

CABINET – 20 MAY 2024

ARMADA WAY LEARNING REVIEW CABINET BRIEFING REPORT



1. Purpose of Report

This report is presented by the Monitoring Officer for the purposes of providing Cabinet with an overview of the relevant issues to assist with final approval of the Terms of Reference for the Armada Way Independent Learning Review.

2. Background and context

During a Cabinet meeting on 20 July 2023, the Leader announced his commitment to conduct an independent learning review into the Armada Way decision taken 14 March 2023 by the Leader at the time (the Decision). In tasking officers with preparing draft Terms of Reference (ToR) for review by Cabinet the Leader stated that:

- i. The review would be truly independent, and would have an independent and senior chair;
- ii. It would look in detail at the decision-making process that took place, both in terms of legality and governance;
- iii. It would examine how well the Council engaged with stakeholders throughout the process and the extent to which feedback was incorporated into the plan;
- iv. It would examine the impact of the project on the local environment;
- v. It would set out the financial implications of what had happened, including the costs directly to the Council;
- vi. It would commence before the end of the year, and it would be presented to Council on its completion;

This commitment was formalised by the court order which dismissed the Judicial Review proceedings as being academic (the Court Order). As part of the Court Order, the Council provided an undertaking as follows:

- to conduct an independent learning review (ILR);
- to approve the ToR for review at the Cabinet meeting on 20 May 2024;
- that the ToR should reflect matters i – vi listed above;
- to commence the review immediately upon the completion of the extant court proceedings, or the finalisation of the ToR (whichever is the soonest);
- to complete the review within 3 months of commencement;
- to present the findings to full Council once complete;
- to publish the details of the Chair on PCC's website; and
- to appoint the Monitoring Officer as the commissioning officer for the review.

The date of commencement of the ILR is presently unknown due to the application for permission to appeal the JR decision and the still unresolved contempt of court proceedings.

3. Terms of Reference (ToR)

The proposed ToR have been drafted by the Monitoring Officer and are included at Appendix B.

Cabinet is asked to note the following key points:

- Whilst the ToR will be agreed by Cabinet in compliance with the Court Order, the Independent Chair will be given an opportunity to consider them and make agreed amendments prior to commencing the ILR;
- The ToR deal with the following points:
 - The principles and purpose of the ILR;
 - The issues for consideration, as per the Court Order; and
 - The way in which the ILR is conducted.
- It is proposed that the ILR will be conducted by an Independent Chair with local government governance expertise, along with two further advisors possessing suitable governance/legal and environmental/regeneration/planning expertise in a local government context.
- The ILR will be supported by an administrative officer and officer advisors who have had no previous involvement with the Decision or the original Armada Way scheme.

4. Officer, Member and Stakeholder Engagement

As set out in the ToR, engagement will be managed as follows:

- The ILR will organise private discussions with relevant Council officers and members, identified following a review of the documentation;
- There will be an opportunity for members of the public and interested parties to make written submissions to the ILR based on its objectives as set out in the ToR.

5. The Independent Chair and ILR Members

- The Monitoring Officer is tasked with commissioning a suitably qualified Independent Chair and ILR members, as discussed above;
- In addition to possessing suitable experience and qualifications, the ILR members will be required to demonstrate independence, effective communication skills and the ability to engender trust;
- The submission of CVs will be invited for consideration by the Monitoring Officer and identification of the most suitably qualified candidates;
- Following the conclusion of this process, the most suitable candidates will be discussed with Cabinet prior to formal appointment.
- The ILR Chair and members will be remunerated for conducting the ILR

6. The ILR Report

- The ILR will produce a draft report which will be finalised once those who have been interviewed have had the opportunity to review their interview transcripts for points of accuracy and factual correctness;
- Once the report has been finalised, it will be presented to full Council and published on the Council's website, in accordance with the Court Order.