

# Broads Authority

19 March 2021

Agenda item number 13

## Scheme of powers delegated to Chief Executive and other authorised officers – draft

Report by Head of Governance

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### Purpose

The two documents comprising the Broads Authority's scheme of powers delegated to officers have been reviewed, updated and rationalised into a single draft document entitled "Scheme of powers delegated to Chief Executive and other authorised officers". This draft document is presented at Appendix 1 for members' consideration. Those elements in the draft document relevant to planning and heritage were presented to the Planning Committee on 5 March.

### Recommended decision

To adopt the "Scheme of powers delegated to Chief Executive and other authorised officers", replacing the "Scheme of powers delegated to officers" (adopted May 2019) and "Powers delegated to Chief Executive: Arrangements for the exercise of powers by other officers" (adopted Oct 2018).

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## 1. Introduction

- 1.1. The Broads Authority's "Scheme of powers delegated to officers" (referred to in this report as 'the Scheme') is an important constitutional document. The Authority's members have a right to make sure that the decisions for which they are statutorily responsible and accountable are implemented by officers in a timely and efficient manner. The purpose of the Scheme is to make sure that officers have the powers to make decisions and take appropriate action in a timely and efficient manner within the guidelines laid down.
- 1.2. The current version of the Scheme was adopted in May 2019. Subsidiary to the Scheme, and to be read in conjunction with it, is the "Powers delegated to Chief Executive: Arrangements for the exercise of powers by other officers" (referred to in this report as the 'subsidiary Scheme'), dated October 2018.
- 1.3. Officers have reviewed both documents in consultation with the Authority's Solicitors and Monitoring Officer. We have merged the documents into a single document and updated relevant sections, made edits for clarity, and removed repeated text.

- 1.4. The new draft scheme is entitled ‘Scheme of powers delegated to Chief Executive and other authorised officers’ (referred to in this report as the ‘revised Scheme’), and is at Appendix 1 for members’ consideration. The two documents comprising the current scheme are at Appendices 2 and 3 for reference.

## 2. Proposed changes

- 2.1. The revised Scheme (Appendix 1) highlights the changes made in merging the Scheme (Appendix 2) and the subsidiary Scheme (Appendix 3). Changes are shown with track changes (in red) and/or with explanatory notes from the Solicitor and Authority officers in the right-hand margin. Key changes are also noted in paras 2.2 to 2.8 below.
- 2.2. General powers of all officers: The introductory paragraphs (a) to (j) in both the Scheme and the subsidiary Scheme repeat the same text and are now merged within Section 2 of the revised Scheme.
- 2.3. Section 2(h) regarding written records of delegated decisions: Solicitor has included additional text for clarity.
- 2.4. Section 3 regarding Proper Officer provisions: Introductory text has been added. Table 1 is an update of the information currently in Appendix 1 of the Scheme.
- 2.5. Section 4, Table 2 - Powers delegated to Chief Executive and other authorised officers:
- (i) Sections A to J in the Scheme and Appendix 1 in the subsidiary Scheme repeat the same text; this text is now in Table 2 of the revised Scheme. The numbering in this table may differ to that in the current Scheme, due to reordering, additions or deletions.
  - (ii) Officer job titles are updated and authorisations reassigned where previous job roles are now deleted from the organisational structure.
  - (iii) 2(e) regarding planning and heritage: Details and rationale for the changes were presented to the Planning Committee on 5 March. As a result, the Committee agreed to amend the proposal to remove some changes initially proposed to sections 37 (iv) and 37 (v), and to reword sections 37 (vi) and 37 (vii). The revised Scheme includes the Committee’s proposed changes.
  - (iv) 2(h) regarding the creation of public rights of navigation: It is the officers’ view that this decision should be for the full Authority (after consultation with the Navigation Committee), and not be a delegated power. Dedicating a new right of navigation would add considerable financial liabilities to the Authority outside of officer delegations.
- 2.6. Section 5: The first paragraph has been deleted to allow for powers to instruct a Solicitor not restricted to those previously named.
- 2.7. Table 1(c) and Section 7: Text added to clarify that the Monitoring Officer has powers to grant dispensations under the Localism Act s33.

- 2.8 While all substantive changes are marked, minor edits for spelling and grammar, reordering of paragraphs and accessibility reformatting are not all marked.

### 3. Conclusion

- 3.1. If members resolve to adopt the “Scheme of powers delegated to Chief Executive and other authorised officers”, it will replace the current documents “Scheme of powers delegated to officers” and the “Powers delegated to Chief Executive: Arrangements for the exercise of powers by other officers” within the Broads Authority’s constitutional documents.

Author: Maria Conti

Date of report: 09 March 2021

Appendix 1 – Scheme of powers delegated to Chief Executive and other authorised officers (DRAFT)

Appendix 2 – [Scheme of powers delegated to officers \(May 2019\)](#)

Appendix 3 – [Powers delegated to Chief Executive: Arrangements for the exercise of powers by other officers \(Oct 2018\)](#)



**Note:** This draft document merges the 'Scheme of Powers Delegated to Officers' (adopted May 2019) and the 'Powers Delegated to Chief Executive – arrangements for the exercise of powers by other officers' (adopted Oct 2018) into a single document.

# Scheme of powers delegated to Chief Executive and other authorised officers (DRAFT)

March 2021

(Date xxx)

Broads Authority  
Yare House  
62-64 Thorpe Road  
Norwich NR1 1RY

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## 1. Introduction

- 1.1 The members of the Broads Authority are responsible for setting and monitoring the strategies, policies and financial guidelines of the Authority, whereas the officers are responsible for its day-to-day operation, and for providing advice to members.
- 1.2 Members have a right to make sure the decisions for which they are statutorily responsible and accountable are implemented by officers in a timely and efficient manner. The purpose of the 'Scheme of powers delegated to Chief Executive and other authorised officers' ('the Scheme') is to make sure that officers have the powers to make decisions and take appropriate action within the guidelines laid down.

Commented [MC1]: Note: Introductory text shortened (not track changed)

## 2. General powers of all officers

- 2.1 The exercise of the delegated powers set out in the Scheme ~~will be~~ are subject to the following conditions.
- a. The delegated powers shall at all times be exercised in accordance with:
- (i) the statutory requirements of the Norfolk and Suffolk Broads Act 1988 and the Broads Authority Act 2009.
  - (ii) the Authority's strategies, policies and priorities ~~of the Authority~~ as set out in the Broads Plan, guiding strategies, Broads Local Plan, ~~Local Development Framework~~, Annual Business Plan ~~Best Value Performance Plan and other, or similar, relevant~~ documents adopted by the Authority or its committees.
  - (iii) the Authority's Constitution, Standing Orders, ~~and Financial Regulations, and must not be exercised so as to incur expenditure for which no adequate provision is made in the~~ and approved budgets.
  - (iv) the law ~~and with any policies, regulations, codes or similar documents adopted by the Authority or its committees.~~
- b. An officer ~~need shall~~ not ~~use exercise~~ a delegated power in any particular case if the matter appears to ~~the that~~ officer to involve any matters of public controversy, questions of policy not yet decided by the Authority or its committees, or a significant change from established practice.
- c. Where ~~the any~~ matter ~~falls partly involves considerations not~~ within the professional or technical ~~responsibility competence~~ of ~~another officer or adviser, the officer taking the decision must consult with those officers as appropriate and have proper regard to any advice give, before authorising action, the relevant officer, that officer shall seek appropriate advice from another officer or adviser before deciding what action, if any, to take.~~
- d. Any power conferred upon the Chief Executive, including any power to act as the Proper Officer, may be exercised by another officer specifically nominated in writing by the Chief Executive. Details of the officers who have ~~been~~

~~authorised existing authorisation~~ 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' - Section 4. Appendix 2.~~

- e. The Authority or a committee may ~~direct request~~ that action taken by an officer or officers under delegated powers be reported to it periodically.
- f. Failure to carry out the consultations in ~~paragraphs A(5) and E(38)~~ Table 2(a)(5) and Table 2(a) (47) of the powers delegated to the Chief Executive and paragraph ~~(8)~~ (5.7) of the powers delegated to the Solicitor to the Authority (relating to cases of urgency or emergency) will not invalidate the exercise of the delegated power.
- g. The decision of the Chief Executive, in consultation with the Monitoring Officer, as to the scope and interpretation of these delegated powers shall be final.
- h. In accordance with the Openness of Local Government Bodies Regulations 2014, a decision-making officer must produce a written record<sup>1</sup> for any decision taken that has been delegated to them:
  - i. under a specific express authorisation, or
  - ii. under a general authorisation to officers to take such decisions and the effect of the decision is to:
    - 1. grant a permission or licence;
    - 2. affect the rights of an individual; or
    - 3. award a contract or incur expenditure over £25,000.

The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision, and must contain the following information:

- iii. The date the decision was taken;
- iv. A record of the decision taken, along with the reasons for the decision;
- v. Details of alternative options, if any, considered and rejected; and
- vi. Where the decision is made under specific express authorisation, the name of any member of the Authority who has declared a conflict of interest in relation to the decision.

If there is a separate statutory requirement to record the decision, which includes the date and reasons for the decision, then this will be sufficient to satisfy the above requirement.

**Commented [GW2]:** (Solicitor): Para H - The original wording was 'a written record will be produced for any delegation which has been highlighted yellow, or involves a contract or incurs expenditure above £25,000' which was not completely clear. We have added further detail to clarify this.

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<sup>1</sup> [Transparency \(broads-authority.gov.uk\)](https://transparency.broads-authority.gov.uk)

### 3. Proper Officers

- 3.1 The law makes provision for certain officers to be designated as the Proper Officer to carry out particular functions contained within various Acts of Parliament. The Authority's Proper Officer provisions are in Table 1(a) to (c).
- 3.2 If the designated Proper Officer, not being the Chief Executive, is not available to exercise the function, then any officer authorised in writing by the Chief Executive will be entitled to do so.

**Table 1**

Proper Officer provisions

**1(a) The Norfolk and Suffolk Broads Act 1988**

Legislation	Provision	Proper Officer
Schedule 1, paragraph 2 (6)	Receipt of notice of resignation.	Chief Executive
Schedule 1, paragraph 2 (9)	Publication of notice of any appointment to the Authority, or ending of such an appointment.	Chief Executive
Schedule 1, paragraph 4 (4)	Signature of summons to attend meeting.	Chief Executive
Schedule 1, paragraph 4 (5)	Receipt of notices regarding address to which summons to meetings to be sent.	Chief Executive
Schedule 1, paragraph 5 (11)	Convening of meeting where a casual vacancy in the office of Chair <del>man</del> or Vice-Chair <del>man</del> is to be filled.	Chief Executive
Schedule 4, paragraph 2 (3)	Receipt of notice of resignation from the Navigation Committee.	Chief Executive
Schedule 4, 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

**1(b) Local Government Act 1972**

**Commented [GW3]: (Solicitor)** Section 3 added to provide a link in the Scheme to the Proper Officer designations in Table 1. This table was previously Appendix 1 in the Scheme of Powers Delegated to Officers (May 2019)



Legislation	Provision	Proper Officer
Section 100 B (2)	Circulation of reports and agendas <u>and the exclusion of 'exempt' items.</u>	Chief Executive
Section 100 B (7) (c)	Decisions on supply of committee papers <u>(and any other documents supplied to members in connection with the agenda items)</u> 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 designated.
Section 100 F (2)	Identification of exempt information not available to <b>all</b> members.	Chief Executive
Section 115 (2)	Receipt of money due from officers <u>in connection with their office.</u>	Chief Financial Officer
Section 225 (1)	Deposit of documents.	Chief Executive
Section 229 (5)	Certification of photographic copies of documents <u>(relating to legal proceedings).</u>	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)
Sections <u>236 and 238</u>	Certification of byelaws.	Chief Executive

### 1(c) Other legislation

Legislation	Provision	Proper Officer
Listed Buildings Act 1990, Section 2	Receipt on deposit of lists of buildings of special architectural or historical interest.	Chief Executive
Local Government Act 1974, Section 30 (5)	Giving notice of reports received by the Authority from the Local Ombudsman.	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976, Section 41	Certifying copies of resolutions, orders, reports and minutes of the Authority.	Chief Executive
<u>Localism Act 2011, Section 33</u>	<u>Granting dispensations from Section 31(4)</u>	<u>Monitoring Officer</u>

## 4. Powers delegated to Chief Executive and other authorised officers

- 4.1 The exercise of any of the delegated powers specified in Table 2 (a) to (j) below is subject to the conditions set out in this Scheme. Where the Scheme allows for the exercise of powers by Directors, such power relates only to functions for which the particular Director is responsible. In all cases, the Chief Executive retains the power to perform the delegated powers.

**Commented [MC4]:** Note: This section brings together the repeated sections in the previously separate documents 'Scheme of powers delegated to officers (May 2019)' and 'Powers Delegated to Chief Executive (Oct 2018)'. Proposed amendments to the powers in Table 2 are marked with track changes (in red) and/or with comments (right hand margin).

**Table 2**

Powers delegated to Chief Executive and other authorised officers

### 2(a) General management and administration

Powers delegated to Chief Executive	Other authorised officers
(1) To <del>carry out the duties of</del> <u>act as the</u> Head of Paid Service under <u>Section 4</u> <del>the provisions of the Section 4 of the</del> Local Government and Housing Act 1989. <del>and to be responsible for the management of all staff employed by the Authority.</del>	<u>Retained by Chief Executive</u>
(2) To undertake the day-to-day management and control of the Authority, <u>its officers</u> , premises and services to give effect to the strategies, policies <u>and priorities of the Authority</u> as set out in the <del>Broads</del>	<u>Retained by Chief Executive</u>

Powers delegated to Chief Executive	Other authorised officers
<del>Plan, Local Development Framework and Business Plan</del> documents listed at (2.1)(a)(ii) of this Scheme.	
(3) To authorise any action necessary to <del>give effect to the implementation of</del> implement the <del>documents listed at (2.1)(a)(ii) Broads Plan and Annual Business Plan</del> , and for this purpose to incur expenditure not exceeding the limits provided for in Standing Orders and Financial Regulations.	Directors
(4) To authorise any action necessary to give effect to any decision of the Authority or its committees.	Directors <del>Solicitor</del> or Chief Financial Officer
(5) In cases of urgency or emergency, to take any appropriate action (if possible, in consultation with the Chair, or in the absence of the Chair with the Vice-Chair), including the <del>authorisation-institution of any</del> legal proceedings, to protect the position of the Authority. In such cases, the Chief Executive will report <del>the any</del> action taken to the Authority.	Directors <del>Solicitor</del> or Chief Financial Officer
(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.	Directors <del>Solicitor</del> or Chief Financial Officer
(7) To <del>make arrangements to make sure ensure that</del> all expenditure is <del>regularly</del> monitored <del>regularly</del> against approved budgets, and <del>that</del> any significant <del>overspends</del> over expenditures are reported to the Authority <del>or any appropriate committee</del> .	<del>Director of Strategic Services</del> Chief Financial Officer

## 2(b) Finance and audit matters

Powers delegated to Chief Executive	Other authorised officers
(8) To be responsible for regulating and controlling the <del>Authority's</del> financial resources <del>of the Authority in order</del> to achieve <del>the its</del> objectives <del>of the Authority</del> .	Retained by Chief Executive

Powers delegated to Chief Executive	Other authorised officers
(9) To transfer expenditure between budget heads, provided <del>that</del> 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.	Directors, in consultation with Chief Financial Officer
(10) To manage the Authority's insurances, <del>in accordance with overall guidelines specified by the Treasurer and Financial Adviser.</del>	Chief Financial Officer
(11) To <del>make sure</del> <del>ensure that</del> arrangements are in place to pay all sums to creditors.	Chief Financial Officer
(12) To approve the Selective Tendering standing list of contractors to be invited to submit tenders, <del>where the estimated value of the contract does not exceed £50,000.</del>	Directors and Chief Financial Officer

2(c) Personnel matters

Powers delegated to Chief Executive	Other authorised officers
(13) To determine the <del>current and future Authority's</del> staffing requirements and organisational structure <del>of the Authority</del> , including amendments to <del>the its</del> <del>Authority's</del> staff establishment.	Retained by Chief Executive
(14) To determine matters relating to the remuneration and conditions of service of <u>all</u> employees in accordance with the national conditions of service and the Authority's Scheme of Local Conditions of Service.	<del>Directors, in consultation with Head of Human Resources Management Team – in agreement between Directors and Chief Financial Officer</del>
(15) To adopt local agreements in respect of conditions of service where there are no unresolved objections from trade unions or members of staff.	<del>Directors, in consultation with Head of Human Resources Management Team – in agreement between Directors and Chief Financial Officer</del>

Powers delegated to Chief Executive	Other authorised officers
<p>(16)</p> <p>(a) To appoint staff, subject to such appointments being made in accordance with the Business Plan and subject to <del>the availability of sufficient funding being available</del> in the appropriate budget <del>(and subject in the case of Directors to consultation with the Chair of the Authority and appropriate Committee Chair).</del></p> <p>(b) <u>If the appointment is to a Director position, to consult with the Chair of the Authority and any other appropriate committee chair.</u></p>	<p><u>In respect of (a),</u> Directors in consultation with Head of Human Resources</p> <p><u>In respect of (b), retained by Chief Executive</u></p>
<p>(17) To determine politically restricted posts <u>in accordance with the provisions of the Local Government and Housing Act 1989 s2.</u></p>	<p>Management Team <u>– in agreement between Directors and Chief Financial Officer</u></p>
<p>(18) To appoint the Broads navigation officer and any deputy (after consultation with the Navigation Committee) <u>in accordance with s10(7) of the Norfolk and Suffolk Broads Act 1988.</u></p>	<p><del>Director of Operations</del> <u>Retained by Chief Executive</u></p>
<p>(19) To determine matters concerned with employee relations generally within the Authority, including the recognition of appropriate trade unions and the establishment of <del>an</del> appropriate consultative and negotiating <del>machinery</del><u>processes.</u></p>	<p><del>Directors</del> <del>Head of Human Resources</del> <u>Management Team – in agreement between Directors and Chief Financial Officer</u></p>
<p>(20) To determine health and safety matters.</p>	<p><del>Directors</del> <del>Head of Safety Management</del> <u>Director of Operations</u></p>
<p><del>(21) — To establish, implement and authorise the use (by appropriate officers) of policies and procedures for the appointment, dismissal and discipline of staff and determination of all matters relating to the employment of staff and the conditions on which they are employed.</del></p> <p><del>(22)</del><u>(21)</u> To determine all matters relating to the employment and management of Authority officers, including but not limited to those relating to</p>	<p>Directors <u>or</u> <u>Chief Financial Officer or</u> Head of Human Resources</p>

Powers delegated to Chief Executive	Other authorised officers
appointment (in accordance with C (16) above), and terms and conditions of employment, discipline and dismissal, in accordance with the Authority's policies and <b>procedures</b> .	
<del>(23)</del> (22) <u>In disciplinary cases involving officers and staff, to</u> convene an Appeals Panel to hear and determine appeals in relation to disciplinary, grievance and other personnel-related matters.	Directors <u>or</u> <u>Chief Financial Officer or</u> <u>Solicitor</u> Monitoring Officer
<del>(24)</del> (23) <u>In disciplinary cases involving a Director, to be the Chair of the disciplinary hearing, and in consultation with the Chairman</u> to establish a Member Appeals Panel of three members.	<del>Solicitor and</del> Monitoring Officer <u>and</u> Head of Human Resources
<del>(25)</del> (24) To extend an employee's period of sick leave on full pay or half pay for a period not exceeding twelve months.	<u>Management Team – in</u> <u>agreement between</u> <u>Directors and Chief</u> <u>Financial Officer</u> <del>Directors,</del> <u>in consultation with Head of</u> <u>Human Resources</u>
<del>(26)</del> (25) To reimburse the costs of damage to an employee's personal property up to a maximum of £5,000 in any one case, provided the Chief Executive is satisfied that the damage was caused as a result of the employee pursuing Authority business.	<del>Directors, in consultation</del> <del>with Head of Human</del> <del>Resources</del> <u>Retained by Chief Executive</u>
<del>(27)</del> (26) To authorise the payment of any ex-gratia payments or honoraria to <u>an</u> employees up to a maximum of £5,000.	<u>Retained by Chief</u> <u>Executive</u> <del>Directors, in</del> <u>consultation with Head of</u> <u>Human Resources</u>
<del>(28)</del> (27) To authorise the payment of any severance or settlement payments to <u>a</u> former employees up to a maximum of £5,000.	<u>Management Team – in</u> <u>agreement between</u> <u>Directors and Chief</u> <u>Financial Officer</u> <del>Directors,</del> <u>in consultation with Head of</u> <u>Human Resources</u>
<del>(29)</del> (28) To exercise the discretions as set out in paragraphs 3 (where there are no financial	<u>Management Team – in</u> <u>agreement between</u> <u>Directors and Chief</u>

**Commented [MC5]:** Gemma Waldock, Solicitor: We have made this power much broader to give the Chief Executive power to deal with all staffing matters.

Powers delegated to Chief Executive	Other authorised officers
implications for the Authority), 6, 7, 10 and 11 of the Authority's Local Pension Scheme Policy Statement.	<a href="#">Financial Officer, in consultation with Head of Human Resources</a> <a href="#">Directors</a> <a href="#">Head of Human Resources</a>

## 2(d) Land

Powers delegated to Chief Executive	Other authorised officers
<del>(30)</del> (29) To approve the acquisition by the Authority of: (i) the leasehold interest in property for any term to an annual rent not exceeding £ <del>25,000</del> <del>10,000</del> ; (ii) the freehold interest in property at a price not exceeding £ <del>75,000</del> <del>25,000</del> .	<a href="#">Management Team – in agreement between Directors and Chief Financial Officer</a> <a href="#">Directors</a>
<del>(31)</del> (30) To approve increases in rent not exceeding £ <del>20,000</del> <del>10,000</del> per annum.	<a href="#">Management Team – in agreement between Directors and Chief Financial Officer</a> <a href="#">Directors</a>
<del>(32)</del> (31) To enter into permissive path agreements and access agreements.	<a href="#">Head of Strategy and Projects</a> <a href="#">Senior Waterways and Recreation Officer</a> <a href="#">Head of Construction, Maintenance &amp; Ecology</a>
<del>(33)</del> (32) After taking appropriate advice, to authorise and approve the granting, securing or variation of leases or licences, wayleaves, easements and highway dedications over the Authority's land.	<a href="#">Management Team – in agreement between Directors and Chief Financial Officer</a> <a href="#">Directors</a>
<del>(34)</del> (33) 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.	Director <del>of</del> Strategic Services <a href="#">or</a> Head of Planning

### Commented [GW6]: (Solicitor)

(29) These suggested figures will provide increased flexibility for the Chief Executive. Ultimately, it is for the Authority to decide what the appropriate figures should be.

### Comparison to other bodies:

#### Exmoor National Park Authority (2014)

Chief Executive  
Freehold – Not exceeding £50,000  
Leasehold – Annual rent does not exceed £20,000

#### Dartmoor National Park Authority (2019)

Chief Executive  
Freehold land – Not exceeding £10,000  
Leasehold land – Annual rent does not exceed £2,500 (for term not exceeding 21 years).

#### Chelmsford City Council (2019)

Director of Financial Services  
Negotiate and agree (taking valuation advice where appropriate) terms for all leases, sales and other disposals of land and/or buildings, and purchases or other acquisitions of land and or buildings, after consultation with the Cabinet Member for Fairer Chelmsford, up to a value of £200,000.

#### North Norfolk District Council (2020)

To have delegated authority to acquire and dispose of any property interest in accordance with the Council's Policy on acquisition and disposal up to a value of the Key Decision limit, currently £100,000 (including lease disposal, acquisition and renewal), in consultation with the Chief Financial Officer (if not the Head of Service), the Portfolio Holder and local member.

Powers delegated to Chief Executive	Other authorised officers
<del>(35)</del> (34) To authorise named officers to enter land (including buildings) for the purpose of surveying, investigation, prosecution or enforcement in connection with any of the Authority's functions.	Directors
<del>(36)</del> (35) 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.	<a href="#">Management Team – in agreement between Directors and Chief Financial Officer</a> <del>Directors</del>
<del>(37)</del> (36) To authorise maintenance works on Authority owned, leased or rented land up to a ceiling figure of £10,000 or within any budget provision made for such works (whichever is higher).	Directors

## 2(e) Planning [and heritage](#)

Note: Where reference is made to 'Planning Team', it includes the following roles: Planning Policy Officer, Senior Planning Officer, Planning Officer, Planning Assistant, Historic Environment Manager, Planning Officer (Heritage), Planning Officer (Compliance and Implementation), [planning administration team](#).

Powers delegated to Chief Executive	Other authorised officers
<del>(38)</del> (37) All planning applications <sup>2</sup> are considered to fall within the delegation scheme and will be determined by officers, unless: <ul style="list-style-type: none"> <li>(i) it is for a major development as defined in the Town and Country Planning (<del>General</del> Development Management Procedure) (<a href="#">England</a>) Order 2015<del>9</del>;</li> <li>(ii) the application represents a departure from the development plan policies, including the Broads Local Plan/<del>Local Development Framework</del> and any relevant policy adopted by the Authority, and it is proposed to grant planning permission;</li> </ul>	<a href="#">Director of Strategic Services</a> <a href="#">or</a> <a href="#">Head of Planning</a> <a href="#">or</a> <a href="#">Senior Planning Officer</a>

<sup>2</sup> 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. [©](#)



Powers delegated to Chief Executive	Other authorised officers
<ul style="list-style-type: none"> <li>(iii) objections are received from any statutory consultee (excluding parish councils) in respect of any proposed development within the 21-day period for consultation, and it is proposed to grant planning permission;</li> <li>(iv) representations are received in writing 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;</li> <li>(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;</li> <li>(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 <del>a material planning reason of significant weight for that request</del><u>appropriate planning reasons</u> in writing;</li> <li>(vii) the Ward 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 <del>a material planning reason of significant weight for that request</del><u>appropriate planning reasons</u> in writing;</li> <li>(viii) the Director of Strategic Services considers <del>that</del> the matter ought more appropriately to be referred to the <u>Planning</u> Committee for a decision;</li> <li>(ix) any <u>Authority</u> member <del>or member of staff of the Authority</del> <u>(including co-opted members of the Navigation Committee)</u> <del>or Authority officer</del> is involved in the application.</li> </ul>	
(38) <u>In respect of planning applications:</u>	<u>Director of Strategic Services</u> <u>or</u> <u>Head of Planning</u> <u>or</u>

Powers delegated to Chief Executive	Other authorised officers
<p>(i) <u>to sign and issue the formal decision notices on planning matters that have been before the Planning Committee or determined under delegated powers;</u></p> <p>(ii) <u>to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions);</u></p> <p>(iii) <u>to determine the appropriate grounds where permission is either refused or approved;</u></p> <p>(iv) <u>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;</u></p> <p>(v) <u>to settle the terms of Section 106 Agreements required in connection with planning applications, including amendments to existing Section 106 agreements.</u></p>	<p><u>Senior Planning Officer</u></p>
<p>(39) To approve details submitted in accordance with a condition of a planning consent.</p>	<p>Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>Senior Planning Officer</u></p>
<p>(40) To determine reasons for decisions.</p>	<p>Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>Senior Planning Officer</u></p>
<p>(41) To formally discharge planning conditions upon compliance.</p>	<p>Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>Senior Planning Officer</u></p>
<p>(42) <u>In respect of non-material amendments to planning applications:</u></p> <p>(i) <u>to define in individual cases what constitutes a non-material amendment; and</u></p> <p>(ii) <u>to determine applications for non-material amendments except in cases that fall within paragraph 37 (ix) of this scheme.</u></p>	<p><u>In respect of (i), Head of Planning <u>or</u> member of Planning Team</u></p> <p><u>In respect of (ii), Director of Strategic Services <u>or</u> Head of Planning <u>or</u> Senior Planning Officer</u></p>
<p>(43) <u>In respect of Prior Approval applications, to exercise the power available to the Authority with regard to</u></p>	<p>Director of Strategic Services <u>or</u></p>

Powers delegated to Chief Executive	Other authorised officers
<u>the siting, design and external appearance and all other matters.</u>	<u>Head of Planning or Senior Planning Officer</u>
<u>(44) 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 1988.</u>	<u>Director of Strategic Services or Head of Planning or Senior Planning Officer</u>
<u>(45) In respect of applications for a Lawful Development Certificate (Existing or Proposed):</u> <u>(i) to consider and determine the application on the facts presented, subject to consultation with the Authority's solicitor in complex cases or where the evidence is not clear; and</u> <u>(ii) to sign and issue the formal decision.</u>	<u>Director of Strategic Services or</u> <u>Head of Planning or</u> <u>Senior Planning Officer</u>
<u>(42)(46) To serve Breach of Condition Notices, Planning Contravention Notices, and Section 330 Notices and Section 215 Notices.</u>	<u>Director of Strategic Services or</u> <u>Head of Planning or</u> <u>Planning Officer</u> <u>(Compliance and Implementation)</u>
<u>(43)(47) 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:</u> <u>(i) to serve Building Preservation Notices;</u> <u>(ii) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices;</u> <u>(iii) to issue Enforcement Notices, Stop Notices and Temporary Stop Notices;</u> <u>(iv) to take enforcement action in respect of unauthorised advertisements.</u>	<u>Director of Strategic Services, or:</u> · in respect of (i) and (ii), Historic Environment Manager <u>or Head of Planning</u> · in respect of (iii) and (iv), Head of Planning
<u>(48) In respect of Conservation Areas:</u> <u>(i) to agree the scope of a Conservation Area reappraisal (existing) or appraisal (new) with the relevant District Council;</u>	<u>Director of Strategic Services or</u> <u>Head of Planning or</u> <u>Historic Environment Manager</u>

Powers delegated to Chief Executive	Other authorised officers
<p>(ii) <u>to undertake an assessment of an existing Conservation Area and prepare a draft reappraisal for consultation; and</u></p> <p>(iii) <u>to identify areas suitable for Conservation Area designation and prepare a draft appraisal for consultation.</u></p>	
<p>(49) <u>In respect of Tree Preservation Orders:</u></p> <p>(i) <u>to make and serve Tree Preservation Orders;</u></p> <p>(ii) <u>to, and confirm non-controversial Tree Preservation Orders where no objection in writing to the provisional Order has been received.</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Historic Environment Manager</p>
<p>(50) (i) <u>To deal with applications to lop, top and fell trees in Conservation Areas.</u></p> <p>(ii) <u>To determine applications to lop, top or fell trees within Tree Preservation Orders or Groups.</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Historic Environment Manager</p>
<p>(51) <u>To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance.</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Historic Environment Manager</p>
<p><del>(44)</del>(52) <u>To comment on non-controversial felling licence applications and broadleaved woodland grant schemes.</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Historic Environment Manager</p>
<p><del>(45)</del>(53) <u>To make observations to respond to consultations from 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.</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Historic Environment Manager</p>
<p>(54) <u>To give observations in respect of development by other authorities, government departments and statutory undertakers, subject to consideration by the</u></p>	<p>Director of Strategic Services <u>or</u>  Head of Planning <u>or</u>  Senior Planning Officer <u>or</u></p>

Powers delegated to Chief Executive	Other authorised officers
<u>Planning Committee of those applications that have serious implications for the Broads.</u>	<u>Historic Environment Manager</u>
<del>To deal with notices to lop, top and fell trees in conservation areas.</del>	<del>Director of Strategic Services Historic Environment Manager</del>
<del>To determine applications to lop, top and fell trees protected by Tree Preservation Orders or Groups.</del>	<del>Director of Strategic Services Historic Environment Manager</del>
<del>(46)(55)</del> To submit observations on environmental issues and to lodge holding objections in respect of applications for Goods Vehicle Operators Licences.	Director of Strategic Services <u>or</u> Historic Environment Manager <u>or</u> Head of Planning
<del>(47)(56)</del> To reply to consultation on certified sites for camping and caravanning and for caravan and tent rally sites.	Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>member of Planning Team</u>
<del>(1) — In respect of planning applications:</del> <del>(ii) to sign and issue the formal decision notices on planning matters which have been before the Planning Committee or determined under delegated powers.</del> <del>(iii) to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions).</del> <del>(iv) to determine the appropriate grounds where permission is either refused or approved.</del> <del>(v)(i) 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.</del>	<del>Director of Strategic Services Head of Planning</del>
<del>To determine which planning applications should be referred to the Navigation Committee for</del>	<del>Director of Strategic Services Head of Planning</del>

Powers delegated to Chief Executive	Other authorised officers
<del>consultation in accordance with Section 9 (6)(a)(iv) of the Norfolk and Suffolk Broads Act 1988.</del>	<del>Navigation Officer</del>
<del>(48)(57)</del> To determine whether an environmental impact assessment is required, and to agree the scope of any environmental statement under the Environmental Impact Regulations <del>1999</del> 2017.	Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>Senior Planning Officer</u>
<del>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.</del>	<del>Director of Strategic Services</del> <del>Head of Planning</del>
<del>(49)(58)</del> To determine whether applications are 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.	Director of Strategic Services or Head of Planning, in consultation with <del>Senior Ecologist</del> <u>Environment Policy Adviser</u>
<del>To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance.</del>	<del>Director of Strategic Services</del> <del>Historic Environment Manager</del>
<del>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.</del>	<del>Director of Strategic Services</del> <del>Head of Planning</del>
<del>To determine Forestry Grant applications up to £5,000.</del>	<del>Director of Strategic Services</del> <del>Historic Environment Manager</del>
<del>(50)(59)</del> 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 that have serious implications for the Broads, <del>either in landscape or environmental terms.</del>	Director of Strategic Services <u>or</u> Head of Planning <u>or</u> <u>Senior Planning Officer</u>

Powers delegated to Chief Executive	Other authorised officers
<p>(60) In respect of applications <u>that are located across the boundary of the Authority's area and partly in the area of the adjacent LPA:</u></p> <p>(i) <u>to consider and decide whether the application should be dealt with by one or both LPAs; and</u></p> <p>(ii) <u>to delegate to the adjacent LPA where appropriate; or</u></p> <p>(iii) <u>to determine the applications on behalf of both LPAs.</u></p>	<p><u>Head of Planning or member of Planning Team</u></p>
<p><del>(51)</del>(61) 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.</p>	<p>Director of Strategic Services or Head of Planning, in consultation with <del>Senior Ecologist</del> <u>Environment Policy Adviser</u></p>
<p><del>(1)</del> In respect of non-material amendments to planning applications:</p> <p>(ii) <del>to define in individual cases that constitutes a non-material amendments; and</del></p> <p><del>(iii)</del>(i) <del>to determine applications for non-material amendments except in cases that fall within paragraph 37(ix) of this Scheme.</del></p>	<p>Director of Strategic Services Head of Planning</p>
<p><del>To settle the terms of Section 106 Agreements required in connection with planning applications, including amendments to existing Section 106 Agreements.</del></p>	<p>Director of Strategic Services Head of Planning</p>
<p>(62) To make recommendations to Historic England on <u>buildings worthy of inclusion on the national list of buildings of historical or special interest.</u></p>	<p>Director of Strategic Services <u>or</u> Head of Planning <u>or</u> Historic Environment Manager</p>
<p>(63) To respond to consultations on planning policy documents in respect of land outside the Authority's Executive Area, subject to consideration by the</p>	<p>Director of Strategic Services <u>or</u> Head of Planning <u>or</u> Planning Policy Officer</p>

Powers delegated to Chief Executive	Other authorised officers
<u>Planning Committee of those documents that have serious implications for the Broads.</u>	

2(f) Recreation and tourism

Powers delegated to Chief Executive	Other authorised officers
<p><del>(52)</del>(64) 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:</p> <ul style="list-style-type: none"> <li>(i) tourism, including interpretation, information and associated visitor services;</li> <li>(ii) common land;</li> <li>(iii) access to open country;</li> <li>(iv) open spaces;</li> <li>(v) caravan, camping and picnic sites;</li> <li>(vi) recreation provision and associated facilities, including car parks and public toilets;</li> <li>(vii) country parks;</li> <li>(viii) public paths (except where delegated to the Planning Committee);</li> <li>(ix) the provision of accommodation, meals, refreshments, parking places and toilets;</li> <li>(x) environmental education;</li> <li>(xi) staithe.</li> </ul>	<p>In respect of (i), Head of Communications.</p> <p>In respect of (ii), (iii), (iv), (vi), (vii) and (viii), Head of Ranger Services. <del>or/</del> <u>Deputy Head of Ranger Services.</u></p> <p><u>In respect of</u> (v), (vi) and (xi), <del>Head of Strategy and Projects</del> <u>Head of Construction, Maintenance &amp; Ecology and Senior</u> Waterways &amp; Recreation Officer.</p> <p>In respect of (x), Education Officer.</p>
<p><del>(53)</del>(65) To confirm orders creating, diverting, extinguishing or downgrading public paths in respect of which there is no unresolved objection.</p>	<p>For Orders not made under the Town and Country Planning Act, Head of <del>Strategy and Projects</del> <u>Construction, Maintenance &amp; Ecology</u> <del>or/Senior</del> <u>Waterways and</u> <u>&amp; Recreation Officer.</u></p>



Powers delegated to Chief Executive	Other authorised officers
	For Orders made under the Town and Country Planning Act only, Director of Strategic Services or Head of Planning.
<del>(54)</del> (66) To respond to consultations from other public authorities on proposals to create, divert, extinguish or downgrade public rights of way.	Head of <u>Construction, Maintenance &amp; Ecology</u> <del>Strategy and Projects and Senior Waterways and &amp;</del> Recreation Officer.

#### 2(g) Conservation

Powers delegated to Chief Executive	Other authorised officers
<p><del>(55)</del>(67) 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:</p> <ul style="list-style-type: none"> <li>(i) responding to notifications of operations within the Broads under Section 5(2) of the Norfolk and Suffolk Broads Act 1988;</li> <li>(ii) nature reserves;</li> <li>(iii) land drainage (including the preparation and review of a code of practice for drainage works);</li> <li>(iv) water quality;</li> <li>(v) responding to consultations on proposals to discharge trade and sewage effluent;</li> <li>(vi) responding to notifications on the making of farm capital grants;</li> <li>(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; <u>and</u></li> </ul>	<p>In respect of (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii), <del>Senior Ecologist</del> <u>Environment Policy Adviser</u>.</p> <p>In respect of (v), Head of <u>Construction, Maintenance &amp; Ecology</u><del>Strategy and Projects and /Senior</del> Waterways <del>and &amp;</del> Recreation Officer.</p> <p>In respect of (vii), Environment &amp; Design Supervisor.</p>

Powers delegated to Chief Executive	Other authorised officers
(viii) the designation of areas of natural beauty under Section 4 of the Norfolk and Suffolk Broads Act 1988.	
<del>(56)</del> (68) To respond to consultations under Section 36 of the Control of Pollution Act 1974.	<del>Director of Operations</del> <del>Head of Strategy and Projects</del> <del>Senior Ecologist</del> <del>Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser.</del>
<del>(57)</del> (69) To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981 up to £20,50000 per annum for the duration of the lease agreement, maximum of 21 years, limited to a period of 25 years.	<del>Senior Ecologist</del> <del>Environment Policy Adviser</del> <del>or</del> Environment & Design Supervisor
<del>(58)</del> (70) To make holding objections to the making of farm capital grants.	<del>Senior Ecologist</del> <del>Environment Policy Adviser</del>
<del>(59)</del> (71) To make representations to the Environment Agency following notification of applications for significant discharges under Section 36 of the Control of Pollution Act 1974.	<del>Director of Operations or</del> <del>Head of Strategy and Projects</del> <del>Senior Ecologist</del> <del>Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser</del>
<del>(60)</del> (72) To make written representation on applications received under the Water Resources (Licences) (Amendment) Regulations 1989.	<del>Director of Operations</del> <del>Head of Strategy and Projects</del> <del>Senior Ecologist</del> <del>Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser</del>
<del>(61)</del> (73) 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.	<del>Head of Strategy and Projects</del> <del>Senior Ecologist</del> <del>Environment Policy Adviser</del> <del>or Ecology &amp; Design Supervisor</del>

## 2(h) Navigation

Powers delegated to Chief Executive	Other authorised officers
<p><del>(62)</del>(74) <del>Arising from</del> <u>In respect of</u> the Norfolk and Suffolk Broads Act 1988 (as amended):</p> <ul style="list-style-type: none"> <li>(i) To exercise the following powers and duties of the Authority, in accordance with the overall policy determined by the Authority in relation to such matters and, where appropriate, in consultation with the Navigation Committee:</li> <li>(ii) the maintenance and improvement of the navigation area;</li> <li>(iii) <del>the creation of public rights of navigation;</del></li> <li>(iv) the provision of moorings and other navigational facilities;</li> <li>(v) the closure of waterways (other than for nature conservation purposes);</li> <li>(vi) the repair of landing places, embankments, private moorings and other similar structures.</li> <li>(vii) To determine works licences.</li> <li>(viii) To seek modifications to plans submitted with applications for works licences.</li> <li>(ix) To enforce works licences.</li> <li>(x) To remove obstructions from waterways.</li> <li>(xi) To dispose of dredgings.</li> <li>(xii) 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.</li> <li>(xiii) 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</li> </ul>	<p>In respect of (i), Director of Operations.</p> <p>In respect of (ii), <del>(iv), (vi), (vii) and (xi),</del> Director of Operations <u>or</u>, Head of Construction, <u>Maintenance &amp; Ecology</u>, <del>Design Supervisor, and Rivers Engineer.</del></p> <p>In respect of (iii), the <del>Director of Operations, Head of Construction and Maintenance, Environment and Design Supervisor, and Rivers Engineer.</del></p> <p>In respect of (iv), the <del>Director of Operations and Rivers Engineer.</del></p> <p>In respect of (v), <del>(xii), (xiii), (xiv) and (xv),</del> Director of Operations <u>and or</u> Head of Ranger Services.</p> <p>In respect of (vi), the <del>Director of Operations, Head of Construction and Maintenance, Environment and Design Supervisor, and Rivers Engineer.</del></p> <p>In respect of (vii), the <del>Director of Operations and Head of Ranger Services.</del></p> <p>In respect of (viii), Director of Operations, Head of Construction, <u>and</u> Maintenance <u>&amp; Ecology</u>, <u>and or</u> Head of Ranger Services.</p>

**Commented [MC7]:** Note: Dedicating a new right of public navigation would add considerable financial liabilities to the Authority outside of officer delegations. It is considered that this decision should be for the full Authority after consultation with the Navigation Committee.

Powers delegated to Chief Executive	Other authorised officers
<p>to be destroyed in situ as a result of its size and/or position.</p> <p>(xiv) To mitigate oil pollution either as the harbour authority or if necessary as an agent for the Environment Agency.</p> <p>(xv) To discount cargo tolls.</p>	<p>In respect of (ix), Director of Operations, Head of Safety Management or Head of Ranger Services.</p> <p>In respect of (x), Director of Strategic Services.</p>
<p><del>(63)</del>(75) In respect of the Speed Limit Byelaws 1992:</p> <p>(i) to approve registration marks for vessels.</p>	<p><del>Director of Operations</del> <del>Head of Information Technology and</del> Collector of Tolls</p>
<p><del>(64)</del>(76) In respect of the Navigation Byelaws 1995:</p> <p>(i) giving consent or approval to the following activities and imposing conditions on those consents or approvals:</p> <ol style="list-style-type: none"> <li>towing;</li> <li>the use of blue lights and light signals;</li> <li>stern on or bow on mooring, approving places for such mooring and designating times when this is permitted;</li> <li>the mooring of vessels otherwise than broadside to a bank;</li> <li>anchoring in a channel;</li> <li>the turning of vessels;</li> <li>pyrotechnics;</li> <li>use of firearms;</li> <li>fun events;</li> </ol> <p>(ii) restricting mooring at specific places;</p> <p>(iii) prohibiting vessels to be moored abreast at specific locations, imposing conditions in respect of multiple mooring and permitting exceptions to these restrictions;</p> <p>(iv) securing the removal of obstructions;</p> <p>(v) authorising officers to authorise passage through Carrow Bridge;</p>	<p>Director of Operations <u>or</u> Head of Ranger Services</p>

Powers delegated to Chief Executive	Other authorised officers
(vi) giving directions in respect of precautions to be taken when loading and unloading vessels; (vii) appointing assistants to the Navigation Officer.	
<del>(65)</del> (77) 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.	<del>In respect of (i), (iii) and (v), the Director of Operations and the</del> Head of Ranger Services <del>or-</del> <del>In respect of (ii) and (iv), the</del> Head of Information Technology & Collector of Tolls.
<del>(66)</del> (78) 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);	In respect of (iv), (vi), (viii)(c) and (xi), Director of Operations, Head of Ranger Services and Head of Safety Management. In respect of (ix) and (x), Head of Construction <del>and</del> Maintenance <del>&amp; Ecology</del> . In respect of (ii), (viii)(c) and (xi), <del>the Head of Information Technology &amp;</del> Collector of Tolls.

Powers delegated to Chief Executive	Other authorised officers
<ul style="list-style-type: none"> <li>c. the inspection provisions in hire boat licences;</li> <li>(vii) serving notices requiring information from: <ul style="list-style-type: none"> <li>a. masters and owners, etc as to vessels (section 22);</li> <li>b. landowners, etc as to vessels (section 23);</li> </ul> </li> <li>(viii) exercising the following functions relating to water-skiing and wakeboarding: <ul style="list-style-type: none"> <li>a. displaying directional signs (section 28(1));</li> <li>b. designating authorised officers for the purposes of giving directions as to water-skiing and wakeboarding (section 28(2));</li> <li>c. issuing, cancelling and amending permits for water-skiing and wakeboarding (sections 27 and 30);</li> </ul> </li> <li>(ix) removing vegetation that is an obstruction or danger to vessels in the navigation area including the service of notices (section 39);</li> <li>(x) serving notices and exercising default powers in respect of vegetation that obstructs or is a potential danger to vessels in the navigation area (section 39);</li> <li>(xi) powers and duties relating to the licensing of hire boats (section 40).</li> </ul>	

2(i) Broads Local Access Forum

Powers delegated to Chief Executive	Other authorised officers
<p><del>(67)</del>(79) To appoint and reappoint members to the Broads Local Access Forum, in consultation with the Chair<del>man</del> of the Forum.</p>	<p><del>Solicitor and Monitoring Officer, in consultation with Head of Strategy and Projects</del></p> <p><u>Director of Strategic Services</u></p>

2(j) Miscellaneous

Powers delegated to Chief Executive	Other authorised officers
<del>(68)</del> (80) To remove abandoned vehicles.	Head of Ranger Services <del>Deputy Head of Ranger Services</del>
<del>(69)</del> (81) To accept gifts of property on behalf of the Authority.	<del>Directors</del> <del>Management Team – in agreement between Directors and Chief Financial Officer</del>
<del>(70)</del> (82) To approve single grant requests up to £10,000.	<del>Management Team – in agreement between Directors and Chief Financial Officer</del>
<del>(71)</del> (83) <del>In consultation with the Solicitor, to</del> To approve payments of up to £5,000 to complainants who have suffered a direct identifiable loss as a result of the Authority's actions.	<del>Management Team – in agreement between Directors and Chief Financial Officer</del>
<del>(72) To write off:</del> <del>(lxxiii) any obsolete stores or equipment, or loss of property not exceeding £5,000;</del> <del>(lxxiv) all bad debts to a maximum of £5,000, where all reasonable recovery action has been exhausted.</del>	<del>Directors, in consultation with Chief Financial Officer</del>
<del>(77)</del> (84) In relation to matters under the Members' Code of Conduct:  <del>(i) 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.</del>  <del>(ii)(i) To appoint three members of the Authority (from a group of six nominated by the Authority at its annual meeting), and an Independent Person as a co-opted non-voting member, to a Hearings Committee to hear and determine allegations of breaches of the Code of Conduct referred to it by the Monitoring Officer.</del>	<del>Solicitor and</del> Monitoring Officer

Powers delegated to Chief Executive	Other authorised officers
<del>(iii)</del> (ii) <u>To determine the procedure to be followed by the Hearings Committee.</u>	

## 5. Powers delegated to the Chief Executive to instruct a that can be delegated to an appointed Solicitor

~~5.1~~ The Chief Executive may delegate the following powers to a Solicitor employed by Birketts LLP or by Nplaw.

~~5.25.1~~ To institute, settle and enforce as appropriate, claims and proceedings:

- a. for the possession of property belonging to the Authority or for protection against trespass;
- b. for the recovery of fees, tolls, rent and other sums owing to the Authority;
- c. in respect of other financial loss suffered by the Authority.

~~5.35.2~~ To defend, counterclaim, settle, as appropriate, civil proceedings against the Authority, in relation to claims not covered by the Authority's insurance policies and to lodge an appeal.

~~5.45.3~~ To institute and prosecute proceedings relating to any function of the Authority and to lodge an appeal.

~~5.55.4~~ To defend or lodge an appeal in any criminal proceedings against the Authority.

~~5.65.5~~ To determine applications for Certificates of Lawful Use and for Certificates of Lawfulness of Proposed Use or Development.

~~5.75.6~~ To serve notices requiring information to be given as to interests in land and, if necessary, to institute proceedings for failure to respond.

~~5.85.7~~ 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:

- a. to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices concurrently with District Officers;
- b. to issue Enforcement Notices, Stop Notices Temporary Stop Notices and Article 4 Directions;
- c. to take enforcement action in respect of unauthorised advertisements.

~~5.95.8~~ To authorise officers who otherwise have no right of audience to appear in Magistrates Court and County Court proceedings.

~~5.105.9~~ To execute deeds, contracts and other legal documents on behalf of the Authority to give effect to decisions taken by the Authority, its committees, the Chief Executive or other officers exercising delegated powers.



~~5.11~~5.10 To make minor amendments to the Authority's constitutional documents such as to give effect to changes to job titles, reflect legislative changes and to improve layout or correct typographical errors.

~~5.12~~5.11 To implement policies and procedures and take appropriate steps to protect the Authority from unlawful disclosure of personal information and to report data breaches to the data regulatory authority.

## 6. Powers delegated to the Chief Financial Officer

- 6.1 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:
- the regulation and control of finance, and the making of safe and efficient arrangements for the receipts of monies;
  - ~~audit commission~~[External](#) and internal audit matters, including the appointment of auditors;
  - pension fund matters; and
  - insurances.
- 6.2 To make suitable arrangements for the investment and realisation of short-term monies surplus to the Authority's requirements.
- 6.3 To operate the Authority's bank accounts, including:
- to arrange overdraft facilities as and when necessary and within such limits as may be approved by the Authority from time to time;
  - 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;
  - 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;
  - to negotiate and receive or repay loans subject to the receipt of the necessary government sanctions and consents.
- 6.4 In consultation with the Chief Executive, to write off:
- any obsolete stores or equipment, or loss of property not exceeding £25,000;
  - all bad debts to a maximum of £25,000 where all reasonable recovery action has been exhausted.
- 6.5 To borrow in accordance with the Authority's policy.
- 6.6 To lend in accordance with the Authority's policy.

## 7. Powers delegated to the Monitoring Officer

[7.1](#) To carry out the statutory duties and powers of Monitoring Officer to the Authority under Sections 5 and 5A of the Local Government and Housing Act 1989 (as amended).

[7.17.2](#) To grant dispensations under [Section 33 of the Localism Act 2011](#).

(end of document)