



House of Commons
The Broads Authority Bill

**The Broads Authority
Bill**

Special Report of Session 2006–07

*Ordered by The House of Commons
to be printed 19 July 2007*

The Committee on the Broads Authority Bill

The Committee on the Broads Authority Bill was appointed by the Committee of Selection on 16 May 2007.

Current membership

David Taylor (Labour, North West Leicestershire) (Chairman)
Mr Stephen Crabb (Conservative, Preseli Pembrokeshire)
James Duddridge (Conservative, Rochford & Southend East)
Jim Sheridan (Labour, Paisley and Renfrewshire North)

Powers

The committee was established under the House of Commons Private Business Standing Orders and has a duty to hear the petitions against the Broads Authority Bill and any Government report referred to it; to decide whether the Bill should proceed; and to make amendments.

Publications

The Report of the Secretary of State for Environment, Food and Rural Affairs on the Broads Authority Bill and oral evidence heard by the Committee are published on the Internet at:
<http://www.publications.parliament.uk/pa/privbill.htm>

Copies are also available from the Private Bill Office on request.

Committee staff

Clerk of the Committee: Miss Sian Jones.
Committee Assistant: Mr Darren Hackett.

Contacts

All correspondence should be addressed to the Clerk in the Private Bill Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6008; the email address is prbohoc@parliament.uk.

Special Report

Mr David Taylor reported from the Committee on the Broads Authority Bill, That it had agreed to the following Special Report:—

Introduction

1. The Broads Authority Bill, promoted by the Broads Authority, was deposited in Parliament in November 2005. The bill was opposed by four petitioners.
2. The Bill received its second reading on 25 April 2007. This Committee was nominated on 16 May 2007 and met for the first time on Tuesday 17 July. Over the course of two days we heard the evidence and arguments from the promoters, their counsel and witnesses and the petitioners and their Agent, namely, Peter Sanders, Mollie Howes, Paul Howes and Alan Richard Williams and James Campbell (Agent). We also heard representatives of the Secretary of State for Environment, Food and Rural Affairs explain the concerns and recommendations contained in his report on the bill.
3. The purpose of this Special Report is to draw the attention of the House to our concerns regarding the constitution of the Broads Authority.

The Bill

4. This Bill is a Private Bill, brought forward by the Broads Authority. Private Bills seek to confer particular powers or benefits on any persons or body of persons in excess of or in conflict with the general law. Unlike a public bill, which must be presented by a Member of Parliament, Private Bills are sought by parties outside the House.
5. The Broads Authority was established by the Norfolk and Suffolk Broads Act 1988. This Bill seeks to confer further powers on the Broads Authority in relation to the regulation and management of navigation areas and for other purposes.

Amendments to the Bill

6. We concluded that the Bill should be allowed to proceed, with several distinct caveats which we announced in committee and set out in this report. The Promoters of the Bill brought forward a selection of amendments designed to address concerns raised during consultation on the Bill. We agreed these amendments should be made to the Bill. We agreed that the case for clause 25, in relation to licensing of rescue boats, had not been made and we have therefore removed it from the Bill. It is our view that regulation should only be used when strictly necessary and it appeared to be excessive in this situation.
7. The Committee has taken all the recommendations made by the Secretary of State into serious consideration and we have agreed to include in the Bill all the suggested amendments set out in his Report.

The Broads Authority

8. This Bill extends the powers given to the Authority in the 1988 Act. Whilst we are persuaded that the powers are necessary, we are concerned that the powers may affect the relationship between the Authority and the local people.

9. The report to the Committee by the Secretary of State for Environment, Food and Rural Affairs highlighted that the Authority had entered into a number of agreements with other bodies over the provisions contained in the Bill, including proposals as to how the resulting powers will and will not be used. It is our view that such agreements would not have any legal effect as they could not be seen to fetter the discretion given to the Authority in the legislation once the Bill was enacted. We also note that these agreements have caused confusion amongst the petitioners and creates a legal ambiguity that is unhelpful to the wider community.

10. It is our view that the Broads Authority and local people would benefit from the provision for direct elections to the Authority with a view to ensuring that the principle of direct representation of local community interests should be guaranteed. This would ensure that the Authority could be held to account and that there was a democratic means of moderating the powers enacted within the Bill.

11. We note that the National Parks (Scotland) Act 2000 set out in its framework for the constitution of a National Park that a minimum of 20 per cent of members of the National Park Authority were to be elected in a poll by those on the local government electoral register within the Park area. A similar model should be considered for the Broads Authority.

12. As the Authority has sought to extend its powers, we believe that the Government should now consider the constitution of the Authority. We are not minded to amend the Bill to include such provisions as we believe that these measures should be brought forward in consultation with the local community. It is our view that the Department for Environment, Food and Rural Affairs will be well placed to consider these issues with the Broads Authority and bring forward the necessary legislation.

13. We hereby draw these matters to the attention of the House.

