



# NORFOLK & SUFFOLK BOATING ASSOCIATION

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23 January 2011

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Dear Protected Landscape Team

## **Consultation on the Governance Arrangements for the National Parks and the Broads: Response of the Norfolk and Suffolk Boating Association**

### **The NSBA**

1. The NSBA exists to serve, protect and promote the interests of private users of recreational craft on the Norfolk and Suffolk Broads. It has over 1160 individual members and 48 affiliated clubs and associations, altogether representing the majority of those who use private craft on the Broads. It is the local area association of the RYA and is represented on the RYA Eastern Regional Committee.

### **General**

2. Although the consultation document asks questions in terms of National Parks Authorities, this response concentrates on the governance arrangements of the Broads Authority, a member of the family of National Parks but not a National Park.

3. It must be borne in mind that the Broads Authority does not simply have the two statutory purposes of the nine National Parks (conservation and enhancement of the natural beauty, wildlife and cultural heritage of their areas, and promotion of opportunities for public understanding and enjoyment of the special qualities of those areas) but also a third (and equal) purpose of protection of the interests of navigation. The Broads Authority is also distinct from the National Parks in that its income is derived not simply from a National Park Grant but also from tolls paid by boat owners; by 2015 toll income is set to account for nearly 50% of the Authority's annual income. These factors need to be borne in mind in considering issues relating to the governance of the Authority. The governance of the Broads Authority needs to be addressed separately from that of the National Parks.

4. The NSBA wholeheartedly endorses the statements on p 3 of the consultation document about the importance of engagement with the relevant communities but it regrets that this engagement is described in terms of engagement with residents of the

area. Regular users of the Broads come from across East Anglia and beyond. For example, 72% of NSBA's members live outside the area of the Broads Authority and immediately adjacent locations; indeed, 36% live outside Norfolk or Suffolk. There needs to be engagement with regular users through representatives of user groups, such as the NSBA in the case of recreational boaters.

5. It is unfortunate that the consultation document undervalues the importance of user groups. Although interest groups will have differing interests in the Broads, all of them share the same fundamental and overarching interest: the future of the Broads. Rigorous operation of the appointments process will ensure the appointment of open-minded, objective members.

## **Membership**

### *Size*

6. At 21 (the figure specified by the Norfolk and Suffolk Broads Act 1988, s 1(3)), the current membership of the Broads Authority is smaller than that of any of the National Parks.

7. The NSBA considers that this is 'about right'. It is consistent with effectiveness and is capable of producing an appropriate representation of stakeholder interests. An increase in the Authority's size would not be conducive to a debating chamber in which each member has an adequate opportunity to participate. A reduction in size would present problems in terms of adequate representation and in terms of providing a sufficiency of members to serve on the Authority's Committees, working groups and the like.

### *Composition*

8. The Norfolk and Suffolk Broads Act 1988, s 1(3) specifies the membership of the Broads Authority as follows:

- (a) 9 local authority members (two appointed by Norfolk CC, one by Suffolk CC and 1 each by the six District Councils whose areas lie partly in the Authority's area);
- (b) 10 members appointed by the Secretary of State;
- (c) 2 members appointed by the Authority's Navigation Committee.

9. There is no obvious rationale for the special treatment of Norfolk County Council in (a). The NSBA would favour reducing the number of Norfolk CC appointees to one, thereby releasing a member to category (b) or (c).

10. By s 1(5), the appointees referred to in (b) must *include* persons appointed by the Secretary of State after consultation with such bodies appearing to the Secretary of State to represent the following interests:

- (a) boating;
- (b) conservation;
- (c) farming and landowning
- (d) land based recreation,

as the Secretary of State considers appropriate.

11. Although s 1(5) requires the Secretary of State to have regard to the *desirability* of maintaining an overall balance between those interests, there is no guarantee that one of the above interests will be represented, let alone by how many members. The statute, therefore, does not ensure that the Authority will have adequate representation of those interests (and sub-divisions of them).

12. The NSBA would much prefer the replacement of s 1(5) by a provision akin to s 9 of the 1988 Act which provides that eight of the 13 members *must be appointed from among persons in accordance with a specified allocation of interests*, eg 'two after consultation with bodies representing ...; one after consultation with bodies representing ...'. A new s 1(5) could replicate this in terms of the four interests to which it currently refers. As to allocation in terms of numbers, see para 14 below. It would replicate allocation of 'seats' which already applies to ensure adequacy of representation in respect of local authority members.

13. In making the above proposal, the NSBA is mindful of the importance that national interests and wider, transferable experience, such as social inclusion and working with young people, are reflected in the membership of the Authority. It would expect the Secretary of State, in making appointments, to continue to follow the guidance referred to on p 3 of the consultation document.

14. The NSBA considers that the financial importance of the contribution to the Broads Authority's income made by boat owners is not adequately reflected in the representation of boating interests on the Authority. Boaters on the Broads are the only users of any of the National Parks or the Broads who have to pay a direct charge for use. The number of 'seats' allocated to the four interests under the proposal in para 12 should be weighted in favour of boating interests.

#### *Parish members*

15. As indicated above, unlike the National Parks, the Broads Authority does not have Parish Members, ie parish councillors collectively chosen by the parish councils in its area. The NSBA does not consider such representation necessary for the effectiveness of the Authority; the Authority has managed without them to no ill effect since its inception and there is no democratic deficit, given the local authority membership. The NSBA questions what identifiable interest Parish Members would represent which would not otherwise be represented by the local authority members. It also questions how Parish Members could represent a Parish Council view unless there was a substantial number of them (which would raise issues of size), given that there are some 70 parish councils in the Authority's area.

#### **Length of tenure of members**

16. The NSBA understands the reasoning behind the statement on p 4 of the consultation document that Secretary of State appointees 'can be re-appointed subject to an overall limit of 10 years'. This should certainly be the norm but it would be unfortunate if it was applied inflexibly. There could be exceptional circumstances, eg where the Chairman is

due to retire at a point where this would be disadvantageous to the Authority,\* where a re-appointment (say, for a year) would be highly desirable. The '10- year rule' would be improved by the addition to it of 'normally' or 'except in special circumstances'. There is nothing in the 1988 Act to require a 10-year limit on re-appointments

17. The rationale for the 10-year rule is equally applicable to re-appointments to the other categories of membership. The NSBA favours consistency of treatment in this respect.

18. The NSBA is firmly opposed to any notion that the 10-year limit should be reduced. It considers that inherent in such a reduction would be the potential to lose members when through their experience they are at their most valuable; in particular, it would adversely impact on the potential of a member to mature into appointment as a Chairman of the Authority or Committee or sub-group and then serve an effective term.

### **Selection process**

19. With the exception of the point referred to in paras 11 and 12, the NSBA is content with the current selection process operated in respect of all three categories of members.

20. The NSBA would resist any suggestion for the direct election of members of the Authority. It does not consider that those who are appointed under the present procedures lack legitimacy. In addition, it notes that there is already a degree of local accountability and the element of 'indirect election' via the local authority membership in the same way as there is in respect of police authorities and fire and rescue authorities. To introduce a limited system of direct election for the category of members currently appointed by the Secretary of State (or a new category of elected members), which inevitably would have to be based on a franchise of local electors, would be far less likely than the current system of appointment to produce members with the appropriate expertise and experience across the range of interest which need to be represented, Direct elections would be costly (£25,000-£30,000 per constituency, according to a DEFRA consultation in 2008). The money would be better spent on the front-line work of the Authority.

### **Consultative Committees and Other Groups**

21. The Broads Authority has a statutory Navigation Committee which the Authority has to consult on a range of navigational matters and to which it is required to report about the exercise of its powers in relation to the navigation area. The NSBA considers that the Navigation Committee, composed as it is with a majority of members who are appointed to represent the interests of hire boat owners, private boat owners and other navigational interests, is invaluable. The Navigation Committee deals effectively with a whole range of matters in detail in a way which would be impossible for the Authority itself with its much wider remit, and where necessary it makes recommendations to the Authority. The NSBA is content with the selection process for appointing members of the Navigation Committee.

22. The success of the Navigation Committee suggests to the NSBA that there would be merit in establishing a parallel statutory committee, the Conservation Committee (or the like), composed in a corresponding manner, but by reference to conservation interest

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\* The NSBA is mindful of Sch 1, para 5(6) to the Norfolk and Suffolk Broads Act 1988. It is concerned, in the case of the Chairman, with cases outwith it.

groups, to deal on a similar basis with matters falling within the first of the Authority's three purposes (conservation in its various forms).

23. The introduction of a Conservation Committee would mean that, when a conflict arose between navigation and conservation objectives, the Authority would have the benefit of the advice of two committees concerned with navigation interests and conservation interests respectively, and could mediate between those lines of advice. The NSBA's perception is that at present, when there is conflict between the two objectives, the Authority, lacking advice from a committee focussing on conservation, may be inclined to err on the side of the conservation interest in an effort to counter-balance the advice from the Navigation Committee.

24. If such a Committee was established there would be even less point, if any, in continuing with the Broads Forum, a non-statutory, 24-member, consultative forum established to act as a reference group across a whole range of interest groups: boating (in all its manifestations), hire boat organisations, land based recreation, angling, wildlife and conservation, farming and landowning, education, cultural heritage, local charities and local interest.

25. The NSBA's experience is that, because of the disparate nature of these groups and their consequent diverse points of focus, little is achieved by the Forum. Whereas nothing of value would be lost if the Forum disappeared, much would be gained by a statutory Conservation Committee (which could in part be funded by savings made by the demise of the Forum). Such interest groups, if any, as fell outside the remit of either the Navigation Committee or the Conservation Committee could be catered for by separate focussed consultative groups.

26. The introduction of the above arrangements would strengthen the consultative arrangements of the Authority so as better to achieve 'Big Society' benefits.

### **Additional measures**

27. The consultation document asks what additional measures can be taken to strengthen the links and engagement of, inter alia, the Broads Authority with its local communities. In response, the NSBA refers to para 4 and subsequent paragraphs above.

Yours sincerely

Richard Card

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Norfolk and Suffolk Boating Association