

Broads Authority

Minutes of the meeting held on 31 January 2020

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Present

Bill Dickson – in the Chair, Louis Baugh, Harry Blathwayt, Matthew Bradbury, Jacquie Burgess, Andree Gee, Tim Jickells, James Knight, Greg Munford (Minute 13 onwards), Simon Roberts, Simon Sparrow, Nicky Talbot, Vic Thomson, Melanie Vigo di Gallidoro, Fran Whymark.

In attendance

John Packman – Chief Executive, Sandra Beckett – Administrative Officer (Governance), Steven Bell – Monitoring Officer, Maria Conti – Head of Governance, Andrea Kelly – Environment Policy Adviser (Minute 13), Emma Krelle – Chief Financial Officer, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services.

Guest

Cllr William Nunn (Breckland Council) – LGA Regional Peer

1. Apologies and welcome

Introduction: The Chairman welcomed everyone to the first meeting of the Authority in 2020, on this historic day when the United Kingdom was officially leaving the European Union. As it was a year of transition nationally, he hoped that it would be equally transformational for the Broads Authority and the National Parks family as a whole. This would largely depend on the Government's response to the National Parks Grant Settlement, the Spending Review and also in part the Landscapes Review. The Chairman stressed that it came down to each and every one of us in the Authority to do the right thing, to show leadership and to refuse to allow the small issues, however contentious they may appear, to divert us from the wider purpose.

Apologies were received from Kelvin Allen, Julie Brociek-Coulton, Lana Hemsall and Bruce Keith. Apologies were also received from Greg Munford, who would be arriving later.

Welcome: As well as welcoming members of the public, the Chairman particularly welcomed Cllr William Nunn (Breckland Council), who would be observing the meeting in his capacity as the Local Government Association's (LGA) Regional Peer. He had been very helpful in supporting the Authority as part of the follow-up to the Peer Review.

2. Chairman's announcements

Openness of Local Government Bodies Regulations 2014

The Chairman reminded Members that the meeting would be recorded as a back-up for accuracy. The Broads Authority retained the copyright. If a member or a member of the public wished to receive a copy of the recording, they should contact the Governance team. No one else indicated that they would be recording or filming the meeting.

Congratulations

The Chairman congratulated Tim Jickells on being awarded the OBE in the New Year's Honours List.

Appraisals

The Chairman reported that the Chief Executive's performance appraisal had been completed by the LGA for the second year running. As before, the Chairs of the Authority's Committees, together with members of staff, contributed to the process. The Chairman commented that he understood the CEO was happy with the conclusions.

It was also time for the Member annual appraisals and the review forms to be sent out and dates for discussion arranged. Although the appraisal process was compulsory only for the Secretary of State appointees, it had proved in the past to be helpful and useful for all members to take part.

General proceedings

The Chairman commented he would take it that Members had read the papers and therefore the emphasis would be to ask questions and debate the issues. It was hoped they had sorted out any matters of fact before the meeting.

Exempt items

The agenda had been arranged to deal with confidential items first to ensure all Members were able to be present.

Former associates

The Chairman reported with sadness on the passing of **Alec Hartley**, a former member of the Broads Local Access Forum, on 3 January 2020, and of **Arthur Hindley** on 31 December 2019, a Senior River Inspector with the Authority after he was transferred from the Great Yarmouth Port and Haven Commissioners when the Broads Authority became a statutory authority. Mr Hindley had also been actively involved in the refurbishment of the Hoveton Riverside Park as a Hoveton resident.

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.

4. Items of urgent business

There were no items of urgent business.

5. Public question time

No public questions had been received within the necessary timescale of the scheme.

6. Minutes of Broads Authority meeting held on 22 November 2019

The Chairman reported that there was an amendment to page 5 of Minute 7 - Summary of Progress, under Hosting National Parks' Communications Unit, third line to read "English National Parks Chief Executives and English National Parks Chairs' Forum".

A further amendment was proposed to the final paragraph to read:

“A member requested that the Summary of Progress include more details including dates for actions, as previously agreed at the September 2019 meeting”.

Simon Sparrow proposed, seconded by Nicky Talbot and

It was resolved that the minutes of the meeting held on 22 November 2019 to include the amendments be approved as a correct record and signed by the Chairman.

7. Summary of actions and outstanding issues following decisions at previous meetings

The Authority received and noted a schedule of progress/actions taken following decisions of previous meetings. There were no further updates to report. The Chief Executive commented that the Summary of Progress was intended as a way of tracking actions on major decisions taken by the Authority, rather than having “matters arising”.

As previously requested, a Member considered that dates were important to understand the timeline and a formal resolution was required. Members recognised that this was helpful, although considered it was important for Members not to become over prescriptive on detail but to concentrate at a strategic level. Examples of actions where it would be useful to include dates were highlighted.

Fran Whymark proposed, seconded by Leslie Mogford and

It was resolved by 11 votes to 2 against and 2 abstentions to include details of significant events and best efforts be used to put dates on these where appropriate.

8. Exclusion of the public

The Authority **resolved** to exclude the public from the meeting under Section 100A of the Local Government Act 1972 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined by Paragraph 1,2, 3, and 4 Part1 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.

The public left the meeting and the recording was suspended.

Matthew Bradbury proposed, seconded by Melanie Vigo di Gallidoro and **it was resolved that Mr Nunn be invited to remain for the confidential items, given his role as LGA Regional Peer.**

9. Exempt Minutes from the Broads Authority meeting on 22 November 2019.

The Exempt Minutes of the Broads Authority meeting held on 22 November 2019 were approved as a correct record and signed by the Chairman.

Steven Bell as Monitoring Officer left the room for the next item.

10. Review of Legal Services and Monitoring Officer

The Authority received a report containing exempt information on the provision of legal services to the Broads Authority after 31 March 2020 and the amended charges for the services of the Monitoring Officer. Members agreed that the new arrangements for procuring legal advice over the last year had worked well. They noted that the role of Monitoring Officer had taken more time than anticipated. Members supported the proposals.

Jacquie Burgess proposed, seconded by Andree Gee and

It was resolved by 15 votes to 0 against with 1 abstention:

- i. To appoint Birketts LLP to provide the Broads Authority with its legal advice under the Crown Commercial Services Agreement for a period of three years from 1 April 2020 to 31 March 2023.**
- ii. To appoint Nplaw to continue to provide advice and prosecutions on navigation matters, for the same period as in (i) above, at the discretion of the Chief Executive.**
- iii. To accept the revised basis of charges for the provision of the services of Mr Steven Bell of Birketts LLP as the Authority's Monitoring Officer.**

Steven Bell returned to the meeting.

11. Progress report by Monitoring Officer

The Authority received a report containing exempt information on the services provided and time taken by the Monitoring Officer since his appointment in March 2019.

Members were asked to consider what action should be taken to reduce the amount of Monitoring Officer time required, and how to reduce the financial, legal and reputational risks to the organisation. They provided the Chairman and Chief Executive with suggestions for a future meeting with a Local Authority on ways to proceed. The Chairman appreciated the comments received and would include the matters raised at this meeting in the discussions for a future meeting arranged in February with the aim of finding a constructive way forward. He asked for the Authority's latitude to use discretion and to act according to circumstances.

It was resolved that the Chairman and Chief Executive proceed to have discussions with the Local Authority Leader and Managing Director along the general lines discussed at this meeting as well as finding constructive ways forward on wider issues.

Members of the public were invited into the meeting and recording was continued.

12. Financial performance and direction

The Authority received a report providing a strategic overview of the key financial issues and items for decision. The report included the third report for this financial year 2019/2020 on

the consolidated income and expenditure figures up to 30 November 2019. It also gave the Budget for 2020/2021 and the assumptions applied in its preparation, as well as the Earmarked Reserves Strategy for the period 202/21 to 2022/23. In addition, the report outlined the next steps for considering early repayment of the Public Works Loan.

The Chief Financial Officer provided an update on the figures for 31 December 2019. The variance had increased to £349,469, a 23.9% difference from the profiled budget, mainly due to additional income received from the Rural Payment Agency, although these figures were now being checked. There were no changes to the Latest Available Budget. Changes to the Rural Payment Account income could cause changes to the forecast. Earmarked reserves (Table 4 of the report) had increased to £1,768,438 due to the HLF grant reimbursement.

With regard to the Budget, the Chief Financial Officer drew attention to the fact the National Park Grant (NPG) was still unknown and settlement was likely to be for one year only. Provision had been made for a 2% increase in salaries but likewise pay negotiations were unknown. The Budget was based on all posts being filled and therefore there was likely to be some savings between any resignation and new appointments. In addition, the replacement of the two smart cars would be deferred from 2019/2020 to 2020/21 as options were constantly increasing. Therefore, Officers would be carrying out further assessments for replacement. It was clarified that the original policy of replacement of vehicles every 7 years had been extended to 10 years. Both budget and reserves for 2021/22 would be further refined later in the year when the NPG and pay award had been settled.

A Member advocated the extension of the lifecycle of equipment wherever possible in order to reduce the regularity of buying and creating those industrial processes that pollute.

With regard to the Public Works Loan, it was noted that following the sale of the Ludham Field base and the creation of the Capital Receipts Reserve, there could be potential to repay the outstanding loan, as proposed by the Audit and Risk Committee in November 2019. It was emphasised that the reserve could only be used to fund capital expenditure or repay debt once. The balance of the reserve was split 60/40 between National Park Grant (NPG) and Navigation expenditure, but the loan repayments were considered 100% Navigation. The Navigation Committee would be consulted at its meeting in April and a report brought back to the Authority in May 2020 for decision. A further payment was due to be made in March, reducing the liability. It was clarified that although present budget arrangements were split 50/50 between NPG and Navigation due to the NPG being frozen for a number of years, when the original works to the Field Base were agreed, allocation of budget expenditure was 40 % navigation and 60% NPG. Therefore, this was the basis on which the allocation would be made. It was necessary to look back at how the original capital expenditure was funded to determine how it was to be used.

Following a Member's question regarding cybercrime, the Chairman of the Audit and Risk Committee commented that an exempt report on the fraudulent extraction of Authority funds had been given to the Authority in May 2019. He assured members that the incident had been dealt with as speedily and efficiently as possible. The Chief Financial Officer commented that the recent internal audit concluded that the Authority had the correct processes in place to

manage its finances for potential incidents. The Authority had insurance to cover such incidents but the excess was high at £25,000.

It was noted that within the Budget there remained very little or no capacity for taking on additional projects and the provision of funding represented the level of funding required to enable continuation of the levels of service already delivered.

The Chief Executive emphasised that the key points to note were the two areas of uncertainty relating to the level of NPG and the salary costs of staff which accounted in excess of 60% of the Authority's costs but were the Authority's most valuable resource. He commented that the level of NPG was being discussed with Defra. The Chairs of the National Parks had agreed to meet with their local MPs to discuss NPG also with the view that this should be set in line with inflation. It was anticipated that there would be more certainty in March.

Melanie Vigo di Gallidoro proposed, seconded by Matthew Bradbury and

It was resolved unanimously

- i. That the income and expenditure figures be noted.**
- ii. That the Authority adopts the 2020/21 Budget and endorses the assumptions made applied in the preparation of the Budget.**
- iii. That the Authority adopts the Earmarked Reserves Strategy for the period 2020/21 to 2022/23.**
- iv. That the Authority notes the next steps in considering repayment of the Public Works Loan.**

13. Landscapes Review

The Authority received a report outlining the proposed Broads Authority's preliminary response to the Government on the proposals in the Landscapes Review Final Report (Glover Review) published on 21 September 2019. A draft copy of the response had been provided to Members in November 2019 and, following further development, in January 2020. A number of the proposals would depend on the Government's response and therefore it was unclear what might change as a result of the Landscapes Review.

The Chairman commented that some of the proposals in the Review required some detailed debate, and it would be helpful if Members could provide guidance on priority themes to be developed for further discussion. It was important to bear in mind the caveats outlined under the previous minute about the Authority's resource capacity and the uncertainty about the level of DEFRA funding. However, a number of the recommendations in the Review were already in line with the Authority's strategic objectives and the Broads Plan. Therefore, he suggested the focus should be on where the Authority was already undertaking initiatives and resources were available. This was exemplified in the context of Proposal 5 on the New Environmental Land Management Schemes (ELMS), where the Authority was involved in the Test and Trials project.

The Environment Policy Adviser gave a presentation on the Test and Trials project, which was supporting the development of a new system for payments to farmers in the Broads. It followed Brexit and was about resetting of the agricultural support system. She emphasised that the Authority was in a good position to step up to the challenge within the area, given its rich soils, biodiversity and ability to embrace and mitigate against climate change (as it had done in the past through the ESA scheme). The policy context for ELMS was the 25-year Environment Plan, Health and Harmony and the Agricultural Bill, and was based on the premise of public money for public goods, nature recovery network and natural capital. The Test and Trials project was designed to provide a scheme that was comprehensive, provided tangible benefits and could be submitted to Defra. It was taking account of the public goods of clean and plentiful water, food, clean air, protection from and mitigation of environmental hazards, mitigation of and adaptation of climate change, thriving plant and wildlife, beauty, heritage and engagement. The Environment Policy Adviser outlined the proposed timeline for introducing schemes and the 7-year transition for payments. She informed the Authority of the organisations involved in the project and the proposed timing of the ELMS workshops. The first workshop was held in November 2019 and two more were planned: March 2020 in the North Broads and April 2020 in the Southern Broads. More details were available from the Authority's website, and copies of today's presentation would be circulated to Members.

<https://www.broads-authority.gov.uk/looking-after/projects/environment-land-management-system>

The Chairman thanked the Environment Policy Adviser for the presentation.

A Member commented that government spending reviews were often on a relatively short-term basis. Members considered it was important to emphasise to Defra that farmers and landowners required long term arrangements in order to implement schemes. It was also important to create schemes that were attractive and that people could sign up to and remain within.

Given the constraints and uncertainties for the Authority, Members agreed to concentrate on those areas where the Authority was already engaged in projects and making progress. The issues prioritised by Members for future discussion included climate change and carbon capture; biodiversity and the future of agriculture; and promoting wider participation within the National Parks and health and wellbeing benefits. It was also suggested further exploring Proposal 21, "Welcoming new landscape approaches in cities and the coast", with a view to creating Norwich City as a National Park City and possibly including Great Yarmouth and Lowestoft. This could help to increase positive cooperation and engagement with the constituent local authorities, building on the regular cycle of meetings held with the Leaders and Chief Executives of those local authorities.

The Chairman thanked members for their suggestions.

14. Strategic direction

The Authority received a report on the progress on its annual strategic priorities, guided by the themes within the Broads Plan.

It was resolved to note the report.

15. Statement of Community Involvement for adoption

The Authority received a report on the Statement of Community Involvement, which had been the subject of consultation between 22 November 2019 and 16 December 2019. The Planning Committee had considered the amended version following consultation at its meeting on 6 December 2019 and recommended that it be adopted.

It was resolved to adopt the Statement of Community Involvement.

16. Planning documents for public consultation: Flood Risk SPD

The Authority received a report on the Draft Flood Risk SPD, which had been reviewed following the adoption of the Local Plan for the Broads in May 2019 and subject to a first stage consultation between 22 November 2019 and 16 December 2019. The report detailed the responses received, a track changed version of the SPD and the next steps in the process.

It was resolved to endorse the revised Flood Risk SPD for second stage public consultation.

17. Memorandum of Understanding between the Broads Charitable Trust and the Broads Authority.

The Authority received a report on the proposal for the Broads Authority and Broads Charitable Trust to work collaboratively to attract external funding. This involved a proposed Memorandum of Understanding between the two parties.

It was resolved to agree to the Memorandum of Understanding between the Broads Charitable Trust and the Broads Authority.

18. Risk Management Policy and Register

The Authority received a report setting out the updated Corporate Risk Register and Risk Management Policy, following a review by the Audit and Risk Committee on 19 November 2019 and queries raised. The Corporate Risk Register focused on high level strategic risks that could threaten the Authority's core business and the way it operated. Ten main risks were identified, eight of which were assessed as 'medium risk', two as 'low risk' and none as 'high risk'. It was noted that the Authority also maintained Directorate Risk Registers, which identified risks that could threaten day-to-day operational activities in each directorate.

Some Members commented that the risk of cybercrime, referenced at no.9 in the register, should be given greater prominence, perhaps as a separate risk. The Chief Financial Officer, supported by the Chair of the Audit and Risk Committee, clarified that as the Corporate Risk

Register was designed to focus at the strategic level, the internal audit recommendation had been to reduce the number of categories. In addition, External Audit had made it clear it was necessary to manage the register in a way that items could be taken off the register. It was recognised that the risk from cybercrime, or more generally from fraud, crossed over into a number of the main areas of risk. It was agreed to include reference to the “loss of funds from fraud” under Risk 4 in the Register.

A Member considered Risk 2, relating to reputational damage, was under scored and it was suggested the likelihood score be increased from 2 to 3. It was noted that the risk score would remain as ‘medium risk’.

A Member referred to Risk 1 relating to loss of key staff, knowledge and expertise. The Chief Executive commented that this was a matter the Authority was very conscious of and efforts were taken to mitigate the risk wherever possible. He highlighted that the Authority was unique in comparison with a number of other organisations in that it had such broad responsibilities, there was often only one staff member in a key role, such as the GIS Officer, Rivers Engineer, and Waterways and Recreation Officer.

The Head of Governance reported that Risk 10 relating to the funding of EU-funded projects could be removed from the Corporate Risk Register, following the Government’s recent confirmation that there would not be a no-deal Brexit.

It was resolved to approve the updated Corporate Risk Register and Risk Management Policy with the amendments raised at this meeting.

19. The Port Marine Safety Code: To consider any items of business raised by the Designated Person in respect of the Port Marine Safety Code

The Director of Operations commented that, following the departure of the Head of Safety Management, the Authority had been non-compliant in one area of the Port Marine Safety Code concerning Operational Oil Spills. This was due to the next responsible Officer’s certificate of necessary training having fallen out of date. The Director of Operations apologised for the oversight, which was now being rectified. All other aspects for safety management skills were in place.

20. Minutes received

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

It was resolved to receive and note the minutes from:

Audit and Risk Committee – 23 July 2019

Broads Local Access Forum – 4 September 2019

Navigation Committee – 31 October 2019

Planning Committee on 8 November and 6 December 2019.

21. Feedback from Members appointed to represent the Authority on outside bodies 2019/2020

The Chairman invited Members to report on any significant meetings they had attended on behalf of the Authority.

Melanie Vigo di Gallidoro from Suffolk County Council referred to the development at Carlton Marshes by the Suffolk Wildlife Trust. It was pleasing that in addition to the proposal for moorings at Peto's Marsh, recent discussions had taken place about developing the footpath from the Station in Oulton Broad to the site. The development would be a tremendous asset to the Broads and Suffolk.

22. Formal questions

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

23. Date of next meeting

The next meeting of the Authority would be held on Friday 20 March 2020 at 10.00 am at Yare House, 62 – 64 Thorpe Road, Norwich.

The meeting ended at 12.15 pm

Signed by

Chairman

Appendix 1 – Declaration of interests Broads Authority, 31 January 2020

Member	Agenda/minute	Nature of interest
Matthew Bradbury	-	As previously notified
Leslie Mogford	-	As previously notified
Simon Roberts	-	As previously notified
Nicky Talbot	-	As previously notified
Harry Blathwayt	-	As previously notified
Andree Gee	-	As previously notified
James Knight	-	As previously notified
Vic Thomson	-	As previously notified
Melanie Vigo di Gallidoro	-	As previously notified
Fran Whymark	-	As previously notified
Simon Sparrow	-	As previously notified
Tim Jickells	-	As previously notified
Jacque Burgess	-	As previously notified
Louis Baugh	Agenda item 13	As previously notified and Re: Environmental Land Management (ELMS) - could be a beneficiary of the scheme if successful.
Tristram Hilburn	-	As previously notified