

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Monitoring Officer's Annual Report
Meeting of:	Full Council
Date:	20 th March 2023
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: John Teasdale	
Date	Signature
Chief Finance Officer: Sal Khan	
Date	Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Full Council

Date: 20th March 2023

TITLE:	Monitoring Officer's Annual Report	
PORTFOLIO:	Monitoring Officer	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	John Teasdale	ext. No. x1267
WARD(S) AFFECTED:	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 Borough Solicitor 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 Ms Sherrie Grant as his Deputy Monitoring Officer, following his own appointment in March 2022, 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 Since his appointment, the Monitoring Officer has given advice to a number of Councillors about their obligations under the Code of Conduct; and has given advice and support to a number of Parish Clerks.

6.3 Eight complaints were inherited by the Monitoring following his appointment. These complaints have now been concluded however one of these matters remain outstanding but for full compliance with a final element of the Monitoring Officer's Decision Notice.

6.4 Since appointment and at the time of compiling this report, the Monitoring Officer to the Council has received 26 Standards complaints, composed as follows:

- 10 of those complaints were Parish Council complaints. 16 were Borough Council complaints.
- The 16 Borough Council complaints relate to 7 different Councillors.
- Of those 26 complaints, 9 were submitted by members of the public.
- 7 of the 26 complaints are currently live.
- 3 further complaints have been received since this report has been finalised and are currently being reviewed.

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 interest 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 updated declarations and personal information since his appointment, 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 interest 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.

8.2 A full review of the Constitution was reviewed and approved by Full Council in December 2022.

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. Since the appointment of the Monitoring Officer, there has been no usage of RIPA authorisations and it therefore remains the case that no authorisations have been sought for many years.

9.3 Nevertheless training on RIPA was arranged for relevant officers in October 2022 so as to ensure that staff are fully appraised of recent changes in procedure and legislation. This was following an update of the Council's RIPA policy in July 2022.

10. Financial Considerations

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

10.1 There are no significant 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. Data Protection Implications – Data Protection Impact Assessment (DPIA)

12.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;

- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

12.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

13. **Human Rights**

13.1 There are no Human Rights issues arising from this report.

14. **Legal Considerations**

This section has been approved by the following member of the Legal Team: John Teasdale

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

15. **Equality and Health**

15.1 **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.

15.2 **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.

16. **Human Rights**

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

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

17.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

17.2 Please detail any positive/negative aspects:

Positive (Opportunities/Benefits)

17.2.1 None

Negative (threats)

17.2.2 None

18. Recommendation

18.1 To note this report.

19. Background papers

19.1 None.

20. Appendices

20.1 None.