

# Broads Authority

19 September 2025

Agenda item number 15

## Update of Constitutional documents

Report by Governance Officer

### Purpose

To consider and agree proposed changes to the Scheme of powers delegated to the Chief Executive and other authorised officers, the Terms of Reference Committees, and other documents which reference Directorates.

### Recommended decision

To:

- a) Approve the amendments to the Scheme of Powers Delegated to the Chief Executive and other authorised officers and the Committee Terms of Reference as detailed in Appendix 2 and 3;
- b) Delegate the Head of Governance to make the Directorate amendments to all documents set out in Appendix 1 and any other documents, policies, strategies and action plans that might be required; and
- c) Delegate the Head of Governance to update the Whistleblowing Policy and Broads Authority Corporate Risk Register to reflect the change in the Data Protection Officer.

## 1. Introduction

1.1. At its meeting on 9 May 2025, the Authority approved the reduction in the number of Directorates from three to two, as set out in tables 1 and 2 below:

**Table 1: Structure up and until 31 July 2025**

	Chief Executive (Head of Paid Service)*	
Director of Finance (s17)*	Director of Strategic Services	Director of Operations
Finance Governance Monitoring Officer (external)* ICT and Collection of Tolls Assets	Planning Human Resources Communications Partnerships and External Funding	Construction, Maintenance and Ecology Rangers Safety

\* 3 Statutory Posts

**Table 2: Structure as at 1 August 2025**

Chief Executive (Head of Paid Service)*		
Director of Resources (s17)*	Director of Delivery	
Finance Human Resources ICT & Collection of Tolls Assets Partnerships and External Funding	Planning Construction, Maintenance and Ecology Rangers Safety	Communications Governance including Monitoring Officer (internal)*

\* 3 Statutory Posts

- 1.2. The change in Directorates has resulted in some constitutional documents being identified which need to be changed to reflect the new Directorates. These changes are in relation to Directorate title changes only and there are no proposed changes to any other areas.

## 2. Amendments to Governance-related documents

- 2.1. To reflect these changes in Directorates, it is proposed make changes to the Directorate titles in the following documents: the Scheme of Powers Delegated to the Chief Executive and other authorised officers; and the Committee Terms of Reference. Copies of these revised documents can be found in appendices 2 and 3 (with tracked changes).
- 2.2. In addition, it is proposed to update all relevant documents which include, but are not limited to, those listed in Appendix 1 together with any other policies, strategies and action plans in line with the proposal in 2.1.
- 2.3. Further to the change in Directorates, the Head of Governance has assumed the Data Protection Officer (DPO) role, which previously sat with the Director of Operations (now Director of Delivery). It is proposed that both the Whistleblowing Policy and Broads Authority Corporate Risk Register be updated to show that the DPO is the Head of Governance.

## 3. Risk implications

- 3.1. The Authority and its decisions could be at risk of challenge, including judicial review, if its scheme of delegation is not reviewed and updated on a regular basis to ensure officers are properly authorised to carry out certain powers.

## 4. Conclusion

- 4.1. Members are asked to adopt the recommendations in paragraphs 2.1, 2.2 and 2.3.

Author: Lorraine Taylor

Date of report: 15 August 2025

Background papers: [Update on the progress of the response to the Grant Settlement](#)

Appendix 1 – Documents to be changed following restructure of Directorates

Appendix 2 – Scheme of powers delegated to Chief Executive and other authorised officers  
(with tracked changes)

Appendix 3 – Terms of Reference of Committees (with tracked changes)

## Appendix 1 - Documents to be changed following restructure of Directorates

Document	Proposed Changes
Scheme of powers delegated to Chief Executive and other authorised officers	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery
Terms of Reference of Committees	Director of Finance – Change to Director of Resources
Whistleblowing Policy	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery
Submitting complaints, compliments, and general comments – public guidance	Director of Finance – Change to Director of Resources
Protocol on member and officer relations in the Broads Authority	Director of Finance - Change to Director of Resources Director of Operations – Change to Director of Delivery
Corporate Partnerships Register	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery
Members’ Handbook	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery
Briefing note for new Planning Committee members	Director of Strategic Services – Change to Director of Delivery
Public speaking at Planning Committee	Director of Strategic Services – Change to Director of Delivery
Annual Governance Statement 2024/25 & Action Plan 2025/26 and Code of Corporate Governance 2025	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery

	Director of Operations – Change to Director of Delivery
Annual Business Plan 2025/26	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery. And directorates.
Business Continuity Plan	Director of Finance – Change to Director of Resources Director of Strategic Services – Change to Director of Delivery Director of Operations – Change to Director of Delivery
FibreBroads – Review of Partnership internal management and governance arrangements	Director of Strategic Services – Change to Director of Delivery
BA Partnerships Protocol	Director of Finance – Change to Director of Resources Senior Governance Officer – Change to Head of Governance
Broads Authority Corporate Risk Register	Director of Finance – Change to Director of Resources Senior Governance Officer – Change to Head of Governance
Asset Management Strategy	Director of Finance – Change to Director of Resources
Education Strategy for the Broads 2023-28	Strategic Services Directorate – Change to Delivery Directorate
Volunteer Strategy for the Broads and Action Plan 2022-27	Strategic Services Directorate – Change to Resources Directorate

# Appendix 2 - Scheme of powers delegated to Chief Executive and other authorised officers (with tracked changes)



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

January ~~September~~ 2025

# Contents

1. Introduction	3
2. General powers of all officers	3
3. Proper Officers	4
1(a) The Norfolk and Suffolk Broads Act 1988	5
1(b) Local Government Act 1972	6
1(c) Other legislation	7
4. Powers delegated to Chief Executive and other authorised officers	7
2(a) General management and administration	8
2(b) Finance and audit matters	9
2(c) Personnel matters	9
2(d) Land	11
2(e) Planning and heritage	13
2(f) Recreation and tourism	20
2(g) Conservation	21
2(h) Navigation	23
2(i) Broads Local Access Forum	27
2(j) Miscellaneous	27
5. Powers delegated to the Chief Executive	27
6. Powers delegated to the Director of <a href="#">Finance Resources</a>	28
7. Powers delegated to the Monitoring Officer	29

# 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.

# 2. General powers of all officers

- 2.1 The exercise of the delegated powers set out in the Scheme 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 as set out in the Broads Plan, guiding strategies, Broads Local Plan, Annual Business Plan and other relevant documents adopted by the Authority or its committees.
    - (iii) the Authority's Constitution, Standing Orders, Financial Regulations and approved budgets.
    - (iv) the law.
  - b. An officer shall not use a delegated power in any particular case if the matter appears to 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 any matter involves considerations not within the professional or technical competence of 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 existing authorisation to exercise powers on behalf of the Chief Executive are set out in Section 4.
  - e. The Authority or a committee may 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 Table 2(a)(5) and Table 2(a) (47) of the powers delegated to the Chief Executive and paragraph (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, subject to the provisions in section 4, paragraph 2(e)(37).
- 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:
    - grant a permission or licence;
    - affect the rights of an individual; or
    - award a contract or incur expenditure up to £30,000.

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.

### 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).

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

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**

<b>Legislation</b>	<b>Provision</b>	<b>Proper Officer</b>
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 or Vice-Chair 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

Legislation	Provision	Proper Officer
Section 100 B (2)	Circulation of reports and agendas and the exclusion of 'exempt' items.	Chief Executive
Section 100 B (7) (c)	Decisions on supply of committee papers (and any other documents supplied to members in connection with the agenda items) 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 in connection with their office.	Director of <a href="#">FinanceResources</a>
Section 225 (1)	Deposit of documents.	Chief Executive
Section 229 (5)	Certification of photographic copies of documents (relating to legal proceedings).	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,

<b>Legislation</b>	<b>Provision</b>	<b>Proper Officer</b>
		then the Chief Executive)
Sections 236 and 238	Certification of byelaws.	Chief Executive

### **1(c) Other legislation**

<b>Legislation</b>	<b>Provision</b>	<b>Proper Officer</b>
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
Localism Act 2011, Section 33	Granting dispensations from Section 31(4)	Monitoring Officer

## **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.

**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 act as the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.	Retained by Chief Executive
(2) To undertake the day-to-day management and control of the Authority, its officers, premises and services to give effect to the strategies, policies and priorities of the Authority as set out in the documents listed at (2.1)(a)(ii) of this Scheme.	Retained by Chief Executive
(3) To authorise any action necessary to implement the documents listed at (2.1)(a)(ii) , 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
(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 institution of legal proceedings, to protect the position of the Authority. In such cases, the Chief Executive will report any action taken to the Authority.	Directors
(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
(7) To make sure all expenditure is monitored regularly against approved budgets, and any significant over expenditures are reported to the Authority or any appropriate committee.	Director of <a href="#">FinanceResources</a>

## 2(b) Finance and audit matters

Powers delegated to Chief Executive	Other authorised officers
(8) To be responsible for regulating and controlling the Authority's financial resources to achieve its objectives.	Retained by Chief Executive
(9) To transfer expenditure between budget heads, provided 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
(10) To manage the Authority's insurances.	Director of <a href="#">FinanceResources</a>
(11) To make sure arrangements are in place to pay all sums to creditors.	Director of <a href="#">FinanceResources</a>
(12) To approve the Selective Tendering standing list of contractors to be invited to submit tenders.	Directors

## 2(c) Personnel matters

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

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 sufficient funding being available in the appropriate budget.</p> <p>(b) If the appointment is to a Director position, to consult with the Chair of the Authority and any other appropriate committee chair.</p>	<p>In respect of (a), Directors in consultation with Head of Human Resources</p> <p>In respect of (b), retained by Chief Executive</p>
<p>(17) To determine politically restricted posts in accordance with the provisions of the Local Government and Housing Act 1989 s2.</p>	<p>Management Team – in agreement between Directors</p>
<p>(18) To appoint the Broads navigation officer and any deputy (after consultation with the Navigation Committee) in accordance with s10(7) of the Norfolk and Suffolk Broads Act 1988.</p>	<p>Retained by Chief Executive</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 appropriate consultative and negotiating processes.</p>	<p>Management Team – in agreement between Directors</p>
<p>(20) To determine health and safety matters.</p>	<p>Director of <del>Operations</del><u>Delivery</u></p>
<p>(21) To determine all matters relating to the employment and management of Authority officers, including but not limited to those relating to appointment (in accordance with C (16) above), and terms and conditions of employment, discipline and dismissal, in accordance with the Authority's policies and procedures.</p>	<p>Directors or Head of Human Resources</p>
<p>(22) In disciplinary cases involving officers, to convene an Appeals Panel to hear and determine appeals in relation to disciplinary, grievance and other personnel-related matters.</p>	<p>Directors or Monitoring Officer</p>

Powers delegated to Chief Executive	Other authorised officers
(23) In disciplinary cases involving a Director, to be the Chair of the disciplinary hearing, and to establish a Member Appeals Panel of three members.	Monitoring Officer and Head of Human Resources
(24) To extend an employee's period of sick leave on full pay or half pay for a period not exceeding twelve months.	Management Team – in agreement between Directors
(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.	Chief Executive, in consultation with the Head of HR and Directors
(26) To authorise the payment of any ex-gratia payments or honoraria to an employee up to a maximum of £5,000.	Chief Executive, in consultation with the Head of HR and Directors
(27) To authorise the payment of any severance or settlement payments to a former employee up to a maximum of £5,000.	Management Team – in agreement between Directors
(28) To exercise the discretions as set out in paragraphs 3 (where there are no financial implications for the Authority), 6, 7, 10 and 11 of the Authority's Local Pension Scheme Policy Statement.	Management Team – in agreement between Directors, in consultation with Head of Human Resources

## 2(d) Land

Powers delegated to Chief Executive	Other authorised officers
(29) To approve the acquisition by the Authority of: <ul style="list-style-type: none"> <li data-bbox="245 1756 986 1827">(i) the leasehold interest in property for any term to an annual rent not exceeding £25,000;</li> <li data-bbox="245 1856 986 1928">(ii) the freehold interest in property at a price not exceeding £75,000.</li> </ul>	Management Team – in agreement between Directors

Powers delegated to Chief Executive	Other authorised officers
(30) To approve increases in rent not exceeding £20,000 per annum.	Management Team – in agreement between Directors
(31) To enter into permissive path agreements and access agreements.	Head of Construction, Maintenance & Ecology
(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.	Management Team – in agreement between Directors
(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 of <del>Strategic Services</del> <u>Delivery</u> or Head of Planning
(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
(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.	Management Team – in agreement between Directors
(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, Development Manager, Planning Officer, Planning Assistant, Historic Environment Manager, Planning Officer (Heritage), Planning Officer (Compliance and Implementation), and Planning administration team.

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

<sup>2</sup> The applications and notification shall include planning permission, approval of reserved matters, advertisement consent, listed building consent, conservation area consent 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
<p>(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 material planning considerations of significant weight in writing;</p> <p>(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 material planning considerations of significant weight in writing;</p> <p>(viii) the Director of <del>Strategic Services</del><u>Delivery</u> considers the matter ought more appropriately to be referred to the Planning Committee for a decision;</p> <p>(ix) any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved<sup>3</sup> in the application.</p> <p>Where there is a question raised about the interpretation of the delegated authority in paragraphs (vi) to (vii) and therefore whether the requirements for “call-in” have been satisfied, it will be a matter for the Chief Executive jointly with the Chair of the Planning Committee to review. If they cannot resolve the issue or feel that the application should be determined by members, then the application will be referred to the Planning Committee for determination.</p> <p>A non-exhaustive list of material planning considerations (ie those which can be taken into account) together with a non-exhaustive list of non-material planning considerations</p>	

<sup>3</sup> Involved in this context means somebody with either:  
 Disclosable Pecuniary Interests, which include business, trade, profession, contract and wider financial interests such as land, payments, securities, shares etc;  
 If a spouse or civil partner has interests which would be considered Disclosable Pecuniary Interests;  
 A personal interest which is likely to be seen as prejudicing their impartiality or ability to meet the principles of public life.

Powers delegated to Chief Executive	Other authorised officers
(ie those which cannot be taken into account) can be found in <a href="#">Appendix 1</a> .	
<p>(38) In respect of planning applications:</p> <ul style="list-style-type: none"> <li>(i) to sign and issue the formal decision notices on planning matters that have been before the Planning Committee or determined under delegated powers;</li> <li>(ii) to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions);</li> <li>(iii) to determine the appropriate grounds where permission is either refused or approved;</li> <li>(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;</li> <li>(v) to settle the terms of Section 106 Agreements required in connection with planning applications, including amendments to existing Section 106 agreements.</li> </ul>	Director of <b>Strategic Services Delivery</b> or Head of Planning or Development Manager
(39) To approve details submitted in accordance with a condition of a planning consent.	Director of <b>Strategic Services Delivery</b> or Head of Planning or Development Manager
(40) To determine reasons for decisions.	Director of <b>Strategic Services Delivery</b> or Head of Planning or Development Manager
(41) To formally discharge planning conditions upon compliance.	Director of <b>Strategic Services Delivery</b> or Head of Planning or Development Manager

Powers delegated to Chief Executive	Other authorised officers
<p>(42) In respect of non-material amendments to planning applications:</p> <ul style="list-style-type: none"> <li>(i) to define in individual cases what constitutes a non-material amendment; and</li> <li>(ii) to determine applications for non-material amendments except in cases that fall within paragraph 37 (ix) of this scheme.</li> </ul>	<p>In respect of (i), Head of Planning or member of Planning Team</p> <p>In respect of (ii), Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>
<p>(43) In respect of Prior Approval applications, to exercise the power available to the Authority with regard to the siting, design and external appearance and all other matters.</p>	<p>Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>
<p>(44) To serve notices under Section 330 of the Town and Country Planning Act 1990 requiring information to be given as to interests in land and, if necessary, to institute proceedings for failure to respond.</p>	<p>Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>
<p>(45) 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.</p>	<p>Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>
<p>(46) In respect of applications for a Lawful Development Certificate (Existing or Proposed):</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) to sign and issue the formal decision.</li> </ul>	<p>Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>
<p>(47) The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless any Authority member (including co-opted members of the</p>	<p>Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager</p>

Powers delegated to Chief Executive	Other authorised officers
Navigation Committee) or Authority officer is involved <sup>4</sup> in a material breach of planning control.	
(48) To serve Breach of Condition Notices, Planning Contravention Notices, Section 330 Notices and Section 215 Notices.	Director of <b>Strategic Services Delivery</b> or Head of Planning, Development Manager or Planning Officer (Compliance and Implementation)
(49) 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: <ul style="list-style-type: none"> <li>(i) to serve Building Preservation Notices;</li> <li>(ii) to issue Listed Building Enforcement Notices, Listed Building Temporary Stop Notices and Conservation Area Enforcement Notices;</li> <li>(iii) to issue Enforcement Warning Notices, Enforcement Notices, Stop Notices and Temporary Stop Notices;</li> <li>(iv) to take enforcement action in respect of unauthorised advertisements.</li> </ul>	Director of <b>Strategic Services Delivery</b> , or: <ul style="list-style-type: none"> <li>in respect of (i) and (ii), Historic Environment Manager, Head of Planning or Development Manager;</li> <li>in respect of (iii) and (iv), Head of Planning or Development Manager</li> </ul>
(50) In respect of Conservation Areas: <ul style="list-style-type: none"> <li>(i) to agree the scope of a Conservation Area reappraisal (existing) or appraisal (new) with the relevant District Council;</li> <li>(ii) to undertake an assessment of an existing Conservation Area and prepare a draft reappraisal for consultation; and</li> </ul>	Director of <b>Strategic Services Delivery</b> or Head of Planning or Historic Environment Manager

<sup>4</sup> Involved in this context means somebody with either: Disclosable Pecuniary Interests, which include business, trade, profession, contract and wider financial interests such as land, payments, securities, shares etc; If a spouse or civil partner has interests which would be considered Disclosable Pecuniary Interests; A personal interest which is likely to be seen as prejudicing their impartiality or ability to meet the principles of public life.

Powers delegated to Chief Executive	Other authorised officers
(iii) to identify areas suitable for Conservation Area designation and prepare a draft appraisal for consultation.	
(51) In respect of Tree Preservation Orders: (i) to make and serve Tree Preservation Orders; (ii) to confirm Tree Preservation Orders where no objection in writing to the provisional Order has been received.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Historic Environment Manager
(52) To deal with applications to lop, top and fell trees in Conservation Areas; and  To determine applications to lop, top or fell trees within Tree Preservation Orders or Groups.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Historic Environment Manager
(53) To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Historic Environment Manager
(54) To comment on non-controversial felling licence applications and broadleaved woodland grant schemes.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Historic Environment Manager
(55) To respond to consultations from the Forestry Commission on applications for grants and Forestry Grant Schemes in relation to areas up to 10 hectares.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Historic Environment Manager
(56) To give observations in respect of development by other authorities, government departments and statutory undertakers, subject to consideration by the Planning Committee of those applications that have serious implications for the Broads.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager or Historic Environment Manager

Powers delegated to Chief Executive	Other authorised officers
(57) To submit observations on environmental issues and to lodge holding objections in respect of applications for Goods Vehicle Operators Licences.	Director of <a href="#">Strategic Services Delivery</a> or Historic Environment Manager or Head of Planning
(58) To reply to consultation on certified sites for camping and caravanning and for caravan and tent rally sites.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or member of Planning Team
(59) To determine whether an environmental impact assessment is required, and to agree the scope of any environmental statement under the Environmental Impact Regulations 2017.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager
(60) 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 <a href="#">Strategic Services Delivery</a> or Head of Planning, in consultation with Environment Policy Adviser
(61) 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.	Director of <a href="#">Strategic Services Delivery</a> or Head of Planning or Development Manager
(62) In respect of applications that are located across the boundary of the Authority's area and partly in the area of the adjacent LPA:  (i) to consider and decide whether the application should be dealt with by one or both LPAs; and  (ii) to delegate to the adjacent LPA where appropriate; or  (iii) to determine the applications on behalf of both LPAs.	Head of Planning or member of Planning Team
(63) To fulfil the Authority's role as a Competent Authority with regard to consideration of	Director of <a href="#">Strategic Services Delivery</a> or Head of

Powers delegated to Chief Executive	Other authorised officers
development proposals affecting Special Protection Areas and Special Areas of Conservation in the Broads, including the determination of Appropriate Assessments.	Planning, in consultation with Environment Policy Adviser
(64) To make recommendations to Historic England on buildings worthy of inclusion on the national list of buildings of historical or special interest.	Director of <b>Strategic Services Delivery</b> or Head of Planning or Historic Environment Manager
(65) To respond to consultations on planning policy documents in respect of land outside the Authority's Executive Area, subject to consideration by the Planning Committee of those documents that have serious implications for the Broads.	Director of <b>Strategic Services Delivery</b> or Head of Planning or Planning Policy Officer
(66) To <ul style="list-style-type: none"> <li>(i) agree a Neighbourhood Area;</li> <li>(ii) approve a Neighbourhood Plan for consultation under Regulation 16 and</li> <li>(iii) Approve a Neighbourhood Plan to go to referendum.</li> </ul>	Director of <b>Strategic Services Delivery</b> or Head of Planning

## 2(f) Recreation and tourism

Powers delegated to Chief Executive	Other authorised officers
(67) 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: <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> </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.</p> <p>In respect of (v), (vi) and (xi), Head of Construction, Maintenance &amp; Ecology and Waterways &amp; Recreation Officer.</p>

Powers delegated to Chief Executive	Other authorised officers
<ul style="list-style-type: none"> <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) staithes.</li> </ul>	<p>In respect of (x), Education Officer.</p>
<p>(68) 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 Construction, Maintenance &amp; Ecology or Waterways &amp; Recreation Officer.</p> <p>For Orders made under the Town and Country Planning Act only, Director of <del>Strategic Services</del> <u>Delivery</u> or Head of Planning.</p>
<p>(69) To respond to consultations from other public authorities on proposals to create, divert, extinguish or downgrade public rights of way.</p>	<p>Head of Construction, Maintenance &amp; Ecology and Waterways &amp; Recreation Officer.</p>

## 2(g) Conservation

Powers delegated to Chief Executive	Other authorised officers
<p>(70) 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> </ul>	<p>In respect of (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii), Environment Policy Adviser.</p> <p>In respect of (v), Head of Construction, Maintenance</p>

Powers delegated to Chief Executive	Other authorised officers
<ul style="list-style-type: none"> <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; and</li> <li>(viii) the designation of areas of natural beauty under Section 4 of the Norfolk and Suffolk Broads Act 1988.</li> </ul>	<p>&amp; Ecology and Waterways &amp; Recreation Officer.</p> <p>In respect of (vii), Environment &amp; Design Supervisor.</p>
<p>(71) To respond to consultations under Section 36 of the Control of Pollution Act 1974.</p>	<p>Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser.</p>
<p>(72) To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981 up to £20,000 for the duration of the lease agreement, limited to a period of 25 years.</p>	<p>Environment Policy Adviser or Environment &amp; Design Supervisor</p>
<p>(73) To make holding objections to the making of farm capital grants.</p>	<p>Environment Policy Adviser</p>
<p>(74) To make representations to the Environment Agency following notification of applications for significant discharges under Section 36 of the Control of Pollution Act 1974.</p>	<p>Director of <del>Operations</del> <u>Delivery</u> or Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser</p>
<p>(75) To make written representation on applications received under the Water Resources (Licences) (Amendment) Regulations 1989.</p>	<p>Head of Construction, Maintenance &amp; Ecology or Environment Policy Adviser</p>

Powers delegated to Chief Executive	Other authorised officers
(76) 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.	Environment Policy Adviser or Ecology & Design Supervisor

## 2(h) Navigation

Powers delegated to Chief Executive	Other authorised officers
<p>(77) In respect of the Norfolk and Suffolk Broads Act 1988 (as amended): 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:</p> <ul style="list-style-type: none"> <li>(i) the maintenance and improvement of the navigation area;</li> <li>(ii) the provision of moorings and other navigational facilities;</li> <li>(iii) the closure of waterways (other than for nature conservation purposes);</li> <li>(iv) the repair of landing places, embankments, private moorings and other similar structures.</li> <li>(v) To determine works licences.</li> <li>(vi) To seek modifications to plans submitted with applications for works licences.</li> <li>(vii) To enforce works licences.</li> <li>(viii) To remove obstructions from waterways.</li> <li>(ix) To dispose of dredgings.</li> <li>(x) 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> </ul>	<p>In respect of (i), (ii) and (iv), Director of <del>Operations</del> <u>Delivery</u> or Head of Construction, Maintenance &amp; Ecology</p> <p>In respect of (iii), (viii), (x), (xi), (xii) and (xiii), Director of <del>Operations</del> <u>Delivery</u> or Head of Ranger Services.</p> <p>In respect of (v), (ix) and (xi), Director of <del>Operations</del> <u>Delivery</u>, Head of Construction, Maintenance &amp; Ecology or Waterways Project Officer</p> <p>In respect of (vi), Director of <del>Operations</del> <u>Delivery</u>, Head of Construction, Maintenance &amp; Ecology, Head of Ranger Services or Waterways Project Officer</p> <p>In respect of (vii), Director of <del>Operations</del> <u>Delivery</u>, Head of Ranger Services or Waterways Project Officer</p>

Powers delegated to Chief Executive	Other authorised officers
<p>(xi) 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.</p> <p>(xii) To mitigate oil pollution either as the harbour authority or if necessary as an agent for the Environment Agency.</p> <p>(xiii) To discount cargo tolls.</p>	
<p>(78) In respect of the Speed Limit Byelaws 1992, to approve registration marks for vessels.</p>	Collector of Tolls
<p>(79) 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>a. towing;</li> <li>b. the use of blue lights and light signals;</li> <li>c. stern on or bow on mooring, approving places for such mooring and designating times when this is permitted;</li> <li>d. the mooring of vessels otherwise than broadside to a bank;</li> <li>e. anchoring in a channel;</li> <li>f. the turning of vessels;</li> <li>g. pyrotechnics;</li> <li>h. use of firearms;</li> <li>i. 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</p>	<p>Director of <del>Operations</del>  <u>Delivery</u> or  Head of Ranger Services</p>

Powers delegated to Chief Executive	Other authorised officers
<p>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>(vi) giving directions in respect of precautions to be taken when loading and unloading vessels;</p> <p>(vii) appointing assistants to the Navigation Officer.</p>	
<p>(80) In respect of the Vessel Registration Byelaws 1997:</p> <p>(i) to request copies of registration certificates;</p> <p>(ii) to charge a fee for replacing certificates;</p> <p>(iii) to determine position of toll receipt on vessels;</p> <p>(iv) to prescribe the form of a toll application and specifying the details to be included in it;</p> <p>(v) to designate areas which private watercraft can use and prescribing the conditions for such use.</p>	<p>Head of Ranger Services or Collector of Tolls</p>
<p>(81) In respect of the Broads Authority Act 2009:</p> <p>(i) enforcing directions relating to the loading and unloading of vessels (section 10);</p> <p>(ii) exercising the powers and duties relating to the registration and licensing of vessels (section 11);</p> <p>(iii) designating authorised officers for the purpose of:</p> <p>a. entering and inspecting vessels and exercising related powers (section 17);</p> <p>b. exercising powers relating to unsafe vessels (section 19);</p> <p>(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);</p>	<p>Director of <del>Operations</del><u>Delivery</u></p> <p>Head of Ranger Services</p> <p>Head of Safety Management (in respect of nos (iv), (vi), (viii)(c) and (xi))</p> <p>Head of Construction and Maintenance (in respect of nos (ix) and (x))</p> <p>Head of Information Technology and Collector of Tolls (in respect of nos (ii), (vii)(b), (viii)(c), (xi) and (xii))</p>

Powers delegated to Chief Executive	Other authorised officers
<ul style="list-style-type: none"> <li>(v) exercising the powers and duties relating to the removal of unsafe vessels (section 20);</li> <li>(vi) designating authorised officers for the purposes of: <ul style="list-style-type: none"> <li>a. requesting information about vessels (section 21);</li> <li>b. entering land, including adjacent waters (section 24);</li> <li>c. the inspection provisions in hire boat licences;</li> </ul> </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> <li>(xii) powers and duties relating to insurance requirements and offences as to standards and insurance requirements (sections 14 and 15).</li> </ul>	

## 2(i) Broads Local Access Forum

<b>Powers delegated to Chief Executive</b>	<b>Other authorised officers</b>
(82) To appoint and reappoint members to the Broads Local Access Forum, in consultation with the Chair of the Forum.	Director of <a href="#">Strategic Services Delivery</a>

## 2(j) Miscellaneous

<b>Powers delegated to Chief Executive</b>	<b>Other authorised officers</b>
(83) To remove abandoned vehicles.	Head of Ranger Services
(84) To accept gifts of property on behalf of the Authority.	Management Team – in agreement between Directors
(85) To approve single grant requests up to £10,000.	Management Team – in agreement between Directors
(86) 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.	Management Team – in agreement between Directors
(87) In relation to matters under the Members' Code of Conduct:  (i) To appoint three members of the Standards Committee to a Hearings Sub-Committee from time to time to hear and determine allegations of breaches of the Code of Conduct referred to it by the Monitoring Officer.  (ii) To determine the procedure to be followed by the Hearings Sub-Committee.	Monitoring Officer

## 5. Powers delegated to the Chief Executive

### 5.1 To instruct a solicitor to:

- (i) 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.
  - (ii) 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.
  - (iii) institute and prosecute proceedings relating to any function of the Authority and to lodge an appeal.
  - (iv) defend or lodge an appeal in any criminal proceedings against the Authority.
- 5.2 To authorise officers who otherwise have no right of audience to appear in Magistrates Court and County Court proceedings.
- 5.3 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.
- 5.4 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.
- 5.5 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 Director of ~~Finance~~Resources

- 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:
- a. the regulation and control of finance, and the making of safe and efficient arrangements for the receipts of monies;
  - b. External and internal audit matters, including the appointment of internal auditors;
  - c. pension fund matters;
  - d. 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:

- a. to arrange overdraft facilities as and when necessary and within such limits as may be approved by the Authority from time to time;
  - b. 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;
  - c. 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;
  - d. 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:
- a. any obsolete stores or equipment, or loss of property not exceeding £25,000;
  - b. 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).
- 7.2 To grant dispensations under Section 33 of the Localism Act 2011.
- 7.3 To be responsible for all matters relating to complaints against Members made under the Code of Conduct, in accordance with the Authority's arrangements for dealing with complaints under the Code of Conduct for Members.

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Version adopted: 24 January 2025  
Review date: January 2027

## **APPENDIX 1**

### **Material planning considerations (not an exhaustive list) which can be taken into account**

- residential amenity, overlooking or loss of privacy
- highways safety and traffic generation
- noise and disturbance resulting from use
- contamination
- impact on trees
- effect on listed building, conservation area or archaeological interest
- layout and density of building
- design, appearance, and materials
- landscaping
- local, strategic, regional, and national planning policies, including emerging policies (incl. NPPF, Written Ministerial Statements etc)
- government circulars, orders, and statutory instruments
- previous planning decisions (incl. appeal decisions)
- nature conservation and bio-diversity issues
- flooding
- drainage

### **Non-material planning considerations (not an exhaustive list) which cannot be taken into account**

- the perceived loss of property value
- private disputes between neighbours
- loss of a view
- impact of construction work or competition between firms
- restrictive covenants
- ownership disputes
- personal morals or views about the applicant
- boundary disputes

# Appendix 3 - Terms of Reference of Committees (with tracked changes)



## Terms of Reference of Committees Adopted ~~January-September~~ 2025

### Contents

- General Duty ..... 2
- Powers Reserved to the Broads Authority..... 2
  - A Policy..... 2
  - B Finance..... 2
  - C Navigation..... 3
  - D Conservation..... 3
  - E Recreation and Tourism ..... 3
  - F Committees and Members..... 3
  - G Personnel Matters ..... 4
  - H General ..... 4
- Powers Reserved to Committees: General Clauses ..... 5
  - 1. Navigation Committee..... 6
  - 2. Planning Committee ..... 8
  - 3. Risk, Audit and Governance Committee ..... 10
  - 4. Standards Committee..... 14
- Broads Local Access Forum ..... ~~17~~16

## **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 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 Plan and approve any revisions which have policy implications.
- (3) To approve the list of annual strategic priority and key milestones.
- (4) To initiate special policy studies and investigations of particular significance to the Broads.
- (5) 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**

- (6) 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.
- (7) 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.

- (8) 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. approving individual grants which are not within the scope of the powers delegated to the Chief Executive;
  - iii. 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;
  - iv. 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).
- (13) To perform the role of Duty Holder under the Port Marine Safety Code, and to appoint the Designated Person.

## **D Conservation**

- (14) 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**

- (15) 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**

- (16) To approve the setting up of any standing committees.

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

## **G Personnel Matters**

- (26) To determine the grading, salary and terms and conditions of service of the Chief Executive.
- (27) To make arrangements for and approve the appointment of the Chief Executive.
- (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 Risk, Audit and Governance Committee.

## **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) 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.
- (2) References to powers and duties under any Act include powers and duties under any statutory instrument made under that Act.
- (3) No general reference of a power, duty, function, or other matter to a committee shall include any matters specifically referred to another committee.
- (4) 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.
- (5) 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) all the matters listed in section 9 (6) namely:
    - (a) before delegating any function of the Authority in relation to the navigation area to any person;
    - (b) before appointing any member of the Navigation Committee under this section;
    - (c) before proposing, determining or bringing into force any new policy, plan, strategy or procedure or any change to an existing policy, plan, strategy or procedure which may significantly affect the use or enjoyment of the whole or any part of the navigation area;
    - (d) before determining any application for planning permission which may significantly affect the use or enjoyment of the whole or any part of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority;
    - (e) on the preparation of the annual budget, including in particular any income or expenditure attributable to the navigation area;
    - (f) (except in case of urgency) before incurring expenditure which may have a significant effect on the use or enjoyment of the whole or any part of the navigation area and which has not been specifically provided for in the annual budget approved by the Authority;
    - (g) before applying for any amendment of or alteration to the Navigation Committee's constitution as set out in this section or the Authority's constitutions as set out in section 1 of this Act or any change to the functions of the Authority in relation to the navigation area as set out in Part II of and Schedule 5 to this Act and under Parts 2 and 3 of the 2009 Act.
  - (iii) making, varying or revoking any byelaws under subsection 10(3) (see section 10(17) (a));
  - (iv) making any appointment under subsection 10(7) (see section 10(17)(b));
  - (v) determining any application for a works licence (see section 11 (13)).

- (vi) determining the level of any tolls or other charges to be imposed in respect of the navigation area or adjacent waters. (see section 13 (3)).
- (vii) The exercise of the powers under Part I of Schedule 5 (as required by paragraph 16 of Schedule 5). These functions are:
  - (a) Maintenance and improvement
  - (b) Dredging
  - (c) Communication with vessels
  - (d) Byelaws
  - (e) Supplementary provisions in relation to byelaws
  - (f) Contravention of byelaws
  - (g) Information as to navigation by pleasure craft
  - (h) Temporary closure of waterways
  - (i) Repair of landing places etc
  - (j) Removal of wrecks etc
  - (k) Nature conservation
- (viii) The exercise of the powers under Part III of Schedule 5 (as required by paragraph 16 of Schedule 5) concerning New rights of navigation (see paragraph 23 of Schedule 5).

### **Broads Authority Act 2009**

- (2) To be consulted on:
  - (i) any proposal to give, amend or revoke a general direction (see sections 4 and 5 and schedule 1);
  - (ii) designating under section 14 any category of small unpowered vessels (see section 16(5)).
  - (iii) designating, amending, or revoking any part of the navigation area as a zone where waterskiing or wake boarding is to be permitted (see section 26(5)).

### **Other**

- (3) To be consulted on:
  - (i) applications for harbour revision orders.

## **Matters Arising from the Legal Agreements with National Boating Bodies in respect of the Broads Authority Act 2009**

(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 and officers:

- (1) To make recommendations to the Broads Authority on plan making functions with the objective of contributing to the achievement of sustainable development.
- (2) To prepare a statement of community involvement for the preparation and revision of the Broads Local Plan and for the exercise of the Authority's functions in relation to development control.

- (3) To make recommendations to the Authority on the preparation and maintenance of the Local Development Scheme and on the contents of the Broads Local Plan.
- (4) To respond to consultations from Government and other agencies and organisations in respect of any matter for which powers are delegated to this Committee.
- (5) 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.
- (6) 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 the determination of planning applications, enforcement, revocation, modification and discontinuance orders, completion notices and Section 106 Agreements;
  - (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.

- (7) To agree with an adjoining planning authority that individual cross-border planning applications be wholly determined by either the Authority or the relevant Council.
- (8) To recommend to the Authority the making/adoption of Neighbourhood Plans.
- (9) To enter into a legal agreement to secure off-site Biodiversity Net Gain in the Broads area.

### **3. Risk, Audit and Governance Committee**

#### **Statement of purpose**

- (1) The Risk, Audit and Governance Committee is a committee appointed by the Broads Authority with the functions set out within the following paragraphs.

Note: References to the Audit and Risk Committee (the predecessor committee) within existing documents, policies, procedures and Standing Orders of the Authority shall be interpreted as referring to the Risk, Audit and Governance Committee, unless the context clearly dictates otherwise.

- (2) The Risk, Audit and Governance Committee is a key component of the Authority's corporate governance framework. It provides an independent and high-level focus on the audit assurance and reporting arrangements that underpin good governance and financial standards.
- (3) The purpose of the Risk, Audit and Governance Committee is to provide independent assurance to the Authority's members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Broads Authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Note: The appointment of internal auditors has been delegated to the Director of [FinanceResources](#).

- (4) In discharging its responsibilities, the Risk, Audit and Governance Committee has unrestricted access to officers and relevant information it considers is necessary to discharge its duties.

## **Governance, risk and control**

- (5) To review the authority's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- (6) To review the Annual Governance Statement (AGS) prior to the Authority's approval and consider whether it properly reflects the risk environment and supporting assurances. This review will take into account internal audit's opinion on the overall adequacy and effectiveness of the authority's framework of governance, risk management and control.
- (7) To consider and approve reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- (8) To consider the authority's arrangements to secure value for money and to review assurances and assessments on the effectiveness of these arrangements.
- (9) To consider the authority's Corporate Risk Register to ensure that it adequately addresses the Authority's risks and priorities.
- (10) To monitor the effective development and operation of risk management in the authority.
- (11) To monitor progress in addressing risk-related issues reported to the committee and to seek assurance that risks are being managed appropriately and are using good practice.
- (12) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (13) To review the assessment of fraud risks and potential harm to the authority from fraud and corruption.
- (14) To monitor and approve: the financial regulations; standing orders relating to contracts; procurement strategy and the counter-fraud, corruption and bribery strategy.
- (15) To review the governance and assurance arrangements for significant partnerships or collaborations.
- (16) To review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.
- (17) To be the formal committee for dealing with members' concerns about governance issues at the Authority.

- (18) To consider and make recommendations about members' concerns regarding governance processes within the Authority. Such concerns to be raised in the first instance with the Monitoring Officer or Deputy Monitoring Officer.
- (19) To have general oversight of the Authority's governance arrangements.

#### **Internal audit**

- (20) To review and approve the internal audit charter.
- (21) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (22) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (23) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- (24) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (25) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- (26) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - (i) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
  - (ii) regular reports on the results of the Quality Assurance and Improvement Programme (QAIP)
  - (iii) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- (27) To consider the head of internal audit's annual report:
  - (i) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.

- (ii) The opinion on the overall adequacy and effectiveness of the authority's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- (28) To consider summaries of specific internal audit reports as requested.
- (29) To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (30) To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (31) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- (32) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

#### **External audit**

- (33) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- (34) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (35) To consider specific reports as agreed with the external auditor.
- (36) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (37) To commission work from internal and external audit.
- (38) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- (39) To obtain reasonable assurance that management has acted on the results and recommendations of external audit engagements.

#### **Financial reporting**

- (40) To monitor and oversee the Authority's medium term financial planning, including the annual business plan.
- (41) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the Authority's attention.

- (42) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### **Treasury Management**

- (43) To monitor and review the treasury management policy and procedures to be satisfied that controls are satisfactory. This includes receiving regular reports on activities, issues and trends to support the committee's understanding of treasury management activities.
- (44) To review the Treasury and Investment Strategy prior to the Authority's approval.

#### **Accountability arrangements**

- (45) To report to the Authority annually on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of its governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

#### **Miscellaneous**

- (46) To determine any ex-gratia, severance or honoraria payments to staff that are not within the scope of powers delegated to the Chief Executive up to a maximum of £50,000 per event.
- (47) Members of the Risk, Audit and Governance Committee shall receive formal training on the purpose and mandate of the committee and any areas deemed necessary to assist in the discharge of the committee's duties

### **4. Standards Committee**

#### **Statement of purpose**

The promotion and maintenance of high standards of conduct within the Authority.

- (1) To advise the Authority on the adoption, operation and revision of its Member Code of Conduct.
- (2) To review the Members' Register of Interests periodically and provide guidance and training as required.
- (3) To recommend training for members and co-opted members on matters relating to the Member Code of Conduct.
- (4) To receive and consider reports about complaints made under the Member Code of Conduct and the outcome.

- (5) To participate in the recruitment of the Authority's Independent Persons as required by the Localism Act 2011 and recommend the Authority approve their appointment.
- (6) To review the Protocol on member and officer relations in the Broads Authority prior to its consideration and adoption by the Authority.
- (7) To review the Social Media Policy prior to its consideration and adoption by the Authority.
- (8) To receive a report by the Authority's Monitoring Officer and consider if any future action is needed.
- (9) To monitor the Authority's compliance with its adopted core values and good practice on ethical standards and probity.
- (10) To deal with complaints that members have breached the Member Code of Conduct and, in connection with this function, to develop and adopt:
  - (i) assessment criteria for dealing with complaints
  - (ii) arrangements for dealing with complaints and publicising the arrangements
  - (iii) procedures for dealing with local investigations and
  - (iv) such other provisions and procedures as may be required.
- (11) To conduct hearings and make determinations in respect of complaints that members have breached the Member Code of Conduct in accordance with relevant statutory and constitutional requirements and, in connection with this function:
  - (i) To develop and adopt procedures for dealing with such hearings; and
  - (ii) To establish and maintain a Hearings Sub-Committee with its own terms of reference.
- (12) The Committee will comprise 7 members (a combination of both Secretary of State and local authority members.)
- (13) The Chair of the Broads Authority is ineligible to be a member of the Committee.
- (14) The Committee will hold a minimum of one meeting per annum and additional meetings as required by business.
- (15) The Committee will produce an annual report on its work to the Broads Authority.

Originally adopted by Broads Authority: 21 November 2014

This version adopted by Broads Authority: 24 January 2025

## **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 users 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.