

# Broads Authority

28 July 2023

Agenda item number 18

## Scheme of powers delegated to Chief Executive and other authorised officers- amendment to section 37

Report by Senior Governance Officer

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### Purpose

As part of the ongoing implementation of the recommendations from the external review into the formal complaint, there is a need to amend the wording for section 2(e) para. 37 of the Scheme of powers delegated to the Chief Executive and other authorised officers, which relates to the delegation of planning applications.

### Recommended decision

To adopt the proposed changes to section 37 of the Scheme of powers delegated to the Chief Executive and other authorised officers

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## 1. Introduction

- 1.1. At its meeting on 14 March 2023, the Audit & Risk Committee considered a [report](#) on the recommendations from the external review into the formal complaint and agreed a set of actions to implement the recommendations, together with a relevant timetable.
- 1.2. These recommendations included some improvements to the Authority's governance and processes, one of which was to review the existing "call-in" arrangements for planning applications so that when the interpretation of delegated powers is challenged, it should be a matter that the CEO and Chair jointly take a role on, and if they cannot resolve the issue (or feel that it should be placed before members of the Authority), the matter is placed before members.

## 2. Proposed changes

- 2.1. Section 2(e) of the [Scheme of powers delegated to the Chief Executive and other authorised officers](#) (Scheme of Delegation) covers planning and heritage, and paragraph 37 specifically relates to the delegation of planning applications. "All planning applications are considered to fall within the delegation scheme and will be determined

by officers unless...”. It then refers to a number of caveats, which include the ability of any member of the Authority or Ward Councillor of the relevant District Council to request that the application is placed before the Planning Committee and provides “appropriate planning reasons”.

- 2.2. The recommendation is to cover those instances where there is potential for challenge on the interpretation of the delegated power.
- 2.3. The Senior Governance Officer and Deputy Monitoring Officer have worked together to produce some suggested wording, and this can be found in appendix 1 (with tracked changes). A “clean” version can be found in appendix 2.
- 2.4. The proposed changes were shared with the Senior Planning Officer, Head of Planning, Director of Strategic Services and Chair of this Committee who were all in support of the amended wording. A similar report is being presented to the Planning Committee on 21 July seeking its views on the proposals and a verbal update will be provided at the Authority meeting.
- 2.5. To reflect the proposed changes in the Scheme of Delegation, the Code of Practice for members of the Planning Committee and officers will also be amended.
- 2.6. The opportunity has also been taken to review the term “appropriate planning reasons” and provide examples of what would constitute either a material or non-material (i.e. those which cannot be taken into account) planning reason to assist members. These will be included in both the Scheme of Delegation and the Code of Practice for members of the Planning Committee and officers.

### 3. Risk implications

- 3.1. The proposals are in response to the recommendation from the external review into the formal complaint. There is a risk of potential conflict between officers and members if there is a difference of opinion on whether the requirements for “call-in” have been satisfied, and the inclusion of this additional provision will help mitigate any risks.
- 3.2. The Authority’s Monitoring Officer has been consulted and has confirmed their agreement with the proposed changes.

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Date of report: 27 June 2023

[Broads Plan](#) strategic objectives: n/a

Appendix 1 – Amendments to Scheme of Delegation and Code of Practice for members of the Planning Committee and officers (with tracked changes)

Appendix 2 - Amendments to Scheme of Delegation and Code of Practice for members of the Planning Committee and officers (no tracked changes)