

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

Title of Report:	Monitoring Officer's Annual Report
Meeting of:	Council
Date:	27 <sup>th</sup> February 2017
Is this an Executive Decision:	NO
Is this a Key Decision:	NO
Is the report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	n/a

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: Angela Wakefield

Date ..... Signature .....

Chief Finance Officer: Sal Khan

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

Report to Council

Date: 27<sup>th</sup> February 2017

<b>TITLE:</b>	Monitoring Officer's Annual Report	
<b>PORTFOLIO:</b>	Monitoring Officer	
<b>HEAD OF SERVICE:</b>	Monitoring Officer	
<b>CONTACT OFFICER:</b>	Angela Wakefield	ext. No. x1267
<b>WARD(S) AFFECTED:</b>	None	

**1. Purpose of the Report**

- 1.1 The purpose of the report is to provide an annual review of the arrangements for the discharge of the Monitoring Officer's duties and proposals for amendments.

**2. Background**

- 2.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. The Solicitor to the Council currently performs this role. The Monitoring Officer's duties are to be discharged in accordance with legislative requirements, relevant Government guidance and the Council's Constitution. The Monitoring Officer is required to report to the Council regarding the arrangements for the discharge of their duties together with any proposals for amendments in the light of any issues that have arisen during the year.

**3. Contribution to Corporate Priorities**

- 3.1 There is no Corporate Plan target relating to the subject of this Report. However, good governance arrangements are fundamental to the well-being of the Council.

**4. Deputy Monitoring Officer**

- 4.1 Section 5 of the Local Government and Housing Act 1989 requires the Monitoring Officer to appoint a Deputy and keep them briefed on any relevant issues that they may be

required to deal with in the absence of the Monitoring Officer. The Monitoring Officer has appointed Chris Ebberley as Deputy Monitoring Officer in accordance with the provisions of the Act.

## **5. Role of the Standards Committee and the Standards Regime**

- 5.1 The Council has previously put in place arrangements under the Localism Act 2011 to deal with complaints about potential breaches of the respective Codes of Conduct of Borough and Parish/Town Councillors. Those arrangements appear to be working satisfactorily at present.

## **6. Standards Matters and Investigations**

- 6.1 The Monitoring Officer is required to give informal advice and undertake relevant enquiries into allegations of misconduct.
- 6.2 During the past year, the Monitoring Officer has given advice to a number of Councillors about their obligations under the Code of Conduct.
- 6.3 Since the last Annual Report in February last year the Council has received 11 formal complaints about possible breaches of the Code of Conduct by 8 members of the Borough Council (two complainants complained about the same Borough Councillor; three complaints all related to another Borough Councillor) and 2 formal complaints about possible breaches of the Code of Conduct by members of Parish/Town Councils within the Borough. This is a significant increase from 0 (nil) formal complaints about a Borough Councillor and 1 formal complaint about the conduct of a Parish Councillor received during the previous year.
- 6.4 In addition, the Monitoring Officer has dealt with one issue concerning a Borough Councillor by means of additional training; has reported a Parish Councillor to Staffordshire Police for possible Localism Act offences; and has declined one complaint since the person complained of is not subject to the Council's Standards Committee Complaints Procedures.
- 6.5 The following action has been taken in relation to the 13 complaints referred to at 6.3 above:
- 6.6 One (in relation to a Parish Councillor) was rejected by the Monitoring Officer since the matters complained of did not occur at a time when the Parish Councillor was acting in his official capacity, meaning that the Monitoring Officer was not able to consider it under the Borough Council's Standards Committee's Complaints Procedures;
- 6.7 One complaint was resolved by informal means when the subject Councillor apologised to the complainant;
- 6.8 The remaining 10 complaints were referred for independent investigation. Two of the ten were withdrawn by the complainants; one complaint about a Borough Councillor was referred to Standards Committee, which found that there had been a breach of the Code of Conduct; three complaints concerning one Borough Councillor were referred to Standards Committee, which found that there had been no breach of the Code of Conduct; two complaints about one other Borough Councillor were referred to Standards Committee but were resolved by informal means prior to the hearing; one complaint about a Borough Councillor is to be heard on 28<sup>th</sup> February; one complaint a Borough

Council has been deemed capable of informal resolution and the subject member has been given an opportunity to apologise for the behaviour complained of; and at the time of writing I am awaiting the investigating officer's final report in respect of a complaint against Parish Councillors.

## **7. Code of Conduct**

- 7.1 The Localism Act 2011 requires the Council (and Parish/Town Councils for which it is responsible) to adopt a Code of Conduct for councillors. All relevant councils have adopted Codes of Conduct.
- 7.2 All Members of the Borough Council have completed declaration of interests forms. They are asked to update their declarations at least annually, even if no changes are required to be notified. The Monitoring Officer has received several updated declarations since the election in May 2015, which suggests that there is a high level of awareness among Councillors of the need to notify changes as those occur.
- 7.3 All Parish/Town Councillors have completed declaration of interests forms.

## **8. Constitution**

- 8.1 Arrangements have continued to review and monitor the operation of the Council's Constitution and to ensure that any decisions are made in accordance with it.

## **9. Regulation of Investigatory Powers Act 2000 ("RIPA")**

- 9.1 RIPA requires local authority officers and agents to have authorisation to carry out certain types (or use certain methods) of covert surveillance, in order for the surveillance to be lawful for all purposes. Authorisation is a two-step process: first internal authorisation must be obtained and secondly an application has to be made to the Magistrates' Court.
- 9.2 The Monitoring Officer is required to report to Full Council on usage of RIPA authorisations and must also report the fact that there has been no usage of RIPA authorisations. For the year since the last Annual Report there has been no usage of RIPA authorisations and no authorisations have been sought for many years – certainly none have been applied for under the two-step process outlined at 9.1 above, which has been in place since November 2012.

## **10. Financial Considerations**

*This section has been approved by the following member of Financial Management Unit:  
Lisa Turner.*

- 10.1 There are no financial issues arising from this Report.

## **11. Risk Assessment and Management**

- 11.1 The main risks to this Report and the Council achieving its objectives are as follows.
- 11.2 Positive (Opportunities/Benefits):

11.2.1 The maintenance of the Council's credibility and good governance by a high standard of ethical behaviour.

11.3 Negative (Threats)

11.3.1 Loss of credibility if standards fall.

11.4 The risks are referred to in the Risk Register numbered. Any financial implications to mitigate against these risks are considered above.

**12. Legal Considerations**

*This section has been approved by the following member of the Legal Team: Angela Wakefield.*

12.1 There are no significant legal issues arising from this Report. The matters covered by this Report are generally requirements of the Localism Act 2011.

**13. Equality and Health**

13.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

13.2 **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

**14. Human Rights**

14.1 There are no Human Rights issues arising from this Report.

**15. Sustainability (including climate change & change adaptation measures)**

15.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes/No or N/A

15.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

15.2.1 None

Negative (threats)

15.2.2 None

**16. Recommendation**

16.1 To note this report.

**17. Background papers**

17.1 None.

**18. Appendices**

18.1 None.