

Progress in delivering Statutory Recommendations – Brecon Beacons National Park Authority

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Summary report

Summary

What we reviewed and why

- 1 The Auditor General for Wales published his report on Delivery of the Change Programme at Brecon Beacons National Park Authority (the Authority) in February 2021. Overall, we concluded that weaknesses in leadership and governance were highlighted by poor management and delivery of the major change programme initiated by the Authority in October 2019.
- 2 Given our findings, the Auditor General for Wales made three Statutory Recommendations for improvement focusing on:
 - driving forward the Change Programme;
 - strengthening governance; and
 - strengthening decision making.
- 3 At the time we published our report, we also set out how we would track performance in addressing our statutory recommendations and the risks we identified in 2021-22.
- 4 We have been monitoring delivery of the statutory recommendations meeting monthly with the new Chief Executive and relevant officers but also attending various Authority meetings to take stock of developments. Overall, we do not consider sufficient progress has been made and there remains a lot still to do.

What we found

- 5 To provide assurance that the issues we identified are being fully addressed, we undertook this follow-up review during the period December 2021 to January 2022. We interviewed officers and members of the Authority, reviewed documentation, undertook a short survey of all members and staff and observed meetings. Overall, we found that: **Delivering the Auditor General's statutory recommendations has been hindered by continuing governance problems and a lack of capacity and the Authority should now seek the assistance of Welsh Ministers to address these problems.** Specifically, we found that:
 - A step change in performance is needed to fully address the Statutory Recommendations;
 - Governance and decision-making processes are still not working effectively;
 - Differences in the interpretation and work of members is stopping the Authority from addressing the major problems it faces; and
 - Capacity and resilience remain areas of concern.
- 6 We provided a draft of this report in confidence for comment to all members of the Authority and all identifiable officers. We made clear during this process that the report was subject to the provisions of section 54 of the Public Audit (Wales) Act

2004, which prohibits the disclosure of information obtained during an audit except in certain specific circumstances, and we made clear that no content could be shared without the approval of the Auditor General for Wales. Despite this stipulation, and contrary to section 54, two Welsh Government appointed members shared their response to the draft with Welsh Government officials, and one of these members their response with the Chief Executive and Chair of the Authority.

Detailed report

Delivering the Auditor General's statutory recommendations has been hindered by continuing governance problems and a lack of capacity and the Authority should now seek the assistance of Welsh Ministers to address these problems

A step change in performance is needed to fully address the Statutory Recommendations

- 7 The Authority has an action plan in place which brings together all the intended changes to address the statutory recommendations made by the Auditor General. The Action Plan is regularly monitored and updated and is subject to oversight and evaluation by the Audit and Scrutiny committee.
- 8 The Action Plan covers all the issues identified in the Auditor General's February 2021 report and provides a good summary of how the Authority plans to address the risks it faces. Audit Wales and the Authority regularly meet to discuss progress against the action plan.
- 9 Despite this, delivery of the Action Plan is not progressing quickly or smoothly. Most actions are a work in progress, and a number have not progressed at all. Timescales for delivery of some individual actions have been either missed and/or extended, and progress has not been as quick as first envisaged.
- 10 This is partly due to continuing resource demands but also because several key actions are subject to ongoing debate between members and officers to define and agree responses. Indeed, in some areas the actions previously agreed by members are often being challenged and debated. For instance, the Scheme of Delegation, which was scheduled for update and sign off in August 2021, was only considered and adopted by members in February 2022. Some members did not accept all the findings of the Auditor General's February 2021 report, which raises concerns that the Action Plan is not fully owned. At the most recent Audit Committee of 28 January 2022, officers and members reflected on the slow progress to date and recognised that they are somewhat off addressing their significant challenges.

Governance and decision-making processes are still not working effectively

- 11 The last 12 months have not been easy for members and staff within the Authority. Many we interviewed and surveyed highlighted the personal toll of working within the Authority and referenced difficulties sleeping, ongoing stress and worry.

The difficulties arising from mismanagement of the change programme noted in the Auditor General's report of February 2021, which the Authority has rightly moved on from, coupled with the weaknesses in governance systems referenced below and the demands of responding to the pandemic, have not been easy. Despite these challenges, the Authority has made some progress in strengthening governance arrangements. For instance:

- members have begun to address how they work together. A consultant has been engaged and members have held one facilitated workshop with 14 of the 18 attending. This is early days, and much work is still to be delivered, but it is an important first step;
- the new independent members on the standards committee have given that body fresh impetus in reinforcing expected standards and required behaviours;
- the introduction of post-committee de-briefs (to review what went well in meetings and what could be improved) is seen as working well and providing much needed reflection time to help strengthen decision making; and
- changes in the Policy Forum has resulted in a shift in how this body operates and has benefitted from better joint leadership of the chair of the Policy Forum and Chief Executive.

- 12 While helpful in themselves, we do not believe that the actions above are sufficient to address the serious weaknesses facing the Authority. Governance is still not as effective as it could and should be. The Authority and Committee meetings that we have attended, together with our interviews, focus groups and survey findings, consistently highlight ongoing problems.
- 13 From our interviews and survey work it is clear that a lot of energy is spent by officers in second guessing and trying to manage all potential scenarios on a given policy or issue before presenting this to members. This can lengthen the time taken to get information to members for decision, which can add to their frustration, but is also resulting in growing inertia for 'fear of doing the wrong thing'. This can often result in a delay in information being presented at formal meetings, or meetings themselves being cancelled, leading to decision making increasingly grinding to a halt. However, some members believe they are given neither sufficient time nor the right information for effective scrutiny and decision-making.
- 14 For example, the Scheme of Delegation, which was scheduled for review and update in the late summer of 2021, has progressed slowly, and the updated Scheme was not finally adopted until February 2022. This is despite good Schemes of Delegation being fundamental to accountability and good governance. (A good Scheme of Delegation will clearly set out who is authorised to make decisions so that members and staff at all levels of the organisation are clear on what they can and cannot do.)
- 15 Similarly, the Member Officer protocol has not progressed significantly, partly due to resource pressures, but also because it is considered to be another 'risky' item to debate given the breakdown in relationships between Members and with

officers. We conclude that key issues that need to be dealt with are often delayed because of a fear of doing the wrong thing, rather than addressed.

- 16 In meetings, some members appear unable or unwilling to accept officers' advice or answers and are rather persistent in challenging officers. Similarly, such members often refuse to accept and abide by majority decisions and are persistent in seeking to revisit such decisions. A strong line of feedback from our survey and interviews is the unpredictability of formal Authority and Committee meetings and the issues raised and focussed on by some members which often stops items being progressed, something we have witnessed when attending Authority meetings. Trust between some members, and between members and officers, has broken down. This has not been helped by the switch to remote on-line working which has reduced opportunities to build trust and relationships; both within the members group and between members and officers. Taken together these continuing difficulties are stopping the Authority from making progress and are fundamental barriers to change.

Differences in the interpretation and work of members is stopping the Authority from addressing the major problems it faces

- 17 The potential governance strength of the National Park Authority is that it blends the skills of local democratically elected and accountable members with the technical expertise and knowledge of the members appointed by Welsh Government. This can provide the Authority with a strong foundation to make good policy choices considering both local and national issues.
- 18 However, we found that the poor working relationship between some members of the Authority we reported on last year continues to adversely impact its operation and decision making. Twelve months on, despite some positive progress – for instance, the engagement and involvement of members in developing the New Draft Park Management Plan – some fundamental challenges remain.
- 19 The National Park covers nine council areas and has 18 members. Six of these are appointed by the Welsh Government and 12 are drawn from seven of the nine local authorities that make up the National Park, of which six come from Powys Council. Members are appointed by their constituent principal council and the National Park Authority is not involved in this process.
- 20 All members have a [Member Role Description](#) for their role as a National Park Authority Member. Welsh Government Members are also issued with a 'key tasks' list by Welsh Government as part of their terms and conditions. All members are required to have a Personal Development Review annually with the Chair or another senior member.
- 21 In addition, Welsh Government have recently introduced a requirement for an annual report on the performance of their appointees, which is to be implemented this year for the first time. This is in addition to the more detailed report required at

the end of the first four-year term of office which is used to determine whether an individual should be reappointed. Welsh Government Members are matched to the National Park based on their skills and experience – they provide valuable insight on national issues and bring a range of specialist skills to the table.

- 22 Local authority members often change annually. This is a significant drain on governance expenditure (increased spend on induction and support) and impacts the effectiveness and cohesion of the Authority. Indeed, from our attendance at meetings in recent years it is clear that a number of local authority members play a less prominent role in relation to policy and governance matters. Too often in meetings we have attended most local authority members do not speak and rarely contribute to policy development.
- 23 When this model works well, then the combined skills of the different Member groups can be a positive force for improvement. For instance, respective members in Eryri and Pembrokeshire Coast work collegially to the benefit of their National Park Authority. In our recent work with both Eryri and Pembrokeshire Coast we have rarely seen fundamental differences in how members (and officers) work together, and discussions rarely take as long nor focus on the issues that dominate agendas in similar fora in the Brecon Beacons. Put simply, members in Brecon Beacons often have very different views on their roles, and these differences are often played out in meetings and discussions. This continues to undermine decision making and governance of the Authority.
- 24 That is not to say that there is no common ground. All members see themselves, the Chief Executive and Directors as having a leadership role. Members also see their key role as deciding on the strategic priorities of the National Park and officers as being responsible for implementing these priorities.
- 25 However, some Welsh Government Members informed us that they should play a more central role drawing on their experience and utilising their skills for the benefits of the National Park. This is not helped by the core documentation and recruitment process for Welsh Government appointees which is not clear or specific enough to delineate the important differences between appointment to a Board and to a Special Purpose local authority such as a National Park. Members informed us that the lack of ongoing support from Welsh Government following appointment contributes to them feeling isolated.
- 26 In comparison, local authority members appointed to the National Park see their role as broadly the same as their work for their principal council. Most local authority members we have spoken to and surveyed see their role as responding to professional officers' advice, scrutinising performance, approving reports and making higher level strategic decisions. Day-to-day management and operational choices are left to the Chief Executive and Directors, and they firmly believe that no Member should be 'hands on'.
- 27 The difference between the two groups of National Park Authority members often results in Welsh Government appointees trying to do too much and local authority members not doing enough. And this imbalance is not helping the full Authority

Member group to work in a united way for a common purpose respecting each other's abilities and contributions.

Capacity and resilience remain areas of concern

- 28 The new Chief Executive has been in place six months and is seen as a strong and effective leader bringing much needed direction to the Authority. The majority of officers and members we interviewed and surveyed spoke positively of the Chief Executive and the direction in which she has so far taken the Authority. She has been consistent with her vision and has been good at listening to people from across the organisation. There is broad consensus on the new structure with two new Directors and a new Programme and Project Officer appointed in December 2021 and due to take up post in April 2022. When fully staffed this will bring much needed senior officer capacity to the Authority.
- 29 In addition, consultancy support to help shape and strengthen corporate systems has also been secured. The corporate centre has been strengthened with the recruitment of a Monitoring Officer along with the restructuring of the Chief Executive's team. However, some members do not support some of these decisions and have openly stated in Authority meetings at which we have been present that too much money and resource is being spent on governance activities.
- 30 The Monitoring Officer post, in particular, has been the subject of concern to some members. It is a temporary 12-month fixed term appointment, which will be reviewed in 2022. The Chief Executive wanted this to be a full-time permanent position and sees the creation of the fixed term role as falling short of the range of legal support the Authority needs. The Monitoring Officer has the specific duty to ensure that the Authority, its officers, and its members, maintain the highest standards of conduct in all that they do and to report on matters they believe are, or are likely to be, unlawful or amount to maladministration. In our view this is an important role within the Authority and is essential in supporting good governance and proper decision making.
- 31 Staff continue to step up in temporary roles or with more responsibilities and deliver despite being under huge significant pressures from the impact of COVID-19, large numbers of staffing vacancies and continuing uncertainties of those working on temporary contracts or in temporary structures/roles. Consequently, and unsurprisingly, our survey shows that morale amongst members and staff remains poor, and resilience within the organisation is stretched.
- 32 Senior staff continue to leave the Authority, reducing organisational knowledge and experience yet further. For instance, we were informed that the Head of Planning, the Democratic Services Manager and S.151 Officer have recently resigned or are retiring. These are key senior people whose loss will add to the capacity problems facing the Authority.

- 33 Universally, members and officers agree that the Authority takes on too much and traditionally has not prioritised effectively. In interviews and survey responses people noted that too many projects, which often do not fit with the strategic priorities of the Authority, are taken on without robust governance in place to manage and drive them forward. This is slowly changing but robust governance is not fully embedded yet.
- 34 Capacity is also stretched because of the way the Authority works. In particular, the demands generated by some members at committee meetings, in working groups and through extensive use of e-mail, is difficult for officers to manage, and resources are continually being diverted to address these regular detailed requests which can detract from core work. Senior managers noted that the volume of requests and the follow-on activity and discussions this generates is growing, and they consider this untenable.
- 35 Our staff interviews and survey findings highlight that some officers frequently feel overwhelmed by queries and challenges from some members. Several also noted that they were fearful of engaging with these members and dreaded attending committees or working groups with these members.
- 36 Some members are also concerned that officers are disengaging from participating with members and some members perceive officers to be collectively and deliberately working against them. We did not see evidence of this, but, as commented on in earlier paragraphs, we see that decision making is increasingly becoming protracted and reports and information for members are often delayed, which may be helping to shape this perception.

Recommendations and next steps

- 37 The Auditor General's report of February 2021 made a series of statutory recommendations to the Authority to be considered in accordance with the requirements of section 25 of the Public Audit (Wales) Act 2004. While the Authority accepted the recommendations and agreed the action it planned to take in response to them, we are concerned that progress has been slow and that many challenges facing the Authority remain. Indeed, in some areas the problems have deepened and become more entrenched and difficult.
- 38 Given the limited progress to date and the many challenges that the Authority faces, we are concerned that the Authority may not be able to make significant progress without external assistance. Following the commencement of relevant parts of the Local Government and Elections (Wales) Act 2021, there is no longer provision for the Auditor General to recommend as part of a special inspection of the Authority that Welsh Ministers provide assistance. Consequently, we **recommend** that the Authority urgently requests the assistance of the Welsh Ministers to address the significant governance problems.
- 39 In particular, we consider that it should seek assistance that enables clarification of the roles and expectations of all Members and corresponding help in addressing

the development and support needs of Welsh Government-appointed members. We intend to draw Welsh Ministers attention to this report to make them aware of the need to provide the Authority with assistance and will consider what further action we need to take to help address the problems facing the Authority.



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