

# EAST STAFFORDSHIRE BOROUGH COUNCIL

## REPORT COVER SHEET

Title of Report:	Monitoring Officer's Annual Report
Meeting of:	Council
Date:	22nd February 2016
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: 22nd February 2016

<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 Head of Legal & Democratic Services 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 0 (nil) formal complaints (at the time of writing this report) about possible breaches of the respective Codes of Conduct by members of the Borough Council and 1 formal complaint about possible breaches of the Code of Conduct by members of Parish/Town Councils within the Borough, which was subsequently withdrawn as a result of an informal mediation session led by the Monitoring Officer and the Standards Committee's Independent Person. This is a significant decrease from 8 complaints the previous year. In addition the Monitoring Officer has dealt with one issue concerning a Borough Councillor and a Parish Council informally by means of mediation. This followed an initial approach from the Parish Council which did not constitute a formal complaint and which the Monitoring Officer considered suitable for informal resolution.
- 6.4 Of the 8 complaints referred to at 6.3 above, 3 were referred to Standards Committee for hearing and all of those hearings took place in the year since the previous Monitoring Officer's Annual Report. The Committee found that there had been breaches of the Code of Conduct in 2 of the 3 cases and the findings of the Committee have previously been reported to Council. In the third case the Committee found that there had been no breach of the Code of Conduct.

## **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 in the months following 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 At the time of writing all Parish/Town Councillors have completed declaration of interests forms, with the exception of Burton and Dunstall Parish Councils which have returned no forms despite repeated reminders by the Principal Democratic Services Officer. The



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

12.3 Negative (Threats)

12.3.1 Loss of credibility if standards fall.

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

**13. Legal Considerations**

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

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

**14. Equality and Health**

14.1 **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.

14.2 **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.

**15. Human Rights**

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

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

16.1 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

16.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

16.2.1 None

Negative (threats)

16.2.2 None

**17. Recommendation**

17.1 To note this report.

**18. Background papers**

18.1 None.

**19. Appendices**

19.1 None.