

# Broads Authority

## Minutes of the meeting held on 20 November 2020

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## **Present**

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

## **In attendance**

John Packman – Chief Executive, Hilary Slater – Monitoring Officer, Maria Conti – Head of Governance, Emma Krelle – Chief Financial Officer, Rob Rogers – Director of Operations, Marie-Pierre Tighe – Director of Strategic Services, Essie Guds (meeting moderator), Sarah Mullarney (meeting moderator) and Sara Utting – Governance Officer.

## **1. Welcome and apologies**

The Chairman welcomed everyone to the meeting and introduced Robin Price, Managing Director of Water Resources East (for item 9), and Martin Dunford and Peter Howe, Trustees of the Broads Charitable Trust (for item 10).

No apologies had been received.

## **2. Chair's announcements**

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

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

The Chairman advised that Bryan Read had sadly passed away on 27 October. He played a huge part in the life of the Broads; a former Chairman of the Port and Haven Commissioners, he had a hand in the creation of the Broads Authority, led the campaign to save the Hunter fleet and was deeply involved in the Norfolk Windmills Trust and the Broads Society.

The Chairman announced that it was the 73<sup>rd</sup> wedding anniversary of HM Queen Elizabeth and the Duke of Edinburgh and expressed the Authority's congratulations on behalf of all members.

### **3. Introduction of members and declarations of interest**

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

James Knight commented that he had received advice from the Monitoring Officer (MO) that he would not be able to take part in the discussion or voting on item 8, as he had a Disclosable Pecuniary Interest. Subsequently, the MO had granted him a partial dispensation to make a statement prior to leaving the meeting but he did not wish to take up this opportunity.

In response to a comment by another member, the MO said that she had advised Mr Knight and two other members who clearly had a Disclosable Pecuniary Interest in item 8, as prescribed in the 2012 Regulations (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012), by virtue of their business interests as hire boat operators and the fact that the setting of the toll would have a direct impact on their businesses. Therefore, they were unable to participate or vote on the item. In terms of individual boat owners, this was not a Disclosable Pecuniary Interest for the purposes of the Regulations or the Authority's Code of Conduct but fell with the category of "other interests". Therefore, those members could still participate and vote. The MO reiterated that she had offered the three members concerned the opportunity to speak on the item but they had chosen not to avail themselves of the opportunity.

In response to a question by one of the members concerned, the MO explained that Section 33 of the Localism Act 2011 permitted the granting of a dispensation if it was considered to be appropriate in the circumstances. Her view was the question of appropriateness, and she had taken the decision to allow the three members to participate by making a verbal statement at the start of the debate on item 8. She added that the Authority's Code of Conduct (para 3.9) stated that the MO may grant a dispensation with restrictions applied to it and her decision was to limit the degree of participation.

Leslie Mogford joined the meeting (10:23)

### **4. Items of urgent business**

There were no items of urgent business.

### **5. Public question time**

No public questions had been received.

### **6. Minutes of last meeting**

The minutes of the meeting held on 25 September 2020 were approved as a correct record and would be signed by the Chairman.

### **7. Summary of actions and outstanding issues**

Members received the latest summary of actions and outstanding issues following decisions at previous meetings. The Chief Executive reported that good progress was being made with

Mutford Lock. In response to a question on how the project was being financed – that is, £0.25m from earmarked reserves - the Chief Executive advised that the Authority had benefitted from an endowment many years ago for the maintenance of the lock and had been contributing regularly to a reserve budget. He added that the lock, while an asset, was also a big liability. An increase had been made to the size of the reserve, particularly for any collapse in the walls as it was a very old structure and needed regular maintenance.

**The report was noted.**

Having declared a Disclosable Pecuniary Interest, Greg Munford, James Knight and Simon Sparrow left the meeting for item 8.

## **8. Proposed navigation charges for 2021/22 in the navigation area and adjacent waters**

The Chairman reminded members of the tolls briefing on 5 October, when it had been agreed by consensus to increase tolls by 7.5%. At its meeting on 22 October 2020, the Navigation Committee had been presented with two proposals – either a 7.5% or 4% increase, and had ultimately proposed a 4% increase to maintain services and provide for funding the safety package in 2023/24. Since then, the Chief Executive had secured Defra agreement for the use of £250,000 of National Park Reserves over the next two years to support the Navigation safety package. The Chairman congratulated the Chief Executive and his colleagues for all their imaginative thinking since the start of the Covid-19 pandemic to rescue the Authority's finances and help secure the future of the hire boat industry. The bleak prospects earlier in the year had turned around, and demonstrated there was no justification for not collecting tolls at the end of this month. He suggested that this served as a good reminder of the Authority's central role – the integrated management of the Broads. It left sufficient reserves on the National Park side to cope with emergencies and take forward initiatives that required matched funding, and support a Green Recovery from Covid. It perhaps pointed the way forward in terms of the need for a simplification of the Authority's complex financial model for a budget the size of a large secondary school. He concluded that the proposal was now for a 4% increase in tolls, which would result in c.65% of private boat owners having to pay less than an additional £10.

The Chairman added a note of caution that there would be consequences for the Authority's National Park budget and activities that could be managed for one year only. He suggested that the thinking was revised for future years, in light of the forecast restructuring of the hire boat industry and its impact on toll income.

The Chief Executive introduced the report, highlighting that it had been a difficult year for hire boat operators and private boat owners, as well as for the Authority's staff. At the beginning of the summer season the Authority had seen a possible £2.5m gap in income, and this gap had diminished considerably. In setting the navigation charges for 2021/22, there were challenges to face from three different directions:

- Loss of income, mainly as a result of Covid-19

- Ongoing restructure of the boating industry, which had seen a decrease of 65 weekly hired motor cruisers
- Safety issues, with four tragic accidents and increased pressure on Rangers from new users.

On the positive side, bookings were looking good for the hire boat industry for 2021/22.

One of the proposals was for a significant increase in Ranger patrolling. Usually their duties were split 60% on navigation functions and 40% on National Park work. Consequently, they were usually funded 60% from Navigation Income and 40% from National Park Grant. This year, because of the pressures on the waterways, much more Ranger time had been spent on navigation activity (currently 83%). Patrolling and mooring checks were considered essential work and were prioritised, while most of the countryside tasks, including educational visits and events, were cancelled. The budget would be amended at the end of the year according to the time spent. The impact of a 70:30 split on Navigation in 2020/21 would be in the region of £75,400 in additional expenditure. It was proposed to increase the patrolling activity by maintaining a 70:30 split for future years, to increase the number of seasonal Rangers and to appoint a Ranger to focus on prosecutions and Boat Safety Scheme compliance.

The Chief Executive concluded by thanking members for their support and asked them to support the recommendations.

A member commented that it had been an impressive recovery, but highlighted the need to be wary of using reserves, particularly in view of probable flat cash funding from Defra in the future. In addition, he welcomed the safety video proposal and the increased use of Rangers. A future issue was the replacement of the software for the collection of tolls, which would be a substantial cost, and he questioned how this was to be funded. The Chief Executive advised that the safety package would cost £130,000 in 2021/22 using National Park funding, with £20,000 for the safety video and £110,000 for Ranger patrolling. Greg Munford had been of great assistance, working with the Authority's Head of Communications in designing the video, and it was planned to have this in place for the coming season. Replacing the tolls software needed to be investigated further. In 2006, the Authority had secured funding through the Improving Electronic Government fund for its first online toll system at a cost of £80,000. The software now needed replacing, with a specification being planned next year. The costs were not yet known but would be a fairly sizeable sum. The Chief Financial Officer was looking at options to finance the project; one option could be through a loan with the repayments being funded via a modest increase in tolls.

A member questioned how much work needed to be done for a five year forward look, as the pressure on core funding would need to be built in to the Authority's financial resilience. He also questioned if an increase in tolls affected boat usage and if so, whether this should be part of the five-year modelling. The Chief Executive replied that the Chief Financial Officer prepared forecast figures for the next five years but the Authority was living in uncertain times and so it was difficult to make any reliable projections. He added that 65% of the Authority's costs were its staff and any pay increases had an impact. However, that morning

there had been Press coverage suggesting that the Chancellor would announce a pay freeze for public sector staff. In terms of price sensitivity, the Environment Agency had carried out a piece of work on the impact of navigation charges on boat use, which had found an “inelastic” relationship; toll charges were not found to be a huge determinant and other factors such as owner’s age and the cost of mooring fees were bigger factors in retaining ownership of a boat.

A member expressed his full support for the proposed safety package. He added that some staff had been through highly traumatic experiences as a result of the four fatal accidents and asked what support was available to them. The Chief Executive advised that the Authority paid for an external wellbeing support service, which all staff could access anonymously. This included independent support for family members. The officers affected by the recent events were receiving specialist support. The Director of Operations added that it was hoped to extend the wellbeing services to members and volunteers. He reiterated that it had been a difficult year and if additional specialist support was needed, the Authority could purchase extra services.

A member raised the issue of a climate emergency being declared and the Authority’s promotion of sailing and electric boats and, in particular, if consideration had been given to freezing their toll increases. The Chief Executive responded that, while there was a significant discount for electric powered boats, users said this was not a huge incentive as the cost of converting a boat to electric power was so significant. However, the Authority was pursuing with the industry the wider issue of electrification. He had attended an all-party parliamentary group and was working with the Hethel Innovation Centre to look at alternative options to diesel and petrol such as hydrogen and battery technology. A particular problem for the remoter parts of the Broads area was the long distance to an electrical supply, and consideration was being given to alternative solutions for these locations. He concluded that technology was moving fast and the Authority was continuing to lead the field.

A member welcomed the proposal for an increased Ranger presence, commenting that there should be a more conscious effort to create a positive experience for users and welcome new users to the Broads, and to promote safe and conscientious enjoyment for all. She also expressed concern that the Authority had chosen to use a hire boat operator’s safety videos, albeit anonymised, and questioned how this might be perceived. The Director of Operations responded that the role of the Rangers was always to provide a friendly service, guiding people to facilities and helping them with mooring, etc. He assured the member that the safety videos would not contain any hire boat company branding and the approach had been supported by the Broads Hire Boat Federation.

The Chief Executive concluded by providing a verbal update on hire boat licensing arrangements, advising that some issues had arisen from the handover procedures by hire operators. He reminded members that the Authority was the licensing authority for hire boat operators and it was officers’ view that procedures needed to be tightened up. However, there were currently very limited resources devoted to this and therefore, a report would be presented to the Navigation Committee on how the Authority could improve its function as the licensing authority for hire boat operations.

Bruce Keith was absent at this point in the meeting.

Gail Harris proposed, seconded by Andrea Gee, and

**It was resolved unanimously**

- i. To confirm the deadline for the collection of the final instalment of this year's hire boat tolls as 30 November.
- ii. To implement a package of safety measures, including the development of online training for hirers in conjunction with the Broads Hire Boat Federation, and a significant increase in the level of patrolling by Rangers as set out in Section 4.
- iii. To use on a once only basis, with permission from Defra, National Park Reserves to fund Navigation Expenditure on safety, to the level of £130,000 in 2021/22 and £120,000 in 2022/23.
- iv. To raise across the board Navigation charges for the year 2021/22 by +4% to maintain services and provide for continued funding of the safety package in 2023/24.
- v. To note the review of the Authority's hire boat licensing arrangements.

James Knight, Greg Munford and Simon Sparrow re-joined the meeting.

## **9. Water Resources East – board membership**

The Director of Strategic Services introduced the report, supplemented by a presentation by Robin Price, Managing Director of Water Resources East (WRE).

At its meeting in September 2019, the Authority had agreed to become a Water Resources East Board member, and to review the position after a year.

It was noted there were a number of benefits to the Authority being a WRE member, as outlined in the report. The Management Team was of the view that the value of membership of WRE had been demonstrated. The membership was directly funding WRE officer time, which helped deliver the Authority's priorities related to water management, in particular strategic actions 1.1 and 1.2 in the Broads Plan.

The cost to the Authority of full WRE membership as a Principal Funding Member (PFM) was a minimum contribution of 3% of the operating cost for WRE, which for 2020/21 was £15,000. Assuming the same operating costs through to the publication of the Regional Plan in September 2023, the cost for full membership would be £37,500 for the remaining 2 ½ years. However, there may be an opportunity to negotiate with WRE over a discount should the Authority effectively 'guarantee' its membership through a single one-off payment.

As part of his presentation, Robin Price highlighted that over 120 individuals and organisations were members of WRE, both private and public sector, and the aim was to double this number. The vision in the 3-year Business Plan was for "Eastern England to have sufficient water resources to support a flourishing economy, a thriving environment and the needs of its population, and for the region to be seen as an international exemplar for collaborative

integrated water resource management". The aim was to reduce demand for water through better efficiency and storage. WRE had been successful in securing external funding of just under £5 million through grant awards for projects over the next 2½ years. The Norfolk Water Management Plan would examine the role of nature-based solutions in delivery of water related outcomes, and would inform the design of new storage options within the county, including a potential new reservoir south of Kings Lynn. A new Water Management Board for the county would be set up early in 2021, and the Broads Authority would be invited to have a seat there too.

Members considered membership of WRE to be good value for money and an excellent example of collaborative and partnership working.

Leslie Mogford had left the meeting at this point.

Bruce Keith proposed, seconded by Simon Roberts, and

**It was resolved unanimously** to continue the Authority's membership on the Water Resources East Board and that officers negotiate a discounted single payment.

James Knight was not present for item 10.

## 10. Discovery Hubs

The Director of Strategic Services introduced the report, supplemented by a presentation by Martin Dunford of the Broads Charitable Trust (BCT).

It was noted that, approximately two years ago, BCT trustees decided to increase the Trust's ambition and widen its scope to make it more sustainable and to attract more income. As part of this ambition, they developed a vision to create a network of sites or 'Discovery Hubs' around the Broads. BCT's aim was to increase the visitor offer as well as attracting funding to the Trust, courtesy of a coherent vision that could be presented to local businesses, larger corporate organisations, other charitable trusts and funding bodies. The Discovery Hub project was another collaborative idea arising from the Memorandum of Understanding (MoU) between the BCT and the Authority to attract external funding. The MoU was agreed by Authority members in January 2020. The Authority did not have the capacity to deliver such a project, as some actions to raise the necessary funding would not be accessible to it as a local authority, nor would it have the same capacity to make agreements with third parties such as landowners and private businesses.

As part of his presentation, Martin Dunford highlighted the irregular nature of the Broads Authority area and how the main focus was on the water, which made it difficult for visitors to know they were in a National Park. Furthermore, people were spending more time outdoors and involved in nature. The emphasis would be on 'off-road' visiting such as by water, bicycle and foot, which made the Broads an ideal destination. Phase 1 was at an advanced stage of discussions with stakeholders, particularly for Hoveton Riverside Park, and it was hoped to get sponsorship for the hubs from local businesses.



Martin Dunford left the meeting at this point, but Peter Howe (recently joined by Simon Egan) remained to answer questions.

In response to a member's comment, Peter Howe noted that ongoing maintenance would be a key feature of all projects, as the hubs needed to be relevant and updated at appropriate intervals.

A member commended the project, stating it was a fantastic initiative that had his full support and would welcome both new and regular visitors. Sign-posting was an important part of the project and he applauded the branding. However, he was mindful of inclusivity and access issues. Peter Howe responded that the Trust was working with the Authority's Head of Communications to ensure access for all.

Another member referred to the younger generation and their preference for using digital communications, and asked if there could also be a web presence, possibly using the Broads Authority's website. Peter Howe advised that there would be an app to support the network although its use was dependent on the signal availability in any particular area. Another member commented that, rather than a bespoke app, use could be made of linking to existing apps such as STRAVA or the OS maps.

Lana Hemsall left the meeting.

A member raised the importance of liaising with stakeholders, such as the Wildlife Trusts, as there were already some interpretation boards in existence and there needed to be a consistent style throughout. Peter Howe responded that consultation was underway with stakeholders and the Trust was aware of the need to be inclusive of existing interests.

Members considered the Discovery Hub initiative to be a good concept for BCT to grow its ambitions and attract more funding, and it contributed to Broads Plan objectives.

**It was resolved by consensus** to support the Discovery Hub initiative developed by the Broads Charitable Trust.

The meeting adjourned at 12.17pm and reconvened at 12.30pm.

## 11. Statement of Accounts 2019/20

The Chief Financial Officer (CFO) presented the reporting containing the Statement of Accounts for the year ended 31 March 2020. She reported that Audit had made some last-minute changes on Tuesday morning, prior to the meeting of the Audit and Risk Committee, which meant there had been some outstanding work on pensions figures. However, this had now been concluded and the figures adjusted. The CFO advised that the adjustments were due to the McCloud judgement. Employees within ten years of retirement could choose to have their final pension calculated on either career average or final salary. However, this was ruled to be age discriminatory for those employees not within ten years of retirement and had affected the 2018/19 accounts. The pension report had been rerun culminating in an adjustment of £47,000 to the net cost of services and £12,000 in the pension liability, which affected a number of statements in the Statement of Accounts, as follows:

- Expenditure & Funding Analysis – page 86
- Comprehensive Income & Expenditure Statement (CIES)– page 87
- Movement in Reserves Statement – page 88 and note 9
- Balance Sheet – page 89
- Cashflow Statement – page 90 and notes 4, 7, 8a, 9, 19, 31 and 35 (pages 105, 106, 109, 110, 123, 135, 136, 138, 139 and 148)

In summary, the net financial effect in the CIES was £12,000 due to the £47,000 increase to the cost services offset by the £59,000 decrease on actuarial gain. The CFO concluded that the Auditors would sign off the accounts on Monday, following which they would be published on the Authority's website.

The Chief Executive advised that it was a requirement of Defra to deposit the Authority's Statement of Accounts in Parliament and this had not been done in past years but he emphasised this was Defra's responsibility. In addition, the audit requirements for the Authority were of a similar scale to a large county council, even though it was comparable to a secondary school in size. The complexity of the Authority's finances had been accepted by the Glover Review as inappropriate. At the recent Audit and Risk Committee, it had been suggested that the Chairman should write to the Minister recommending that the audit be tailored to the size and complexity of the organisation and the Chief Executive requested Members to endorse this approach. Finally, he advised that Ernst & Young had proposed raising their fees by a substantial amount from c.£11,000 to c.£44,000 and the CFO had not accepted this increase on the Authority's behalf. He noted that this was an issue not just for the Broads Authority but also for local authorities and other National Park Authorities. At the Audit and Risk Committee, members had unanimously agreed to support the Chief Financial Officer in her challenging the very substantial increase proposed in the external auditors' fees and working with Public Sector Audit Appointments (PSAA) to resolve the issue. The Chief Executive requested members to endorse this approach.

A member expressed concern at the very late adjustments made by the auditors, together with their increased costs that he considered to be out of all proportion, and he questioned if the Authority was receiving a timely service.

James Knight and Vic Thomson had left the meeting at this point.

Nicky Talbot proposed, seconded by Stephen Bolt, and

**It was resolved unanimously**

- i. To adopt the Statement of Accounts for 2019/20.
- ii. To approve the revised Annual Governance Statement for 2019/20 as set out in paragraph 4.1.
- iii. To endorse the proposals by the Audit & Risk Committee.

## 12. Strategic direction update

Members received a report setting out the latest progress in implementing the Broads Authority's set of annual strategic priorities.

**The report was noted.**

## 13. Corporate Partnerships Register

The Head of Governance introduced the report reviewing the register of key partnerships with external organisations, advising that the Norfolk & Suffolk Broads Charitable Trust would be added to the list of partnerships (although there was no financial commitment). The register had been endorsed by the Audit and Risk Committee on 17 November.

The Chief Executive drew members' attention to section 2.1 of the report (partnerships protocol), which identified the criteria used by the Authority before entering a partnership and signing up to any commitments, financial or otherwise. A member commented that the cost of officer time, particularly senior officers, also needed to be taken into consideration when entering a partnership.

A member asked if the Authority was still a member of the Whitlingham Charitable Trust (WCT). The Director of Operations advised that the Register listed two partnerships as having recently ended – National Parks UK, as a company, which had been wound up, and the contractual relationship with the WCT. However, the Authority continued to work closely with the 14 National Park Authorities in the UK and remained the host for the UK's National Park's Communication Team. The Authority remained a Member of the WCT. The Chief Executive would continue to engage with the Trust. There was a current issue regarding the dilapidations for the barn, which the Authority had vacated. A Dilapidation Protocol was being followed between WCT and the Broads Authority, and both parties had employed surveyors to look at the schedule of works and associated costs.

A member commented that the Authority's position should be reviewed before any members were appointed to the WCT Board, as there could potentially be areas of conflict during discussions which might put those members in a difficult position at Board meetings. Another member added that the Authority appointed members to other charitable organisations where there could be issues of conflict, and the Authority had previously agreed it would review the situation when any conflict arose in the member's position as a Trustee versus their obligation as an Authority member. Reference was made to WCT Constitution being amended by removing the clause for the Authority to appoint members to the Board. The Director of Operations responded that the WCT had discussed amending its Constitution but he was not aware this had happened and furthermore, the Authority could appeal any decision to remove it as a Board member. He added that the issue of conflict would be of less relevance as the Authority was no longer responsible for the site's management.

The Chief Executive concluded that officers would review all Broads Authority appointments to outside bodies to ensure members were not placed in potential conflict situations.

**The updated Corporate Partnerships Register was noted.**

## **14. Recruitment of Independent Person**

The Head of Governance introduced the report, advising that a recruitment process was underway to appoint an Independent Person for the Broads Authority. This process included appointing an Authority member to the interview panel, and a volunteer was sought. The date for the interviews was confirmed as Friday 15 January 2021.

Tim Jickells volunteered to join the panel and confirmed his availability on the interview date.

**Tim Jickells was appointed to join the Authority's Chairman and Vice-Chairman on the interview panel for the appointment of an Independent Person.**

## **15. Items of business raised by the Designated Person in respect of the Port Marine Safety Code**

There were no matters to report under this item. The Director of Operations advised that the recent fatal accident at Great Yarmouth Yacht Station was an ongoing investigation and so remained confidential.

## **16. Minutes to be received**

Members received the minutes of the following meetings:

Navigation Committee – 3 September 2020

Planning Committee – 11 September 2020

Planning Committee – 9 October 2020

## **17. Feedback from members appointed to outside bodies**

A member reported on his recent attendance at a 'Love the Broads' member conference, and advised that the Broads Local Access Forum would be meeting next week.

## **18. Other items of business**

None.

## **19. Formal questions**

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

## **20. Date of next meeting**

The next meeting of the Authority would be held on Friday 29 January 2021 at 10am.

The meeting ended at 1.10pm

Signed by

Chairman

## Appendix 1 – Declaration of interests: Broads Authority, 20 November 2020

Member	Agenda item	Nature of interest
Harry Blathwayt, Matthew Bradbury, Nicky Talbot	8	Private boat owners
Gail Harris	13	Norwich City Council are partners in the River Wensum Strategy Partnership and Trowse Rail Bridge Working Group
Bruce Keith	10	Trustee of Broads Charitable Trust
James Knight and Simon Sparrow	8	Hire boat operators
Greg Munford	8	Employee and Director of Richardsons Leisure Ltd, hire boat operator