

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

|  |                                    |
|--|------------------------------------|
| Title of Report:   | Monitoring Officer's Annual Report |
| Meeting of:  | Standards Committee                |
| Date:  | 7 <sup>th</sup> March 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 Standards Committee

Date 7<sup>th</sup> March 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**

2. 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.

**3. Background**

4. 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.

**5. Contribution to Corporate Priorities**

6. 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.

**7. Deputy Monitoring Officer**

8. 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 Eberley as Deputy Monitoring Officer in accordance with the provisions of the Act.

**9. Role of the Standards Committee and the Standards Regime**

10. 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.

**11. Standards Matters and Investigations**

12. The Monitoring Officer is required to give informal advice and undertake relevant enquiries into allegations of misconduct.
13. During the past year, the Monitoring Officer has given advice to a number of Councillors about their obligations under the Code of Conduct.
14. Since the last Annual Report in March last year the Council has received 3 formal complaints (at the time of writing this report) about possible breaches of the Code of Conduct by one member 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.
15. 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.

**16. Code of Conduct**

17. 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.
18. 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.

19. 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 Clerk to Burton Parish Council has cited technical difficulties and given assurances that the forms will be returned following the next Parish Council meeting on 17<sup>th</sup> February.
20. **Training for Members**
21. The Monitoring Officer is responsible for ensuring necessary training for members of the Borough Council on ethical standards and Code of Conduct issues.
22. Since the last Annual Report, the Monitoring Officer has provided training as part of the extensive programme of induction training provided to all Councillors following the Borough Council elections in May 2015. In line with previous recommendations of Standards Committee, induction training was attended by both new and returning councillors. The Monitoring Officer gave training on ethical standards and the Code of Conduct for Councillors; the structure of the Council and the Constitution; the role of Parish Council; and ran a mock Council Meeting.
23. The Council's three Statutory Officers gave a briefing for all Councillors in November 2015 on the subject of decision making and access to information. This was in addition to the induction training programme.
24. **Constitution**
25. 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.
26. **Regulation of Investigatory Powers Act 2000 ("RIPA")**
27. 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.
28. 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 10.1 above, which has been in place since November 2012.

**29. Financial Considerations**

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

30. There are no financial issues arising from this Report.

**31. Risk Assessment and Management**

32. The main risks to this Report and the Council achieving its objectives are as follows.

33. Positive (Opportunities/Benefits):

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

35. Negative (Threats)

36. Loss of credibility if standards fall.

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

**38. Legal Considerations**

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

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

**40. Equality and Health**

41. **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.

42. **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.

**43. Human Rights**

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

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

46. 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

47. Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

48. None

Negative (threats)

49. None

50. **Recommendation**

51. To note this report.

52. **Background papers**

53. None.

54. **Appendices**

55. None.