

**Review of Terms of Reference of Committees and
Scheme of Powers Delegated to Officers**
Report by Director of Change Management and Resources

Summary: This report reviews and proposes changes to the Authority's Terms of Reference of Committees and Scheme of Powers Delegated to Officers.

Recommendations:

- (i) That the revised Terms of Reference of Committees and Scheme of Powers Delegated to Officers, as appended to this report, be adopted.
- (ii) That these be reviewed after a further three years.

1 Introduction

- 1.1 The Authority's Terms of Reference of Committees and Scheme of Powers Delegated to Officers were last reviewed and updated in full by the Broads Authority in June 2007, although the Terms of Reference of the Navigation Committee were reviewed more recently following the adoption of the Broads Authority Act 2009.
- 1.2 Prior to that the arrangements were reviewed in June 2005, at the same time that the Authority was reconstituted and its membership reduced from 35 to 21 members. Because of the significant constitutional changes which took place at that time, the documents were the subject of a thorough overhaul. They were updated to reflect the new committee structure and – in advance of formal adoption by the Broads Authority – were considered in detail by the Member Working Group which was set up at that time to steer the Authority's constitutional changes.
- 1.3 A review is therefore overdue; this has been deferred pending the outcome of the review of consultative arrangements, and its potential impact on the Authority's committee structure.

2 Terms of Reference of Committees

- 2.1 The draft revised Terms of Reference of Committees are set out in Appendix 1. These include, for completeness, the Terms of Reference of the Broads Local Access Forum. Members will be aware that the Terms of Reference of the Broads Forum were considered by the Forum at its last meeting on 7

February, as part of the review of consultative arrangements. This is the subject of a separate report on this agenda.

2.2 None of the changes are considered to be significant. They include the following:

- to delete reference to the Regional Spatial Strategy, which no longer exists (paragraph A (5));
- to incorporate powers to the Broads Authority to adopt the annual Statement of Accounts (B (8A)) and perform the role of Duty Holder under the Port Marine Safety Code (C (12A));
- to delete the ability of the Broads Authority to determine Financial Regulations and Standing Orders Relating to Contracts, as this has been delegated to the Financial Scrutiny and Audit Committee;
- to delete the need to consult Natural England in the appointment and determination of conditions of service of the Chief Executive, as this was removed by the Broads Authority Act 2009 (G (25) and (26));
- to delete the power to adopt local conditions of service, as these are the responsibility of the Chief Executive (although members' views would be sought if there were any significant policy, operational or financial implications (C (27)));
- to delete paragraph (1) under the Powers Reserved to Committees: General Clauses, as the purpose of this is not considered to be clear and it is covered in the powers delegated to the Solicitor;
- to remove the reference to the Best Value Performance Plan, which is no longer produced (2 (8)); and
- to add responsibility for counter fraud, corruption and bribery to the powers delegated to the Financial Scrutiny and Audit Committee (4 (21)), as agreed by the Committee at its meeting on 10 July 2012.

3 Scheme of Powers Delegated to Officers

3.1 The draft revised Scheme of Powers Delegated to Officers is set out in Appendix 2. These are supplemented by internal arrangements which have been established, to identify and nominate those officers who are authorised to exercise each of the powers delegated to the Chief Executive.

3.2 Members will note that an introductory section has been added to set out the roles and responsibilities of members and officers, and the need for delegated powers. These should avoid the need for the full Authority, or one of its committees, having to deal with relatively routine matters of an operational nature or those which involve the implementation of a policy which has already been approved.

3.3 None of the changes are considered to be significant. They include the following:

- to bring up to date the references to legislation and job descriptions in various places;

- to delete responsibility for determining the 5 yearly Strategic and Annual Audit Plans, as these are now delegated to the Financial Strategy and Audit Committee;
- to add responsibility for determining reasons for planning decisions, formally discharging planning conditions and reference to Section 330 Notices and Temporary Stop Notices;
- to incorporate responsibility for determining when planning applications should be referred to the Navigation Committee, in accordance with statutory requirements; and
- to update some of the financial limits which have not been increased since 2005.

4 Financial Implications

4.1 There are no financial implications.

Background papers: None

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Appendices: APPENDIX 1 – Revised Terms of Reference of Committees
APPENDIX 2 – Revised Scheme of Powers Delegated to Officers



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 [strategic priority key priorities](#) and [key milestones](#) ~~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.

(8A) To adopt the annual Statement of Accounts.

- (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).

(12A) To perform the role of Duty Holder under the Port Marine Safety Code, and to appoint the Designated Person.

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 Hearings 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.

1 Navigation Committee

Matters Arising from the 1988 Act (as amended [by the 2009 Act](#))

(1) To be consulted on:

- (i) [proposals to vary the navigation area \(section 8\(4\) and the area of jurisdiction of the Authority \(schedule 7 paragraph 5\);](#)
- (ii) [appointing members to the Navigation Committee \(section 9\(6\)\(a\)\) all the matters listed in section 9 \(6\) 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.;
- ~~(iii)~~ applications for Harbour Revision Orders (section 9(6)(b));
- ~~(iiiiv)~~ making, varying and revoking byelaws relating to the navigation area (section 10(17) (a));
- ~~iv(v)~~ appointing the Navigation Officer (section 10(17)(b));
- (v) Applications for Works Licences which have a significant effect on the use or enjoyment of the whole or any part of the navigation area (section 11 (13)).
- (vi) The level of tolls or other charges in the navigation area and adjacent waters (section 13 (3)).
- (vii) The exercise of the powers under Part ~~4~~ of Schedule 5 (as required by paragraph 16 of Schedule 5). These functions are:
 - (a) maintaining and improving the navigation area;
 - (b) dredging;
 - (c) providing a communication service with the harbour master of Great Yarmouth Port Authority and operating patrols on the Norwich navigation River Yare;
 - (d) making byelaws;
 - ~~(e)~~ requiring information from pleasure craft owners regarding bylaw contraventions
 - ~~(ef)~~ temporarily closing any part of the navigation area;
 - ~~(fg)~~ repairing landing places, embankments, private moorings and structures in need of repair;
 - ~~(gh)~~ removing wrecks and abandoned vessels;
 - (i) closing any part of the navigation area for nature conservation purposes.
- ~~(viii)~~ 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 ([sections 4 and 5 and 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) (ii) To agree any proposal requiring the compulsory insurance of small unpowered vessels (section 16(5)).~~

~~(iii) the designation of a water skiing zone section 26(5).~~

Other

(3) To be consulted on:

applications for harbour revision orders.

Matters Arising from the Legal Agreements with National Boating Bodies in respect of the [Broads Authority Act 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 and, 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, ~~including 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).~~
- (16) To consider and confirm Neighbourhood Area Plans and the designation of “neighbourhood areas”. ~~(Broads Authority: 18 January 2013)~~

3 Hearings Committee

- (17) The function of the Committee is to hear and determine allegations of breaches of the Members Code of Conduct referred to it by the Monitoring Officer and in conducting hearings the Committee shall follow procedures prescribed by the Monitoring Officer.
- (18) The Committee shall comprise three members of the Authority and the Independent Person as a co-opted non voting member, who shall not chair the Committee.

4 Financial Scrutiny and Audit Committee

Financial Scrutiny

- (19) 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.
- (20) 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.
- (21) To approve the Authority’s Financial Regulations, ~~and~~ Standing Orders relating to Contracts and counter fraud, corruption and bribery arrangements.

Financial Planning

- (22) 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

- (23) To oversee the scope and depth of internal and external audit work and ensure it is appropriate and provides value for money.

- (24) To consider the external auditor's Annual Audit Letter, and any other reports to the Authority and those charged with its governance.
- (25) To receive and consider the Head of Internal Audit's Annual Written Report and Opinion.
- (26) 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.
- (27) To consider specific reports from external and internal auditors.
- (28) To consider any reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (29) To receive regular updates on progress in implementing the recommendations of external and internal auditors.
- (30) 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

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

Other

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

| [Adopted by Broads Authority: 22 March 2013](#)

BROADS AUTHORITY

Broads Local Access Forum

Terms of Reference

- 1 The Broads Local Access Forum will have the following terms of reference:
 - (i) To be a statutory advisory body to provide guidance and advice to relevant authorities on the improvement of public access to the countryside of the Broads Executive Area and to contribute to opportunities for the enjoyment of the area.
 - (ii) To comment on draft maps of open countryside and registered common land for the Broads as will be produced by the Countryside Agency.
 - (iii) To provide a consultative forum for and advising on issues relating to access land, exclusions, restrictions and the appointment of access wardens on land where new rights of access exist.
 - (iv) To contribute (in an advisory capacity) to the development of Rights of Way Improvement Plans which cover any part of the Broads Executive Area, together with any other strategies or plans relating to rights of way and open access.
 - (v) To advise on all other aspects of improvement of public access to land in the Broads for the purposes of open air-recreation.
 - (vi) To advise on issues relating to public access to water.
 - (vii) To advise on the promotion and appropriate use of opportunities for all types of user to enjoy access to the countryside.
 - (viii) To promote closer liaison and understanding between the various interest bodies and organisations which have an interest in access to the Broads and its wider catchment area.
- 2 In providing advice, the Forum will have regard to:
 - (i) the needs of land management;
 - (ii) the conservation of the natural beauty of the area;

- (iii) the management and maintenance of recreational access whilst balancing this against the needs of nature conservation, agriculture, the interests of landowners and managers, navigation and countryside management projects within the Broads;
 - (iv) 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.
- 3 In providing such advice and comment the Forum shall also bear in mind the Authority's requirement to have regard to:
 - (i) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;
 - (ii) the desirability of protecting the natural resources of the Broads from damage; and
 - (iii) the needs of agriculture and forestry and the economic and social interest of those who live or work in the Broads.

Broads Authority

Scheme of Powers Delegated to Officers (~~Approved by Broads Authority: 29 June 2007~~)

Introduction

Members are responsible for setting the strategy and policies of the Authority and monitoring their implementation, whilst officers are responsible for providing advice to members and running the business of the Authority within the strategic, policy and financial guidelines laid down by members.

Whilst members should leave the day-to-day implementation of policies, including management, to officers, they have a right to ensure that the decisions for which they are statutorily responsible and accountable are implemented by officers in a timely and efficient manner.

The purpose of these Delegated Powers is to ensure that officers are empowered to make decisions and take appropriate action within the guidelines laid down, and to enable members to focus on key strategic and policy issues.

General Powers of All Officers

The exercise of these delegated powers will be subject to the following conditions:

- (a) They must be exercised in accordance with the overall strategies, policies and priorities of the Authority as set out in the Norfolk and Suffolk Broads Act 1988, Broads Authority Act 2009, Broads Plan, Broads Local Plan/Local Development Framework and, ~~annual Business Plan and Best Value Performance Plan~~.
- (b) They must be exercised in accordance with the Authority's Standing Orders and Financial Regulations, and must not be exercised so as to incur expenditure for which no adequate provision is made in the approved budgets.
- (c) They must be exercised in accordance with the law and with any policies, regulations, codes or similar documents adopted by the Authority or its committees.
- (d) An officer need not exercise a delegated power in any particular case and must not do so if the matter appears to the officer to involve any matters of

public controversy or questions of policy not yet decided by the Authority or its committees or any significant change from previous practice.

- (e) Where the matter falls partly within the professional or technical responsibility of another officer or adviser, the officer taking the decision must consult with those officers as appropriate and have proper regard to any advice given, before authorising action.
- (f) Any power conferred upon ~~the Chief Executive~~~~an officer~~ (including any power to act as the proper officer) may be exercised by another officer specifically nominated in writing by ~~the Chief Executive~~~~at person~~. Details of the officers who have been authorised to exercise powers on behalf of the Chief Executive are set out in the document entitled 'Arrangements for the Exercise of Powers by Other Officers'.
- (g) The Authority or a committee may direct that action taken by an officer or officers be reported to it periodically.
- (h) Failure to carry out the consultations in paragraphs A(5) and E(~~38~~~~34~~) of the powers delegated to the Chief Executive ~~and~~, paragraph (8) of the powers delegated to the Solicitor to the Authority ~~and paragraph (2) of the powers delegated to District Officers~~ will not invalidate the exercise of the delegated power.
- (i) The decision of the Chief Executive in consultation with the Solicitor Monitoring Officer -as to the scope or availability and interpretation of these delegated powers shall be final.

Powers Delegated to Chief Executive

A General Management and Administration

- (1) To carry out the duties of Head of Paid Service under the provisions of the Local Government and Housing Act 1989 and to be responsible for the management of all staff employed by the Authority.
- (2) To undertake the day-to-day management and control of the Authority, its premises and services to give effect to the strategies and policies as set out in the Broads Plan, Local Development Framework ~~and~~, Business Plan ~~and Best Value Performance Plan~~.
- (3) To authorise any action necessary to give effect to the implementation of the Broads Plan ~~and~~, Business Plan, ~~and Best Value Performance Plan~~, and for this purpose to incur expenditure up to the limits provided for in Standing Orders and Financial Regulations.
- (4) To authorise any action necessary to give effect to any decision of the Authority or its committees.

- (5) In cases of urgency or emergency to take any appropriate action, in consultation (if possible) with the Chair, or in the absence of the Chair, with the Vice-Chair, including the authorisation of any legal proceedings, to protect the position of the Authority. In such cases the Chief Executive will report the action taken to the Authority.
- (6) To take appropriate action to preserve the Authority's position pending the scrutiny by the Authority of local and personal Parliamentary Bills, statutory orders and instruments or any other proposal, plan, scheme or other matter affecting the interests of the Broads.
- (7) To make arrangements to ensure that all expenditure is regularly monitored against approved budgets and that any significant overspends are reported to the Authority.

B Finance and Audit Matters

- (8) To be responsible for regulating and controlling the financial resources of the Authority in order to achieve the objectives of the Authority.
- (9) To ~~transfervire~~ expenditure between budget heads provided that the action taken complies with Financial Regulations, is consistent with the Authority's policy and does not conflict with any decisions taken by the Authority or any of its committees.
- (10) To manage the Authority's insurances in accordance with overall guidelines specified by the Treasurer and Financial Adviser.
- (11) To ensure that arrangements are in place to pay all sums to creditors.
- (12) To approve the [Selective Tendering](#) standing list of contractors to be invited to submit tenders where the estimated value of the contract does not exceed £50,000.
- (13) ~~To determine the 5 yearly Strategic and Annual Audit Plans, in consultation with the Treasurer and Financial Adviser and Head of Internal Audit (Broads Authority: 26 June 2009).~~

C Personnel Matters

- (14) To determine the current and future staffing requirements and organisational structure of the Authority, including amendments to the Authority's staff establishment.
- (15) To determine matters relating to the remuneration and conditions of service of employees in accordance with the national conditions of service and the Authority's Scheme of Local Conditions of Service.

- (16) To adopt local agreements in respect of conditions of service where there are no unresolved objections from trade unions or members of staff.
- (17) To appoint staff, subject to such appointments being in accordance with the Business Plan and ~~Best Value Performance Plan and~~ subject to the availability of funding in the appropriate budget (and subject in the case of Directors to consultation with the Chair of the Authority and appropriate Committee Chair).
- (18) To determine politically restricted posts.
- (19) To appoint the navigation officer (after consultation with the Navigation Committee) and any deputy.
- (20) To determine matters concerned with employee relations generally within the Authority including the recognition of appropriate trade unions and the establishment of an appropriate consultative and negotiating machinery.
- (21) To determine health and safety matters.
- (22) Subject to observance of the appropriate procedures in the Conditions of Service of the employee:
 - (i) to take disciplinary action on and to dismiss an employee;
 - (ii) to convene a Sub-Committee of the Authority to consider appeals in relation to disciplinary, grievance and other personnel-related matters.
- (23) To extend an employee's period of sick leave on full pay or half pay for a period not exceeding twelve months.
- (24) To reimburse the costs of damage to an employee's personal property up to a maximum of ~~£5,000~~~~1,000~~ in any one case, provided the Chief Executive is satisfied that the damage was caused as a result of the employee pursuing Authority business.
- (25) To authorise the payment of any ex-gratia payments or honoraria to employees up to a maximum of £5,000.
- (26) In consultation with the Chairman, to establish a Member Appeals Panel of three members, ~~drawn from the pool of five members (Broads Authority: 27 June 2008).~~
- (27) To exercise the discretions as set out in paragraphs 5, 6, 9 and 10 of the Authority's Local Pension Scheme Policy Statement, ~~(Broads Authority: 27 June 2008).~~

D Land

- (28) To approve the acquisition by the Authority of:
 - (i) the leasehold interest in property for any term to an annual rent not exceeding £10,000;
 - (ii) the freehold interest in property at a price not exceeding £25,000.
- (29) To approve increases in rent not exceeding £10,000 per annum.
- (30) To enter into permissive path agreements and access agreements.
- (31) To grant wayleaves, licences, easements and highway dedications over the Authority's land.
- (32) To give written notice proposing to seek permission for Authority development or the development of land vested in the Authority which it does not propose to carry out itself, in accordance with the Town and Country Planning General Regulations 1992.
- (33) To authorise named officers to enter land (including buildings) for the purpose of surveying, ~~or~~ investigation, [prosecution or enforcement](#), in connection with any of the Authority's functions.
- (34) To authorise the disposal of land and property to a maximum value of £25,000, in accordance with advice from the Authority's Property Advisers. (~~Broads Authority: 23 November 2012~~)

E Planning

- (35) All planning applications¹ are considered to fall within the delegation scheme and will be determined by officers unless:
 - (i) it ~~is for~~ [constitutes](#) a major [development application](#) as defined in the Town and Country Planning (General Development [Management](#) Procedure) Order 2010~~05~~;
 - (ii) the application represents a departure from the development plan policies including the Broads Local Plan/Local Development Framework and any relevant policy adopted by the Authority and it is proposed to grant planning permission;
 - (iii) objections are received from any statutory consultee (excluding parish councils) in respect of any proposed development within

¹ The applications and notification shall include planning permission, approval of reserved matters, advertisement consent, listed building consent, conservation area consent, prior approval applications submitted under the Town and Country Planning (General Permitted Development) Order 1995 and consent under the Hazardous Substances regulations.

the 21 day period for consultation and it is proposed to grant planning permission;

- (iv) representations [in writing](#) are received from parish councils in respect of any proposed development within the 21 day period for consultation where these raise material planning considerations of significant weight ~~in writing~~;
- (v) representations are received [in writing](#) from other persons in respect of any proposed development within the 21 day period for consultation where these raise material planning considerations of significant weight ~~in writing~~;
- (vi) any member of the Authority requests within 21 days of receipt of the schedule of planning applications that the application is placed before the Planning Committee for a decision and provides a material planning reason of significant weight for that request in writing;
- (vii) the Ward ~~m~~Member of the relevant District Council requests within 21 days of receipt of the schedule of planning applications that the application is placed before the Planning Committee for a decision and provides a material planning reason of significant weight for that request in writing;
- (viii) the Director of Planning and [ResourcesStrategy](#) considers that the matter ought more appropriately be referred to the Committee for a decision;
- (ix) any member or member of staff of the Authority, [including co-opted members of the Navigation Committee](#), is involved in the application.

- (36) To approve details submitted in accordance with a condition of a planning consent.

[\(36A\) To determine reasons for decisions.](#)

[\(36B\) To formally discharge planning conditions upon compliance.](#)

- (37) To serve Breach of Condition Notices, ~~and~~ Planning Contravention Notices [and Section 330 Notices](#).

- (38) In cases of urgency and (subject to consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee):

- (i) to serve Building Preservation Notices;

- (ii) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices;
 - (iii) to issue Enforcement Notices, Stop Notices ~~and Temporary Stop Notices~~ [Article 4 Directions](#);
 - (iv) to take enforcement action in respect of unauthorised advertisements.
- (39)
 - (i) To make and serve Tree Preservation Orders.
 - (ii) To confirm non-controversial Tree Preservation Orders.
- (40)
 - (i) To comment on non-controversial felling licence applications and broadleaved woodland grant schemes.
 - (ii) ~~t~~To make observations to the Forestry Commission on applications for grants and Forestry Grant Schemes and consultations over dedication schemes and the Commission's own new planting proposals in relation to areas up to 10 hectares.
- (41) To deal with notices to lop, top and fell trees in conservation areas. To determine applications to lop, top or fell trees within Tree Preservation Orders or Groups.
- (42) To submit observations on environmental issues and to lodge holding objections in respect of applications for Goods Vehicle Operators Licences.
- (43) To reply to consultation on certified sites for camping and caravanning and for caravan and tent rally sites.
- (44) In respect of planning applications:
 - (i) to sign and issue the formal decision notices on planning matters which have been before the Planning Committee or determined under delegated powers;
 - (ii) to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions);
 - (iii) to determine the appropriate grounds where permission is either refused or approved;
 - (iv) to refuse a planning application, if within six months of any decision to enter into a Section 106 Agreement by Committee, that Agreement has not been signed.

- (44A) To determine which planning applications should be referred to the Navigation Committee for consultation, in accordance with Section 9 (6) (a) (iv) of the Norfolk and Suffolk Broads Act 1989.
- (45) To ~~determine whether~~ side these cases where an environmental impact assessment ~~is required should be submitted~~ and to agree the scope of ~~the any~~ environmental ~~impact assessment statement under the Environmental Impact Regulations 1999.~~ (The Chair of the Authority and Local District Member(s) to be informed).
- (46) To determine whether to exercise the discretionary power available to the Authority with regard to the siting, design and external appearance of agricultural and forestry buildings and the siting and means of construction of private roads for agricultural and forestry purposes.
- (47) To determine whether applications ~~notify developers that their operations~~ are ~~not~~ likely to have a significant effect on a European Site, following consultation with Natural England, under the terms of the Conservation (Natural Habitats Etc) Regulations 1994.
- (48) To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance.
- (49) To give observations in respect of development by other authorities, government departments and statutory undertakers where there are no outstanding objections which cannot be met within the terms of the observations.
- (50) To determine Forestry Grant applications up to £~~5,000~~2,500.
- (51) To respond to consultations on planning applications in respect of land outside the Authority's Executive Area, subject to consideration by the Planning Committee of those applications which have serious implications for the Broads, either in landscape or environmental terms.
- (52) ~~To serve Breach of Condition Notices and Planning Contravention Notices.~~ (Duplication of (37))
- (53) To fulfil the Authority's role as a Competent Authority with regard to consideration of development proposals affecting Special Protection Areas and Special Areas of Conservation in the Broads, including the determination of Appropriate Assessments.
- (54) In respect of non-material amendments to planning applications:
- (i) to define in individual cases what constitutes a non-material amendment; and

- (ii) to determine applications for non-material amendments except in cases that fall within paragraph 35(ix) of this scheme.
- (55) To settle the terms of Section 106 Agreements required in connection with planning applications including amendments to existing Section 106 agreements.

~~(Broads Authority: 16 March 2012)~~

F Recreation and Tourism

- (56) To exercise the powers and duties of the Authority in accordance with the overall policy determined by the Authority in relation to the following matters:
 - (i) tourism, including interpretation, information and associated visitor services;
 - (ii) common land;
 - (iii) access to open country;
 - (iv) open spaces;
 - (v) caravan, camping and picnic sites;
 - (vi) recreation provision and associated facilities, including car parks and public toilets;
 - (vii) country parks;
 - (viii) public paths (except where delegated to the Planning Committee);
 - (ix) the provision of accommodation, meals, refreshments, parking places and toilets;
 - (x) environmental education;
 - (xi) staithes.
- (57) To confirm orders creating, diverting, extinguishing or downgrading public paths in respect of which there is no unresolved objection.
- (58) To respond to consultations from other public authorities on proposals to create, divert, extinguish or downgrade public rights of way.

G Conservation

- (59) To exercise the powers and duties of the Authority in accordance with the overall policies determined by the Authority in relation to the following matters:
- (i) responding to notifications of operations within the Broads under Section 5(2) of the Norfolk and Suffolk Broads Act 1988;
 - (ii) nature reserves;
 - (iii) land drainage (including the preparation and review of a code of practice for drainage works);
 - (iv) water quality;
 - (v) responding to consultations on proposals to discharge trade and sewage effluent;
 - (vi) responding to notifications on the making of farm capital grants;
 - (vii) nature conservation (except where other provision is made in this scheme), including woodland and fen management, grazing marshes, research, site management and grant aid for conservation purposes;.
 - (viii) the designation of areas of natural beauty under Section 4 of the Norfolk and Suffolk Broads Act 1988.
- (60) To respond to consultations under Section 36 of the Control of Pollution Act 1974.
- (61) To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981 up to £~~5,000~~2,500 per annum for maximum of 21 years.
- (62) To make holding objections to the making of farm capital grants.
- (63) To make representations to the Environment Agency following notification of applications for significant discharges under Section 36 of the Control of Pollution Act 1974.
- (64) To make written representation on applications received under the Water Resources (Licences) (Amendment) Regulations 1989.
- (65) To fulfil the Authority's role as a Competent Authority with regard to consideration of proposed works affecting Special Protection Areas, Special Areas of Conservation and stipulated species in the Broads, including the determination of Appropriate Assessments.

H Navigation

Arising from the Norfolk and Suffolk Broads [a](#)Act 1988 (as amended)

- (66) To exercise the powers and duties of the Authority in accordance with the overall policy determined by the Authority in relation to the following matters (where appropriate in consultation with the Navigation Committee):
 - (i) the maintenance and improvement of the navigation area;
 - (ii) the creation of public rights of navigation;
 - (iii) the provision of moorings and other navigational facilities;
 - (iv) the closure of waterways (other than for nature conservation purposes);
 - (v) the repair of landing places, embankments, private moorings and other similar structures.
- (67) To determine works licences.
- (68) To seek modifications to plans submitted with applications for works licences.
- (69) To enforce works licences.
- (70) To remove obstructions from waterways.
- (71) To dispose of dredgings.
- (72) To authorise named officers to require owners of craft to give information of the person in charge of their craft at any time, under Schedule 5, paragraph 9.
- (73) To serve Notices under paragraphs 11 and 12 of Schedule 5 (which relate to the repair of landing places etc and the removal of wrecks etc) and to enforce such Notices. In the case of the removal of wrecks, this is subject to such vessels being raised and removed to a place of safety allowing an owner to be given prior notice to destruction, unless it had to be destroyed in situ as a result of its size and/or position.
- (74) To mitigate oil pollution either as the harbour authority or if necessary as an agent for the Environment Agency.
- (75) To discount cargo tolls.
- (76) To place contracts for dredging work without the need to put each individual job out to tender, except where it is practical and appropriate to do so.

- (77) In respect of the Speed Limit Byelaws 1992:
- (i) to approve registration marks for vessels.
- (78) In respect of the Navigation Byelaws 1995:
- (i) giving consent or approval to the following activities and imposing conditions on those consents or approvals:
 - (a) towing;
 - (b) the use of blue lights and light signals;
 - (c) stern on or bow on mooring, approving places for such mooring and designating times when this is permitted;
 - (d) the mooring of vessels otherwise than broadside to a bank;
 - (e) anchoring in a channel;
 - (f) the turning of vessels;
 - (g) pyrotechnics;
 - (h) use of firearms;
 - (i) fun events;
 - (ii) restricting mooring at specific places;
 - (iii) prohibiting vessels to be moored abreast at specific locations, imposing conditions in respect of multiple mooring and permitting exceptions to these restrictions;
 - (iv) securing the removal of obstructions;
 - (v) authorising officers to authorise passage through Carrow Bridge;
 - (vi) giving directions in respect of precautions to be taken when loading and unloading vessels;
 - (vii) appointing assistants to the navigation officer.
- (79) In respect of the Vessel Registration Byelaws 1997:
- (i) to request copies of registration certificates;
 - (ii) to charge a fee for replacing certificates;
 - (iii) to determine position of toll receipt on vessels;
 - (iv) to prescribe the form of a toll application and specifying the details to be included in it;
 - (v) to designate areas which private watercraft can use and prescribing the conditions for such use.

- (80) In respect of the Broads Authority Act 2009:
- (i) enforcing directions relating to the loading and unloading of vessels (section 10);
 - (ii) exercising the powers and duties relating to the registration and licensing of vessels (section 11);
 - (iii) designating authorised officers for the purpose of:
 - (a) entering and inspecting vessels and exercising related powers (section 17);
 - (b) exercising powers relating to unsafe vessels (section 19);
 - (iv) determining whether a vessel is unsafe (section 18). (In this respect, it is intended that the authorised officers include qualified Boat Safety Scheme examiners and qualified Marine Surveyors);
 - (v) exercising the powers and duties relating to the removal of unsafe vessels (section 20);
 - (vi) designating authorised officers for the purposes of:
 - (a) requesting information about vessels (section 21);
 - (b) entering land, including adjacent waters (section 24);
 - (c) the inspection provisions in hire boat licences;
 - (vii) serving notices requiring information from:
 - (a) masters and owners etc as to vessels (section 22);
 - (b) landowners etc as to vessels (section 23);
 - (viii) exercising the following functions relating to waterskiing and wakeboarding:
 - (a) displaying directional signs (section 28(1));
 - (b) designating authorised officers for the purposes of giving directions as to waterskiing and wakeboarding (section 28(2));
 - (c) issuing, cancelling and amending permits for waterskiing and wakeboarding (sections 27 and 30);

- (ix) removing vegetation which is an obstruction or danger to vessels in the navigation area including the service of notices;
- (x) serving notices and exercising default powers in respect of vegetation which obstructs or is a potential danger to vessels in the navigation area (section 39);
- (xi) powers and duties relating to the licensing of hire boats (section 40).

~~(Broads Authority: 18 September 2009).~~

I Broads Local Access Forum

- (81) To appoint and re-appoint members to the Broads Local Access Forum, in consultation with the Chairman of the Forum.

J Miscellaneous

- (82) To remove abandoned vehicles.
- (83) To accept gifts of property on behalf of the Authority.
- (84) To approve single grant requests up to £~~10,000~~5,000.
- (85) In consultation with the Solicitor, to approve payments of up to £~~5,000~~4,000 to complainants who have suffered a direct identifiable loss as a result of the Authority's actions.
- (86) To write off:
 - (i) any obsolete stores or equipment, or loss of property not exceeding £~~5,000~~4,000;
 - (ii) all bad debts to a maximum of £~~5,000~~4,000, where all reasonable recovery action has been exhausted.
- (87) To appoint members to the Sustainable Development Fund Panel, in consultation with the Chairman of the Authority and Chairman of the Panel, in accordance with any guidelines specified by the Authority about the overall membership of the Panel.
- (88) To appoint three members of the Authority and an Independent Person as a co-opted non voting member to a Hearings Committee to hear and determine allegations of breaches of the Members Code of Conduct referred to it by the Monitoring Officer.

Powers Delegated to the Treasurer and Financial Adviser to the Authority

- (1) 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 including:
 - (i) the regulation and control of finance, and the making of safe and efficient arrangements for the receipts of monies;
 - (ii) audit commission and internal audit matters including the appointment of auditors;
 - (iii) pension fund matters; and
 - (iv) insurances.
- (2) To make suitable arrangements for the investment and realisation of [short term](#) monies surplus to the Authority's requirements.
- (3) To operate the Authority's bank accounts including:
 - (i) to arrange overdraft facilities as and when necessary and within such limits as may be approved by the Authority from time to time;
 - (ii) to arrange the opening, operation and closing of such subsidiary bank accounts as are deemed necessary for the control of, and accounting for, the Authority's money;
 - (iii) to manage the day-to-day cash resources of the Authority and arrange such temporary borrowing or investment of surplus money as is deemed necessary;
 - (iv) to negotiate and receive or repay loans subject to the receipt of the necessary government sanctions and consents.
- (4) In consultation with the Chief Executive to write off:
 - (i) any obsolete stores or equipment, or loss of property not exceeding [£25,0005,000](#);
 - (ii) all bad debts to a maximum of [£25,0005,000](#) where all reasonable recovery action has been exhausted.
- (5) To borrow in accordance with the Authority's policy.
- (6) To lend in accordance with the Authority's policy.

Powers Delegated to the Solicitor to the Authority

- (1) To carry out the duties of Monitoring Officer to the Authority.
- (2) To institute and settle, as appropriate, claims and proceedings:

- (i) for the possession of property;
 - (ii) for the recovery of fees, tolls, rent and other sums owing to the Authority;
 - (iii) in respect of other financial loss suffered by the Authority.
- (3) To defend and settle, as appropriate, civil proceedings against the Authority, in relation to claims not covered by the Authority's insurance policies.
 - (4) To institute criminal proceedings relating to any function of the Authority.
 - (5) To defend any criminal proceedings against the Authority.
 - (6) To determine applications for Certificates of Lawful Use and for Certificates of Lawfulness of Proposed Use or Development.
 - (7) To serve notices requiring information to be given as to interests in land and if necessary to institute proceedings for failure to respond.
 - (8) In cases of urgency and after consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee:
 - (i) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices concurrently with District Officers;
 - (ii) to issue Enforcement Notices, Stop Notices [Tempoary Stop Notices](#) and Article 4 Directions;
 - (iii) to take enforcement action in respect of unauthorised advertisements.
 - (9) To authorise officers who otherwise have no right of audience to appear in Magistrates Court and County Court proceedings.
 - (10) To [execute deeds, sign contracts and other legal documents](#) on behalf of the Authority [to give effect to decisions taken by the Authority, its committees, subject to the terms of each contract being acceptable to the Chief Executive or another officers exercising delegated powers. nominated by the Chief Executive for the purpose.](#)

“Proper Officer” Provisions

		Proper Officer
1.	<u>The Norfolk and Suffolk Broads Act 1988</u>	
Schedule 1, paragraph 2 (6)	Receipt of notice of resignation	Chief Executive
paragraph 2 (9)	Publication of notice of any appointment to the Authority, or ending of such an appointment.	Chief Executive
paragraph 4 (4)	Signature of summons to attend meeting.	Chief Executive
paragraph 4 (5)	Receipt of notices regarding address to which summons to meetings to be sent.	Chief Executive
paragraph 5 (11)	Convening of meeting where a casual vacancy in the office of Chairman or Vice-Chairman is to be filled.	Chief Executive
Schedule 4, paragraph 2 (3)	Receipt of notice of resignation from the Navigation Committee.	Chief Executive
paragraph 2 (4)	Publication of notice of appointments to the Navigation Committee and of the ending of any such appointment.	Chief Executive
Schedule 5, paragraph 13 (8)	Receipt of objections to proposals to close parts of waterways for nature conservation purposes.	Chief Executive
2.	<u>Local Government Act 1972</u>	
Section 100 B (2)	Circulation of reports and agenda.	Chief Executive
Section 100 B (7) (c)	Decisions on supply of Committee papers to the press.	Chief Executive
Section 100 C (2)	Summaries of otherwise ‘exempt’ minutes.	Chief Executive
Section 100 D (1) (a)	Compilation of list of background papers.	The officer or advisor in whose name the report is designated.
Section 100 D (5) (a)	Identification of background papers.	The officer or advisor in whose name the report is

Section 100 F (2)	Identification of exempt information not available to <u>all</u> members.	designated. Chief Executive
Section 115 (2)	Receipt of money due from officers.	Head of Finance
Section 225 (1)	Deposit of documents.	Chief Executive
Section 229 (5)	Certification of photographic copies of documents.	Chief Executive
Section 234	Signature of any notice, order or other document given, made or issued by the Authority.	The officer responsible for the exercise of the function which is the subject of the decision in question (if no such person then the Chief Executive)
Section 238	Certification of bye-laws.	Chief Executive
3. <u>Other Legislation</u> Listed Buildings Act 1990 Town and Country Planning Act 1974 Section 254 (4) Local Government Act 1974, Section 30 (5) Local Government (Miscellaneous Provisions) Act 1976, Section 41	Receipt on deposit of lists of buildings of special architectural or historical interest. Giving notice of reports received by the Authority from the Local Ombudsman. Certifying copies of resolutions, orders, reports and minutes of the Authority.	Chief Executive Chief Executive Chief Executive

In each case, if the designated Proper Officer is not available to exercise the function then either the Director of [Operations or the Director of Planning and Resources Change Management and Resources](#) will act as the Proper Officer.