

Meeting:	Audit and Governance Committee
Meeting date:	28 January 2015
Title of report:	Annual report of the monitoring officer
Report by:	Assistant director governance

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Countywide

Purpose

To inform the committee of performance in the areas within the remit of the monitoring officer for the municipal year 2013/14.

Recommendation(s)

THAT:

(a) the annual report of the monitoring officer be noted.

Alternative options

- 1 There are no alternative options as the report provides a factual summary of performance.

Reasons for recommendations

- 2 To enable the committee to be assured that high standards of conduct continue to be promoted and maintained and the council is adhering to the principles of openness and transparency.

Key considerations

- 3 The role of the monitoring officer is a statutory office whose duties are set out in the Local Government and Housing Act 1989 and the Local Government Act 2000.
- 4 The main responsibilities of the monitoring officer are to ensure that the council, its elected councillors and its staff act with probity and that all the council's activities are in accordance with the law and the council's constitution. The monitoring officer has responsibility for ensuring that the council avoids findings of maladministration and that it responds appropriately to the local government ombudsman in that regard.
- 5 The monitoring officer is also responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct, and for administering the local standards framework. The monitoring officer's responsibilities dovetail with those of the other statutory officers: the head of paid service (chief executive) and the section 151 officer (chief financial officer).

Standards

- 6 In accordance with the provisions of the Localism Act 2011 the council has adopted a code of conduct, and this has been made available to all parish councils in the county to inform the adoption of their own code. Council has appointed a number of independent people to serve on a panel to consider complaints that have been investigated or cannot be resolved informally, and the monitoring officer is grateful for the time and commitment these independent panel members give.
- 7 The council maintains a register of interests for members of Herefordshire Council and parish councillors; these declarations are published on the council's website. An annual reminder is sent to members and parish councillors to ensure that declarations are kept up to date. The monitoring officer provides periodic briefing sessions for Herefordshire councillors and parish councillors on the code of conduct.
- 8 Between May 2013 and April 2014 a total of 36 complaints alleging a breach of the code of conduct were received. The table below shows the outcome of those complaints.

Complaints received		No breach identified	Resolved informally	Formal panel recommendation
Herefordshire councillor	16	6	5	5
Town and parish councillor	20	8	10	2
Total	36	14	15	7

- 9 Members are required to register offers of gifts and hospitality with an estimated value in excess of £25.00.
- 10 The council's information access team, established in October 2013 following an internal restructure manages:

- All formal complaints (note that with effect from 1 June 2014 the statutory children's social care complaints process is administered and managed by the quality assurance team in the children's wellbeing directorate)
- Freedom of information requests
- Subject access requests
- Environmental regulation requests
- Data breaches
- Police requests including proof of life requests
- Requests from other authorities to share information

11 Complaints performance and trends are regularly monitored and reviewed by the council's management board. The table below provides a high level summary of the number of issues the team dealt with during the year. During the same period 63 enquires were reviewed by the Local Government Ombudsman; of these only two were up-held.

	Complaint	FOI	EIR	SAR	Data breach	Police request	LA request
Totals	880	1280	153	56	74	34	8

12 In addition the monitoring officer is responsible for ensuring that concerns raised by 'whistleblowers' are investigated in accordance with the council's policy. During 2013/14 one concern was raised and investigated.

Corporate Governance

- 13 In line with the council's agreed values, one of the key elements of good corporate governance is open and transparent decision making. It is therefore appropriate to note any occasions when closed sessions of public meetings have taken place, when less than 28 days' notice of intention to take a key executive decision has been given, and the number of scrutiny call-ins conducted.
- 14 The public can be excluded from the whole or part of a meeting if the meeting is to discuss confidential or exempt information (as defined in schedule 12a of the Local Government Act 1972 as amended). During 2013/14 there were no occasions when this took place.
- 15 Key decisions to be taken by the executive are notified on the council's website generally giving the required 28 days' notice. It is not always possible to provide this amount of notice and during 2013/14 there were nine occasions when a key decision was taken with more than five days but less than 28 days' notice being given; in all cases the chairman of the relevant overview and scrutiny committee was informed of this and of the reason in each case. There were no cases of 'special urgency' where key decisions were taken with less than five days' notice.
- 16 General overview and scrutiny committee called-in one decision of the executive during 2013/14, that being proposed changes to the Herefordshire schools and post 16 transport policy.
- 17 The monitoring officer is responsible for ensuring that any investigation using discreet surveillance or similar evidence gathering techniques is appropriately authorised in accordance with the provisions of the Regulation of Investigatory Powers Act 2000.

During 2013/14 no such authorisations were requested.

Community impact

- 18 This report provides information about the council's performance in relation to being open, transparent and accountable.

Equality duty

- 19 There are no equality duty implications arising directly from this report, which is for information.

Financial implications

- 20 There are no financial implications arising directly from this report, which is for information.

Legal implications

- 21 As set out in the report.

Risk management

- 22 There are no risks arising directly from the report which is for information. Effective governance processes mitigate the risk of legal change to decision-making and maintaining high standards of conduct mitigates risks to the reputation of the authority.

Consultees

- 23 Not applicable.

Appendices

- None.

Background papers

- None identified.