

MEETING:	COUNCIL
MEETING DATE:	18 OCTOBER 2013
TITLE OF REPORT:	MONITORING OFFICER'S ANNUAL REPORT 2012/13
REPORT BY:	MONITORING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision

3. Wards Affected

County-wide

4. Purpose

To inform the council about the matters within the responsibility of the monitoring officer and the council's performance for 2012-2013 with regard to the complaints under the standards framework.

5. Recommendation

THAT: Council notes the content of this report and provides comments and feedback to the monitoring officer.

6. Alternative Options

6.1 There are no alternative options. This report is for information only.

7. Reasons for Recommendations

7.1 The monitoring officer is required to report on his activities as set out in this report and the Audit and Governance Committee should note the report and provide comments and feedback

8. Key Considerations

8.1 The role of the monitoring officer is a statutory office whose duties are set out in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011.

- 8.2 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.
- 8.3 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. His responsibilities dovetail with those of the other statutory officers: the Head of Paid Service (Chief Executive) and Section 151 Finance Officer.
- 8.4 The restructure of Governance Services was progressed during 2012/13 as follows:
- Governance Services was included in a further restructuring process, which has now been completed. Staff have supported members during the roll-out of electronic communication equipment, and this has enabled the service to reduce costs of paper and printing considerably. Members no longer receive paper copies of agendas;
 - The reorganisation and restructuring of Registration Services has taken place, and the service is now self-funding.
 - A review of staffing within Local Land Charges and Elections has taken place;
 - Councillors continue to receive training on a range of subjects. The monitoring officer has delivered refresher training to members on the code of conduct, and members continue to receive briefings on a wide range of subjects. Training is reviewed by the Member Training and Development Group;
 - The monitoring officer has undertaken formal training during the year;
 - The committee undertook a review of the way standards matters are dealt with in the council, and was satisfied that a robust process existed.
- 8.5 The new standards regime was introduced in July 2012 and three new independent persons were appointed to comply with the Localism Act 2011. The two former independent persons have now been required, in accordance with the legislation, to resign from their voluntary independent positions, having been thanked by Council for their service.
- 8.6 As part of the new requirements all Councillors were required to register their disclosable interests. Detailed briefings on the new arrangements were given to Parish Councils by the Monitoring Officer.

8.7 The complaints dealt with during the period May 2012 – May 2013 are summarised as follows:

1 May 2012 – 30 April 2013

37 complaints were received during the period, and out of these:

- Five complaints were withdrawn;
- Five complaints were redirected because they related to service delivery, council officers or governance matters;
- In 20 cases the complaint was considered and no breach of the code found;
- Six complaints were referred to a standards panel;
- In one case, the monitoring officer found a potential breach of the code, which was dealt with by the monitoring officer.
- Of the 27 complaints considered, 23 (85%), related to members of town and parish councils;
- In four of the cases where no breach of the code was found, the monitoring officer offered advice or recommended training;
- In two of the cases referred to a standards panel, a breach of the code was found. These complaints related to the same subject member and the same incident;
- Four of the cases referred to a standards panel are ongoing. These four cases all relate to the same subject members.

9. Community Impact

9.1 Compliance with its legal obligations, effective governance and high standards of conduct impact on the council's relationship with, and its ability to lead, the communities of Herefordshire. In addition, the monitoring officer has responsibility (working with Herefordshire Association of Local Councils,) for standards in parish councils and for the operation of the standards framework and Code of Conduct for parish councillors. Parish councils are also important to the communities they serve. The activities of the monitoring officer have the potential to have a positive impact on communities.

10. Equality and Human Rights

The report pays due regard to the council's public sector equality duty set out under Section 149.

11. Financial Implications

11.1 There is limited funding for monitoring officer activities. The Governance teams support the monitoring officer in fulfilling his functions, and have made a significant contribution to the activities set out in this report and ensuring legal compliance and good governance across the council. It is important that they be adequately

resourced.

12. Legal Implications

- 12.1 The proper discharge of the monitoring officer functions is critical to ensuring that the council is acting lawfully. The legal implications of the council's activities must be fully understood and timely advice sought.

13. Risk Management

- 13.1 All complaints are risk-assessed by the monitoring officer, with the aim of reducing the risk of future successful legal challenge.

14. Consultees

- 14.1 None

15. Appendices

- 15.1 None

16. Background Papers

- 16.1 None identified.