

Broads Authority

Terms of Reference of Committees

General Duty

It is the general duty of the Authority to manage the Broads for the purposes of:

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
- (c) protecting the interests of navigation.

In discharging its functions the Authority shall have regard to-

- (a) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;
- (b) the desirability of protecting the natural resources of the Broads from damage; and
- (c) the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.

Powers Reserved to the Full Broads Authority

A Policy

- (1) To set the Authority's overall policy and direction, including adopting and varying key documents such as the Broads Plan.
- (2) To adopt the Broads Local Development Scheme and the Broads Local Development Framework and its local development documents and approve any revisions which have policy implications.
- (3) To approve the list of annual key priorities and the annual Action Plan.
- (4) To initiate special policy studies and investigations of particular significance to the Broads.
- (5) To approve the Authority's response to the Regional Spatial Strategy.
- (6) To approve the Authority's response to consultation papers which have strategic or policy importance for the Broads or the work of the Authority.

B Finance

- (7) To appoint an officer to be responsible for the proper administration of the Authority's financial affairs in accordance with section 17 of the Norfolk and Suffolk Broads Act 1988.
- (8) To approve the annual consolidated (general and navigation income and expenditure) budget (the latter after consultation with the Navigation Committee), to fix navigation tolls (after consultation with the Navigation Committee) and to approve additional expenditure over and above that provided for in the approved budgets.
- (9) To monitor the resources of the Authority, and to have responsibility for the following specific matters:
 - (i) making decisions about raising, varying or redeeming loans;
 - (ii) making Financial Regulations and Standing Orders in relation to contracts;
 - (iii) approving individual grants which are not within the scope of the powers delegated to the Chief Executive;
 - (iv) writing off any obsolete stores or equipment, loss of property or debt owing to the Authority insofar as such matters are not within the scope of the powers delegated to the Treasurer and Financial Adviser;
 - (v) approving the Annual Investment Strategy.
- (10) To monitor projects undertaken by the Authority, with particular regard to the letting of and compliance with contracts.

C Navigation

- (11) To apply for and object to Harbour Revision Orders (after consultation with the Navigation Committee).
- (12) To approve the closure of navigations for conservation purposes (except in cases of emergency, after consultation with the Navigation Committee).

D Conservation

- (13) To make decisions about the exercise of the Authority's functions in respect of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads in accordance with the powers and duties set out under Sections 4 and 5 the Norfolk and Suffolk Broads Act 1988.

E Recreation and Tourism

- (14) To make decisions about the exercise of the Authority's functions in respect of promoting the enjoyment of the Broads by the public as set out in Schedule 3 of Part II of the Norfolk and Suffolk Broads Act 1988.

F Committees and Members

- (15) To approve the setting up of any standing committees.
- (16) To approve the terms of reference of all committees.
- (17) To appoint members to any standing committee of the Authority (subject, in respect of the Navigation Committee, to prior consultation with that committee).
- (18) To appoint members to outside bodies where this function does not stand referred to another committee.
- (19) To approve the annual timetable of Authority and committee meetings.
- (20) To approve the Code of Conduct for Members.
- (21) To appoint the Authority's Monitoring Officer.
- (22) To consider and if necessary act on recommendations from the Standards Committee in respect of matters relating to complaints of non-compliance with the Authority's Code of Conduct.
- (23) To set members allowances.
- (24) To make Standing Orders in relation to the business of the Authority.

G Personnel Matters

- (25) To determine the grading, salary and terms and conditions of service of the Chief Executive, after consultation with Natural England.
- (26) To make arrangements for and approve the appointment of the Chief Executive, after consultation with Natural England.
- (27) To adopt local interpretations of national agreements in respect of conditions of service.
- (28) To adopt amendments to local conditions of service where there are unresolved objections from members of staff and/or trade unions.
- (29) To determine any ex-gratia payments or honoraria to staff which are not within the scope of the powers delegated to the Chief Executive.

H General

- (30) To make byelaws (after consultation with the Navigation Committee in the case of byelaws relating to the navigation area).
- (31) To make proposals for:
 - (i) the variation of the area of the Authority;
 - (ii) the variation of the navigation area (after consultation with the Navigation Committee); and
 - (iii) the alteration of the Authority's constitution.
- (32) To promote and oppose local Bills.
- (33) To exercise Compulsory Purchase Powers.
- (34) To take decisions:
 - (i) to exercise powers not hitherto exercised by the Authority;
 - (ii) to cease to exercise any power of the Authority;
 - (iii) involving the exercise of any powers of the Authority by any body other than the Authority or the Committee of the Authority to which those powers then stand delegated; and
 - (iv) involving the endowment of the Authority with powers not hitherto held by it.

Powers Reserved to Committees: General Clauses

- (1) For the purpose of exercising any of their delegated powers any committee may authorise any officer of the Authority to act on its behalf in respect of legal proceedings in courts of summary jurisdiction.
- (2) Any mention in the following terms of reference and delegations of any Act or statutory instrument or of any section or clause shall be deemed to refer to the same as at any time amended. Where that Act, instrument, section or clause has been replaced, consolidated or re-enacted, with or without amendment, such mention shall be deemed to refer to the relevant provisions of the replacing, consolidating or re-enacting statute or instrument.
- (3) References to powers and duties under any Act include powers and duties under any statutory instrument made under that Act.
- (4) No general reference of a power, duty, function or other matter to a committee shall include any matters specifically referred to another committee.

- (5) It is a condition of all delegations to all committees that they must report all important steps taken by them in exercise of their delegated powers to the extent necessary to ensure that all members of the Authority are broadly aware of the progress and the problems of the Authority in every sphere.
- (6) All delegated powers must be exercised in accordance with the approved Business Plan and budgets and the Standing Orders and Financial Regulations of the Authority.

I Navigation Committee

Matters Arising from the 1988 Act (as amended)

- (1) To be consulted on:
 - (i) proposals to vary the navigation area (section 8(4));
 - (ii) appointing members to the Navigation Committee (section 9(6)(a));
 - (iii) applications for Harbour Revision Orders (section 9(6)(b));
 - (iv) making, varying and revoking byelaws relating to the navigation area (section 10(17));
 - (v) appointing the Navigation Officer (section 10(17)(b));
 - (vi) the exercise of the powers under Part 1 of Schedule 5 (paragraph 16 of Schedule 5). These functions are:
 - (a) maintaining and improving the navigation area;
 - (b) dredging;
 - (c) providing a communication service with the GYPA and operating patrols on the River Yare;
 - (d) making byelaws;
 - (e) temporarily closing any part of the navigation area;
 - (f) repairing landing places, embankments, private moorings and structures in need of repair;
 - (g) removing wrecks and abandoned vessels;
 - (i) closing any part of the navigation area for nature conservation purposes;
 - (vii) the creation of new rights of navigation (paragraph 23 of Schedule 5).

Broads Authority Act 2009

- (2) To be consulted on:
 - (i) all the matters listed in paragraph 4(1) of Schedule 7, namely:

- (a) before the delegation of functions in respect of the navigation area;
 - (b) before the appointment of members to the Navigation Committee;
 - (c) before proposing, determining and bringing into force any new policy, plan, strategy or procedure or change to any existing policy etc which may significantly affect any aspect of the navigation area;
 - (d) before the determination of any planning application which may significantly affect the use or enjoyment of any aspect of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority;
 - (e) the preparation of the annual budget, including any income or expenditure attributable to the navigation area;
 - (f) (except in case of urgency) before incurring expenditure which may have a significant affect on the use or enjoyment of any part of the navigation area and which has not been specifically provided for in the approved annual budget;
 - (g) before applying for any amendment or alteration to the Constitution of the Authority or the Committee or the Authority's functions in relation to the navigation area.
- (ii) Giving, amending and revoking general directions (Schedule 1).
 - (iii) The level of tolls in the navigation area and adjacent waters (paragraph 7(2) of Schedule 7).
 - (iv) Applications for Works Licences which have a significant effect on the use or enjoyment of the whole or any part of the navigation area (paragraph 6 of Schedule 7).
- (3) To agree any proposal requiring the compulsory insurance of small unpowered vessels (section 16(5)).

Matters Arising from the Legal Agreements with National Boating Bodies in respect of the 2009 Act

(Note that these overlap the provisions listed above)

- (4) To be consulted on:
- (i) implementation of the provisions in the 2009 Act;
 - (ii) information to be included on the application forms for registration and payment of tolls;
 - (iii) introduction of the Boat Safety Standards;
 - (iv) inspection procedure for vessels;
 - (v) removal of vessels procedures;.

- (vi) request for information procedure (including visiting craft);
 - (vii) hire boat licensing conditions;
 - (viii) policy for the temporary closure of waterways for recreational purposes.
- (5) To agree changes to the exemptions in respect of Boat Safety Standards as set out in section 16(6). (NB: This provision in the Agreement was intended to prevent the removal of any of the exemptions, which the 2009 Act now secures. However, the wording of the Agreement means that the Committee's agreement is required to add to the exemptions in section 16(6).
- (6) To agree exemptions from the need for compulsory insurance for small unpowered craft (see also section 16(5)).
- (7) To agree the format of financial reporting on navigation matters.

(Note: The requirement to consult under the legal Agreements extends to changes to anything previously agreed by the Authority following consultation.)

2 Planning Committee

In accordance with the Code of Practice for Members of the Planning Committee -

- (8) To consider and make recommendations to the Authority on the contents of the Broads Plan, Business Plan and Best Value Performance Plan.
- (9) To make recommendations to the Broads Authority on plan making functions with the objective of contributing to the achievement of sustainable development.
- (10) To prepare a statement of community involvement for the preparation and revision of Local Development Documents and for the exercise of the Authority's functions in relation to development control.
- (11) To make recommendations to the Authority on the preparation and maintenance of the local development scheme and on the contents of the Broads Local Development Framework and its Local Development Documents, and to ensure that the Local Development Framework is kept under review.
- (12) To respond to consultations from Government and other agencies and organisations in respect of any matter for which powers are delegated to this Committee.
- (13) To keep under review matters which are likely to affect the development of the area or the planning of its development including

relevant matters in any neighbouring area and make representations accordingly.

- (14) In accordance with the policies and any directions of the Authority, to exercise the powers and duties of the Authority relating to:
- (i) development control, for example the determination of planning applications, enforcement, revocation, modification and discontinuance orders, completion notices and Section 106 Agreements (Section 46 of the Planning and Compulsory Purchase Act 2004);
 - (ii) buildings of architectural and historic interest and town schemes (including their grant aid);
 - (iii) conservation areas;
 - (iv) ancient monuments;
 - (v) trees;
 - (vi) derelict and waste land;
 - (vii) advertisements;
 - (viii) the stopping up and diversion of public paths affected by development proposals and the downgrading of highways for amenity purposes;
 - (ix) hazardous substances;
 - (x) certificates of appropriate alternative development;
 - (xi) litter, abandoned motor vehicles and rubbish;
 - (xii) goods vehicles operator's licences;
 - (xiii) conservation of buildings and vessels, etc., under paragraph 42 of Schedule 3 to the Norfolk and Suffolk Broads Act 1988;
 - (xiv) spatial plans;
 - (xv) determining whether approval be given for the exercise of permitted development rights within a European Site, following consultation with Natural England, under the terms of the Conservation (Natural Habitats Etc) Regulations 1994.
- (15) To agree with an adjoining planning authority that individual cross-border planning applications be wholly determined by either the

Authority or the relevant Council (Broads Authority: 18 September 2009).

3 Standards Committee

- (16) The general functions of the Committee are:
- (i) to promote and maintain high standards of conduct by members and appointed members of the Authority; and
 - (ii) to assist members and appointed members to observe the Authority's Code of Conduct.
- (17) The specific functions of the Committee are:
- (i) to advise on the adoption of a Local Code of Conduct;
 - (ii) to promote and maintain high standards of conduct within the Authority through assistance, advice and training;
 - (iii) to monitor the operation of the local Code of Conduct;
 - (iv) to consider matters referred to it by the Standards Board;
 - (v) to consider other matters relating to conduct, ethics and propriety referred to it by the Monitoring Officer and to make recommendations arising from this consideration to the Authority;
 - (vi) to arrange for members and appointed members to receive dispensation to speak on and participate in matters which they have a prejudicial interest;
 - (v) to determine applications for exemption from political restriction; and
 - (vi) to arrange for members and appointed members to receive dispensation to speak on and participate in matters in which they have a prejudicial interest.

4 Financial Scrutiny and Audit Committee

Financial Scrutiny

- (18) To review and recommend the Annual Statement of Accounts to the Authority for approval, to ensure that appropriate accounting policies have been followed and to consider whether there are any specific concerns which need to be brought to the attention of the full Authority.

- (19) To review and recommend the Annual Governance Statement to the Authority for approval, and to consider whether there are any specific concerns which need to be brought to the attention of the full Authority.
- (20) To approve the Authority's Financial Regulations and Standing Orders relating to Contracts.

Financial Planning

- (21) To monitor and oversee the Authority's medium term financial planning, including the annual Business Plan, and to bring to the attention of the full Authority any specific issues or concerns.

Audit

- (22) To oversee the scope and depth of internal and external audit work and ensure it is appropriate and provides value for money.
- (23) To consider the external auditor's Annual Audit Letter, and any other reports to the Authority and those charged with its governance.
- (24) To receive and consider the Head of Internal Audit's Annual Written Report and Opinion.
- (25) To consider Internal Audit's Terms of Reference, Code of Ethics and Strategy, together with the 5 year Strategic Internal Audit Plan and Annual Internal Audit Plan.
- (26) To consider specific reports from external and internal auditors.
- (27) To consider any reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (28) To receive regular updates on progress in implementing the recommendations of external and internal auditors.
- (29) To monitor the performance of the providers of the internal audit service, and advise on whether effective systems of internal control are in operation.

Risk Management

- (30) To monitor the effective development and operation of risk management, and review the Authority's Strategic Risk Register.

Other

- (31) To consider any matters referred to the Committee by the Broads Authority or the Chief Executive which are appropriate to its Terms of Reference.