stephen Bolt
Whitlingham Charitable Trust	see minute 17

Broads Authority

22 September 2023
Agenda item number 0

Summary of actions and outstanding issues following discussions at previous meetings

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
Wherryman's Way footpath on River Chet	26/07/2019	Rob Rogers	Wherryman's Way footpath by River Chet included in priority actions for new Waterways and Recreation Officer. Discussions ongoing with Norfolk County Council.	<p>July 23: The Community Infrastructure Levy funding application was unsuccessful. The project team are scoping options for proceeding with the £216,000 currently available from the previous funding application. Norfolk County Council (NCC) are meeting with GNGB to establish the feasibility of a reapplication for funding. NCC are also actively looking for alternative funding to support the project.</p> <p>At the Hardley Flood site - there are three major ecological considerations (European protected species) Otters by footpath line - commissioned consultant to report. Water vole - a Norfolk Biodiversity Info report has been requested. Desmoulin's Whorl Snails – very specialist species – awaiting report.</p> <p>Once the ecological reports are completed talks will be held with Natural England regarding next steps. NCC have met with NP Law for advice on statutory duties and legislation for priority for Public Rights of Way or Ecology.</p> <p>At the Bramerton Site – the Broads Authority are working with engineering consultants on a gabion basket and rock roll design for the bank restoration.</p> <p>August 2023: No further update.</p>	31/12/2021
Responding to Climate Change Emergency	27/09/2019	John Packman	To adopt Climate Change Emergency Statement for the Broads (first report Appendix 1) and principles outlined for BA to: Recognise climate emergency	<p>13 September 2022: A member workshop was held on 25 July, and the full report circulated to members. Work is ongoing on the next steps, with a report anticipated for the November Authority meeting.</p>	

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
			<p>Work toward making the Broads Authority 'carbon neutral' by 2030, with further objective of reducing all carbon emissions to zero by 2040.</p> <p>Establish base line for CO2 emissions using a common methodology with NPAs and develop an Action Plan and Monitoring system.</p> <p>Work with constituent local authorities to reduce emissions from domestic, travel and other sources in the Broads across the two counties.</p> <p>Work with farmers, land managers, NFU and Defra to influence land management practices, to maintain and build organic matter and carbon in soil, improve biodiversity and store water to protect against flooding and drought.</p> <p>Work with boating and tourism organisations to continue promoting and developing environmentally friendly boating and sustainable tourism; and</p> <p>Aspire to offsetting carbon emissions locally within the Broads by a Broads offsetting scheme.</p>	<p>The next phase of Clean maritime funding, which may allow us to build on the Electrifying the Broads feasibility study, is expected to be announced on 22 September.</p> <p>November 2022: We are working on various possible bids for external funding to support our climate change work, including the Norfolk Investment Framework.</p> <p>Unfortunately the Clean Maritime Competition Phase III was not suitable for the Electrifying the Broads project, so we are exploring other avenues.</p> <p>December 2022: An update report setting out next steps was presented to the Authority Meeting in December. We will hear in early January the outcome of the bids to the Pioneer Places fund and the Norfolk Investment Framework.</p> <p>February 2023: Pioneer Places bid was not awarded. We have a new possibility of funding through the Local Electric Vehicle Infrastructure Fund award, in partnership with Norfolk County Council, that includes funding for electric pillars in the Broads.</p> <p>June 2023: We have had discussions with the Canal & Rivers Trust and Environment Agency to see what joint work can be done on boating electrification. Round 4 of the Clean Maritime Demonstration Competition is expected to open in July 2023, we will reach out to partners to determine if we can submit a bid. We are drafting a tender for the installation of solar panels at the Dockyard. We have launched a consultation with Visit The Broads members to identify opportunities to use funding from the Norfolk investment Framework to support sustainable tourism.</p> <p>September 2023: We are continuing to work with Norfolk County Council on developing a bid under the Norfolk Investment Framework for Sustainable tourism. Unfortunately the Clean Maritime Demonstration Competition Round 4 has not proved suitable for the Electrifying the Broads project as it does not allow for capital expenditure. The Dockyard solar tender is currently open and will close on 15 September.</p>	

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
'Broads Peat' - A Nature for Climate Peatland Grant Scheme project	23/07/2021	Andrea Kelly	<p>The Broads Peat Project was awarded £785,668 in December 2021 from Defra, as part of the Nature for Climate Peatland Grants Scheme – Discovery Grant which is administered by Natural England. The project budget was revised to £855,831 in December 2022 (the formal Change Control Notice was received from Natural England on 3 January). The project budget was revised to £1,125,831 in April 2023 (the formal Change Control Notice was received from Natural England on 20 April 2023).</p> <p>Broads Peat was initially expected to close in March 2023 - an extension until 31 August 2023 has been granted.</p> <p>Following the Discovery phase, a restoration grant was awarded for Buttle Marsh on 26 August 2023.</p>	<p>Early March 2023: Submission of ~£400k Paludiculture Exploration Fund bid with Norfolk FWAG, Norfolk County Council, NUA, Wetland Products Foundation and Hudson Architects. with support from EA, Broads IDB, Fenland Soil.</p> <p>April 2023: The peat project extension to 31 August was approved, with a revised budget of £1,125,831; the formal Change Control Notice was received from Natural England on 20 April 2023. A restoration bid is being prepared for Buttle Marsh, and discussions have taken place for other sites. Field-by-field assessment of carbon emissions in the Broads was presented to the Lowland Peatland Conference in Ely 17-18 April. SWT secondment ended at the end of March. The Carbon Reduction Project Manager is providing additional support to the project.</p> <p>June 2023: The restoration bid was submitted for Buttle Marsh. Paludiculture Exploration Fund project 'FibreBroads' successful, led by Broads Authority, with Norfolk FWAG, Norfolk County Council, NUA, Wetland Products Foundation and Hudson Architects. with support from EA, Broads IDB, Fenland Soil.</p> <p>September 2023: The Broads Peat Discovery project has closed at the end of August, and preparation for the final reporting is underway. The Nature for Climate Peatland Restoration Grant has been awarded to Buttle Marsh in August 2023, with co-funding secured from Anglian Water. Peatlands set to be restored to help tackle climate change</p> <p>The other peat related project, 'FibreBroads', funded by the Paludiculture Exploration Fund has also started. New investment in peat in fight against climate change. It hosted Minister Pow on 11 & 12 August. Minister Spencer visited the FibreBroads stand at the Royal Norfolk Show. The project featured in eight media articles since the launch of the project in June 2023.</p>	31/03/2023
Farming in Protected Landscapes (FiPL)	23/07/2021	Hannah Norman	To deliver the Farming in Protected Landscapes (FiPL) programme.	<p>24 April 2023: The second year of the grant programme was successfully completed. Four projects will continue to 23/24. The Land Management Board met on 17 April and approved three applications for the Broads and one for the Norfolk Coast. For the Broads, one application was rejected and four</p>	

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
				<p>applications were deferred to the June meeting, pending confirmation of the grant amount for 23/24.</p> <p>11 July 2023: The increase in grant budget has been confirmed by Defra. The Land Management Board met on 5 June and approved 6 applications. So far in the third year of the grant programme 16 projects have been approved, four of which are continuing from year two.</p> <p>17 July 2023: At its meeting on 17 July, the Land Management Board considered 6 applications seeking grants of £99,278.48. One application was funded fully, 3 deferred and 2 funded at a reduced level.</p> <p>5 September 2023: At the meeting on 4 September one project was funded and one deferred. In total 20 projects have been approved with a total allocation of £209,130.40. Juliette Howlett joined the team on the 7 August as a full time FiPL Officer.</p>	
Safety on the Broads	18/03/2022	Rob Rogers	Amend the Authority's Hire Boat Licensing Conditions such that the Code for the Design, Construction and Operation of Hire Boats is incorporated in full. Make the British Marine's QAB scheme a mandatory aspect of Broads Authority Hire Boat Licensing Conditions from 1 April 2023 in line with the Navigation Committee's view.	<p>June 2023: Update Committee Papers have been provided to Full Authority and Navigation Committee to advise on current progress against a number of key safety changes across the Authority.</p> <p>August 2023: All changes have been implemented and established.</p>	01/04/2023
Recommendations from external review into formal complaint	20/01/2023	John Packman	At the Broads Authority meeting on 20 January 2023, it was resolved to: i. Welcome the findings and recommendations of the independent investigation into the formal complaint and in particular that: "In our view officers acted in good faith and professionally throughout", and that a. The Broads Authority's governance arrangements are regularly reviewed by Internal and External Audit, both external to the organisation... There is continuous improvement underway within the realm of governance. b. "any suggestion that there are significant fundamental problems at the Authority and that it is "failing" or similar would be completely incorrect."	<p>16 Feb 2023: All recommendations were adopted by members at the BA meeting on 20 Jan. The report was published on the website on 20 January (rec. vi).</p> <p>A report will be presented to the Audit & Risk Committee on 14 March, to agree a set of actions to implement the recommendations and the relevant timetable. In addition, to delegate authority to the CE and MO to take all and necessary steps to implement the recommendations and report back to the ARC on progress.</p> <p>April 2023: The Audit & Risk Committee agreed the actions and timetable on 14 March. The Senior Governance Officer and Director of Finance subsequently met with the MO and DMO to draw up an action plan on implementing the recommendations,</p>	22/12/2023

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
			<p>ii. In accordance with recommendation a. above and recognising the Authority's designation as a Best Value Authority it adopts in full the recommendations of the independent review for improvements in the organisation's governance and procedures as set out in Table 1.</p> <p>iii. Refers the recommendations of the VWV report to the Audit and Risk Committee for detailed consideration and implementation.</p> <p>iv. The Authority recognises the serious impact this process has had upon its officers' well-being and, while implementing the practical steps in the recommendations, recognises the duty to officers as their employer and commits to protecting its officers in future from unfounded allegations.</p> <p>v. Thank: the Task and Finish Group for its work which has been concluded and its views incorporated into the VWV report; VWV for their independent review and Defra for meeting the costs.</p> <p>vi. To publish the VWV report on the Authority's website (subject to one redaction of personal information).</p>	<p>including timescales for presenting draft documents to the relevant committee and full Authority for review and approval. Progress will be reported to the next ARC meeting in July.</p> <p>July 2023: Reports to Planning Committee 21/7 and Audit & Risk Committee 25/7 seeking the committees' views on proposals to implement two of the recommendations, for decision at this Authority meeting. The report to ARC also included progress against the timetable on implementing all of the recommendations.</p> <p>September 2023: Report on the establishment of a Standards Committee for decision at this Authority meeting.</p> <p>At its meeting on 28 July, the Authority adopted revised ToR for the Audit and Risk Committee (and renamed it the Risk, Audit and Governance Committee), and approved changes to the Scheme of powers delegated to the Chief Executive and other officers, and the Code of Practice for members of the Planning Committee and officers (specifically relating to the "call-in" process for planning applications). A minor change to the wording for complaints about unlawful behaviour or action was approved by Management Team on 22 August.</p>	
BFI (Broadland Futures Initiative)		Marie-Pierre Tighe	To implement the next steps of the Broad Futures Initiative (BFI) programme, including the development of the modelling which is expected in 2024.	<p>February 2023: Issue 11 of the BFI newsletter was published on 15 February 2023. The project team met on 20 February, and received a presentation from the Broads Angling Services Group on salinity. The next meeting of the Elected Members Forum is due on 4 April.</p> <p>April 2023: The Elected Members Forum met on 4 April, and discussed the long listing of potential flood risk management actions. The project team met on 19 April, and had a workshop focusing on the possible indicators for each of the BFI objectives.</p> <p>July 2023: The Elected Members Forum met on 10 July to discuss the prioritisation of BFI objectives. Issue 12 of the BFI newsletter published in June.</p>	

Title	Meeting date	Lead officer	Summary of actions	Progress so far	Target date
				September 2023: The results of the prioritisation exercises were shared with the Elected Members Forum at the end of August. A formal decision is expected at their next meeting on 9 October.	
Capital Programme	28/07/2023	John Packman	Track final two projects of the capital spend: Purchase of Hulver Ground; and repair of drainage structure at Strumpshaw.	September 2023: Repair of drainage structure nearing completion. No change on Hulver Ground purchase.	
Reduction in office space at Yare House	28/07/2023	Emma Krelle	Reduce occupation to cut overhead costs and reduce carbon emissions.	September 2023: Revised plans for reduced occupation submitted for landlord approval.	

Date of report: 12 September 2023

Broads Authority

22 September 2023

Agenda item number 8

Strategic priorities- update

Report by Senior Governance Officer

Purpose

This report sets out the latest progress in implementing the Authority's annual strategic priorities for 2023/24.

Broads Plan context

The Broads Plan is a key part of the Authority's strategic framework.

Recommended decision

To note the progress in implementing this year's strategic priorities.

1. Introduction

- 1.1. Each year the Broads Authority identifies a small set of strategic priorities, which focus on projects that have high resource needs or a very large impact on the Broads, or that are politically sensitive. Setting these priorities helps target the Authority's resources and make the most of partnership working and external funding opportunities. Priorities are set each financial year, although some large-scale projects carry across several years.
- 1.2. In addition, Defra has introduced a new requirement for National Park Authorities and the Broads Authority to provide quarterly updates on deliverables against the Business Plan, as part of its grant funding agreement. These update reports on our strategic priorities are used by officers to comply with that requirement.
- 1.3. The latest update on the agreed strategic priorities for 2023/24 is in Table 1 below.

Table 1

Strategic priorities 2023/24 – progress update

Themes, aims and milestones	Progress	Lead officer
1. Climate Change crisis response Aim: To implement the next steps of the various projects tackling climate change related issues, including the	Status: on track	Director of Strategic Services

Themes, aims and milestones	Progress	Lead officer
<p>actions in the Authority’s Climate Change Action Plan.</p> <p>Milestones:</p> <ul style="list-style-type: none"> (i) Publish at least two editions of the Broadland Futures Initiative BFI newsletter, by March 2024. (ii) Hold at least two meetings of the BFI Elected Members Forum, by March 2024. (iii) Various technical deliverables from BFI consultant including the new hydraulic model, throughout 2023/24. (iv) Work with partners to secure funding and implement Phase II of the “Electrifying the Broads” project, by March 2024. (v) Deliver the actions set out in the Authority’s Climate Change Action Plan. 	<ul style="list-style-type: none"> (i) 12th edition of the newsletter published in June 2023. (ii) Following the Elected Members Forum (EMF) workshop on 10 July 2023, the results of the prioritisation exercises were shared with the EMF at the end of August. A formal decision is expected at their next meeting on 9 October. (iii) On track. (iv) Round 4 of the Clean Maritime Demonstration Competition was announced in July 2023. Unfortunately, the funding excluded capital spend, so we will seek other sources of funding. (v) The tender for solar panels on the Dockyard closes on 15 September, with the intention of awarding a contract for installation to be carried out by March 2024. Following consultation with Visit The Broads members, we are continuing to work on a potential bid to the Norfolk Investment Framework. 	
<p>2. Biodiversity crisis response</p> <p>Aim: Co-ordinate and implement with partners the development of strategies and projects, including the legacy of the peat project.</p> <p>Milestones:</p> <ul style="list-style-type: none"> (i) Endorsement of Norfolk & Suffolk Nature Recovery 	<p>Status: on track</p> <ul style="list-style-type: none"> (i) New Norfolk & Suffolk Nature Recovery Manager started mid- 	<p>Environment Policy Adviser</p>

Themes, aims and milestones	Progress	Lead officer
<p>Strategies – timings to be confirmed subject to further details expected from government.</p> <p>(ii) To implement the next steps of the Nature for Climate Peat restoration project within agreed budget and timeline, and review lessons learnt by June 2023.</p> <p>(iii) Complete site selection for potential restoration, and support the submission of Restoration Grant Application, if appropriate, by 26 May 2023.</p>	<p>July, on secondment from Natural England. LNRS expected to be published August 2024 with Norfolk and Suffolk County Councils as “Responsible Authorities” and the Broads Authority as “Supporting Authority”.</p> <p>(ii) The Nature for Climate Peatland Discovery project closed on 31 August 2023. Final reporting is under way, including lessons learnt.</p> <p>(iii) A Nature for Climate Peatland Grant Scheme Restoration Grant bid has been awarded for Buttle Marsh in August 2023, with co-funding secured from Anglian Water. Peatlands set to be restored to help tackle climate change - GOV.UK (www.gov.uk). The restoration is for ~£300k and co-funded by Anglian Water Get River Positive scheme. It aims to restore peat building conditions at Buttle Marsh by holding and transferring water across the site.</p>	
<p>3. Navigation IT</p> <p>Aim: To replace current tolls system and provide improved online functionality.</p> <p>Milestones:</p> <p>(i) Develop timetable and specification by May 2023</p> <p>(ii) Progress workplan for 2023/24 as per agreed timeline.</p>	<p>Status: delayed</p> <p>(i) Further to meeting with Management Team on 2 May to report on discussions with other waterways, Navigation Committee were consulted re specific functionality on 8 June.</p>	<p>Head of ICT/Collector of Tolls</p>

Themes, aims and milestones	Progress	Lead officer
	<p>An anonymised version of the current internal system is being prepared and will be sent to a developer to ascertain the feasibility of updating it to run on the latest, cloud hosted, software platform.</p> <p>With the scope of the project almost complete, the full specification and tender preparation are scheduled for completion by March 2024.</p> <p>(ii) Ongoing</p>	
<p>4. Water Mills and Marshes</p> <p>Aim: Co-ordinate and implement with partners the WMM programme to latest agreed schedule and budget.</p> <p>Milestones:</p> <p>(i) Monitor and report progress (July & Dec 2023).</p> <p>(ii) Submit quarterly claims to National Lottery Heritage Fund (April/Jul/Oct/Jan).</p> <p>(iii) Complete individual project plans with project partners (June)</p> <p>(iv) Complete final project evaluations with external scheme evaluators (September)</p> <p>(v) Hold project legacy partner conference (November)</p> <p>(vi) Prepare final project report</p>	<p>Status: on track</p> <p>(i) All projects progressing well to adjusted plans</p> <p>(ii) Quarterly returns submitted on time and paid by NLHF.</p> <p>(iii) Most external partner projects now completed with individual project evaluations being conducted and submitted.</p> <p>(iv) External scheme evaluators have circulated the first drafts of the final report which we are reviewing.</p> <p>(v) Planning for the Landscape Partnership legacy conference is ongoing. Conference will highlight the works accomplished since 2018 and look at planned legacy works</p>	<p>Broads Landscape Partnership Programme Manager</p>

Themes, aims and milestones	Progress	Lead officer
	<p>and opportunities derived from the scheme.</p> <p>(vi) Evidence for the final scheme report is being gathered and collated.</p> <p>Work is nearing completion at Mutton’s Mill. The millwright has lifted the new stocks and 2 of the sails back into place on the mill; we are awaiting his return to complete the task.</p> <p>Repair work is nearly completed at the drainage structure at the pumphouse at Strumpshaw Fen. We expect this to be complete in September.</p> <p>There has been an unexpected delay in the completion of Tom Williamson’s new book on history of the Broads, which is the final output from our work on the Broads Hidden Heritage Project. We still expect this to be completed in the next 6 months.</p> <p>Our exhibition on the history of drainage windmills in the Broads in the museum of the Broads in Stalham is currently open to the public for its second season. It will remain open through October 2023.</p> <p>Our new Changing Places toilet has been installed at Whitlingham Country Park. It is complimented by the tactile map we delivered to the park last year, and the recent works to improve the circular path around the Great Broad, which we supported last year.</p> <p>We have also received our latest tactile map from the RNIB which is soon to be installed at Beccles Quay.</p>	

Themes, aims and milestones	Progress	Lead officer
<p>5. Local Plan for the Broads</p> <p>Aim: To review the Local Plan for the Broads for adoption in 2024 (estimated).</p> <p>Milestones:</p> <ul style="list-style-type: none"> (i) Preparation of the Preferred Options version of Local Plan (with HRA and SA) consultation – towards consultation in autumn 2023. (ii) Preparation of the Publication version of the Local Plan throughout 2024. 	<p>Status: on track</p> <ul style="list-style-type: none"> (i) Policies are being drafted and taken to Planning Committee each month. Sites put forward for consideration are being assessed. (ii) On track. 	<p>Planning Policy Officer</p>
<p>6. Farming in Protected Landscapes (FiPL)</p> <p>Aim: To run the FiPL programme and allocate Broads grants to farmers and landowners, and support the Broads and Norfolk Coast Land Management Board to allocate their funding.</p> <p>Milestones:</p> <ul style="list-style-type: none"> (i) Hold six Land Management Board meetings, by March 2024. (ii) Allocate all grant funding to projects, by December 2023. (iii) Engagement activities to showcase case studies funded through FiPL, by March 2024. 	<p>Status: on track</p> <ul style="list-style-type: none"> (i) Held Land Management Board meeting on 4 September 2023; one project was approved by the Board in the Broads. In total there are 20 projects that have been approved so far this programme year. (ii) Defra has confirmed an increase in the programme budget, meaning that the grant pot for the programme is now £275,986.64. So far £209,130.40 has been allocated to grants. (iii) Juliette Howlett has joined us as our new full time Farming in 	<p>Catchment & Farming Officer</p>

Themes, aims and milestones	Progress	Lead officer
	Protected Landscapes Officer, to help with communication and delivery of the programme. The Defra FiPL team will visit one of our completed projects on 14 September.	
<p>7. Budget pressures</p> <p>Aim: To operate at a level in line with expected income.</p> <p>Milestones:</p> <ul style="list-style-type: none"> (i) Use January budget report for 2023/24 and the three-year horizon to continue discussions with Defra officials on future funding levels. (ii) Further savings and additional income (including from external funding) for 2024/25 Budget (January 2024) 	<p>Status: on track</p> <ul style="list-style-type: none"> (i) Work to start over the summer period on the 2023/24 budget. Establishment (salary) budgeting completed. <ul style="list-style-type: none"> Initial conversations held 23 August 2023 with DEFRA around potential new funding model. (ii) The Philanthropy Company has been appointed on behalf of the English National Parks and DEFRA to look at income generation opportunities. <ul style="list-style-type: none"> Draft second phase report received 10 July 2023, meeting to discuss scheduled for 14 July 2023. Legal advice sought on the Authority's ability to engage in commercial activity. 	<p>Chief Executive & Director of Finance</p>

2. Financial risk

- 2.1. If the Authority fails to comply with any of its obligations in the Grant Funding Agreement, DEFRA may, at its discretion, reduce, suspend or terminate payments of grant, or require any part or all of the grant to be repaid.

Author: Sara Utting

Date of report: 06 September 2023

[Broads Plan](#) strategic objectives: all

Broads Authority

22 September 2023

Agenda item number 9

Financial performance and direction

Report by Director of Finance

Purpose

This report provides a strategic overview of current key financial issues and items for decision.

Broads Plan context

Financial performance underpins all the strategic objectives of the Broads Plan.

Recommended decision

To note:

- i. the income and expenditure figures
 - ii. the latest pay negotiations in paragraph 4.2 and
 - iii. the prudential indicators in paragraph 6.1.
-

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1. Introduction

- 1.1. This report covers three items: the Consolidated Income and Expenditure from 1 April –
1.2. 31 July 2023, the latest pay negotiations and the quarter one prudential indicators for 2023/24.

2. Overview of actual income and expenditure

Table 1

Actual consolidated income and expenditure by directorate to 31 July 2023

Directorate	Profiled latest available budget £	Actual income and expenditure £	Actual variance £
Income	(5,659,894)	(5,526,406)	- 133,488
Operations	1,851,437	1,668,967	+ 182,470
Strategic Services	575,802	684,420	- 108,618
Finance & Support Services	925,528	903,892	+ 21,636
Projects, Corporate Items and Contributions from Earmarked Reserves	(276,362)	(116,659)	- 159,703
Net (Surplus) / Deficit	(2,583,489)	(2,385,786)	- 197,703

- 2.1. Core navigation income is below the profiled budget at the end of month four. The overall position as at 31 July 2023 is an adverse variance of £197,703 or a 7.65% difference from the profiled LAB. This is principally due to:

- An overall adverse variance of £132,659 within income:
 - Hire Craft Tolls is £90,125 below the profiled budget (Note: this includes some outstanding hire boat split payments which were received in early August).
 - Private Craft is £49,612 below the profiled budget.
 - Short Visit and Other Toll income is £7,908 above the profiled budget.
 - Investment income is £1,659 below the profiled budget.
- An underspend within Operations relating to:
 - Construction, Maintenance and Ecology salaries is £27,064 under the profiled budget due to the 5% budgeted pay award not being agreed by the unions.

- Equipment, Vehicles and Vessel is under the profiled budget by £48,658 due to delays in expenditure from the earmarked reserves which has been slightly offset by the overspend on fuel.
- Land Management is over the profiled budget by £17,035 due to timing differences on the receipt of RPA income and a contract being completed ahead of profile.
- Practical Maintenance is under the profiled budget by £18,279 due to a timing difference on earmarked reserve expenditure.
- Ranger Services is under the profiled budget by £32,288 due to the 5% budgeted pay award not being agreed by the unions.
- Premises is under the profiled budget by £28,896 due to delays in expenditure at the Dockyard from the earmarked reserves.
- Project Funding is under the profiled budget by £39,078 due to timing differences.
- An overspend within Strategic Services relating to:
 - Strategy and Projects is over the profiled budget by £174,007 due to delays in the receipt of quarter one grant claim for Farming in Protected Landscapes (FiPL) being paid and the extension to the Nature for Climate Peatland Discovery Grant (NCPGS) being approved after the budget was set.
 - Communications is under the profiled budget by £46,097 due to the extension to the UK National Parks Communication service being approved after the budget was set. In addition, two grants have been received from Forest Holidays and Green pathways that were not budgeted for. Both of these variances will reduce as expenditure is incurred.
- An underspend within Finance and Support Services relating to:
 - Legal is over the profiled budget by £16,171 due to increased costs for Reedham Quay lease and Monitoring Officer recharges.
 - Finance and Insurance is under the profiled budget by £12,448 due to timing differences on audit recharges.
 - ICT in under the profiled budget by £16,782 due to timing differences.
- An adverse variance within reserves relating to:
 - Premises is under the profiled budget due to delays on Dockyard expenditure.
 - Property is under the profiled budget due to delays on Hoveton Riverside Park works.

- Plant, Vessels and Equipment is under the profiled budget due to timing differences on vehicle and equipment replacements.
- UK Communications Team is under the profiled budget due to the additional income received for the extension.

2.2. The charts at Appendix 1 provide a visual overview of actual income and expenditure compare with both the original budget and the LAB.

3. Latest available budget

3.1. The Authority’s income and expenditure is monitored against the latest available budget (LAB) for 2023/24. The LAB is based on the original budget for the year, with adjustments for known and approved budget changes such as carry-forwards and budget virements. Full details of movements from the original budget are set out in Appendix 2.

Table 2

Adjustments to consolidated LAB

Item	Authorisation reference	Amount £
Original budget 2023/24 – deficit	Broads Authority 20/01/23 Agenda item number 11	18,222
LAB as at 31 July 2023	n/a	18,222

4. Overview of forecast outturn 2023/24

4.1. Budget holders have been asked to comment on the expected income and expenditure at the end of the financial year in respect of all budget lines for which they are responsible.

4.2. Each year an estimate is made of what the salary increases will be for the budget and for 2023/24 this was estimated at 5%. In February this year the NJC made its full and final offer of £1,925 per spinal point. This has been considered by the Unions and rejected. In August the NJC reconfirmed that the £1,925 is their full and final offer after the unions asked for negotiations to be reopened. Despite Unison deciding against strike action, Unite and GMB are still considering this. This somewhat leaves the pay negotiations in stalemate. As well as the potential impact on this year’s outturn the cumulative effect on pay makes it difficult to estimate what the level will be for 2024/25 as part of the tolls and budget setting.

4.3. A summary of these adjustments are given in the table below:

Table 3

Adjustments to Forecast Outturn

Item	Amount £
Forecast outturn deficit per LAB	18,222
Decrease to Hire Craft Tolls	23,451
Decrease to Private Craft Tolls	47,527
Increase to Insurance costs	13,000
Forecast outturn deficit as at 31 July 2023	102,200

5. Reserves

- 5.1. As in previous years, the Authority's contributions to the reserves have all been made in full at the end of quarter one. This has resulted in some reserves showing increased balances at the end of July. These will reduce as planned purchases take place throughout the year.
- 5.2. Items funded from the Property reserve contains the income from land rental at Oulton Broad. The Plant, Vessels and Equipment reserve has funded three new vehicles. The Heritage Lottery Fund, Catchment Project, CANAPE, UK Communications and Match Funding reserve contains the income and expenditure relating to those projects. The Medium-Term Planning reserve had funded the expenditure for the reconfiguration of Yare House.

Table 4

Consolidated earmarked reserves

Reserve name	Balance at 1 April 2023 £	In-year movements £	Current reserve balance £
Property	(936,361)	(71,796)	(1,008,157)
Plant, Vessels and Equipment	(635,878)	(107,208)	(743,086)
Premises	(376,578)	(51,750)	(428,328)
Planning Delivery Grant	(261,209)	0	(261,209)
Upper Thurne Enhancement	(213,533)	(21,000)	(234,533)
HLF	(171,017)	160,868	(10,149)
Catchment Partnership	(84,887)	(16,571)	(101,458)
CANAPE	(463,385)	69,932	(393,453)
Computer Software	(152,592)	(20,000)	(172,592)
UK Communications	(4,820)	(7,623)	(12,443)

Reserve name	Balance at 1 April 2023 £	In-year movements £	Current reserve balance £
Match Funding (EXPERIENCE)	(17,466)	15,874	(1,592)
Medium-Term Planning	(449,623)	22,669	(426,954)
Total	(3,767,349)	(26,605)	(3,793,954)

5.3. £1,606,519 of the current reserve balance above relates to Navigation reserves.

6. Prudential Indicators

6.1. The Capital, treasury and investment strategy 2023/24, approved 17 March 2023, included the key prudential indicators necessary for an authority that has borrowing. The prudential indicators are designed to support and record local decision making in a publicly accountable manner. At the beginning of each year, estimates for the prudential indicators are set and agreed by members. In the past actual indicators were compared to the estimates once the annual accounts are produced in May each year. The updated CIPFA code requires these prudential indicators to be reported quarterly and are set out in table 5 below.

Table 5

Prudential Indicators 2023/24

Prudential Indicator	Opening 01/04/23 £	Closing estimate 31/03/24 £	Q1 Actual £
Capital expenditure	0	350,000	81,002
Authorised limit for external debt	500,000	500,000	500,000
Operational Boundary	400,000	400,000	400,000
Capital Financing Requirement	127,140	91,648	116,696

7. Conclusion

7.1. The forecast position for the year suggests a surplus within the National Park and a deficit within the Navigation budget. This would result in a National Park Reserve balance of approximately £642,000 and a Navigation Reserve balance of £478,000 at the end of 2023/24 (before any year-end adjustments). This would mean that both reserves would be above the recommended levels, with National Park at 18.6% and Navigation at 10.9%. Year-end transfers of interest to the earmarked reserves and closure of the CANAPE reserve mean it will rise to approximately 22.9% and 12%. This will be highly dependent on the level of interest received.

Author: Emma Krelle

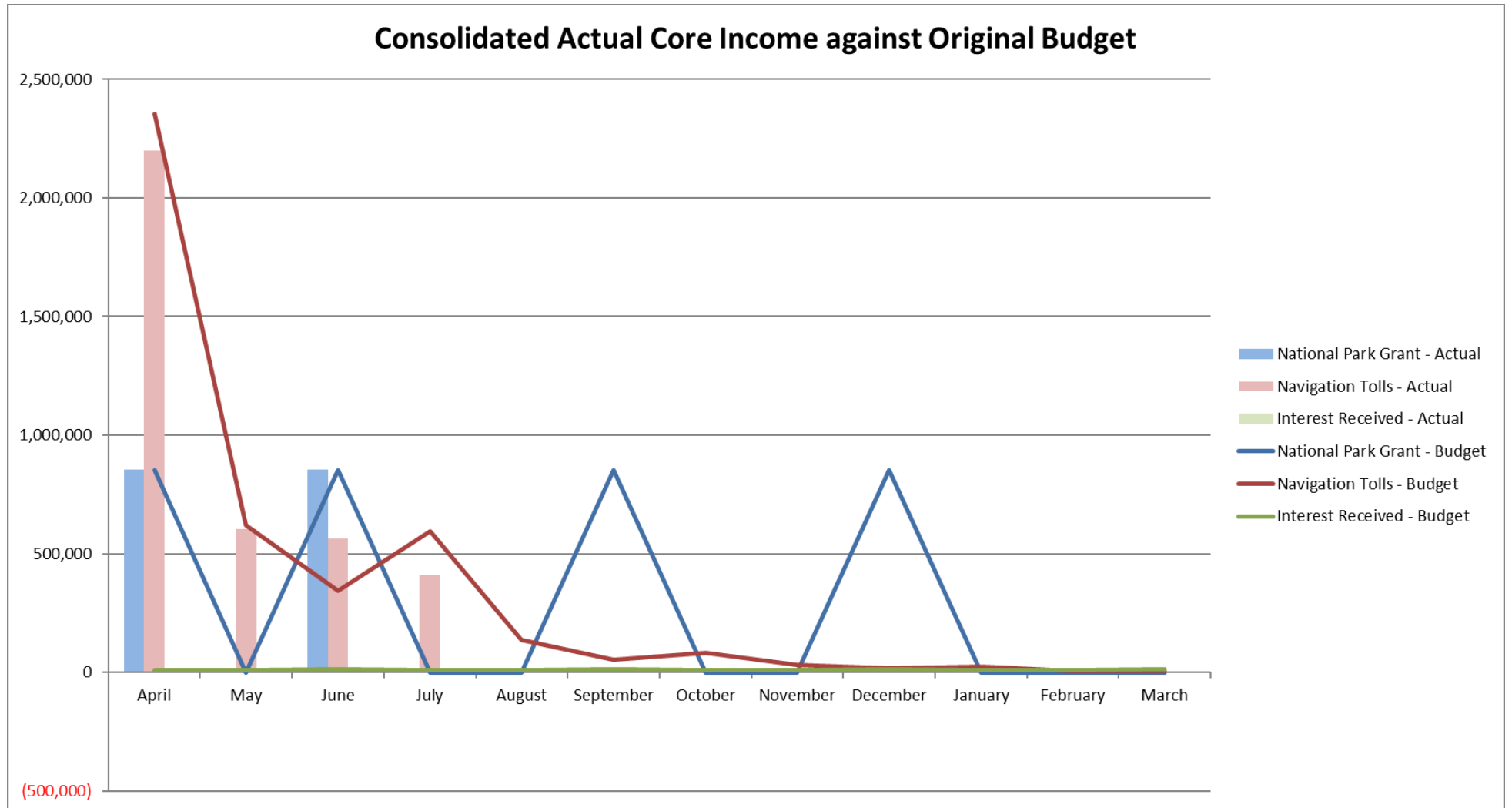
Date of report: 04 September 2023

[Broads Plan](#) strategic objectives: All

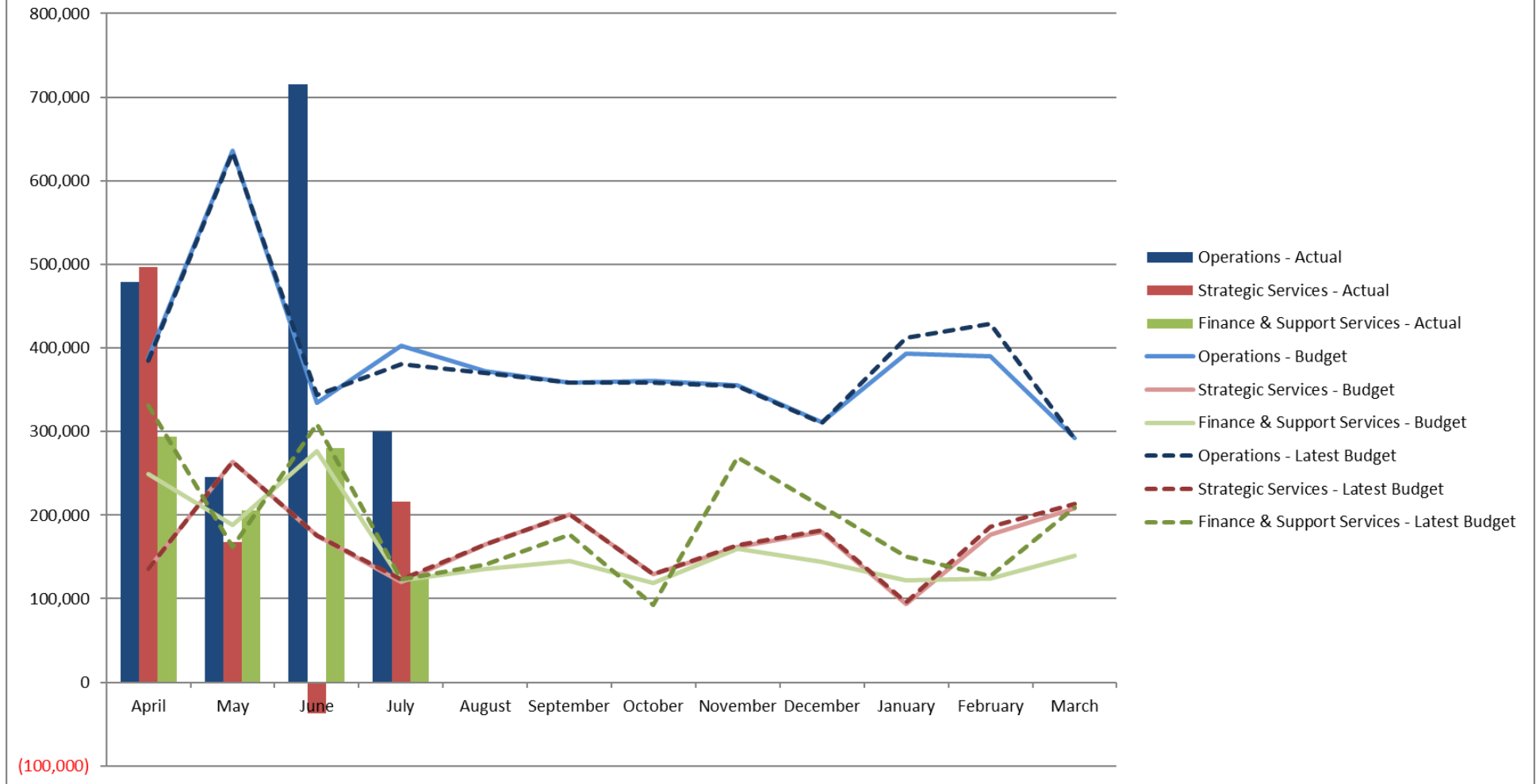
Appendix 1 – Consolidated actual income and expenditure charts to 31 July 2023

Appendix 2 – Financial monitor: Consolidated income and expenditure 2023/24

Appendix 1 – Consolidated actual income and expenditure charts to 31 July 2023



Consolidated Net Actual Expenditure against Original and Latest Budget



Appendix 2 – Financial monitor: Consolidated income and expenditure 2023/24

Table 1

Income

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast outturn variance (Consolidated) £
Total Income	(7,803,688)	0	(7,803,688)	(7,732,710)	-70,978
National Park Grant	(3,414,078)	0	(3,414,078)	(3,414,078)	0
Hire Craft Tolls	(1,333,000)	0	(1,333,000)	(1,309,549)	-23,451
Private Craft Tolls	(2,844,000)	0	(2,844,000)	(2,796,473)	-47,527
Short Visit Tolls	(55,000)	0	(55,000)	(55,000)	0
Other Toll Income	(32,610)	0	(32,610)	(32,610)	0
Interest	(125,000)	0	(125,000)	(125,000)	0

Table 2
Operations

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast outturn variance (Consolidated) £
Total Operations	4,861,285	32,050	4,893,335	4,893,335	0
Construction and Maintenance Salaries	1,549,230	0	1,549,230	1,549,230	0
Salaries	1,549,230	0	1,549,230	1,549,230	0
Expenditure	0	0	0	0	0
Equipment, Vehicles & Vessels	769,670	0	769,670	769,670	0
Income	(1,000)	0	(1,000)	(1,000)	0
Expenditure	770,670	0	770,670	770,670	0
Water Management	88,700	0	88,700	88,700	0
Expenditure	88,700	0	88,700	88,700	0
Land Management	(31,145)	0	(31,145)	(31,145)	0
Income	(87,500)	0	(87,500)	(87,500)	0
Expenditure	56,355	0	56,355	56,355	0
Practical Maintenance	592,475	0	592,475	592,475	0
Income	(56,185)	0	(56,185)	(56,185)	0
Expenditure	648,660	0	648,660	648,660	0
Waterways and Recreation Strategy	55,920	0	55,920	55,920	0

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast outturn variance (Consolidated) £
Income	0	0	0	0	0
Salaries	47,920	0	47,920	47,920	0
Expenditure	8,000	0	8,000	8,000	0
Ranger Services	1,117,940	32,050	1,149,990	1,149,990	0
Income	0	0	0	0	0
Salaries	986,990	0	986,990	986,990	0
Expenditure	130,700	32,050	162,750	162,750	0
Pension Payments	250	0	250	250	0
Safety	143,315	0	143,315	143,315	0
Income	(500)	0	(500)	(500)	0
Salaries	87,870	0	87,870	87,870	0
Expenditure	55,945	0	55,945	55,945	0
Premises	294,450	0	294,450	294,450	0
Income	(2,600)	0	(2,600)	(2,600)	0
Expenditure	297,050	0	297,050	297,050	0
Project Funding	130,600	0	130,600	130,600	0
Expenditure	118,100	0	118,100	118,100	0
Pension Payments	12,500	0	12,500	12,500	0

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast outturn variance (Consolidated) £
Operations Management and Administration	150,130	0	150,130	150,130	0
Salaries	144,030	0	144,030	144,030	0
Expenditure	6,100	0	6,100	6,100	0

Table 3
Strategic Services

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Total Strategic Services	1,722,479	24,739	1,747,218	1,747,218	0
Development Management	419,510	0	419,510	419,510	0
Income	(87,500)	0	(87,500)	(87,500)	0
Salaries	459,380	0	459,380	459,380	0
Expenditure	42,930	0	42,930	42,930	0
Pension Payments	4,700	0	4,700	4,700	0
Strategy and Projects Salaries	264,590	0	264,590	264,590	0
Income	(209,000)	0	(209,000)	(354,833)	145,833
Salaries	215,230	0	215,230	222,073	-6,843
Expenditure	258,360	0	258,360	397,350	-138,990
Biodiversity Strategy	9,300	0	9,300	9,300	0
Expenditure	9,300	0	9,300	9,300	0
Human Resources	161,810	0	161,810	161,810	0
Salaries	102,110	0	102,110	102,110	0
Expenditure	59,700	0	59,700	59,700	0
Volunteers	75,360	0	75,360	75,360	0

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Salaries	61,860	0	61,860	61,860	0
Expenditure	13,500	0	13,500	13,500	0
Communications	393,974	0	393,974	393,974	0
Income	(250)	0	(250)	(21,432)	21,182
Salaries	312,910	0	312,910	312,910	0
Expenditure	81,314	0	81,314	102,496	-21,182
Visitor Centres and Yacht Stations	265,175	24,739	289,914	289,914	0
Income	(306,550)	0	(306,550)	(306,550)	0
Salaries	444,070	0	444,070	444,070	0
Expenditure	127,655	24,739	152,394	152,394	0
Strategic Services Management and Administration	132,760	0	132,760	132,760	0
Salaries	130,260	0	130,260	130,260	0
Expenditure	2,500	0	2,500	2,500	0

Table 4
Chief Executive

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Total Finance & Support Services	1,937,520	364,056	2,301,576	2,314,576	-13,000
Legal	104,000	0	104,000	104,000	0
Income	(6,000)	0	(6,000)	(6,000)	0
Expenditure	110,000	0	110,000	110,000	0
Governance	245,350	0	245,350	245,350	0
Salaries	185,750	0	185,750	185,750	0
Expenditure	59,600	0	59,600	59,600	0
Chief Executive	133,060	0	133,060	133,060	0
Salaries	132,060	0	132,060	132,060	0
Expenditure	1,000	0	1,000	1,000	0
Asset Management	153,880	0	153,880	153,880	0
Income	(24,300)	0	(24,300)	(24,300)	0
Salaries	53,320	0	53,320	53,320	0
Expenditure	124,860	0	124,860	124,860	0
Premises – Head Office	161,940	364,056	525,996	525,996	0
Expenditure	161,940	364,056	525,996	525,996	0

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Finance and Insurance	495,510	0	495,510	508,510	-13,000
Income	0	0	0	0	0
Salaries	268,010	0	268,010	268,010	0
Expenditure	227,500	0	227,500	240,500	-13,000
Collection of Tolls	208,680	0	208,680	208,680	0
Salaries	198,080	0	198,080	198,080	0
Expenditure	10,600	0	10,600	10,600	0
ICT	435,100	0	435,100	435,100	0
Salaries	224,000	0	224,000	224,000	0
Expenditure	211,100	0	211,100	211,100	0

Table 5

Projects and Corporate items

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Total Projects and Corporate Items	28,625	0	28,625	28,625	0
Partnerships / HLF	21,925	0	21,925	21,925	0
Income	(91,535)	0	(91,535)	(91,535)	0
Salaries	96,460	0	96,460	96,460	0
Expenditure	17,000	0	17,000	17,000	0
Corporate Items	6,700	0	6,700	6,700	0
Expenditure	6,700	0	6,700	6,700	0

Table 6

Contributions from earmarked reserves

Row labels	Original budget (Consolidated) £	Budget adjustments (Consolidated) £	Latest available budget (Consolidated) £	Forecast outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Total Contributions from Earmarked Reserves	(727,999)	(420,845)	(1,148,844)	(1,148,844)	0
Earmarked Reserves	(727,999)	(420,845)	(1,148,844)	(1,148,844)	0
Expenditure	(727,999)	(420,845)	(1,148,844)	(1,148,844)	0

Table 7

Net (Surplus) / Deficit

Row labels	Original Budget (Consolidated) £	Budget Adjustments (Consolidated) £	Latest Available Budget (Consolidated) £	Forecast Outturn (Consolidated) £	Forecast Outturn Variance (Consolidated) £
Grand Total	18,222	0	18,222	102,200	-83,978

Broads Authority

22 September 2023

Agenda item number 10

Coastal Adaptation SPD- Adoption

Report by Planning Policy Officer

Summary

The Coastal Adaptation Supplementary Planning Document (SPD) is a joint document prepared with Great Yarmouth Borough Council, North Norfolk District Council, East Suffolk District Council, the Broads Authority, and Coastal Partnership East. The Coastal Adaptation SPD is an example of cross boundary working to support the common goal of coastal adaptation. On adoption, the Coastal Adaptation SPD will be a material consideration in the determination of planning applications.

Broads Plan context

A1 – Prepare a long-term integrated flood risk strategy for the Broads, Great Yarmouth and inter-related coastal frontage and maintain current adaptive, coastal, tidal and fluvial flood risk management for the area.

Recommendations

- i. To adopt the SPD.
 - ii. To authorise the Head of Planning, in consultation with the Chair of Planning Committee, to make any presentational or typographical amendments to the Coastal Adaptation SPD prior to it being published.
-

1. Introduction

- 1.1. The Coastal Adaptation SPD is a joint document prepared with Great Yarmouth Borough Council, North Norfolk District Council, East Suffolk District Council, the Broads Authority, and the shared Coastal Partnership East Team. The Coastal Adaptation SPD is an example of cross boundary working to support the common goal of coastal adaptation. On adoption, the Coastal Adaptation SPD will be a material consideration in the determination of planning applications.
- 1.2. The Coastal Adaptation SPD supports the implementation of policies relating to development within the Coastal Change Management Area, and rollback and relocation away from the coast in the East Suffolk Council, Great Yarmouth Borough Council, the Broads and North Norfolk Council areas. The purpose of the SPD is to provide guidance

on the implementation of local plan policies along the coast from Holkham in Norfolk to Landguard Point, Felixstowe in Suffolk. It is appended at Appendix 1 of this report.

- 1.3. The relevant policy in the Local Plan for the Broads is SSCOAST.
- 1.4. The SPD provides guidance including the economic, social and environmental impacts of coastal change; the national, and local policy framework; development within the Coastal Change Management Area; rollback and relocation; enabling development; and case study examples of coastal adaptation.

2. About the SPD

- 2.1. The Coastal Adaptation SPD contains guidance relating to the consideration of development on the coast and relocating development away from the coast, with the aim of avoiding inappropriate development on areas of the coast at risk of coastal change and the environmental impacts of such development.
- 2.2. The Coastal Adaptation SPD provides guidance on a range of topics including appropriate development within the Coastal Change Management Area, the requirements in relation to rollback and relocation of development away from the coast, consideration of enabling development proposals, and coastal adaptation case studies.
- 2.3. The Coastal Adaptation SPD cannot:
 - a) Conflict with planning policies nor can it prescribe that particular areas of land be developed for particular uses; this is the role of the wider development plan (e.g. local plan and neighbourhood plan) for each local planning authority;
 - b) Create new, amend or revoke coastal management policies concerning the management of each stretch of coast relevant to the SPD contained in Shoreline Management Plans;
 - c) Address Nationally Significant Infrastructure Projects (NSIPs) – Large scale infrastructure development that is not determined by local planning authorities but by HM Government;
 - d) Address nationally permitted development rights – Development that does not require planning permission by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended; or
 - e) Address wider support for or calls for compensation arising from properties and/or land at risk of coastal change – with the exception of houses owned before 2009, where a Government grant for surveys/demolition may be available.

3. Preparation

- 3.1. The Coastal Adaptation SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

- 3.2. The preparation of the Coastal Adaptation SPD has involved officers from the planning policy teams of the Local Planning Authorities (LPAs) as well as officers from Coastal Partnership East. The preparation of the document has been overseen by the Local Plan Working Group.

4. Consultation

- 4.1. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require the LPAs to undertake consultation to inform the production of the SPD and, as a minimum, require that the draft document is published for four weeks and that during that time it is available on the relevant LPAs' websites and that physical copies are available for inspection in the LPAs offices. The LPAs adopted Statement of Community Involvement (April 2021) also sets out further measures and actions that the LPAs undertook when consulting on the draft SPD including publicising via social media sites and making copies of documents available in libraries.
- 4.2. The list of consultees, respondents, summaries of their comments and how these have been responded to can be found in the Consultation Statement which is appended to this report (Appendix 2).
- 4.3. The Coastal Adaptation SPD was subject to two rounds of consultation during its preparation, the details of which are contained in the Consultation Statement. The first was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 4 September and 16 October 2020. This initial consultation took the form of a questionnaire, to which 63 respondents made 288 comments. Summaries of the consultation responses, and how they were addressed in drafting the SPD, are contained in the Consultation Statement.
- 4.4. Consultation on the draft Coastal Adaptation SPD ran between 25 January and 8 March 2023. The consultation was advertised on the LPAs' websites, as well as on social media. Emails and letters were sent out at the start of the consultation to the consultees on the planning policy mailing list which includes town and parish councils, individuals and organisations, including those who were previously contacted or responded to the informal stage of the consultation. In total 52 respondents made 185 comments.
- 4.5. The main themes of the comments received are summarised in section 4.6; however, some of the comments covered very specific matters and it is not possible to summarise all of them here in a succinct manner. The full consultation responses have been published on the Council's consultation website (see - [Draft Coastal Adaptation Supplementary Planning Document - East Suffolk Council, Strategic Planning Consultations \(inconsult.uk\)](#)) and are all summarised in the Consultation Statement.
- 4.6. The main issues raised through the consultation on the draft Coastal Adaptation SPD were:
 - a) The SPD should address flood risk as well as erosion risk.

- b) The SPD should alter the planning policies contained in the Local Plans.
- c) The SPD should alter the coastal management approach for each stretch of the coast.
- d) The SPD is difficult to understand due to the use of jargon and technical language.
- e) Greater emphasis should be placed on the sensitive natural and historic environment along the coast.
- f) The SPD should address Nationally Significant Infrastructure Projects.
- g) Development at or near the coast should not hinder opportunities to realign the England Coast Path.
- h) The approximate appropriate distance that development may be relocated away from a settlement should be increased.
- i) Changes have been made to address many of the comments received, where appropriate, including:
- j) Clarification that the SPD does not address flood risk, which is assessed through other planning policies and site-specific flood risk assessments.
- k) Clarification that the SPD cannot alter planning policies contained in a Local Plan.
- l) Clarification that the SPD cannot alter the coastal management approach for any stretch of coast set out in Shoreline Management Plans.
- m) Avoiding jargon and technical language where possible, acknowledging that technical language may be necessary in some circumstances.
- n) Greater emphasis has been placed on the sensitive environment along the coast.
- o) Clarification that the SPD cannot address Nationally Significant Infrastructure Projects which are determined by HM Government.
- p) Development at or near the coast should not hinder opportunities to realign the England Coast Path.
- q) The approximate appropriate distance that development may be relocated away from a settlement has been increased.
- r) In addition, further changes have been made to address typographical and grammatical errors and to provide clarity on certain elements of guidance.

5. Strategic Environmental Assessment, Habitat Regulations Assessment and Equality Impact Assessment

- 5.1. Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the draft Coastal Adaptation SPD to determine whether a full Strategic Environmental Assessment (SEA) would be required. The screening concluded that this was not required. The final SEA Screening Opinion is appended to this report (Appendix 5).

- 5.2. Habitat Regulations Assessment (HRA) screening was also undertaken which concluded that implementation of the Coastal Adaptation SPD would not lead to likely significant effects on protected Habitat Sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The final HRA Screening Statement is appended to this report (Appendix 4).
- 5.3. An Equality Impact Assessment (EQIA) Screening Opinion (Appendix 3) was produced in October 2022 to accompany consultation on the draft Coastal Adaptation SPD. The assessment concluded no differential negative impacts on those with protected characteristics.

6. Planning Committee August 2023

- 6.1. The SPD was discussed at Planning Committee on 18 August. The Committee endorsed the SPD and recommended that the Broads Authority adopt it.

Author: Natalie Beal

Date of report: 31 August 2023

[Broads Plan](#) strategic objective: A1

Appendix 1 – [Coastal Adaptation SPD](#)

Appendix 2 – [Consultation Statement](#)

Appendix 3 – [Equality Impact Assessment Screening Opinion](#)

Appendix 4 – [Habitats Regulations Assessment Screening Statement](#)

Appendix 5 – [Strategic Environmental Assessment Screening Opinion](#)

Broads Authority

22 September 2023

Agenda item number 11

Riverside tree management

Report by Head of Construction, Maintenance & Ecology

Purpose

To describe the navigational issues posed by riverside trees and scrub to waterways users, the prioritisation of management actions by the Broads Authority, the consenting and permitting processes involved and how riverside trees are managed. This report, combined with the operational detail set out in section 4.3 of the Broads Authority's Waterways Management Strategy and Action Plan 2022-2027, sets the Authority's approach towards proactive riverside tree management.

Broads Plan context

C3 - Manage water plants and riverside trees and scrub and seek resources to increase operational targets.

- Carry out annual tree and scrub management regimes in accordance with agreed criteria and Area Ranger strategies for managing hazards to navigation from trees on private land

B1 - Restore, maintain, and enhance rivers and broads and use monitoring evidence to trial and implement further innovative restoration techniques.

- Seek funding to develop and implement river and broad restoration, maintenance and enhancement works for aquatic communities (incl. fish) at priority sites to meet WFD and SSSI objectives.

Recommended decision

That Members endorse this paper and the approach set out for the proactive management of riverside trees for the principal purpose of navigational safety.

Contents

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1. Introduction

- 1.1. The presence of tree and scrub vegetation in the Broads is subject to a variety of often conflicting stakeholder views and objectives. In the lower reaches of the Broads rivers, with wide tidal reedbed ronds, tree growth is naturally restricted. Further up the river valleys, with drier banks and elevated land, tree growth adjacent to the river and in surrounding land is far more prevalent. The presence of trees are significant landscape features along the Broadland rivers, as defined in the [Broads Landscape Character Assessment](#) e.g. River Waveney Area 5, page 100: “The landscape texture is made all the more varied by the reed lined course of the Waveney allied to the extensive blocks of carr woodland creating local variations in light and shade”.
- 1.2. There are numerous benefits to navigation from management of trees and scrub overhanging and adjacent to river channels. These include maintaining navigable width across the river, particularly important for sailing vessels who may need to tack and use the full width available. Safety considerations range from obstructions and direct collision hazards from branches where vessels, including sails and sheets may become entangled. Maintenance of clear sight lines around river bends is also important for all waterways users, as preparing for hazards or other river traffic benefits from having as much forewarning as possible. Trees can also be managed to promote clear wind and therefore maintain good sailing conditions.
- 1.3. The river corridors of the Broads contain a variety of habitats, with trees and scrub occupying a significant proportion. This wooded environment provides valuable habitat for birds, fish, bats, and otter; forms an important landscape resource; and contributes to ecosystem services in the form of carbon storage. Some management of riverside trees and scrub is required in order to maintain navigation use and safety; however, the needs of navigation need to be balanced with the other values and interests as noted above. This balance can be achieved through effective prioritisation, consultation, and sensitive working practices.

2. Legislative background

- 2.1. Where riverside tree growth in the Broads impacts on navigational access within the public navigation area, then the approach on management of tree and scrub growth is initiated. The navigation area is defined in the [Norfolk and Suffolk Broads Act 1988](#) part 2, paragraph 8, as “*those stretches of the rivers Bure, Yare and Waveney, and their tributaries, branches and embayments (including Oulton Broad) which, at the passing of*

this Act, were in use for navigation by virtue of any public right of navigation". The Broads Authority's approach to riverside tree management is outlined in the [Waterways Management Strategy & Action-Plan 2022-27](#), section 4.3.

- 2.2. Tree and scrub growth within the Broads Authority executive area is largely a matter for private landowners, on whose land the trees are growing. Where the Authority has a statutory role to act, as defined in the [Broads Act 2009](#), Part 3, section 39 (1), the Authority may remove overhanging or dead trees where they pose an immediate significant hazard to waterways users or pose a significant obstruction to the navigation. Where the Authority seeks to manage riverside trees on private land for purposes other than managing immediate safety hazards, agreement with the landowner is sought, along all other required statutory permits.
- 2.3. The conservation designation of many of the SSSI/SAC/SPA (also called designated sites) which contain land adjacent to rivers in the Broads include wet woodland communities as designated features. The wet woodland features have targets monitored by Natural England for an increase in abundance and/or an increase in the geographic range of this type of woodland. The government target condition for SSSI's is "Favourable – recovering". Where riverside tree management occurs in the designated sites, the Authority is required to gain assent from the regulator, Natural England. This requirement is driven by elements of the [Wildlife and Countryside Act 1981](#), [Countryside and Rights of Way Act 2000](#) and [The Conservation of Habitats and Species Regulations 2017](#). The ecological impacts of such navigational maintenance works need to be assessed for the potential to cause damage to, or affect the condition of, a designated site. Appropriate controls, monitoring and ecological mitigation are therefore required to be put into place by the Authority. Within the Authority, this role is carried out by the Ecology & Design team, with support from Ranger Services. This integrated approach ties in with also achieving some of the biodiversity objectives for the Broads, see [Broads Biodiversity & Water Strategy 2019.pdf](#).
- 2.4. Before carrying out tree management adjacent to rivers anywhere in the Broads, statutory permits are required from Environment Agency, Forestry Commission, and near designated conservation sites, Natural England. Planning Development also has a role to play in tree management, with several areas of the broads adjacent to rivers having "Conservation Area" status. This statutory planning function has a direct control over how trees are managed, as well as Tree Preservation orders on individual trees or areas of trees. The Authority is a statutory consultee when landowners apply for felling licences from the Forestry Commission. The Authority's response to such applications is typically formed from navigation, biodiversity, access and recreation considerations.

3. Where riverside tree management occurs

- 3.1. The prioritisation of how the Authority deploys its resources to manage riverside trees is outlined on the Authority's webpage [Riverside tree and scrub management](#). As outlined in the [Waterways Management Strategy & Action Plan 2022-27](#), the aim of

riverside tree management is not the wholesale removal of trees from the Broadland rivers, but rather the maintenance of a diversity of growth, which reduces the impact on safety and navigation.

- 3.2. The approach to categorising and prioritising riverside tree and scrub management is repeated at the start of each five-year plan. Each river valley is surveyed by a Ranger and an Ecologist to determine the types of habitats present and the work required to meet objectives for safety and navigation. Notes were also taken regarding ecological features such as trees with bat potential and other points of conservation interest.
- 3.3. The key elements used for the prioritisation process are outlined in Table 1. All criteria have an equal weighing. To ensure consistency, all sections of river have a score allocated for all criteria. Lowest overall score is highest priority location.
- 3.4. Table 1. Prioritisation criteria and scoring methodology used for river stretches.

Prioritisation criteria	Scoring methodology
Sailing intensity	1 = Very Busy 2 = Moderate 3 = Relatively low
General boat usage	1 = Very Busy 2 = Moderate 3 = Relatively low
Presence of moorings	1 = Present 2 = Absent
Position of river stretch (bends or straight)	1 = Bend 2 = Straight
Density of riverside growth	1 = Dominates bank nearly all length 2 = Frequent 3 = Patchy
Width of channel impacted by tree encroachment	1 = High 2 = Moderate 3 = Relatively low
Works on the opposite or adjacent bank	1 = Present 2 = Absent

- 3.5. The prioritisation has been used to produce maps showing those areas that require management within the next 5 years. Programming the management of individual stretches depends on the urgency of any safety issues and the method by which the management is to occur. For example, those stretches that are tackled using the Authority's excavator mounted tree shears tend to be grouped along a single river, to reduce travel time and mobilisation costs.

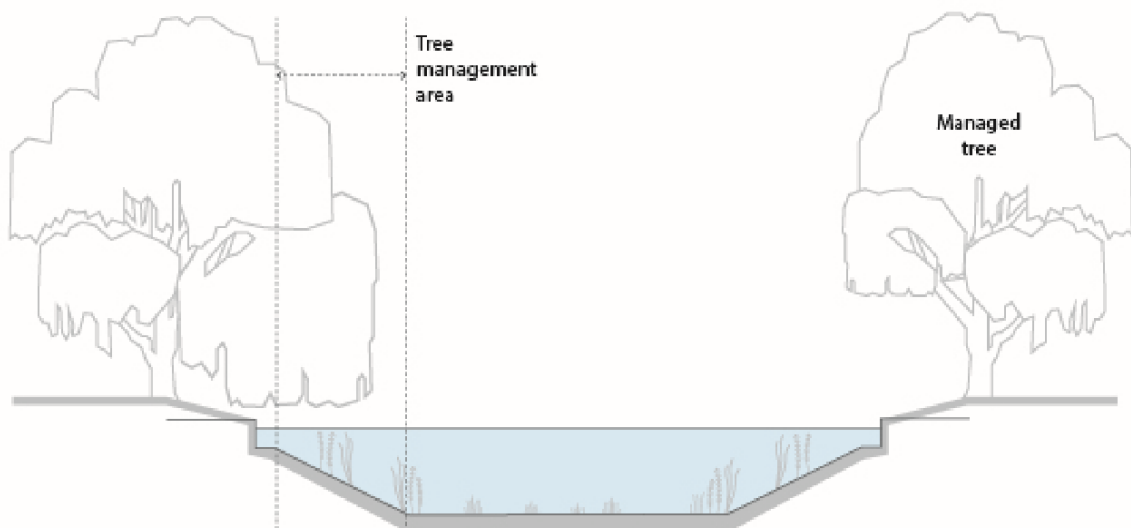
4. Permissions

- 4.1. To consider the potential impacts of works within a site that has designated features of European importance, the Broads Authority is required to produce a Habitat Risk Assessment (HRA) Screening document. This describes the features for which the site is designated and considers whether the proposed works are likely to have a significant effect upon those features. If this exercise concludes that a significant effect is likely, an Appropriate Assessment is then required.
- 4.2. Consent is also required from the Environment Agency in the form of a Water Framework Directive (WFD) Assessment and formal application is required for permission to use herbicide near water (Aqherb01).
- 4.3. To date, an HRA has been produced and submitted to Natural England with the Authority concluding that the specific works proposed through the five-year plan are not likely to have a significant effect on the European interest features. This conclusion is based upon the scale of the works and specification and methodologies for working, as described in section 5.
- 4.4. Once assent from Natural England has been gained, individual landowners are contacted to request permission for the Broads Authority to undertake the work on their land. A formal agreement is drawn up between both parties detailing the works, specific methodology, liabilities and expected timescale.
- 4.5. Consultation may also be required with Broads Authority planning officers where trees fall within planning Conservation Areas and/or have Tree Preservation Orders (TPO).

5. Management specifications

- 5.1. Part of the permissions process includes detailed discussion with statutory regulators (Natural England, Forestry Commission and the Environment Agency) regarding the works specification and practical methodology. The following points summarise the permitted approach.
- 5.2. Trees and scrub will be managed in a zone to a maximum width of 3 m from the river edge. This is agreed through consultation with the Forestry Commission (FC) as the distance back from the water's edge that the FC determine is within the exemption for the Authority from a felling licence requirement, as part of its duty to maintain navigational safety.
- 5.3. Within managed zones, occasional trees and scrub that overhang the river will be retained for the benefit of birds and spawning and overwintering fish; the retained amount should total 20% of the linear distance of the managed stretch.
- 5.4. Some mature trees are to be retained (particularly where there are no significant safety hazards and contain deadwood and features of use to invertebrates, bats and fungi).

- 5.5. The occasional young or semi-mature alder and/or oak are to be retained, in the spaces between other retained mature/veteran specimens, to provide replacement specimens for the future.
- 5.6. Within the zone 1 m landward of the bank edge, trees with a 15 cm diameter or greater, a maximum of 50% of the cut stumps can be treated with herbicide. Of particular importance, and not to be treated, are those stumps with roots coming out from the bank which offer spawning potential and refuge areas for fish.
- 5.7. Within the remaining 2 m strip (1 m to 3 m back from the river edge), all cut stumps can be treated with herbicide, but the occasional mature tree stump should not be treated, or young 5- to 10-year-old trees should not be felled. This is to provide future specimen trees to replace existing mature trees.
- 5.8. Figure 1 shows the zone where trees overhanging the navigation can be managed to remove obstructions to navigation.
- 5.9. Figure 1. Example river profile where overhanging trees are identified for management



- 5.10. To direct staff and contractors working on site, a method statement is produced for operations in each area. The method statement covers instructions and maps for the operators including type and location of trees to fell, herbicide treatment, non-working zones, working procedure, disposal of cut arisings and ecological notes.
- 5.11. As a general background to how the Authority's own teams, Authority's contractors and any third parties are expected to operate in the Broads, the Environmental Standard Operating Procedure are available on the website. See ESOP 27 – Riverside tree and scrub removal [Environment standard operating procedures](#).

6. 2017/18-2021/22 riverside tree management plan achievements

- 6.1. Over the 2017/18 - 2021/22 plan period, the Authority managed approx. 3000m of riverbank year-on-year. This consistency was achieved through detailed planning of locations, availability of fixed revenue budgets each year for contractor support, and planned allocation of staff time (operations technicians and rangers). Over the five-year duration of this plan, a total of 15,603 m of riverbank has been managed. This was comprised of River Ant (4,163 m), River Bure (6,175 m), River Thurne (656 m), River Waveney (1,826 m), and River Yare (2,783m).
- 6.2. Figure 2 shows the impact of tree management on a short stretch of inside bend looking upstream on the River Ant, one year after the works had been completed. The original condition of the bankside tree growth was as in the section marked with the blue line. In the area marked in yellow all the overhanging trees were removed, most tree stems up to 3 m distance back from the water's edge were also removed, with two semi-mature trees retained, as per the specification (see section 5 of this report). Only the inside bend was managed in this location to improve sightlines for those travelling upstream. The width of the river and the extent of overhang of the trees in the blue area wasn't sufficient to programme that work in at that time.
- 6.3. Figure 2. Tree management on a short stretch of inside bend on the River Ant (yellow area – managed; blue area – unmanaged)



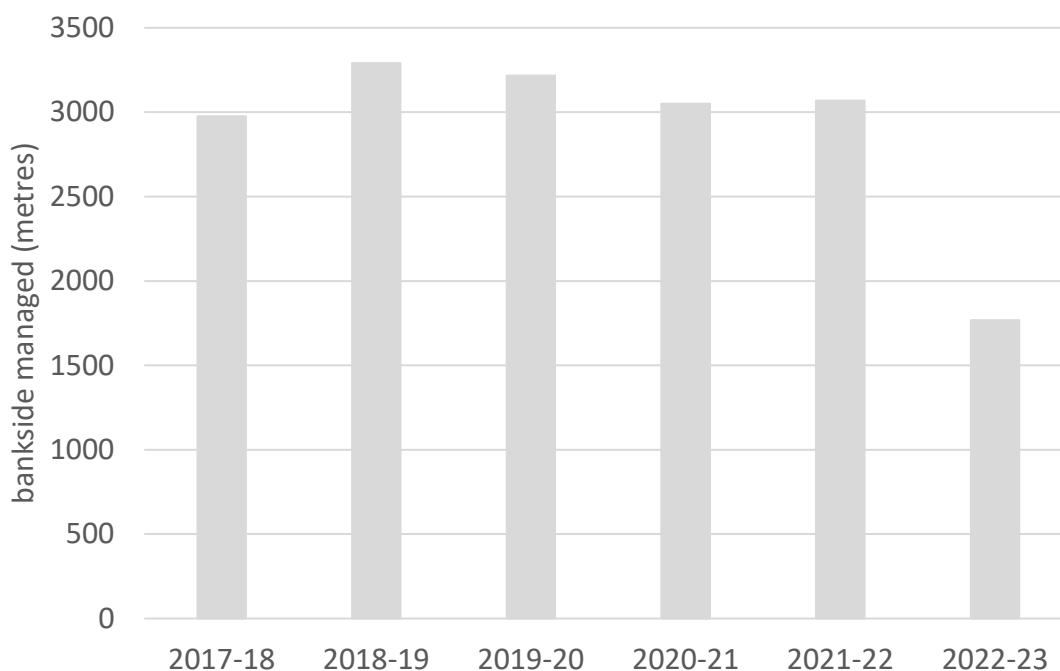
- 6.4. As shown in Figure 2 (yellow area) that many areas of tree growth in the Broads extend much further back from the river than the 3m work on; sometimes several hundreds of metres. In these locations, tree management of the very river edge is purely for managing navigational hazards. Any project considering increasing the overall wind conditions of the stretch through major woodland clearance would be an entirely

different project approach, with far more consideration of ecological benefits and impacts, as well as very different funding and overall project costs.

7. Areas prioritised for management 2022-2027

7.1. Maps are in the links showing areas prioritised for management in [Year 1 \(2022/23\)](#) and the [full five year programme \(2022 - 2027\)](#). Year 1 was completed over the winter 2022/23. Year 2 (2023/24) has been planned, assent from Natural England and herbicide usage permits from the Environment Agency gained, and now final agreements with individual landowners are being chased. For Years 2 - 5 (2024/25, 2025/26, 2026/27), these are subject to final operational work planning, staff and cash budget resource allocation and obtaining further landowner permissions in new areas. For each winters work programme, final decisions will be made over the preceding summer as to the exact stretches that will be managed and when. As part of this process all areas of completed management will be recorded. Any prioritised stretches that do not get managed within the proposed year (for weather, tidal or other reasons) will be re-programmed.

7.2. Figure 2. Total length of riverside tree management per winter season since 2017/18



7.3. In Figure 2 the 2022/23 length of riverside managed was lower than previous years. Given that significant resources had been invested to tackle the main bulk of the prioritised areas in the previous five years, some reduction in effort was possible. At the same time, other areas of navigational workloads have increased, such as for water plant management, so the balance of operations technician's time spent on these different work categories has had to be adjusted. Equally, the ranger team time has to be balanced across all of their duties, which also include riverside tree management.

8. Financial implications

- 8.1. As is shown in Figure 2, in any one year increased or reduced resource can be allocated to tasks, such as riverside tree management. Given that staff number (rangers and operations technicians) are fixed, and revenue budgets available for contractors are fixed each year, then the one area which can be adjusted is the proportion of time spent on any one work area. As water plant management is increasing year on year, and the future requirement to carry out more piling (channel markers and mooring refurbishment) in-house is likely, then some reciprocal area of work is required to be reduced. As dredging takes up typically over 60% of operations technicians' time in any year, this is the area that has capacity to be reduced, whilst still achieving the highest priorities for maintenance of waterways specifications. Some flexibility in time allocation between ranger and operation technician teams can also be used to balance allocations on waterways maintenance activities, such as tree management.

9. Risk implications

- 9.1. Within the Operations Directorate Risk Register riverside tree management is relevant to the following risks.
- 9.2. Loss of navigation due to engineering or environmental issue (Performance). Initial risk level "medium". Controls implemented to manage this risk includes: -
- Regular patrols to identify hazards. Reports to Control followed up on promptly.
 - Operations teams with skills and equipment to remove hazards in a prompt manner
- Residual risk following these controls is "medium".
- 9.3. Ecological degradation (Reputation). Initial risk level "high" – controls implemented to manage this risk includes: -
- Regular review of Environmental Standard Operating Procedures to ensure work processes cover all significant hazards to the environment.
 - Complete the actions listed in the Waterways Management Strategy & Action Plan 2022-27 – (see Table 6. Riverside tree management objectives, page 40)

Residual risk following these controls is "medium".

10. Conclusion

- 10.1. The riverside tree management work involves active input from Authority staff, volunteers and contractors. Over the past five-year plan period, typically 3,000 m of riverbank were managed each year. This work has focussed on the areas of most significant safety concern, as well as maintenance of river width in the busiest and most popular areas. The spatial information used for prioritising works is relatively well known and is not subject to frequent change, such as areas popular for sailing. As with all the Authority's practical work, any increase in staff time spent on any one work

areas has a matching decrease in another. As such, achieving an appropriate balance across all waterways' management activities is a continuous process which is regularly reported to the Navigation Committee.

- 10.2. For each consecutive year, final decisions will be made over the summer as to the exact stretches that will be managed the following winter and how they are best managed in terms of resource. As part of this process, all areas of completed management will be recorded and any stretches that do not get managed within the proposed year will be re-programmed.
- 10.3. The Navigation Committee was consulted on the approach set out in this report on 7 September 2023 and unanimously supported its endorsement by the Authority.

Author: Dan Hoare

Date of report: 08 September 2023

[Broads Plan](#) strategic objectives: C3, B1

Broads Authority

22 September 2023

Agenda item number 12

Establishment of a Standards Committee

Report by Senior Governance Officer and Deputy Monitoring Officer

Purpose

This report proposes the establishment of a Standards Committee, as part of the ongoing implementation of the recommendations from the external review into the formal complaint.

Recommended decision

- i. To appoint a Standards Committee and agree its terms of reference, together with the associated changes to the Member Code of Conduct complaints procedure; Standing Orders 21 and 24 and the relevant sections of the Scheme of Powers Delegated to the Chief Executive and other authorised officers,
 - ii. to appoint Members to the Standards Committee, and
 - iii. to determine if the Chair of the Standards Committee should be eligible for the payment of a Special Responsibility Allowance and, if so, the amount.
-

1. Introduction

- 1.1. At its meeting on 20 January, the Authority considered a [report](#) by the Monitoring Officer on the findings and recommendations from the external review into a formal complaint. It agreed to refer the recommendations to the Audit and Risk Committee (ARC) for detailed consideration and implementation. A [report](#) was subsequently considered by the ARC on 14 March which agreed a set of actions to implement the recommendations, together with a relevant timetable.
- 1.2. These recommendations included some improvements to the Authority's governance and processes, one of which was:

“Code of Conduct matters should be separated from the Audit and Risk Committee. The Audit and Risk Committee should also take on the explicit role of considering members' concerns regarding governance and generally oversight of the Authority's governance arrangements.”

Some of this has already been implemented, with the adoption of revised terms of reference for the Audit and Risk (now Risk, Audit and Governance – RAG) Committee at the Authority' [last meeting](#).

- 1.3. The proposal is to establish a Standards Committee, with the principal purpose of promoting and maintaining high standards of conduct within the Authority.

2. The Standards Committee

- 2.1. The Standards Committee would replace the existing Hearings Committee. This is because the existing Hearings Committee has limited powers and functions (as set out in the current [Terms of Reference of Committees](#)) and currently there is no Standards Committee. The Standards Committee would have a proactive focus on training and guiding Members on the ethical standards and the Member Code of Conduct. It is also proposed that the Committee has responsibility for other ethical standards matters such as the Protocol on Member and Officer Relations.
- 2.2. A key function of the Committee would be to deal with complaints under the Code of Conduct. It is proposed that most of the day-to-day dealings with complaints are delegated to the Monitoring Officer, who will deal with the initial assessment of complaints, informal resolution, and resolution without hearing. If there is an investigation into a complaint which finds a breach and there needs to be a formal hearing, the proposal is that the Standards Committee delegates this to its Hearings Sub-Committee. The terms of reference and procedures for the Hearings Sub-Committee are set out in the amended Arrangements for Dealing with Complaints under the Code of Conduct for Members, which is before the Authority for approval today. Once the Standards Committee is established, it will have responsibility for all matters concerning the arrangements and the Hearings Sub-Committee.
- 2.3. The Director of Finance, Senior Governance Officer and Deputy Monitoring Officer have worked together to produce proposed terms of reference (ToR) for the Standards Committee, and these can be found in appendix 1.
- 2.4. The ToR specifically address the issue raised about separating Code of Conduct issues from the RAG Committee.
- 2.5. It is suggested that the Committee consists of 7 members (4 Secretary of State appointees and 3 local authority appointees) and the Chair of the Authority would not be eligible to be appointed.
- 2.6. To reflect these proposals, there is a need to make associated changes to the Member Code of Conduct complaints procedure; the Standing Orders (nos. 21 and 24) and the Scheme of Powers Delegated to the Chief Executive and other authorised officers (in respect of the Monitoring Officer). Copies of these revised documents can be found in appendices 2-4 (with tracked changes).
- 2.7. The draft ToR have been shared with the Authority's two independent persons.

3. Financial implications

- 3.1. Members are asked to consider if the Chair of the Standards Committee should be eligible for the payment of a Special Responsibility Allowance. Looking at comparative responsibilities, the Chair of the Risk, Audit and Governance Committee qualifies for a payment of £523. This would be additional expenditure that is not currently budgeted for in 2023/24 but could be added to future years.

4. Risk implications

- 4.1. The proposal is in response to the recommendation from the external review into the formal complaint. If the Authority does not have a mechanism for promoting and maintaining high standards of conduct amongst its Members, as well as dealing with Code of Conduct complaints, this could impact on its reputation and result in harm to relationships with stakeholders and/or undermine public confidence in the Authority (ref. strategic risk 2).
- 4.2. The Authority's Monitoring Officer has been consulted and has confirmed his agreement with the proposals.

Author: Sara Utting and Estelle Culligan

Date of report: 01 September 2023

[Broads Plan](#) strategic objectives: n/a

Appendix 1 – Proposed terms of reference for the Standards Committee

Appendix 2 – Proposed amendments to the Member Code of Conduct complaints procedure (with tracked changes)

Appendix 3 – Proposed amendments to the Standing Orders (with tracked changes)

Appendix 4 – Proposed amendments to the Scheme of Powers Delegated to the Chief Executive and other officers (with tracked changes)

Appendix 1

Broads Authority Standards Committee – Terms of Reference

Purpose:

The promotion and maintenance of high standards of conduct within the Authority.

Terms of Reference:

To:

1. advise the Authority on the adoption, operation and revision of its Member Code of Conduct;
2. review the Members' Register of Interests periodically and provide guidance and training as required;
3. recommend training for members and co-opted members on matters relating to the Member Code of Conduct;
4. receive and consider reports about complaints made under the Member Code of Conduct and the outcome;
5. participate in the recruitment of the Authority's Independent Persons as required by the Localism Act 2011 and recommend the Authority approve their appointment;
6. review the Protocol on member and officer relations in the Broads Authority prior to its consideration and adoption by the Authority;
7. review the Social Media Policy prior to its consideration and adoption by the Authority;
8. receive a report by the Authority's Monitoring Officer and consider if any future action is needed; and
9. monitor the Authority's compliance with its adopted core values and good practice on ethical standards and probity.
10. To deal with complaints that members have breached the Member Code of Conduct and in connection with this function to develop and adopt:
 - i. assessment criteria for dealing with complaints;
 - ii. arrangements for dealing with complaints and publicising the arrangements;
 - iii. procedures for dealing with local investigations; and
 - iv. such other provisions and procedures as may be required.
11. To conduct Hearings and make determinations in respect of complaints that members have breached the Member Code of Conduct in accordance with relevant statutory and Constitutional requirements and in connection with this function:
 - i. To develop and adopt procedures for dealing with such Hearings; and
 - ii. To establish and maintain a Hearings Sub-Committee with its own terms of reference.

Membership:

The committee will comprise 7 members (4 Secretary of State and 3 local authority members).

The Chair of the Broads Authority is ineligible to be a member of the committee.

The committee will appoint its own chair and vice-chair from amongst its members.

The quorum is 50% of the membership or at least 4 members (whichever is greater).

Frequency of meetings:

Minimum three meetings per annum (March, July and November) and additional meetings as required by business.

Report to the Broads Authority:

The committee will produce an annual report on its work to the May meeting of the Broads Authority.

Appendix 2 Member Code of Conduct complaints procedure amended.docx

Deleted: Arrangements for dealing with complaints under the Code of Conduct for Members

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1. Introduction

- 1.1. This procedure applies when a complaint is received that a Member or Co-opted Member has, or may have, failed to comply with the Code of Conduct for Members.
- 1.2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
- 1.3. No Member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

2. Making a complaint

- 2.1. A complaint must be made in writing either by post or email to: The Monitoring Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY or by email to monitoring.officer@broads-authority.gov.uk

3. Independent Person

- 3.1. The Authority is required by law to appoint at least one Independent Person and seek their views before taking a decision on a complaint. An Independent Person should normally be involved in initial meetings and discussions concerning the handling of a complaint.
- 3.2. A Subject Member wishing to seek the views of an Independent Person has a statutory right to do so under the Localism Act 2011 and can ask the Monitoring Officer or Senior Governance Officer for contact details.
- 3.3. A Complainant does not have a statutory right to consult with the Independent Person.

4. Initial Assessment of Complaint

- 4.1. The Monitoring Officer will review the complaint and, following consultation with the Independent Person, take a decision (initial assessment) as to whether it merits investigation or another course of action. This 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.
- 4.2. The Monitoring Officer will then apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:
 - (a) whether the complaint is within the Authority’s jurisdiction i.e. that the complaint is against one or more named members of the Broads Authority (The Authority);
 - (b) whether the Subject Member was in office at the time of the alleged conduct;
 - (c) whether the Subject Member was acting in their official capacity as a member at the time of the alleged conduct.

- (d) whether the complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
 - (e) whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. As a guideline, complaints about matters which happened more than 3 months ago will be rejected;
 - (f) whether the complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
 - (g) whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
 - (h) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; and
 - (i) in all the circumstances there is no overriding public benefit in carrying out an investigation;
 - (j) whether the complaint is malicious, trivial, politically motivated or 'tit-for-tat';
 - (k) whether the complaint suggests that there is a wider problem throughout the Authority;
 - (l) whether it is apparent that the subject of the allegation is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction;
 - (m) whether training or conciliation would be the appropriate response.
- 4.3. The Monitoring Officer will consult with the Independent Person and then give a decision on how the complaint will be dealt with.
- 4.4. There is no right of appeal against the Monitoring Officer's decision. However, if the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint.
- 5. Confidentiality**
- 5.1. If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.
- 5.2. As a matter of fairness and natural justice the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's

identify if, on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his/her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

- 5.3. If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his/her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his/her identity withheld from the Subject Member.
 - 5.4. The Monitoring Officer will acknowledge the complaint and will notify the Subject Member that a complaint has been made, the name of the Complainant (unless confidentiality has been agreed), details of the complaint and which section(s) of the Code of Conduct are alleged to have been breached.
 - 5.5. The Monitoring Officer will usually not accept anonymous complaints, subject to 5.2 above.
- 6. Referral to Police**
- 6.1. If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority in addition to any action taken pursuant to the Code of Conduct.
 - 6.2. Criminal conduct includes a failure to declare a Disclosable Pecuniary Interest (DPI) and/or to declare a DPI and to then participate in/vote on that matter.
 - 6.3. If the complaint includes allegations concerning a Member's DPIs which may amount to criminal conduct, and where the Member has not received a dispensation, the Monitoring Officer may advise the Complainant to report their allegation directly to the Police.
 - 6.4. If the Member concerned had a dispensation to participate or vote on an item where they have an Interest, the Monitoring Officer will explain the position to the Complainant. In that case the Monitoring Officer would not advise the Complainant to report their allegation directly to the Police.
- 7. Additional Information**
- 7.1. The Monitoring Officer may require additional information to make a decision and may request information from the Complainant or Subject Member and/or other person relevant to the complaint before deciding whether the complaint merits formal investigation or other action.

What process to apply – no action/informal resolution/investigation

8. Informal Resolution

8.1. The Monitoring Officer may, at any stage, (whether without the need for an investigation or before or after the commencement or conclusion of an investigation) seek to resolve the complaint informally. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology or taking other steps. Where the Subject Member or the Authority (in appropriate cases) makes a reasonable offer of informal resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. Examples of circumstances which might merit informal resolution include, but are not limited to:

- complaints that one member has failed to show respect and consideration for others;
- vexatious, malicious and trivial complaints which are considered low level and political tit for tat;
- other low-level complaints which in the opinion of the Monitoring Officer, following consultation with an Independent Person, are suitable for informal resolution.

8.2. Where the Monitoring Officer decides, after consulting with the Independent Person, that informal resolution is appropriate after an investigation, the process is called Resolution Without a Hearing and is referred to below at section 12.

8.3. Informal resolution might take the form of one of the following remedial actions:

- an explanation, retraction and/or apology from the Subject Member;
- mediation;
- training;
- some other practical conflict management agreement between the Complainant and Subject Member.

9. Investigation

9.1. The Monitoring Officer, in consultation with the Independent Person, will consider whether the complaint is serious enough to merit investigation, considering the following factors:

- (a) public interest factors including the seriousness of the alleged breach, and whether the matter is serious enough that, if proven, it would justify the range of sanctions available;
- (b) whether there has been any breach of trust, the extent of any harm caused and whether there has been any discrimination;

- (c) proportionality by balancing the seriousness of the allegation against the resources required to investigate the allegation;
 - (d) whether there are any aggravating factors or significant mitigating factors;
 - (e) whether a prompt acknowledgment and apology has been offered;
 - (f) whether the complaint is one of a pattern of less serious behaviour that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it other than investigation;
 - (g) whether the complaint appears to be malicious, frivolous or vexatious;
 - (h) whether the complaint suggests that there is a wider problem that affects the Authority;
 - (i) whether training or conciliation would be the appropriate response.
- 9.2. Where the complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer who may be an officer, an officer from another authority, or an external investigator.
- 9.3. The Investigating Officer will ensure that the Subject Member has received a copy of the complaint, subject to the Monitoring Officer's decision on confidentiality.
- 9.4. At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and Subject Member for comments. The Investigating Officer will take such comments into account before issuing their final report to the Monitoring Officer.
- 10. Investigating Officer's finding of no failure to comply with the Code of Conduct**
- 10.1. Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and, if satisfied, confirm the finding of no failure to comply with the Code of Conduct and give their reasons.
- 10.2. The Monitoring Officer will write to the Complainant and the Subject Member within 10 working days with a copy of the decision and the Investigating Officer's report.
- 10.3. If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.
- 11. Investigating Officer's finding of sufficient evidence of a failure to comply with the Code of Conduct**
- 11.1. Where the Investigating Officer's report finds that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then, having consulted the Independent Person, either send

the matter for hearing before the Hearings Sub-Committee or seek a resolution without a hearing.

12. Resolution without a Hearing

12.1. If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology or retraction, and/or other remedial action as set out in paragraphs 8.3 above and 12.4 below.

12.2. If the Subject Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee for information, but will take no further action.

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12.3. If the Subject Member refuses this method of resolution in principle or to engage with the agreed outcome and/or the Monitoring Officer, in consultation with the Independent Person, believes that the process of resolution without a hearing is not going to successfully conclude the complaint, the Monitoring Officer will consider what further action should be taken. This could include referring the matter for a hearing without further reference to the Complainant or the Subject Member.

12.4. Resolution without a hearing might take the form of one of the following remedial actions:

- an explanation, retraction and/or apology from the Subject Member;
- mediation;
- training;
- Some other practical conflict management agreement between the Complainant and Subject Member.

12.5. It should be noted that there are occasions when it is not possible to resolve a complaint other than by a Hearing.

13. Hearing

13.1. Where, in the opinion of the Monitoring Officer, resolution without a hearing is not appropriate or the Complainant and/or Subject Member refuses to accept this form of resolution, then the Monitoring Officer will report the Investigating Officer's findings to the Authority's Hearings Sub-Committee which will conduct a hearing before deciding whether the Subject Member has failed to comply with the Code of Conduct and, if so, what action (if any) to take in respect of the Subject Member.

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13.2. If a hearing is required, the Monitoring Officer will write to the Subject Member proposing a date for the hearing. This date will normally be within six weeks of the investigation report and will be before the Hearings Sub-Committee.

- 13.3. The Monitoring Officer, in consultation with the Independent Person, will decide whether a hearing can go ahead on the papers only, negating the need for attendance by either party.
- 13.4. If it is decided there will be a hearing on the papers only the Monitoring Officer will notify the Complainant and Subject Member. The Monitoring Officer will ask the Subject Member whether:
- The Subject Member disagrees with any of the findings of fact in the investigation report and, if so, which findings and the reason for disagreement;
 - The Subject Member wishes to provide a written submission;
 - The Investigating Officer wishes to provide a written submission.
- 13.5. If the matter proceeds to a hearing, the Monitoring Officer will engage the Subject Member in a pre-hearing process. The Monitoring Officer will outline the hearing procedure and the Subject Member's rights and ask for a written response from the Subject Member within a set time to establish whether:
- The Subject the Member wishes to attend the hearing;
 - the Subject Member disagrees with any of the findings of fact in the investigation report and if so which findings and the reason for disagreement;
 - the Subject Member wishes to give oral evidence, or rely on written submissions;
 - the Subject Member wishes to call witnesses to give evidence (there is no power on the part of the Authority to compel attendance by a witness).
- 13.6. If the Monitoring Officer considers that a preliminary hearing is necessary to consider these matters, they shall convene one.
- 13.7. Any party may have at their own expense a companion or representative, provided that in the case of representation the Monitoring Officer and other party have been given 21 days' notice to this effect.
- 13.8. The parties and the Hearings ~~Sub-~~Committee will be sent a full bundle of documents for the hearing at least 5 days prior to the hearing.

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14. Constitution of the Hearings ~~Sub-~~Committee

- 14.1. The Hearings ~~Sub-~~Committee is a sub-committee of the Standards Committee and will be constituted in accordance with Part B of the Authority's Standing Orders ("Committees") and shall comprise three Members, one of whom shall be elected as Chair, The quorum for such meetings will be two members.

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- 14.2. The Independent Person will also attend and their views must be sought and taken into consideration before the Hearings ~~Sub-~~Committee takes any decision on

whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to apply.

14.3. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearings Sub-Committee which are held in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearings Sub-Committee, in writing.

14.4. All matters/issues before the Hearings Sub-Committee will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.

14.5. Where the Subject Member fails to attend the Hearings Sub-Committee and where the Hearings Sub-Committee is not satisfied with the explanation for their absence, the Hearings Sub-Committee may in the first instance have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing may adjourn the hearing to another date.

14.6. The Hearings Sub-Committee may also resolve in exceptional circumstances that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.

14.7. The hearing will be open to the public although the Hearings Sub-Committee may resolve to exclude the Press and public if it is likely that discussion will include exempt information. The Hearings Sub-Committee may only exclude the Press and public if the public interest in maintaining the exemption outweighs the public interest in the meeting being open and visible to the public. Prior to taking the decision whether to hold the hearing in private, the Committee will invite the Monitoring Officer and Subject Member to make any representations about the issue of whether the hearing should be open to the public or not.

15. Right to be accompanied by a representative

15.1. The Subject Member may choose to be accompanied and/or represented at the Hearings Sub-Committee by a fellow councillor, friend or colleague.

16. The Conduct of the Hearing

16.1. Subject to paragraph 16.2 below, the order of business will be:

- (a) elect a Chair;
- (b) apologies for absence;
- (c) declarations of interest;
- (d) in the absence of the Subject Member, consideration as to whether to adjourn or proceed with the hearing (refer to paragraphs 14.5 and 14.6 above);

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(e) introduction by the Chair, of members of the Hearings Sub-Committee, the Independent Person, Monitoring Officer, Investigating Officer, legal adviser/clerk, Complainant and Subject Member and their representatives;

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(f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/Press;

(g) to determine whether the public/Press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/Press.

16.2. The Chair, may exercise their discretion and amend the order of business, where it is considered expedient to do so in order to secure the effective and fair consideration of any matter.

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16.3. The Hearings Sub-Committee may adjourn the hearing at any time.

16.4. Presentation of the complaint

(a) the Investigating Officer presents the report including any documentary evidence or other material and calls witnesses (if any). No new points will be permitted;

(b) Members of the Hearings Sub-Committee and/or the Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer.

16.5. Presentation of the Subject Member's case

(a) the Subject Member or their representative presents their case and calls their witnesses;

(b) members of the Hearings Sub-Committee may question the Subject Member and any witnesses called by the Subject Member.

16.6. The Investigating Officer will sum up the report.

16.7. The Subject Member or their representative will sum up their case.

16.8. The Chair, will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearings Sub-Committee, there has been a breach of the Code of Conduct.

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16.9. The Hearings Sub-Committee will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor/clerk) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.

16.10. The Hearings Sub-Committee may at any time come out of private session and reconvene the hearing, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the

Sub-Committee cannot be presented, the Sub-Committee may adjourn the hearing and issue directions as to the additional evidence required and from whom.

16.11. The Hearings Sub-Committee will make its decision on the balance of probabilities, based on the evidence before it during the hearing.

16.12. The Chair will announce whether the Subject Member has failed to comply with the Code of Conduct and the principal reasons for the decision.

16.13. The Chair will announce what sanctions (if any) will be applied and/or recommendations to the Monitoring Officer.

16.14. There is no right of appeal against the Hearings Sub-Committee's decision and/or recommendations, although the Subject Member can complain to the Local Government and Social Care Ombudsman.

17. Range of possible sanctions

17.1. Where the Hearings Sub-Committee determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended. Note that any sanctions which remove a member's privileges or membership of a committee apply equally to a co-opted member:

- a request that the Member submit a written apology or retraction in a form specified by the Hearings Sub-Committee;
- a request that the Member undertake specified training;
- a request that the Member participates in such conciliation as may be specified;
- a requirement that the Member deals with Authority business through one specified point of contact;
- placing such restrictions on the Member's access to staff which may be reasonable in the circumstances and in accordance with the Protocol on Member and Officer relations, providing that such restrictions do not prevent the Member from carrying out their duties;
- a requirement that the Member does not attend at the Authority's offices, unless attending statutory meetings;
- reporting the Member to their County or District Council, Secretary of State as appropriate and /or reporting the matter to a meeting of the Standards Committee;
- reporting the matter to a meeting of the Authority with a recommendation that the Member has any privileges to which they are entitled removed or that they be removed from any appointment made by the Authority to any external body;

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- reporting the matter to a meeting of the Authority with a recommendation that the Member be removed from any committee to which they are currently appointed;
- the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgment or reprimand) by motion;
- ;
- instruct the Monitoring Officer to apply the informal resolution process;
- send a formal letter to the Subject Member;
- recommend that the Authority issues a press release or other form of publicity in such manner as the Committee considers appropriate, noting that the findings will usually be made public on the Authority's website in accordance with section 18 below;
- No sanction.

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17.2. The Hearings Sub-Committee has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

17.3. The Hearings Sub-Committee may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

18. Publication and notification of the Hearings Sub-Committee's decision and recommendations

18.1. Within 20 working days of the Hearings Sub-Committee's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Hearings Sub-Committee's decision and recommendations and reasons for the decision and recommendations on the Authority's website.

18.2. Within 20 working days of the announcement of the Hearings Sub-Committee's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, to:

- the Subject Member;
- the Complainant.

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18.3. The Monitoring Officer will report the Hearings Sub-Committee's decision and recommendations to a meeting of the Standards Committee for information.

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Appendix 3

Standing Orders

Part B - Committees

21 Committees

- (1) Every Committee will continue in being until its successor is appointed.
- (2) Every Committee will at its first meeting after the annual meeting of the Authority in any year and whenever else necessary elect a Chairman and (if so desired) a Vice-Chairman for the year, who will each serve until a successor is appointed. In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting must be appointed.
- (3) The Hearings **Sub-Committee** shall be convened by the Monitoring Officer when required under the Members' Code of Conduct and this shall include ~~three members from the Standards Committee, one of whom shall be elected Chair.~~

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24 Quorum of committees and sub-committees

- (1) Except where authorised by a statute or ordered by the Authority business must not be transacted at a meeting of any committee unless at least one quarter of the whole number of the voting members of the committee or four voting members (whichever is more) are present.
- (2) In the case of the Hearings **Sub-Committee**, the quorum is ~~two~~ members.
- (3) In the case of the Risk, Audit and Governance Committee, the quorum is three members.
- (4) Except where ordered by the committee that has appointed it, business must not be transacted at a sub-committee unless at least one quarter of the whole number of the voting members of the sub-committee or three voting members (whichever is more) are present.

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Appendix 4

Scheme of powers delegated to Chief Executive and other authorised officers

2(j) Miscellaneous

Powers delegated to Chief Executive	Other authorised officers
<p>85. In relation to matters under the Members’ Code of Conduct:</p> <p>i. To appoint three members of the Standards Committee to a Hearings Sub-Committee <u>from time to time</u> to hear and determine allegations of breaches of the Code of Conduct referred to it by the Monitoring Officer.</p> <p>ii. To determine the procedure to be followed by the Hearings Committee.</p>	<p>Monitoring Officer</p>

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7. Powers delegated to the Monitoring Officer

- 7.1. To carry out the statutory duties and powers of Monitoring Officer to the Authority under Sections 5 and 5A of the Local Government and Housing Act 1989 (as amended).
- 7.2. To grant dispensations under Section 33 of the Localism Act 2011.
- 7.3. To be responsible for all matters relating to complaints against Members made under the Code of Conduct, in accordance with the Authority’s arrangements for dealing with complaints under the Code of Conduct for Members.

Broads Authority

22 September 2023

Agenda item number 13

Monitoring Officer Protocol

Report by Senior Governance Officer

Purpose

This report proposes the adoption of a Monitoring Officer Protocol.

Recommended decision

To review and adopt the proposed Monitoring Officer Protocol.

1. Introduction

- 1.1. The Authority's constitutional documents comprise various codes and protocols which govern the conduct of officers and Members in carrying out their duties. It is considered beneficial to have in place arrangements to ensure that the Statutory Officer post of Monitoring Officer can carry out their responsibilities with the support of Members and officers. The role of the Monitoring Officer is a significant one and it is important that there is full understanding of the rights, obligations and purposes of the role.
- 1.2. It is considered that it would be good practice for the Authority to introduce an appropriate protocol.

2. The Protocol

- 2.1. A protocol has been developed, based on examples common amongst local authorities and other National Parks. This can be found at appendix 1.
- 2.2. As Members will be aware, the current arrangements are that the roles of Monitoring Officer and Deputy Monitoring Officer are provided by external solicitors, Wilkin Chapman. However, the Protocol applies to the role and would, therefore, apply whether the role is carried out by an external consultant or internal employee of the Authority.

3. Risk implications

- 3.1. There are no risks associated with the proposal and, if the Protocol were not to be adopted by Members, the Monitoring Officer would continue to carry out their responsibilities in accordance with the relevant legislation. However, having such a Protocol would demonstrate that the Authority had arrangements in place to ensure

that the Monitoring Officer could carry out their responsibilities with the support of Members and officers.

Author: Sara Utting

Date of report: 06 September 2023

[Broads Plan](#) strategic objectives: n/a

Appendix 1 – Monitoring Officer Protocol

Monitoring Officer Protocol

1. Statutory Responsibilities

- 1.1. The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 (“the Act”).
- 1.2. The Deputy Monitoring Officer (who is appointed by the Monitoring Officer) shall discharge the duties and responsibilities of the Monitoring Officer when they are absent.
- 1.3. A summary list of the Monitoring Officer’s responsibilities can be found in Appendix 1. The Monitoring Officer’s ability to discharge these duties and responsibilities will depend, to a large extent, on Members and officers:
 - a. complying with the law (including any relevant Codes of Conduct);
 - b. complying with any general guidance, codes or protocols issued from time to time, by the Monitoring Officer;
 - c. generally, not taking action that would bring the Authority, their offices, or professions into disrepute.

2. Working Arrangements

- 2.1. The Monitoring Officer will discharge the duties and responsibilities with balanced determination without fear or favour and in a manner that will enhance the reputation of the Authority. In discharging these duties and responsibilities the Monitoring Officer is assisted by the Section 17 Officerⁱ and the Senior Governance Officer.
- 2.2. To ensure that high standards of corporate governance and probity are maintained throughout the Authority, the Monitoring Officer will develop and maintain effective working relations with:
 - a. the Head of Paid Serviceⁱⁱ and Directors;
 - b. Section 17 Officer;
 - c. all members of the Authority, particularly the Chair and Vice-Chair;
 - d. external and internal auditors; and
 - e. the Independent Person(s).
- 2.3. The Head of Paid Service, the Section 17 Officer and the Monitoring Officer are all statutory appointments with a duty to consult each other.
- 2.4. All Members and officers have a responsibility to inform the Monitoring Officer of any issues of concern and risk, including issues around legal powers and duties, ethical standards, probity, propriety and procedural or other constitutional issues that arise or are likely to arise.
- 2.5. The Monitoring Officer will
 - a. be consulted by the Section 17 Officer when exercising any duties under the Local Government Act 1988;

- b. have unqualified access to any information held by the Authority and to any officer who can assist in the discharge of any functions in carrying out any investigations.
- c. be available for Members and officers to consult on any issues of the Authority's legal powers, possible maladministration, impropriety and probity issues or general advice on the constitutional arrangements; and
- d. report to the Authority, from time to time, on the constitutional arrangements and advise on any necessary or desirable changes following consultation with key officers, including the Head of Paid Service and the Section 17 Officer.

3. Standards Matters

3.1. The Monitoring Officer has a key role in promoting and maintaining high standards of conduct and has responsibility under the Localism Act 2011 and adopted Authority procedure for all matters relating to the Members' Code of Conduct.

3.2. In carrying out these responsibilities the Monitoring Officer will:

- a. Give advice on the Authority's Code of Conduct for Members and declarations of interests;
- b. Maintain and keep up to date the statutory registers for members for the declaration of interests and registration of gifts and hospitality;
- c. Advise the Authority on matters relevant to the Members' standards functions;
- d. Carry out investigations or appoint an external investigator following a complaint that a Member has breached the Members' Code of Conduct, and arrange for a hearing in accordance with the Authority's adopted procedure (arrangements for dealing with standards allegations under the Localism Act 2011); and
- e. Provide training to Members on ethical standards and Code of Conduct issues.

4. Insurance and Indemnity

4.1. To ensure the effective and efficient discharge of this protocol, the Section 17 Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Authority and the proper discharge of the Monitoring Officer's role.

5. Monitoring the Protocol

5.1. Annually, the Monitoring Officer will report to the Standards Committee on Member complaints and whether the arrangements in this Protocol have been complied with and will include any proposals for amendments in light of any issues which have arisen during the year.

6. Conflicts and Interpretation of this Protocol

6.1. Where the Monitoring Officer has received a complaint of conflict relating to another investigation or advice provided, or believes that one may be perceived, or receives a complaint regarding an investigation relating to a complaint against a

Broads Authority Member (ie concerning the investigation or the investigator) then the Monitoring Officer may discuss this issue with the Head of Paid Service or Section 17 Officer and/or may refer the matter to the Deputy Monitoring Officer or appoint an external party to act as deputy in this matter. In relation to complaints regarding an investigation or investigation, the Monitoring Officer or their deputy will consider this and confirm their decision / response on the complaint.

6.2. The Monitoring Officer will be responsible for interpretation of this Protocol.

Adopted: September 2023

Review: September 2026

Appendix 1 - Summary of Monitoring Officer functions

1. Report on contraventions or likely contraventions of any enactment or rule of law in relation to the Authority (Sections 5 and 5A of the Local Government and Housing Act 1989).
2. Report on any maladministration or injustice where the Ombudsman has carried out an investigation (Section 5 of the Local Government and Housing Act 1989).
3. Appointment of Deputy (Section 82A of the Local Government Act 2000).
4. Report on sufficiency of resources (Sections 5 and 5A of the Local Government and Housing Act 1989).
5. Establish, maintain, and publish Register of Members' Interests and Register of Gifts and Hospitality (Section 29 of the Localism Act 2011).
6. Advise Members and officers on interpretation of the Members' Code of Conduct.
7. Maintain, review, and monitor the Authority's Constitution.
8. Proper Officer for the receipt of dispensations (Section 33 of the Localism Act 2011).
9. Proper Officer for access to information guidance.
10. Officer for receipt of complaints about Members and determination of whether to reject, investigate or undertake informal action.
11. Advise on vires issues, maladministration, financial impropriety, and budget issues (in consultation with the Section 17 Officer where appropriate) and bias/predetermination (Sections 5 and 5A of the Local Government and Housing Act 1989).

ⁱ This role is undertaken by the Director of Finance

ⁱⁱ This role is undertaken by the Chief Executive