

COUNCIL – 22 FEBRUARY 2011

MONITORING OFFICER'S ANNUAL REPORT

Report of the: Monitoring Officer

Also considered by: Standards Committee - 2 December 2010

Performance and Governance Committee – 15 February 2011

Status: For consideration and decision

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Elaine Bracken

Head of Service Mrs. Christine Nuttall - Head of Legal and Democratic Services

Recommendation: That

- a) the Monitoring Officer's Annual Report be noted; and
- b) the Full Council be recommended to note the Monitoring Officer's Annual Report.

Background

- 1 This is the sixth Annual Report of the Monitoring Officer as attached as an appendix to this report.

Introduction

- 2 The purpose of the Monitoring Officer's Report is to provide an overview of the work of the Monitoring Officer, the work of the Standards Committee and the general governance arrangements within the Council in the past year and to provide an opportunity to review and learn from experience.
- 3 The information contained within this Report will also provide Members of the Standards Committee, many of whom are Independent Members and Parish and Town Council Members, with an overview of the workings of the Council thus providing them with valuable information to facilitate the carrying out of their functions. This report will also provide valuable information to Members of the Performance and Governance Committee.

Substance of Report

- 4 The Monitoring Officer's Report sets out the Monitoring Officer's statutory responsibilities, summarises how these duties have been discharged during

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2010 in accordance with the Council's Constitution, legislative requirements and draws attention to those issues that will require attention in the next calendar year.

5 Since the Monitoring Officer's Report was published the following additional information is now available. This is as follows:

- In relation to our Whistle Blowing Policy the Report mentioned that one concern had been raised in the last calendar year which was being looked into. This matter was investigated by Internal Audit who found that the allegation was unfounded.
- Under the heading "Standards for England, Complaints and Determinations" the Report stated that one case was the subject of an Ombudsman complaint. This case has now been completed by the Ombudsman whose decision was that the Sub-Committees came to reasonable, lawful decisions. The decisions were that no further action should be taken because there was a lack of evidence to substantiate the allegation and because of the passage of time, it would be unable to carry out a meaningful investigation. However, the Ombudsman did note that there was an administrative error in the letters following the decision not to investigate. On the basis that an apology was made to the complainant in relation to the administrative error the complaint was settled without the Ombudsman issuing a report.
- In one Town Council case the Sub-Committee recommended "other action" which was to engage at their expense an external independent mediator/conciliator to try and address the issues between the two members and across the Town Council if necessary. The recommendation has been put on hold by the Town Council until a police investigation has been carried out. The Town Clerk has suggested that conciliation be postponed until after the May 2011 elections.

Key Implications

Financial

6 The Monitoring Officer's Report has not identified any financial implications for this Council over and above normal requirements.

Impact on and Outcomes for the Community

7 The report sets out the work of the Monitoring Officer, Standards Committee and other governance arrangements monitored by other committees within the Council thus providing Members and the public with valuable information which should promote Member and Public confidence in the high ethical standards set by the Council.

Legal and Human Rights Implications

8 The Monitoring Officer's Report has not uncovered any illegality.

Resource (non financial)

9 No additional non financial resource implications are identified.

Value For Money and Asset Management

10 There are no identifiable value for money and asset management implications associated with the contents of this report.

Equality

11 This report has not identified any equality issues.

Sustainability Checklist

12 The contents of the Monitoring Officer's report should provide the public with confidence that robust systems exist to enable high ethical standards to be applied across all levels of the authority.

Conclusions

13 The Monitoring Officer's report sets out the elements of good governance and demonstrates that robust procedures are in place to raise ethical standards, identify problems and ensure that Members, Officers and the Public are aware of appropriate channels to raise concerns.

Risk Assessment Statement

14 The Monitoring Officer's Report increases awareness of the ethical framework and sets out the good governance arrangements that have been set in place. The Monitoring Officer's Report has not identified any illegalities and has not identified any potential illegalities for the next calendar year. The risk of impropriety remains low.

Sources of Information:

Information supplied by the Standards Board for England

Information supplied by various officers and sections of the Council

Ombudsman's Report

Contact Officer(s):

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**Christine Nuttall
Monitoring Officer**

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