

MONITORING OFFICER REPORT 2005/2006

Report By: Head of Legal and Democratic Services

Wards Affected

County-wide

Purpose

1. To note the Authority's performance for 2005/06 with regard to complaints to the Ombudsman, Whistleblowing and those matters within the responsibility of the Monitoring Officer's control as the Head of Legal and Democratic Services.

Background

2. The Committee should be aware that 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. The main responsibilities of the Monitoring Officer are to ensure that the Council and its Elected Members act with probity in accordance with the law and in accordance with its Constitution and to avoid determinations of maladministration being issued by the Local Government Ombudsman.
3. The Monitoring Officer is also responsible for carrying out investigations and reporting to the Standards Committee of the Council any breaches of the Code of Conduct of members referred to it by the Standards Board for England.

RECOMMENDATION

THAT the Report be noted

Considerations

Complaints Panel 2005-2006

4. The Complaints Panel comprising the Chief Executive sitting with two Group Leaders sit, when required, in order to determine complaints against the Authority which have not been resolved at either Stage 1 or Stage 2 of its Complaint Handling Procedure. During the period covered by this report, the Complaints Panel met on 7 occasions and considered a total of 15 individual complaints. Of those complaints considered, only one was partially upheld, which resulted in a compensatory payment of £125 being made to the complainant. An analysis of the subject matter of complaints dealt with by the Panel during this period reveals that 66% related to planning issues; 8% related to highway matters, the remainder related to complaints made in connection with either noise, public services or sub-committee procedures.

Ombudsman

5. The Local Government Ombudsman office investigates complaints about Councils with the aim of putting things right if they have gone wrong: it is unbiased and independent. The Ombudsman has similar power to the High Court to order anyone to produce information or documents for their investigation. The Council's Best Value Performance Impact Plan sets targets for the number of complaints classified as maladministration. The Ombudsman has yet to finalise the end of year report which will not be available until the 30th June 2006.
6. The table below shows the total number of complaints received by the Ombudsman for Herefordshire in 2004/05 and the two previous years. It should be noted that the Ombudsman has made no findings of maladministration against Herefordshire during this period.

	2002/03	2003/04	2004/05
Total number of complaints determined by the Ombudsman	45	37	37
Total number of complaints to the Ombudsman settled locally.	6	3	1

Whilst no complaints were upheld against the Council the local settlement for 2004/05 involved Highways with regard to their footpath responsibilities and it was accepted by the Council that the complainant did not receive the best service he should have. A local settlement was reached which was accepted by the complainant and the Ombudsman on the basis would review its policies and procedures and to feed the results of that exercise back to the complainant. As far as I am aware this has been done.

7. The table below sets out the number of complaints received by the Ombudsman by subject area, as classified by the Ombudsman, for 2004/05.

Complaints received by subject area	Education	Highways	Housing (not incl HB)	Housing Benefit	Local Taxation	Other	Planning	Social Services	Total
2004/05	3	7	0	4	3	3	15	2	37
2003/04	3	9	2	0	1	6	12	4	37
2002/03	12	1	8	1	1	3	16	3	45

Whistleblowing

8. This process is to allow officers and the public to inform the Monitoring Officer of any issues regarding the probity of officers and their behaviour. Over the period (1st April 2005 – 31st March 2006) there has been one matter reported which has been investigated and lessons learned. There is however still an ongoing grievance procedure outstanding in relation to this matter.

Standards Committee

9. The Standards Committee is chaired by Mr Robert Rogers, an independent member who resides within the County. The Committee comprises its chair, several independent members and also several elected members of the Authority. The Committee sits on a regular basis and in the period of this report sat on 7 occasions. The business of the Committee is split between considering applications for dispensation for parish councils; conducting hearings to determine local investigations referred to the Authority by the Standards Board for England and considering matters relating to governance issues generally. In its disciplinary role, the Committee has heard more matters arising from local investigations than any other Committee within the West Mercia area. This in no small part is due to the large number of parish and town councils within the County compared to those in neighbouring areas.

Register of Gifts and Hospitality

10. The Monitoring Officer is required to monitor and maintain a register of the gifts and hospitality offered to both members and officers of the Council. It is incumbent on members and officers to register such gifts and hospitality over £25 and £10.00 respectively even if it is only offered and not accepted.
11. Over the last three months only one registration has been made. One of the Councillors won vouchers to the value of £1,000 in the Halo draw.

Register of Members Interests

12. All members of the Council are required to register any personal and prejudicial interest that might affect or give the public the perception of affecting their decision making. The register of such interest is retained by the Monitoring Officer.
13. Apart from the register, members are required to notify the Monitoring Office at any meeting of the Council of any personal or prejudicial interest prior to the start of any such meetings and these are recorded in the minutes.

Risk Management

14. Officers and Members are regularly briefed by Legal Services on any changes in legislation or case law that may impact on the delivery of services or impose statutory duties on the Authority. New legislation and significant case law is monitored by Legal Services and when impact is foreseen in respect of any of the Council's Directorates, an Impact Assessment Report which can be electronically accessed through the intranet is prepared. Key Managers are advised by e-mail when new Impact Assessment Reports become available. The process of impact assessment reporting is underpinned by a programme of training rolled out to both officers and members. In the period covered by this report, there have been nine such seminars, covering Member diversity training, court room skills for officers called as witnesses, panel training in respect of school admission appeals and a variety of specialist legal topics germane to officers working in Highways and Transportation, property work and Freedom of Information issues.
15. Complaints of any nature either to the Ombudsman or referred to the Standards Committee can result in a risk to the Council's reputation. In the case of the Ombudsman, compensation can be recommended.
16. The failure of officers and/or members to register gifts or interest can have an effect on the Council's reputation. In the case of a member it could be referred and investigated by the Standards Board for England or the Standards Committee who are required to publish the results of any such investigations.

BACKGROUND PAPERS

- None identified