

Audit and Risk Committee

14 March 2023

Agenda item number 13

Recommendations from external review into formal complaint

Report by Senior Governance Officer and Deputy Monitoring Officer

Summary

A report to summarise the recommendations from the report prepared by Mark Heath, of VWV Solicitors dated December 2022 and to recommend to the Committee actions to progress the recommendations.

Recommendation

- i. To note the recommendations in the report by Mark Heath.
 - ii. To agree a set of actions to implement the recommendations and the relevant timetable.
 - iii. To delegate responsibility to the Chief Executive and Monitoring Officer to take all steps necessary to implement the recommendations in accordance with the plan at appendix 1, reporting back to this committee on progress as necessary.
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1. Introduction

- 1.1. As Stage 3 of the organisation's Formal Complaints Process, the Authority's former Monitoring Officer commissioned an independent review into a complaint by Cllr Fuller regarding the handling of two minor planning applications.
- 1.2. From 1 January 2023, Jonathan Goolden, Partner, of Wilkin Chapman Solicitors, became the Authority's new Monitoring Officer. Following receipt of the independent review, Mr Goolden responded to the complainant on 5 January 2023 to conclude the matter by dismissing the complaints.
- 1.3. The report identifies some improvements to the Authority's governance and processes which Mr Goolden recommended that the Authority adopts.
- 1.4. Mr Goolden presented a report to the Authority at its meeting on 20 January 2023 with the list of recommendations. The Authority voted to accept the recommendations. The report and minutes of that meeting can be found on the Authority's [website](#).

- 1.5. The Authority also agreed to publish Mr Heath's report, which it did on 20 January 2023. It can be found [here](#) on the Authority's website.
- 1.6. The recommendations in Mr Heath's report provide an important role for this Committee in overseeing the improvements in governance and processes. Some amendments will need to be made to the Committee's terms of reference as a consequence.
- 1.7. It is envisaged that some improvements can be made relatively easily and quickly. However, others, such as reviewing the Authority's constitutional documents, will take more time. Therefore, a suggested timetable and action plan is proposed, which is appended at Appendix 1
- 1.8. This report and appendix have been reviewed by members of the Task and Finish group (Greg Munford, Paul Hayden and Michael Scott) and their feedback will be reported to the meeting.

2. Financial implications

- 2.1. The Deputy Monitoring Officer will work with the Senior Governance Officer as part of the contract with Wilkins Chapman LLP for these services.

3. Risk implications

- 3.1. The Corporate Risk Register contains the following risk: "Reputational damage caused by comments or actions by Authority members or officers, with consequent harm to relationships with stakeholders and/or undermining of public confidence in Authority." A wide range of tasks mitigate the risks and a complete review and update of constitutional documents (incl. Code of Conduct Complaints Process) and supporting guidance is programmed for completion by September 2023.

Author: Sara Utting and Estelle Culligan

Date of report: 16 February 2023

Appendix 1 – List of recommendations, timetable and suggested actions

Appendix 1 - Recommendations, the Authority's response and proposed actions

	Recommendation	Response	Action, person/committee responsible and timescale
1	The Authority's ongoing statutory duty to achieve Best Value (continuous improvement) provides a suitable approach to address the specific issues raised in relation to the planning function.	Continue to report to Planning Committee on performance statistics and feedback from satisfaction survey of applicants.	<ul style="list-style-type: none"> • Head of Planning • Deadline - Regular reports as current timings
2	We recommend that the existing "call-in" arrangements should be reviewed and that when the interpretation of delegated powers is challenged it should be a matter that the CEO and Chairman of the Planning Committee 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.	Agree. Adopt in Revised Arrangements	<ul style="list-style-type: none"> • Monitoring Officer/Senior Governance Officer/Head of Planning • Amendments to be agreed by the Authority • Deadline July 2023
3	We consider that the effective consolidation of the key documentation will be of benefit.	Agree and adopt	<ul style="list-style-type: none"> • Monitoring Officer to work with Senior Governance Officer on bringing all constitutional documents together • Deadline September 2023
4	Code of Conduct matters should be separated from the Audit and Risk Committee. The Audit and Risk Committee should also take on the explicit role of considering members' concerns regarding governance and generally oversight of the Authority's governance arrangements.	Agree and adopt.	<ul style="list-style-type: none"> • Monitoring Officer to work with Senior Governance Officer and the Audit and Risk Committee to review terms of reference for Audit and Risk Committee and terms of reference for change from Hearings Committee to Standards Committee. • The Authority to approve the changes. • Deadline September 2023

5	<p>The Monitoring Officer should consider issuing additional guidance / training regarding members interests and how the policing of behaviour and Code of Conduct matters is best addressed</p>	<p>Agree and adopt.</p>	<ul style="list-style-type: none"> • Monitoring Officer to work with CEX and Chairman and/or new Chair of Standards Committee to review training and provide refresher training and other training about interests/ declarations/code of conduct etc. • Possible programme of regular training to be provided by MO, DMO and Senior Governance Officer. • Regular reports to be provided to the new Standards Committee on conduct issues. New committee to have oversight of training • Deadline - ongoing
6	<p>Local Authority appointees should be appointed through a similar merit-based process to that used by the Government for Secretary of State appointments. This reflects our view that there should be parity of treatment for all members, whether LA appointees or SoS appointees. The issue of an independent chair is also worthy of reflection provided s/he has a regional rather than national focus.</p>	<p>Agree and refer to Defra for consideration in the context of the Landscape Review.</p>	<ul style="list-style-type: none"> • This was one of four main themes to emerge from the workshop held on 24 February 2022 to consider the Authority's response to the public consultation on the Government's response to the Landscape Review, and on which the Chairman wrote to Lord Benyon on 7 April 2022. • Deadline is subject to Defra's considerations and action
7	<p>Audit and Risk Committee, with their oversight of governance, should reflect upon issues regarding relationships and the underlying governance mechanisms behind those.</p>	<p>Agree.</p>	<ul style="list-style-type: none"> • Monitoring Officer to work with Senior Governance Officer and this Committee to review terms of reference for Audit and Risk

			<p>Committee.</p> <ul style="list-style-type: none"> • The Authority to agree changes to terms of reference • Deadline September 2023
8	The Authority should review and change their complaints process removing the automatic obligation on the Monitoring Officer to investigate where there is a concern about unlawful behaviour or activity.	Agree and adopt change to Complaints Process.	<ul style="list-style-type: none"> • CEX to work with Monitoring Officer and Senior Governance Officer to draft an amended process
9	Members can raise governance concerns with Audit & Risk Committee and so should be able not raise such concerns through the complaints process or any other route. Indeed, the ability for members to raise any issue when acting in their capacity as a member of the Authority through the Authority's complaints is something to review.	Agree.	<ul style="list-style-type: none"> • Monitoring Officer to work with Senior Governance Officer to review terms of reference for Audit and Risk Committee and revised arrangements. • The Authority to agree changes to terms of reference. • Deadline September 2023