

Risk, Audit and Governance Committee

12 March 2024

Agenda item number 13

Recommendations from external review into formal complaint- update

Report by Senior Governance Officer

Summary

To update Members on progress with implementing the recommendations from the external review into the formal complaint.

Recommendation

To note that all the recommendations which require action by the Broads Authority have been completed.

1. Introduction

- 1.1. At its meeting on 20 January 2023, the Authority received a [report](#) by the Monitoring Officer on the findings and recommendations of the independent review into the formal complaint.
- 1.2. Members adopted in full the recommendations for improvements in the Authority's governance and procedures and referred the recommendations to this Committee for detailed consideration and implementation.
- 1.3. Subsequently, at its meeting on 14 March, the Committee considered a [report](#) summarising the recommendations from the report and agreed the actions and accompanying timetable to progress the recommendations.
- 1.4. A copy of the recommendations and timetable can be found at appendix 1. This also identifies the action which has been taken.

2. Progress

- 2.1. Members will have seen various reports over the past year on progressing the recommendations. These include: amending the terms of reference for this committee to include having oversight of the Authority's governance arrangements; establishing a Standards Committee and amending the Scheme of powers delegated to the Chief Executive and other authorised officers.

2.2. Officers are pleased to confirm that all the recommendations have now been implemented.

3. Conclusion

3.1. Whilst all the recommendations have been implemented, officers will continue to review the Authority's governance arrangements and constitutional documents on a regular basis.

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Date of report: 13 February 2024

Background papers: none

Appendix 1 – [Independent review recommendations, the Authority's response, proposed actions and progress](#)

Appendix 1

Independent review recommendations, the Authority's response, proposed actions and progress

February 2024

	Recommendation	Response	Action, person/committee responsible and timescale	Progress
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 (HoP) • Regular quarterly performance and stats reports to planning committee as required by DLUHC plus annual customer satisfaction report annually to May meeting. Next report due May 2023. • Agreed no need to change, but Senior Governance Officer (SGO) to ask HoP if there are any minor improvements that could be made. 	SGO raised with HoP. No additional items were identified to improve upon existing reporting. Open to suggestions of best practice in reporting demonstrated by other LPAs.
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 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"> • MO/SGO/DM • Docs to be reviewed – Delegations for Planning Committee and Protocol for Planning Committee • SGO to draft initial wording, review with DMO/MO • Consult with DM and Chair, Cllr Harry Blathwayt or Vice-Chair Cllr Tim Jickells, if Cllr Blathwayt not re-elected in May. • Report changes to Planning Committee on 21 July (EC to attend) • Final report to BA meeting 28 July 	Revised Scheme of Powers delegated to Chief Executive and other officers adopted by BA on 28 July 2023 and revised Code of Practice for members of the Planning Committee and officers adopted by PC on 21 July 2023.

	Recommendation	Response	Action, person/committee responsible and timescale	Progress
3	We consider that the effective consolidation of the key documentation will be of benefit.	Agree and adopt	<ul style="list-style-type: none"> All documents including amended documents arising out of these recommendations to be brought together on the website in one location, under the heading of “Constitution” Consider including other relevant documents, such as management structure, Protocol for MO. Documents to contain hyperlinks to other relevant documents etc Deadline – Autumn/end of year once all other work is complete SGO to work with DMO and MO 	MO Protocol adopted by BA 22 Sept. 2023. Constitutional documents page updated and refreshed plus amendments made to other relevant pages in Nov. 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"> MO to work with SGO and the Audit and Risk Committee to review terms of reference for Audit and Risk Committee – also for recommendations 7 – 9. SGO to draft initial changes to ToR and review with DMO/MO. To discuss all changes with Vice-Chair of ARC, Cllr Tristram Hilborn (As Chair is on long term sick) Aim to report to ARC on 25 July and BA on 28 July Re Standards Committee, DMO to consider appropriate ToR and arrangements to ensure sufficient membership to allow three members to form a sub-committee. To consider how the Standards Committee will interact with ARC Consider independent member for committee. SGO to consider arrangements from other national parks. Aim to bring to BA meeting 22 Sept 	<p>Revised terms of reference for the Audit & Risk Committee adopted by BA on 28 July 2023 (also renamed Risk, Audit & Governance Committee).</p> <p>Establishment of a Standards Committee agreed by BA 22 September 2023 incl. terms of reference and a Hearings Sub-Committee.</p>

	Recommendation	Response	Action, person/committee responsible and timescale	Progress
5	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	Agree and adopt	<ul style="list-style-type: none"> MO to work with CEO 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 SGO. MO to consider with SGO practical 1-hour session on interests etc for lunchtime on 28 July Other training – e.g. induction for newly appointed members etc – to be considered Regular reports to be provided to the new Standards Committee on conduct issues. New committee to have oversight of training Deadline – ongoing 	First meeting of new Standards Committee scheduled for 7 March 2024.
6	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.	Agree and refer to Defra for consideration in the context of the Landscape Review.	<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 	Response from Defra received and reported to BA on 26 Jan 2024 .
7	Audit and Governance Committee, with their oversight of governance, should reflect upon issues regarding relationships and the underlying governance mechanisms behind those.	Agree	<ul style="list-style-type: none"> Actions as for No. 4 above MO to work with SGO and this Committee to review terms of reference for Audit and Risk Committee. The Authority to agree changes to terms of reference To report to ARC 25 July and to BA 28 July. 	See item 4 above.

	Recommendation	Response	Action, person/committee responsible and timescale	Progress
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"> • CEO to work with MO and SGO to draft an amended process • To be considered in line with changes to ARC ToR • To be reported to BA meeting 28 July 	Amended wording agreed by Management Team on 22 August 2023. NB: does not require BA approval.
9	Members can raise governance concerns with Audit & Governance Committee and so should be able not to 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"> • Actions as for No 4 above • MO to work with SGO to review terms of reference for Audit and Risk Committee and revised arrangements. • To be reported to ARC 25 July and BA 28 July 	See 4 above.