

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Monitoring Officer's Annual Report
Meeting of:	Council
Date:	26 th February 2018
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: 26th February 2018

TITLE:	Monitoring Officer's Annual Report	
PORTFOLIO:	Monitoring Officer	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	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 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 6 formal complaints about possible breaches of the Code of Conduct by members of the Borough Council and 6 formal complaints about possible breaches of the Code of Conduct by a member of a Parish Council within the Borough.
- 6.4 In addition, the Monitoring Officer has dealt with two other issues concerning a Borough Councillor before a formal complaint was lodged. In each of those cases the Councillor was invited to attend a meeting with the Chief Executive; the Monitoring Officer; the Independent Person; and the Leader of the Council.
- 6.5 The following action has been taken in relation to the 12 complaints referred to at 6.3 above:
- 6.6 The six complaints about the conduct of a Parish Councillor were resolved by informal means when the Councillor complained of gave a public apology at the next meeting of the Parish Council.
- 6.7 One complaint was outside the scope of the Code of Conduct since the Councillor complained of was not acting in an official capacity at the time of the alleged incident. Although the complaint was not accepted for investigation, the Monitoring Officer notified the Police of the matter to enable them to take any action they deemed appropriate.
- 6.8 One complaint did not disclose a breach of the Code of Conduct and was not therefore formally investigated.
- 6.9 Two further complaints did not warrant the expense of a formal investigation, partly because of the lapse of time since the matters complained of and submission of the complaints and partly for failure to disclose a breach of the Council's Code of Conduct.
- 6.10 The remaining two complaints against Borough Councillors are being assessed at the time of writing.

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 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 At the time of writing all Parish/Town Councillors have completed declaration of interest forms, with the exception of Stapenhill Parish Council.

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. Changes to Deputy Leaders' portfolios have necessitated a revision of Part 3Ca of the Constitution, as shown at Appendix 1. In addition, amendments have been made at clause 2.5 of the Council's Complaints Procedure (as shown at Appendix 2).

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 it therefore remains the case that no authorisations have been sought for many years.

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) 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 Appendix 1: revised Part 3Ca of the Council's Constitution

18.2 Appendix 2: revised Part 4C of the Council's Constitution