

## Broads Authority

Minutes of the meeting held on 22 March 2019

### Present:

Mr H Thirtle – in the Chair

Mr J Ash  
Mr L Baugh  
Mr M Bradbury  
Prof J Burgess  
Mr R Hanton

Ms G Harris  
Mrs L Hemsall  
Mr B Keith  
Mr S Roberts

Mrs N Talbot  
Mr J Timewell  
Mrs M Vigo di Gallidoro  
Mr B Wilkins

### In Attendance:

Dr J Packman – Chief Executive  
Mrs S A Beckett – Administrative Officer (Governance)  
Ms M Conti – Strategy and Project Officer  
Mr D J Harris – Solicitor and Monitoring Officer  
Mr S Hooton – Head of Strategy and Projects (Up to Minute 4/12)  
Ms E Krelle – Chief Financial Officer  
Mr R Rogers – Director of Operations  
Ms M-P Tighe – Director of Strategic Services

### Guests:

Paul Thomas }  
Mike Barnes }  
Alan Thomson}- new Members of the Navigation Committee

### 5/1 Apologies and Welcome

The Chairman welcomed everyone to the meeting. In particular he welcomed three new members of the Navigation Committee from the end of March 2019.

Apologies had been received from Mr M Barnard, Mr W A Dickson, Mr G Munford, Mr P Rice and Mr V Thomson.

### 5/2 Chairman's Announcements

(1) **Openness of Local Government Bodies Regulations 2014**  
The Chair reminded Members that the meeting would be recorded as a back-up for accuracy. The Broads Authority retained the copyright. A copy of the recording could be requested. No one else indicated that they would be recording or filming the meeting.

(2) **Date to Note:**

**Broads Engage:** On Biodiversity and Managing Change – Thursday 25 April 2019 1.30 – 4.30pm in Hoveton Village Hall. Discussion will

help the Broads Biodiversity Partnership produce its action plan for the next 5 years.

**Today's meeting will be followed by** a visit to view some aspects of the Water Mills and Marshes Landscape Partnership Project. All members attending should have received the programme.

### (3) **Members Annual Reviews**

The Chairman reminded members that the Annual Review Forms had been sent to all members and dates for discussions were being arranged. The feedback from these would be reported to the Authority's meeting in May and will help to set out a Member Programme for 2019/20. The deadline for responses was 5 April 2019.

### (4) **Goodbye**

The Chairman announced that this would be the last meeting of the Authority for Brian Wilkins and John Ash's last meeting as a Secretary of State appointee, although John would still be a co-opted Member of the Navigation Committee following the recent appointment process. On behalf of the Authority the Chairman thanked them for their substantial contributions and hoped for their continued contributions to the Authority's work albeit in different capacities.

The Chairman commented that this could be the last Authority's meeting for some of the local authority appointees with the local elections coming up. However, they would still be on the Planning Committee until May 2019. He wished them well.

The Chairman also announced that this would be David Harris' last meeting as he would be leaving the Authority at the end of the month. He thanked him for his sound and balanced judgement and wished him well for the future.

### (5) **General Proceedings**

The Chairman commented that the aim was to deal with business as efficiently as possible especially as the main purpose of the day was to have a site visit to view a couple of projects for the Water Mills and Marshes project. He would take it that Members had read the papers and therefore the emphasis would be for members to ask questions and debate the issues.

## **5/3 Introduction of Members and Declarations of Interest**

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

## **5/4 Items of Urgent Business**

There were no items of urgent business.

#### **5/5 Public Question Time**

Three Public Questions had been received from Mr Paul Savage concerning information about the Acle Bridge site and potential Education and Information Centre. It was confirmed that all Members had received copies of the question and therefore Mr Savage was happy to decline the offer to read them out. The Chairman provided the Authority's response set out at Appendix 2 to these minutes. Using his discretion, the Chairman did not invite Mr Savage to ask a supplementary question but confirmed that he was entitled to do so in writing and a response would be provided within 20 days of its receipt.

#### **5/6 Minutes of Broads Authority Meeting held on 1 February 2019**

The minutes of the meeting held on 1 February 2019 were approved as a correct record and signed by the Chairman.

A Member commented that the inclusion in the minutes of the link to the Water Mills and Marshes U-tube video was very welcome.

#### **5/7 Summary of Progress/Actions Taken Following Decisions of Previous Meetings**

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings.

The Chief Executive drew particular attention to the following:

**Pilot Agri-Environment Scheme for the Broads** One of the most important matters to be dealt with, especially following Brexit was the continuation of support for the Broads grazing marshes. The proposed tests and trials pilot agri-environment scheme for the Broads was doubly important and therefore it was pleasing that this had been selected by Defra. Defra had allocated a Desk Officer and the Authority was awaiting the final details.

**Collaboration with Norfolk County Council:** Further to Minute 4/8 where reference was made to the Interreg Programme Experience for promoting tourism in Norfolk, a project proposal had been submitted for the Authority to be a partner in the EXPERIENCE Programme. Members were reminded that the English National Parks had received a national Outstanding Contribution to Tourism award in recognition of the Authority's work in association with the other English National Parks as part of the Discover England project which, had had a focus on promoting experiences to potential visitors from Germany and Australia. The Communications Manager, Rob Leigh had been working with Norfolk County Council (NCC) to see whether this work could be expanded to the USA and French markets and the national park branding project extended. The draft budget was £270,000 over 3 years with a proposed match funding contribution from the Authority of £75,013. There would be a £12,000 administrative charge from the Authority to NCC. The

work on the EXPERIENCE project so far had been one of great success and very beneficial in working with local businesses. It was intended to submit a letter to NCC indicating the Authority's commitment to being part of the three year project.

Members assented.

**UK National Parks Charity Foundation.** The Chief Executive reported that the Charity Commissioners had now registered the Charity.

RESOLVED

That the progress and actions within the Summary of Progress and as detailed above be noted and approved.

## **5/8 Financial Performance and Direction**

The Authority received a report on the details of the actual income and expenditure for the 10 month period to 31 January 2019 together with a forecast of the projected expenditure at the end of the financial year 31 March 2019).

### **(1) Consolidated Income and Expenditure 1 April 2018 to 31 January/28 February 2019 and 2018/19 Forecast Outturn.**

The Chief Financial Officer provided updated figures for the end of February 2019. The actual variance at the end of February was £220,560. There was no change to the Latest Available Budget or the forecast for the year end. However, there could be some changes by the end of March to the Forecast Outturn. The Consolidated Earmarked Reserves had decreased since January and the balance at the end of February was £1,547,281, with £708,553 relating to Navigation.

RESOLVED unanimously

- (i) that the Consolidated Income and Expenditure Figures for the ten month period 1 April to 31 January 2019 are noted. (Appendix 1 of the report)

### **(2) Capital, Treasury and Investment Strategy**

It was noted that the Annual Investment Strategy had been updated to reflect the current holdings up to 28/02/19 and the estimate of capital expenditure for 2018/19 had been updated to reflect the additional items funded through the Heritage Lottery Fund and the Authority's project pot. With regard to capital financing the capital borrowing powers were reviewed on an annual basis as part of the budgeting process. In practice the long term borrowing was limited to the acquisition of the dredging operation from May Gurney. A draft of the Strategy had been considered by the Audit and Risk Committee.

Members acknowledged that the detail involved in the preparation of the Strategy was exceedingly comprehensive and more than adequate, given the size of the Authority's reserves, budget and capital expenditure and resources. However it was recognised that it was a statutory requirement and Members expressed thanks to the Chief Financial Officer for the comprehensive report.

RESVOLED unanimously

That the Capital, Treasury & Investment Strategy be adopted.

## **5/9 Hosting National Park Communications Unit**

The Authority received a report providing an update on the National Parks Communication proposals and seeking approval for the Broads Authority to host the UK National Park's Communications Service and the associated two additional members of staff funded by the National Park Authorities. The purpose was the development and delivery of a National Park brand and engagement with the wider public, the aim being to position all UK National Parks as a collective and part of the international family of National Parks. All 15 National Park Authorities would contribute to the proposal for three years at a cost of £5,400 in the first part year, £5,920 in 2020/21 and £6,073 in 2021/22. The National Parks Partnership had offered to contribute £15,000 in the first year and £30,000 in each of the following two years.

It was reported that Northumberland had now indicated its support for the proposal and therefore 14 of the National Parks had committed to the three years with Exmoor having committed to one year only at this stage. It was noted that the principle underlying the arrangement was that the costs of the Communications Unit would be funded by the National Parks Partnerships and the 15 Authorities.

It was noted that the proposed two-person team of a Marketing and Communications Manager and a Digital Communications Officer would be within the Authority Communications Team led by the Authority's Head of Communications.

Members noted the main risks. One being that the two members of the unit would be Broads Authority employees with all the responsibilities that that entailed. The Service Level Agreement would be a commitment to three years and legal advice would be required on any notice required. If one park did give notice to leave the agreement, this would no doubt require changes in the contributions from the other National Parks. It was confirmed that as part of evaluating and measuring the effectiveness of the project, there would be a three year strategy with an annual action plan to be signed off by all the National Parks.

Members welcomed and supported the proposal and acknowledged the efforts the Chief Executive and Head of Communications had put into the negotiations and its development. The involvement of all 15 UK National

Parks in the proposal was commended as it was very much a UK issue not just for England. It would also be providing a strong message to the Glover Review of collaborative efforts in promoting the benefits and values of the national parks in engaging with the wider public, promoting the benefits of wildlife and opening them up to overseas, where there had been some criticism that National Parks had a tendency to be inward looking. The proposal offered the Authority in association with the other National Parks the opportunity to be at the heart of the Government's agenda.

RESOLVED unanimously

that the Authority approves the hosting of the UK National Parks' Communications Service on the basis set out in the report and Appendix 1 of the report.

#### **5/10 Wroxham Neighbourhood Plan**

The Authority received a report providing details of the procedures for creation and adoption of Neighbourhood Plans and specifically the Wroxham Neighbourhood Plan. The draft plan had been considered by the Planning Committee and approved for referendum. The referendum took place on 21 March 2019 and the Planning Policy Officer was able to provide the results. There had been a 26.7% turn out with 341 voting in favour and 18 voting against. Therefore, there was a 94.98% in support of the Wroxham Neighbourhood Plan and it could be recommended for adoption.

RESOLVED unanimously

That the Wroxham Neighbourhood Plan be adopted as part of the Broads Local Plan to be used to determine planning applications in the Wroxham Plan area.

#### **5/11 Timetable for Broads Authority Meetings 2019/2020**

The Authority received a report on the proposed timetable for the Authority's meetings from July 2019 to July 2020.

RESOLVED

That the timetable for Broads Authority meetings for July 2019 to July 2020 be adopted subject to consultation with the Navigation Committee.

#### **5/12 The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code**

There were no matters to report under this item.

#### **5/13 Minutes Received**

The Chairman indicated that he would assume that members had read these minutes and were invited to ask any questions.

RESOLVED

(i) **Broads Local Access Forum – 5 December 2019**

RESOLVED

That the minutes from the Broads Local Access Forum meeting held on 5 December 2018 be received.

(ii) **Audit and Risk Committee – 11 December 2018**

RESOLVED

that the minutes from the Audit and Risk Committee meeting held on 11 December 2018 be received.

(iii) **Planning Committee: 11 January 2019 and 8 February 2019**

RESOLVED

that the minutes of the Planning Committee meetings held on 11 January and 8 February 2019 be received.

**5/14 Items of Urgent Business**

There were no items of urgent business for consideration.

**5/15 Formal Questions**

There were no formal questions.

**5/16 Date of Next Meeting**

The next meeting of the Authority would be held on Friday 17 May 2019 at **10.00** am at Yare House, 62 – 64 Thorpe Road, Norwich.

**5/17 Exclusion of Press and Public**

RESOLVED

That the public be excluded 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 Paragraphs 1, and 3 of Part 1 of Schedule 12A to the Act as amended, and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.

Members of the public left the meeting and the recording of the meeting was suspended.

#### **5/19 Legal Advice and Appointment of Monitoring Officer**

The Authority received a report containing exempt information relating to the provision and procurement of legal advice for the Authority as well as the appointment of a Monitoring Officer.

It was noted that the most desirable route would be to enter a tendering process but this would be very involved and take some time. In view of the urgency of the matter, the alternative was to provide a framework of interim arrangements. This would provide time to evaluate on how to proceed, particularly given the current market.

RESOLVED unanimously

- (i) That in view of urgency of the Authority's requirements, the Solicitor's firm stated within the report be appointed to provide the Authority with its legal advice under the Crown Commercial Services Agreement with the exception of advice and prosecutions on navigation matters, which will continue to be managed by the existing provider.
- (ii) That the initial period of appointment be until 31 March 2020 by which time the intention would be for the Authority to explore alternative arrangements including an in-house solicitor and tender processes.

RESOLVED by 12 votes with one against

- (iii) that the three individuals stated within the report be invited to submit prices and evidence for appointment as the Broads Authority's Monitoring officer and
- (iv) that in view of the urgency an interim appointment be delegated to the Chief Executive following discussion with the Chairman of the Authority and the Chairman of the Audit and Risk Committee for confirmation at the next Broads Authority meeting.

The meeting ended at 10.25 am

CHAIRMAN



**Code of Conduct for Members  
Declaration of Interests**

**Committee:** Broads Authority 22 March 2019

<b>Name</b>	<b>Agenda/ Minute No(s)</b>	<b>Nature of Interest</b> (Please describe the nature of the interest)
Haydn Thirtle	18	Board Member, NPLaw
Bruce Keith		Nil
Nicky Talbot		Nil
Gail Harris		Nil
Ron Hanton		Nil
Brian Wilkins		Nil
John Ash		Nil
Jacquie Burgess		Nil
Louis Baugh		Nil
Matt Bradbury		Nil

**Broads Authority**  
22 March 2019  
Agenda Item No 5

**Public Question Time**

**Question submitted by Paul Savage**

1. Bearing in mind that the site of the proposed Acle Bridge Visitor & Education Centre was purchased with ring-fenced navigation income for the purpose of moorings, would the Chief Financial Officer please explain how it is justifiable to use the site for a function which comes under the “recreation” statutory purpose?
2. Bearing in mind that any proposed development of the site will require planning permission from the Authority itself and consequently information relating to the financial affairs of a particular person (the Authority) is not “Exempt Information”, under Schedule 12A Local Government Act 1972 (as amended) will the Authority please disclose the report submitted under Agenda item 11 for the Meeting of 28<sup>th</sup> September 2018?
3. What reasons, if any, were given for the balancing exercise required for the claim of public interest in non-disclosure of the report?

(Statement:

For my interpretation of “Exempt Information” I am relying on the Guidance published in August 2014 by the Department for Communities and Local Government called “open and accountable local government: plain English Guide”. This is available on line.

Any planning application will necessarily entail commercial viability assessments under Policy DP 27, so it is difficult to see how non-disclosure of the entirety of the report can be justified by a balancing exercise.)

**Broads Authority Response**

1. If the Authority decides to use part of the site for national park purposes then it will be necessary to reallocate the funding between National Park and Navigation expenditure appropriately with any financial adjustments as necessary.
2. The Authority has not as yet decided to proceed with a scheme and therefore no planning application has been submitted. The Authority will not be disclosing the report.
3. The reasons the discussion and report were held in closed session were due to commercial sensitivity.