

**Peer Review Action Plan:
Review of the Authority's Governance Structure**
Report by Chief Executive and Strategy & Projects Officer

Summary: This report proposes actions in response to the Peer Review Team recommendation that the Authority should '*Review the governance structure so it is fit for the future.*' Members of the Financial Scrutiny and Audit Committee worked with the Chief Executive to develop proposals to streamline the Authority's business and respond to the Review Team's feedback. The proposals are designed to increase the informal engagement between Members, and between Members and officers, and focus the business of the formal Broads Authority meetings on decision making.

Recommendation:

Members consider and adopt proposals 1-6 in this report including the revised timetable for meetings in Appendix 3.

1. Introduction

- 1.1 In the recent Peer Review the Authority asked the Review Team to consider whether the Authority's governance structure including its membership, committees, and other decision-making processes, could be revised to better fit the changing environment within which it operates.
- 1.2 In response, one of the Review Team's recommendations was that the Authority should '*Review the governance structure so it is fit for the future.*'
- 1.3 Members of the Financial Scrutiny and Audit Committee, working with the Chief Executive, have developed six proposals focused on the above recommendation. Other actions arising from the Peer Review are being taken forward by officers, including the production of a Members' Handbook and changes on the Authority's website to raise the public profile of Members.

2. Improving the efficiency and effectiveness of Authority business

- 2.1 The 28 meetings of the Authority and its committees are: Broads Authority x 6, Planning Committee x 13, Financial Scrutiny and Audit Committee x 3, Navigation Committee x 6. Despite a significant reduction in staff to administer these meetings following the National Park Grant cut in 2012, the number of Members and meetings has not been reduced.
- 2.2 At the Peer Review Workshop on 30 January 2018, Members talked about the advantages of having more informal Member and officer time to understand

the Authority's strategic vision and get to know each better, supporting the Peer Review's recommendation to 'commit to a common purpose'.

2.3 Members also raised the issue of the number of meetings and the length of committee agendas, both of which put pressure on the Authority's staffing resources and on Members' time commitments.

2.4 The proposals for change are:

Proposal 1: That the Authority moves to a quarterly cycle to conduct its business. Four meetings each of the Broads Authority and the Navigation Committee would be held per annum, subject to consultation with the Navigation Committee.

The revised annual committee cycle (Appendix 1) would be set to meet key business deadlines including the Statement of Accounts, setting of tolls, Annual Governance Statement and setting of annual strategic priorities.

Committee	Number of BA Members	Current number of meetings p.a.	Proposed change to number of meetings
Broads Authority	21	6	4
Navigation Committee	5	6	4
Planning Committee	12	13	13
Audit and Risk Committee (replacing FSAC)	6	3	3
Total		28	24

Proposal 2: That the Authority runs Member site visit/workshop days, normally two per annum. These events would be part of the annual committee cycle, in addition to the quarterly business meetings. Authority officers would attend the events and external partners and delivery agents could also be invited.

The **benefits** of these proposals would be:

- Improved decision making through Authority meetings that focus on strategy and policy matters.
- Streamlined meetings with shorter agendas and committee reports, saving Member and officer time.
- Greater common understanding by Members of the Authority's priorities through more informal time to see work 'on the ground', discuss key issues for the area, develop and review policy and strategy, and meet with officers and Broads Plan partners.

3. Creating a clearer focus for financial scrutiny

3.1 The Peer Review team recommended that the Financial Scrutiny and Audit Committee (FSAC) be reviewed to give greater clarity to its role, with a focus on finance and risk.

- 3.2 Although the FSAC's role is financial scrutiny, a 'scrutiny committee' in the local authority context relates to cabinet-style decision making and the opportunity for opposition politicians to scrutinise decisions by members of the controlling party. This is not relevant to the Broads Authority where decisions are made by the Authority as a whole, by the Planning Committee or by officers under delegated powers. However, it is important that we retain an Audit and Risk Committee and this is supported by our Internal Auditor.
- 3.3 The proposal for change is:

Proposal 3: Repurpose the Financial Scrutiny and Audit Committee as the Audit and Risk Committee, with amended Terms of Reference. The main responsibilities of the Committee would be to provide assurance and recommendations to the Authority on the effectiveness of its governance, internal control and risk management framework, including ensuring that risk management does not inhibit innovation. It would:

- Approve the performance and annual plans of both the external and internal auditors and ensure that both sets of auditors are appropriately independent;
- Review the Authority's Statement of Accounts before submission to the Board;
- Review the draft Annual Governance Statement and Action Plan; and Review the Authority's appetite for risk and its Strategic Risk Register.

The **benefits** of this proposal would be:

- More clearly defined role of the Committee in scrutinising the Authority's governance, internal control and risk management framework
- Better understanding by the public of the committee's purpose

4 Supporting the Authority's leadership and clarifying the role and responsibilities of Members

- 4.1 The Peer Review Team recommended that the Authority provide more support for the leadership. They noted that there was a large amount of work for the Chair in particular and that ways to improve support to this role be considered. Members have also suggested that the role of Vice-Chair should be strengthened to enhance the role and its responsibilities.
- 4.2 The Review Team also found that some Members would welcome a more open and transparent process for appointments to committees. They suggested that the Authority review the job descriptions for Members, Chairs of Committees and the Chair of the Authority. In practice, the role of Members is clearly defined by Defra in recruitment material for new members, and the key duties are highlighted in Appendix 1. The Authority has previously agreed

that the key functions in the job description applies to all Broads Authority members.

4.3 The proposals for change are:

Proposal 4: Implement a new process for the annual appointment of Chairs and Vice-Chairs, Committee membership and appointments to outside bodies, as follows:

Nominations for the position of Chairs and Vice-Chairs would be sought in advance for the full Authority and its constituent committees. Officers would send all relevant Members a nomination form. Each nomination would be signed by the proposer, seconder and candidate and the form returned to the Solicitor and Monitoring Officer no less than 14 days before the meeting at which elections were held. If more than one candidate was proposed for a position, a secret ballot would be held at the meeting.

For appointments to Committees and outside bodies, all members would be invited to express their interest in serving on a Committee and outside bodies in writing, in advance of the July AGM. All expressions of interest would be collated by officers and reported to the Chairs Group (see proposal 5 below) who would review them and provide advice to the Chief Executive. The Chief Executive would then report to the July meeting of the Authority for a decision by Members.

The **benefits** of this proposal would be:

- A more transparent appointment process
- Members able to express their preferences as to the Committees and outside bodies they would like to serve on.

Proposal 5: Establish a Chairs and Vice-Chairs Group (known as 'Chairs Group'). This would comprise the Chair and Vice Chair of the following committees: Broads Authority, Navigation Committee, Planning Committee and Audit and Risk Committee (formerly FSAC). The Group would not be a formal committee of the Authority and would not have decision making powers or make formal recommendations.

The Group would deal with various matters relating to Members including annual performance appraisals, overseeing training and development, advising on Member appointments and providing informal advice to the Chief Executive. Items for business may be referred by any Member to the Chairs Group and added to the next agenda if appropriate.

The **benefits** of these proposals would be:

- More active role for Chairs and Vice-Chairs maintaining an overview of the work of the various committees.

- Improved support to the Chair of the Authority and Chief Executive through greater shared responsibility for dealing with various matters relating to Members.

5 Resolving issues informally

5.1 In the last two years the Authority has had to process a number of Code of Conduct complaints by Members against their colleagues. The Peer Review team suggested that the Authority tighten up its complaints process. They noted that if there was a mechanism to raise and resolve issues informally as soon as they arise, and before they trigger a formal complaint, a great deal of time and energy could be saved.

5.2 The proposal for change is:

Proposal 6: Amend the Local Resolution Procedure in the Code of Conduct to allow for informal resolution of an issue that has been referred with a preference for informal resolution without the lodging of a formal complaint.

The **benefits** of this proposal would be:

- Prompter and more informal process for Members and officers involved
- Reduced risk of issues escalating into formal complaints, with the damage that can result from such a process

Insert a new 5.2 into the Code of Conduct with consequential renumbering of subsequent paragraphs to read:

“5.2 For informal resolution of a problem involving a member identified or reported to the Chair, Chief Executive or Monitoring Officer (where a formal complaint has not been made) the request will be passed on to the Chair and Vice-Chair (in the event they are not the original recipient). Confidential meetings will then be arranged between relevant parties with the Chair and Vice-Chair to engage in the process and seek a resolution to the issues raised. Any meetings may take place at the Authority’s offices or other locations as is convenient. The process will be confidential and without prejudice to the parties involved to bring a formal complaint if the matter is not resolved. In the event that the matter is not resolved the content of the discussions shall not be referred to in any subsequent complaint. There is no power for any matter referred under the informal process to be subject to any sanction under the Code of Conduct.”

Background papers:	None
Authors:	John Packman, Maria Conti
Date of report:	3 May 2018
Broads Plan Objectives:	Multiple
Appendices:	Appendix 1: Proposed Annual Cycle for Authority meetings Appendix 2: Job Descriptions for Members Appendix 3: Revised timetable of meetings

APPENDIX 1

Broads Authority business cycle – essential elements

Audit and Risk Committee	Navigation Committee	Broads Authority
July Draft Statement of Accounts Annual Governance Statement Risk Register Partnerships Review Data Protection Officer Report Feedback from Auditors	July	July Annual Meeting: Appointment of Chair and Vice-Chair Appointment of committees and representation on outside bodies Statement of Accounts Annual Governance Statement Annual Reports (Waiver of Standing Orders, LAF etc.)
	October Tolls Setting	November Tolls Setting
December Draft Budget Annual Investment Strategy	January Draft Budget	February Business Plan including Financial Strategy & Strategic Priorities for following year Budget for next Financial Year Annual Investment Strategy
March Approve Audit Plans – internal and external	April Consultation on Appointment of 2 Members to the Broads Authority Appointment of Chair and Vice-Chair Annual Safety Audit	May Appointment of 2 co-opted Members to BA <i>from the Navigation Committee</i> Annual reports from the last financial year including: Carry forwards of expenditure Waivers to Standing Orders Annual Safety Audit Summary of Formal Complaints
	Standing Items Summary of Progress against previous decisions Income and Expenditure and Forecast Outturn Exercise of powers	Standing Items Summary of progress against previous decisions Progress on Strategic Priorities Income and Expenditure and Forecast Outturn Port Marine Safety Code items to raise

Note: Broads Authority meetings also include key items on strategy and policy including planning for adoption. Navigation Committee meetings also include consultation on any significant new or amended policy, plan and strategy and planning applications with a potentially significant effect on the use of the navigation area.

Job Descriptions for Members

The role of a **Member of the Authority** is:

The overall role of a Secretary of State member is to contribute to the leadership, scrutiny and direction of the National Park Authority/Conservation Board and further the statutory purposes of the National Parks/AONBs. Secretary of State Members are not representative of any organisation or group and have a duty to act in the best interest of the Authority/ Conservation Board on which they serve. Certain ineligibility criteria apply to these posts.

The key functions of a Secretary of State member are to:

- Be collectively responsible, with other members, for decisions and ensure the National Park Authority/ AONB Conservation Board furthers its statutory purposes;
- Contribute towards the overall strategic direction of the National Park Authority/AONB Conservation Board through the development of policy, business plans and participation in various activities such as meetings, committees and working groups;
- Scrutinise independently the workings and policies of the National Park Authority/ AONB Conservation Board;
- Approve and monitor programmes to implement the National Park Authority/ AONB Conservation Board policies and plans;
- Influence externally, on behalf of the CB/NPA that is, acting as ambassador; promoting the objectives of the CB/NPA.
- Contribute knowledge and skills and provide advice from the national and local perspective which benefits the National Park Authority/ AONB Conservation Board.

The successful candidates must abide by the Nolan principles of public service.

The role of the **Chair (and Vice-Chair¹) of the Authority** is:

- To chair meetings of the Authority and ensure that standing orders and good practice are complied with at all Authority meetings.
- To represent the Authority at a national, regional and local level in its relations with key stakeholders and communities.
- To represent the Authority's views as necessary to the press and media, and play an ambassadorial role in promoting positive relationships with external parties and organisations.
- Working with members and the Chief Executive to ensure that the Authority's actions, decisions and use of resources are consistent with the purposes of designation and the legal responsibilities of the Authority.

¹ The role of the Vice-Chair of the Authority and Vice- Chairs of Committees is not only to deputise for the Chair but also to support her/him in carrying out her/his duties.

- To act as a link between the Authority and the relevant Minister, national agencies and the other National Park Authorities. Reporting, liaising and representing the Authority to government and working with other national park authorities to influence national and regional policy.
- In accordance with the Authority's members Performance Assessment Framework to assess members' performance as appropriate and report to the Secretary of State and appointing authorities accordingly.
- To be a member of the selection panel which makes recommendations to the Minister on the appointment of new "national" members to the Authority.
- To develop and maintain an effective working relationship with the Chief Executive providing support and guidance as necessary and acting as a bridge between members and officers.
- To monitor the welfare and performance of the Chief Executive and ensure there is an effective appraisal and development process in place.
- To foster the working relationship with all other UK National Parks.

The role of the **Chairs (and Vice-Chairs) of Committees** is:

- If present, the Chair must preside at the meetings of the committee and sign minutes of previous meetings.
- The Committee Chair efficiently and effectively manages the meetings in accordance with standing orders and policies.
- The Committee Chair leads by example in terms of compliance with ethical standards and adherence to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- In particular the Chair should lead the way in keeping the public interest in the forefront of the committee's proceedings and making sure that no impression is given to the public that he / she or the committee is beholden to any outside interests or lobbies.
- The Committee Chair is responsible for ensuring that all members are involved in debates and discussions, and that if it is a decision making committee lawful decisions are made.
- The Committee Chair summarises debates and ensures that voting is fair. In the event of a tied vote, he or she has a second or casting vote so as to avoid deadlock.
- There is no legal or other rule that requires the Chair to vote in any particular way – either on the first or the casting vote. As with all elected members the Chair votes in accordance with his or her conscience.
- As the public face of the Committee he or she represents the Committee to those attending and those following its meetings and decisions.
- The Chair cannot legally be delegated the power to make decisions on behalf of the committee.

APPENDIX 3

REVISED DRAFT Committee Timetable 2018/2019

	2018									2019						
	Day	Time	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
Planning	Fri	10.00 am	22	20	17	14	12	9	7	11	8	8	5	3 and 31	28	19
<i>Planning Cttee Site Visit * provisional if required</i>	<i>Fri</i>	<i>10.00 am</i>	<i>8*</i>	<i>6*</i>		<i>7*</i>	<i>5*& 26*</i>	<i>30*</i>		<i>4*</i>	<i>1*</i>	<i>29*</i>	<i>26*</i>	<i>24*</i>	<i>14 Or 21 Design Tour</i>	
Broads Forum /Workshop							17						25			
Local Access Forum	Wed	2.00 pm				5			5			13			5	
Navigation Committee	Thurs	2.00 pm	14			6	25		43	17	24		11 to avoid Easter		13	
Audit and Risk Committee	Tues	2.00 pm		24					11			5				23
BROADS AUTHORITY	Fri	10.00 am		27		28		23			1			17		26
Parish Forum						19						20				
Member Site Visit/ Workshop	Thurs			13		28						22				4
New Members Induction Day																

Bank Holidays	27 August 2017, Tues and Wed 25, 26 December 2018/ Tues 1 January 2019, 6 and 27 May 2019
Good Friday	19 April 2019
Easter Monday	22 April 2019

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