

Broads Authority

13 May 2022

Agenda item number 12

Amendment to “Scheme of powers delegated to the Chief Executive and other authorised officers” to include planning enforcement matters

Report by Senior Governance Officer

Summary

The need to clarify the position regarding the handling of planning enforcement matters has come to light. An amendment to the “Scheme of powers delegated to the Chief Executive and other authorised officers” is proposed to address this.

Recommendation

To adopt the proposed changes to the planning section of the “Scheme of powers delegated to the Chief Executive and other authorised officers”.

1. Introduction

- 1.1. In 2021 the Broads Authority reviewed its scheme of powers delegated to officers as a [document](#) entitled “Scheme of Powers delegated to Chief Executive and other authorised officers”. This was approved by the Authority on 19 March 2021. The revised scheme has been implemented following its adoption.

2. Proposed change in the scheme of delegation

- 2.1. There is a provision in section (37)(ix) of the scheme of delegation, common to many Local Planning Authorities, to require that where any Authority member or Authority officer is involved in a planning application then that application must be determined by the Planning Committee. The purpose of this provision is to ensure transparency and probity of decision-taking.
- 2.2. It has become apparent that there is no equivalent provision relating to enforcement matters where either a member of the Authority or officer is involved. This omission could result in there being a perception of favourable treatment being shown, either around the process followed, or the decision taken, particularly where an enforcement matter is not pursued. The former can be addressed by strict adherence to the processes in the adopted Enforcement Plan, however the latter is harder to explain as

enforcement cases are typically not publicised (in the way a planning application would be) and the files are kept confidential. There is therefore no ready mechanism by which a third party can see how any decision was reached.

- 2.3. It would be beneficial to address this omission and the following wording is considered to be appropriate:

“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 Navigation Committee) or Authority officer is involved in the case.”

- 2.4. It is proposed to include this new section at paragraph 46, and re-number the following sections of the document accordingly.
- 2.5. At its meeting on 29 April 2022, the Planning Committee endorsed the proposed change and recommended it to the Broads Authority for adoption.

3. Risk implications

- 3.1. There is a risk that without this amendment there may be a perception of impropriety and the consequent reputational damage. It is in the public interest for the Broads Authority as a local planning authority to have effective delegation arrangements in place.
- 3.2. The Authority’s Monitoring Officer has been consulted and is in agreement with the proposed amendment.

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