**Report of Corporate Assurance Manager**

**To**

**GOVERNANCE AND STANDARDS COMMITTEE**

**On**

**14 July, 2021**

**FORMER BERRY HILL QUARRY SITE INDEPENDENT REVIEW REPORT – ASSURANCE REVIEW UPDATE**

##### **SUMMARY**

1.1 This report provides an update on progress made in respect of implementing the agreed improvement actions identified from the Former Berry Hill Quarry assurance review.

#### **2 RECOMMENDATION**

1. That the current position in respect of implementing the Former Berry Hill Quarry assurance review actions as detailed in Table 1 of this report be noted.

##### **BACKGROUND**

* 1. In August 2020, the Corporate Assurance Manager devised a methodology to provide assurance that the conclusions and recommendations contained within the independent review report that were reached from the desk top review undertaken by the independent consultant following the landslip at Berry Hill Quarry would be fully addressed by the Council.
  2. Using this methodology an action plan was compiled by the Corporate Assurance Manager in consultation with the Heads of Planning and Regeneration and Law and Governance.
  3. Progress in implementing this action plan has been monitored via meetings with the above Heads of Services and relevant managers and updates to the Corporate Leadership Team and Governance and Standards Committee
  4. The current position as at 1 July 2021 is detailed in Table 1.
  5. A review of compliance with the management instructions issued as detailed in the action plan will be independently undertaken by Internal Audit during the 3rd quarter of 2021/2022.

**Table 1: Berry Hill Quarry – Current Position Statement**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Ref | Agreed Actions | Deadline | Lead Officer | Current Position as at 1 July 2021 |
| **Council Owned Land** | | | | |
| 1 | A prioritised programme ofcondition surveys of Council owned land will be carried out by officers from relevant departments using a spreadsheet template developed for Parks & Open Spaces to which other areas of land will be added to by Property Services from details held on the Tech Forge system.  Based upon the above condition survey each parcel of land will be given a RAG rating which will inform future frequency of inspection surveys and a detailed programme of planned maintenance and resources required will be compiled where necessary. | Phase 1 (Parks & Green Spaces assessment) - 31 December 2020  Phase 2 (other services areas assessment) – 31 March 2021 | Martyn Saxton | An exercise has been completed in respect of Council owned land to assess the overall RAG risk rating for each area, taking into account landscaping features such as rivers, flood plains, cliff faces, trees and gradients. The review has highlighted 7 sites that are considered to be red/high risk and the issues identified are all currently being addressed.  A plan to address medium risk sites and an ongoing inspection methodology are currently being developed |
| **Planning Department Procedures** | | | | |
| 2 | Future Planning decision making will be in accordance with the Constitution, statutory requirements and internal processes, aligned as far as practicable with the corporate decision making and reporting procedures particularly regarding the inclusion of Statutory Officer Comments and comments from key assurance service areas such as Legal and Finance, where relevant, in Planning Committee reports. | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 3 | Any future post Planning Committee decision variations or discharges of planning conditions will be determined in accordance with relevant legislation and the Constitution including comments from Statutory Officers and key assurance service areas such as Legal and Finance, where appropriate and relevant. | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 4 | Details as to when Statutory Officer comments are required will be agreed with the Statutory Officers  An instruction to relevant officers covering all the actions in respect of 3 above will be issued to this effect including management compliance monitoring arrangements. | 30 November 2020  30 November 2020 | Martyn Saxton  Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 5 | All developments will be monitored through existing planning processes with trigger points for S106s.  An instruction to this effect will be issued | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 6 | The planning decision making process will ensure that all ‘major’ developments take into account similar developments previously approved on the same site and on adjacent sites  An instruction to this effect will be issued | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 7 | A full audit trail will be maintained for all planning applications / projects with all relevant documents including emails being retained on a central system subject to the Records and Retention Policy.  An instruction to this effect will be issued | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| 8 | The planning process will ensure that due diligence is undertaken before placing reliance upon an external source of professional specialist advice and that this is supported by a robust appointment approval process and formal contractual arrangements  An instruction to this effect will be issued | 30 November 2020 | Martyn Saxton | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| **Adoption of Land** | | | | |
| 9 | Existing procedures are to be revised to ensure that any future adoption of land is subject to a separate decision process again with relevant consultees including Legal and Finance and that the land should not be adopted without adequate resources being identified to deliver an ongoing maintenance programme | 30 November 2020 | Martyn Saxton & Jo Waldron | Implemented as at 17 February 2021 – A management instruction has been issued by the Head of Planning & Regeneration to relevant staff detailing the procedure to be followed.  Internal Audit will review this area during the 3rd quarter of 2021/2022 to provide independent assurance that the instruction has been implemented |
| **Corporate Lessons** | | | | |
| 10 | Current large scale long term projects need to be identified and a programme management approach adopted from now on with a programme lead allocated | 30 November 2020 | Sarah Hall | Implemented as at 17 February 2021 - This has been incorporated into the decision making guidance and report template. |
| 11 | The current review of the corporate decision making reporting template including Delegated Decisions needs to ensure that there is a requirement to include comments from all relevant service assurance providers including Legal and Finance | 30 November 2020 | Sarah Hall | Implemented as at 17 February 2021 |
| 12 | The corporate reporting software system needs to ensure that comments are added to reports directly by the relevant service areas and that decisions are not taken until all relevant comments are received | 30 November 2020 | Sarah Hall | Democratic Services are currently investigating alternative software options with a view to full implementation of the new system by 31 December 2021 |
| 13 | Where reliance is being placed by the Council upon an external source of professional specialist advice, due diligence needs to be carried out by providing evidence that there has been a robust appointment approval process and that there are formal contractual arrangements in place  An instruction needs to be given detailing the methodology to be adopted to achieve due diligence | 30 November 2020 | Adrian Pullen | Implemented as at 1 July 2021 - Due diligence checks required have been included within the Council’s revised Contract Procedure Rules |
| 14 | Independent checks need to be carried out to ensure compliance with the Council’s information management guidance / procedures including retention of documents | 30 November 2020 | Sarah Hall | Implemented as at 17 February 2021 - This has been added to the work programme for Information Governance Group as an action for Legal to undertake an annual audit on retention of documents in line with the Retention Schedule |

#### **4 OPTIONS AVAILABLE**

#### 4.1 The option available is to note the current position in respect of implementing the agreed improvement actions from the assurance review as detailed in Table 1 above.

**5** **RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

#### 5.1 Full implementation of the agreed actions will effectively mitigate any related risks.

#### **6 ALIGNMENT TO COUNCIL PRIORITIES**

6.1 The need to ensure that the Council takes the opportunity to learn lessons and improve its governance processes is fundamental to the Council as it endeavours to achieve its priorities.

#### **7 IMPLICATIONS**

(a) Relevant Legislation

None

(b) Human Rights

The Human Rights Act 1998 is not engaged as no particular individual is directly affected by the decision.

(c) Equality and Diversity

An initial impact assessment has been completed and it concludes that the proposed actions are fair and equitable in their content and are not discriminative on the grounds of equality and human rights.

(d) Climate change and environmental sustainability

The proposed actions in the report do not have any environmental implications and have no effect on the climate.

(e) Crime and Disorder

There are no implications for crime and disorder

(f) Budget/Resource

There are no implications

**8** **COMMENTS OF STATUTORY OFFICERS**

Monitoring Officer – The ongoing review of the actions arising from the assurance review gives confidence of the effective management of those actions.

Section 151 Officer – No specific comments

**9 CONSULTATION**

9.1 No additional consultation has taken place

**10 BACKGROUND PAPERS**

None

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