



**STOCKTON-ON-TEES BOROUGH COUNCIL**  
**ANNUAL REPORT OF THE MONITORING OFFICER**  
**2007/08**

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## **1. Introduction**

This is the third Annual Report of the Monitoring Officer. Its purpose is to provide an overview of the Monitoring Officer's work during 2007/08 and to highlight those issues that will require attention during 2008/09.

## **2. The Monitoring Officer's Duties and Responsibilities**

2.1 The role of the Monitoring Officer derives from the Local Government and Housing Act 1989 ("the 1989 Act") and has been extended by the Local Government Act 2000 ("the 2000 Act"). Provisions in the Local Government and Public Involvement in Health Act 2007 will require the Monitoring Officer to advise the Standards Committee regarding its new functions relating to allegations of member misconduct and politically restricted posts. Details of the Monitoring Officer's functions were set out in the previous Annual Reports. These reports are accessible at <http://sbcinternet/yourcouncil/standprob/monofficer/>

### **2.2 Support for the Monitoring Officer**

The support mechanisms and resources which enable the Monitoring Officer to undertake the functions referred to in this and previous reports have continued to be developed and strengthened in 2007/08. The working relationships with the Head of Paid Service and Section 151 Officer are particularly important, as are those with the rest of the Corporate Management Team, the Extended Management Team and the Corporate Governance Working Group, the Chief Internal Auditor, the Standards Committee and the External Auditor. Again, however, the support of the Head of Legal Services (the Deputy Monitoring Officer) and the Legal Service itself has been invaluable, together with the assistance provided by the Head of Democratic Services and all of the Democratic Services staff.

## **3. Constitution**

3.1 The Constitution continued to be updated during 2007/08.

3.2 Amendments of note included the following:-

- additional information regarding partnerships - Part 2 - Article 10A
- new details relating to diversity eg amendments to the Member/Officer protocol about Members and Officers expectations and a change to the principles of decision-making to include respect for human rights and equality of opportunity
- new Cabinet Member portfolios - Part 8
- inclusion of revised Code of Conduct for Members - Part 5
- the updated gifts and hospitality protocol - Part 8
- general guidance on the revised Code of Conduct - Part 8
- the revised Members' Use of IT Equipment Protocol, including guidance on data protection issues - Part 8

### **3.3 Scrutiny Arrangements**

As a result of the review in December 2006 an improvement plan was produced and key actions were implemented during 2007/08, including strengthening links with external bodies (eg in health), promoting the use of task and finish groups and

raising scrutiny's profile through more proactive use of press releases, Stockton News and so on.

3.4 Subsequent to the elections and annual meeting, Select Committee membership was reduced from 13 to 9 and five new Select Committees were created. This resulted in a total of seven Select Committees, equating to the new Cabinet Member portfolios.

3.5 The relevant report to the Standards Committee is accessible at <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab71.pl>

Please refer to the minutes of the meeting of 16 August 2007.

#### **4. Lawfulness and Maladministration**

The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers. Part of this role involves monitoring Cabinet and Committee reports, agendas and decisions to ensure compliance with legislation and the Constitution. The majority of this work is undertaken by Officers from Legal Services. The Monitoring Officer also has a duty to ensure that Cabinet decisions and their reasons are made publicly available. This is done by Officers from Democratic Services through the Council's website, by means of the e-genda system.

The sound governance arrangements operated by the Council ensure that the necessity to report potentially unlawful decision-making is rarely used. No such reports were issued during 2007/08.

##### **4.1 Reports from the Local Government Ombudsman**

There were no reports from the Local Government Ombudsman in 2007/08 regarding actions or omissions which amounted to maladministration.

##### **4.2 Local Government Ombudsman - Complaints Statistics**

In 2007/08 complaints reduced overall to 48 (from 71 in 2006/07). Planning and Building Control complaints reduced from 34 to 12. Other complaints remained fairly constant.

There were 56 decisions made, again a drop from 73 in 2006/07.

The number of first enquiries increased from 15 to 17 and the average response time also increased from 28.9 days to 29.8 days.

#### **5. Good Governance**

The Monitoring Officer has a pro-active role in ensuring good practice, good procedures and good governance. This involves leading and promoting networking, collaboration and joined-up working practices and decision-making as well as ensuring standing orders, codes of practice, protocols and procedures are kept under review and up to date. Collaborative working entails regular liaison with other statutory Officers as well as working in partnership with other services to develop and disseminate guidance, policies and procedures. The focus for this work is the Officer Corporate Governance Working Group, on which the Monitoring Officer sits, with the Section 151 Chief Finance Officer as Chair.

## 5.1 Corporate Governance Working Group

During 2007/08, the Corporate Governance Working Group undertook the following work (inter alia):-

- CPA KLOE actions and evidence
- Review of Risk Register
- Corporate Governance Statement
- Follow-up actions from Audit Commission and Ethical Governance Plan
- A focus on partnership governance with the roll out of the health check toolkit
- A focus on partnership governance with the roll out of the health check toolkit

For 2008/09 the Group is intending to look at the following (inter alia):-

- Corporate Assessment Feedback and action
- Consider new Use of Resources Assessment and Corporate Area Assessment
- Review progress on Partnership Health Checks
- Review Risk Register
- Review of Audit and Standards Committee Work Programme
- Review Code of Corporate Governance

## 5.2 Good Governance and Corporate Compliance

### (i) Ethical Governance

Ethical governance is an integral part of corporate governance. During 2007/08, steps were taken to implement the action plans arising from the ethical governance audit and light touch health check carried out in 2006/07. Details of the relevant outcomes will be reported to a meeting of the Committee in 2008/09.

### (ii) Freedom of Information

The Monitoring Officer, as initial contact Officer, has an oversight role in relation to the Council's arrangements for ensuring compliance with the Freedom of Information ("FOI") legislation (Act and Regulations) and accompanying guidance and Codes of Practice.

A similar position exists in relation to the Environmental Information Regulations (and accompanying guidance and code of practice) and the Re-Use of Public Sector Information Regulations.

The Monitoring Officer is also the Primary Qualified Person for considering whether information is exempt from disclosure under Section 36 of the Freedom of Information Act. No such determinations were required in 2007/08.

### (iii) Regulation of Investigatory Powers Act 2000 ("RIPA")

The Council's RIPA arrangements were inspected again in June 2007. Action was taken during the year to respond to the review recommendations. The report was however a positive one.

## RIPA/Communications Data Statistics - 2007/08

For 2007/08 there was significantly less surveillance and communications data activity (eg a reduction of 60% in directed surveillance authorisations).

### (iv) Audit of Accounts

Arrangements were again made through the Monitoring Officer's office, in conjunction with the Chief Accountant, to confirm to the public the availability of the Council's accounts for 2006/07 for inspection.

### (v) Related Parties Transactions

All Members and relevant Officers have again been asked to confirm whether or not in accordance with the Related Parties Material Transactions accounting rule, they have any need to disclose to the Council information about a contract, receipt of a service, a benefit or other relationship between themselves or a member of their families or households, and the Authority. The Monitoring Officer's office co-ordinates the correspondence with and queries from Members relating to the requests for relevant information and disclosures.

## **6. The Standards Committee**

### **6.1 Background**

The Standards Committee has been in existence since 1999. The Committee has always been chaired by an Independent member since its inception. The member concerned (Francis Hayes) has significant previous local government legal experience at a senior management level. There are 2 other independent members of the Committee; 2 Parish Council representatives and 5 Borough Councillors.

### **6.2 Meetings**

The Committee's meetings, reports and minutes are accessible and made available to all Members of the Council and the public. Agendas and minutes can be accessed through the Democratic Services' e-genda system via the Council website and through the intranet.

### **6.3 Ethical Governance**

The Committee has been directly involved in monitoring progress during the year against the light touch health check action plans.

### **6.4 Annual Report**

The Standards Committee's Annual Reports can be seen at <http://sbcinternet/yourcouncil/standprob/standcomm/>

## **7. The Ethical Framework and Support to the Standards Committee**

7.1 As lead Officer for the Standards Committee and the Ethical Framework, the Monitoring Officer has a key role in promoting the Council's Ethical Framework and

high standards of conduct within the authority. This includes the maintenance of the Members and Officers Registers of Interests and Gifts and Hospitality.

## **7.2 Maintaining Register of Member Interests and Register of Gifts and Hospitality**

The Monitoring Officer is responsible for establishing and maintaining a Register of Members Interests. This is held within the office of the Monitoring Officer and is also accessible through the Council's website. The register is updated following the Council's Annual Meeting each year and periodically thereafter as Members advise of changes to their entries on the register. Members' Gifts and Hospitality is also recorded on the interests register. Regular reminders of the need to keep it up to date are provided to all Members. The Register and procedure for maintaining it was reviewed and updated in 2007/08 due to the new code of conduct requirements and the outcome of the IDeA light touch health check.

## **7.3 Overseeing Registration of Officer Interests**

All Council employees have a duty to maintain conduct of the highest standards to help to build and maintain public confidence in the Council's integrity. Every employee has a duty under Section 117 of the Local Government Act 1972 to make a written declaration of any existing or proposed oral or written contract with the Council in which they have a direct or indirect financial interest. Failure to comply is a criminal offence. Regular audits (including Monitoring Officer inspections) of the Officers' register and related procedures are undertaken each year.

## **7.4 Overseeing Registration by Employees of Gifts and Hospitality**

Each Service is responsible for keeping an up to date record of all money, favours, gifts and hospitality offered and/or received. Failure to comply is a breach of conditions of employment and could form the basis of disciplinary proceedings. As with interests, audits and Monitoring Officer inspections of the register and recording arrangements take place on a regular basis.

## **7.5 Confidential Reporting (Whistle Blowing)**

The confidential reporting (whistleblowing) policy is available on the intranet as a stand alone document and is contained in the electronic version of the Handbook of Personnel Policies and Procedures. It is referred to in the Members' Handbook and has been placed in the Standards and Probity section of the Council's website.

The number of Nominated Officers has been increased, including more female Officers.

The Authority's invitations to tender form requires the Policy to be adopted.

A range of publicity about the Policy was produced during the year and the posters used internally have been updated and circulated.

## **7.6 Dispensations**

No dispensations were requested during 2007/08 from the Standards Committee under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

## **7.7 Town/Parish Councils**

In addition to providing general and specific advice, guidance and training in connection with the ethical framework, information regarding that framework is passed on a regular basis to all Town and Parish Councils either electronically or by hard copy eg developments relating to the new Code of Conduct for Members. Working relations with Town and Parish Councils have continued to be developed significantly in this latter respect during 2007/08. As well as personal visits by the Monitoring Officer, Standards Committee Members have attended a number of Town/parish Council meetings as observers.

## **7.8 The Standards Board for England, Standards Board Complaints and Determinations**

The Monitoring Officer is responsible for establishing and maintaining an effective working relationship with the Standards Board for England. In addition the Monitoring Officer is responsible for receiving reports from Ethical Standards Officers regarding investigations carried out by the Standards Board into the conduct of Councillors, the conduct of local investigations and local hearings.

Details of cases relating to the Council and to Town/Parish Councils in Stockton's area can be seen via the following link

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab71.pl>

Please refer to the minutes of the meetings of 11 October 2007; 18 October 2007; 24 January 2008 and 10 April 2008.

## **7.9 Reviewing Effectiveness of the Ethical Framework**

The Ethical Governance Audit and IDeA light touch health check gave rise to a number of specific action plans. Implementation of the plans have improved the effectiveness of the ethical framework. Details of the outcomes involved are to be reported to the Standards Committee during 2008/09.

## **8. The Single Equality Scheme**

The Standards Committee received details of the second edition of the Scheme in August 2007. This version took account of the requirements of the Gender Equality duty. The Council's response to the Race Equality Duty was also updated.

The current version of the Scheme can be seen at:-

<http://www.stockton.gov.uk/equalityanddiversity>

## **9. Corporate Compliance with Legislation**

The protocol for ensuring consistent responses to new legislation, Government initiatives and consultation exercises has continued to be applied in 2007/08. This has included circulation of information regarding and responses to proposals to amend the planning regime and to introduce a new local assessment procedure for complaints about Member conduct.

## 10. Member Training and Development

The work undertaken to put the approved Learning and Development Strategy into practice was assessed by the North East Regional Employers Organisation and IDEA Peer Member as meeting the best practice standards set by the North East Charter for Member Development. Charter status was therefore awarded to the Council. The enthusiasm for and commitment to Member development was highly praised.

Steps will need to be taken to determine how best to respond to the suggested improvements identified within the Assessment reports (<http://sbcintranet/members/11827/>)

## 11. The Independent Remuneration Panel

The Panel undertook a review prior to the new 2008/09 financial year and will be conducting a further review in 2008/09. The current allowances schemes for 2007 (revised) and 2008/09 can be seen at [http://www.stockton.gov.uk/yourcouncil/egenda/your\\_councillors/membersallowances/](http://www.stockton.gov.uk/yourcouncil/egenda/your_councillors/membersallowances/)

## 12. Support to Council, Cabinet, Scrutiny and Committee Meetings

The distribution and publication of Cabinet and Committee reports, agendas, decisions and minutes is central to the democratic process. It is the Monitoring Officer's responsibility to oversee these arrangements and (through and with the support of Democratic Services) to ensure that the documentation complies with statutory and constitutional requirements.

### 12.1 Statutory Meetings - Analysis

In 2007/08 the following meetings were supported by Democratic Services:-

Full Council Meetings (including Special Meetings)	10 (11)
Cabinet meetings (including Special meetings)	13 (13)
Scrutiny/Select Committee Meetings	90 (78)
Licensing/Licensing Sub-Committee Meetings	16 (26)
Planning Committee Meetings	17 (16)
Standards Committee Meetings	11 (9)

(2006/07 figures in brackets)

During the year there were also 6 Audit Committees; 5 Employee Appeal Panels; 3 Appeals and Complaints Committees, and 4 Members Advisory Panel meetings.

### 12.2 E-Genda Introduction and Next Steps

Since its launch on the website in May 2006 the E-Genda system has become embedded in the Authority's democratic processes and has been developed through the practical experience of its use. During 2007/08 the forward planning arrangements were administered using E-Genda.

### 12.3 Members' and Mayoral Support

Through Democratic Services, particularly Members' Services and the Civic Unit, the Monitoring Officer is responsible for ensuring that Members receive adequate

advice, guidance and support in their role as community representatives and that the Mayor is able to perform a broad Civic function. Particular areas of support for the mayoralty include:-

- Administering the Mayor's web page
- Producing publicity on the role of the Mayor
- Maintaining the Civic Diary
- Co-ordinating the Mayor's events and engagements
- Remembrance Sunday; Mayor's Annual Dinner Dance and Annual Meeting/Mayor Making
- The Mayor/Deputy Mayor attending 343 Civic Engagements in 2007/08 (331 in 2006/07).

### **13. Preparing and Publishing the Forward Plan**

The co-ordination and maintenance of the Statutory Forward Plan is central to meeting the requirements of good governance as it enhances open and transparent decision making. During 2007/08 the preparation and publication of the plan was undertaken via E-genda.

The current version of the Statutory Forward Plan can be found at <http://ldsap03/aksstockton/users/demserv/admin/kab61.pl?PSVIEW>

### **14. Access to Information**

Specific guidance has continued to be provided to relevant Officers regarding the Access to Information provisions and the need for report writers to consider how best to deal with potentially exempt or confidential information when drafting items eg for Cabinet. This is a continuing and continuous learning process.

No issues or concerns have however been raised to date regarding the approach being taken to the treatment of exempt or confidential information in reports.

### **15. Processing Call-In Requests**

The Monitoring Officer received two requests to call-in Cabinet decisions during 2007/08. These concerned Cabinet decisions on 13 March 2008 relating to Parkview and Thornaby Town Hall. Details of the reports to Executive Scrutiny Committee, which decided not to refer the matters back to Cabinet can be seen at <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmte=S&CR&meet=28&ardc=71> .....

### **16. Official Signing and Sealing**

The Monitoring Officer is responsible for overseeing the signing and sealing of official documents. A check is made that the application of the Council's seal has been duly authorised and details are kept of all documents signed and sealed. During 2007/08 892 (828) documents were sealed. Of that number, 83% (740 (739) documents) were property related.

The remaining 17% of the documents sealed were made up primarily as follows:-

Contracts	50 (45)
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Traffic/Highway Orders	50 (47)
Tree Preservation Orders	52 (34)

A further 139 (78) property documents and 75 (16) contracts were signed during the year.

## **17. 2007/08 Work Programme Schedule (Monitoring Officer)**

The following work was undertaken in relation to the 2007/08 work programme set out in last year's Monitoring Officer Annual Report:-

### **17.1 The Constitution**

- The Constitution was reviewed, updated and published on the intranet and internet.
- The issue of resources for the Standards Committee's proposed local filter role regarding member misconduct allegations was reviewed and reported on to Council as part of the budget process.

### **17.2 Lawfulness and Maladministration**

- Guidance has been provided to Officers and Members regarding the new complaints policy and procedures.
- No feedback was received from the Local Government Ombudsman in connection with the new complaints policy.
- The Council's Ombudsman complaints handling procedures have continued to be monitored.
- The Ombudsman's complaints handling procedures were reviewed from a Council and Tees Valley Councils perspective.

### **17.3 Good Governance**

- The Council's forward planning processes have continued to be reviewed and improved where considered appropriate.
- The use of E-Genda continues to be promoted.
- Monitoring the implementation of the scrutiny action plan is ongoing.
- Proposals for meeting the scrutiny provisions in the Local Government and Public Involvement in Health Bill (now an Act) have been reported on and agreed.
- Input continues to be provided to the work of the Corporate Governance Working Group.
- The issues for development specific to the Director and Heads of Services certificates of assurance are being addressed on an ongoing basis.
- The Employee Protection Register is in use.
- The Council's CRB arrangements continued to be monitored.
- The Council's RIPA procedures have been reviewed/revised post-inspection.
- Monitoring the application and outcomes from the partnership health check toolkit is an ongoing process.

#### **17.4 Ethical Governance**

- The action plans arising from the ethical governance audit and IDeA light touch health check, particularly those elements relating to the profile of the Standards Committee have been implemented.
- Guidance, advice and training to Officers, Members and Town/Parish Clerks/Councillors have been provided regarding the new Code of Conduct for Members.
- The post-election induction programme was delivered successfully and the implementation of the Members Learning and Development Strategy and training programme has been monitored and externally assessed.
- The development of working relations with Town and Parish Councils, including the new Billingham Parish Council has been, and continues to be, an ongoing process.
- The Members' register of interests and Town/Parish Council registers have been reviewed and relaunched in light of the requirements of the new Members' Code of Conduct.
- Opportunities for promoting and developing the ethical agenda within the broader community have been explored with Democratic Services and Neighbourhood renewal.

#### **17.5 Confidential Reporting (Whistle Blowing)**

- The implementation of the action plan flowing from the review of the policy and procedures was completed.

#### **17.6 Compliance with Legislation**

- The Council's position regarding the Local Authorities (Contracts) Regulations was reviewed. No issues of concern existed.
- The work and effectiveness of the FOI/DP et corporate governance working sub-group has been reviewed through the Corporate Governance Group.
- Members' allowances were reviewed post election and in relation to the 2008/09 Scheme.

#### **17.7 Civic Leadership**

- Input has been provided to Democratic Services' work on democratic renewal and engagement.
- The arrangements for supporting and delivering the civic function in 2007/08 were reviewed.

### **18. Work Programme Schedule (Monitoring Officer) 2008/09**

#### **18.1 The Constitution**

- Further review and amend the Constitution - various - eg to recognise the Standards Committee's new powers and delegations arising from partnership working.
- Introduce an appropriate licensing protocol
- Review and report on resources as a result of experience of operating the local assessment arrangements.

## 18.2 **Lawfulness and Maladministration**

- Continue to review, and where necessary, revise the Council's Ombudsman complaints handling procedures.

## 18.3 **Good Governance**

- Further promote the use of E-Genda.
- Report on the operation of the new scrutiny arrangements in the context of the Local Government and Public Involvement in Health Act provisions.
- Continue to provide input to the work of the Corporate Governance Working Group.
- Action the issues for development identified in the Director and Heads of Service certificates of assurance.
- Continue to monitor the Council's CRB arrangements.
- Prepare drafts of the Standards Committee and Monitoring Officer Annual Reports for 2008/09.
- Continue to monitor and update the Council's RIPA procedures.

## 18.4 **Ethical Governance**

- Report on the outcomes of the ethical governance audit and IDeA light touch health check action plans.
- Provide guidance, advice and training to Officers, Members and Town/Parish Clerks/Councillors regarding the new local assessment regime.
- Monitor the implementation of the Members Learning and Development strategy, training programme, and Charter assessment improvement plan.
- Continue to develop working relations with Town and Parish Councils.
- Explore with Democratic Services and Neighbourhood Renewal, further opportunities for promoting and developing the ethical agenda within the broader community.

## 18.5 **Confidential Reporting**

- Assess the profile and impact of the policy and procedures.

## 18.6 **Compliance with legislation**

- Establish appropriate procedures relating to politically restricted posts, given the Standards Committee's new role in this respect.
- Support a further review of Members' Allowances.
- Provide input to the implementation of the Local Government and Public Involvement in Health Act provisions eg regarding new executive arrangements.

## 18.9 **Civic Leadership**

- Provide further input to Democratic Services' work on democratic renewal and engagement and to the Council's response to the Councillors' Commission reports.
- Continue to review the arrangements for supporting and delivering the civic function.

## 19. Conclusion

The Monitoring Officer's role encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and implementation of good governance and ensuring that robust protocols and procedures are in place. The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer's effectiveness in this role is in turn dependent on robust systems and procedures being in place to identify issues and potential problems and to ensure that Members, Officers and the public are aware of appropriate channels to raise concerns.

Most importantly, in order to fulfil both the proactive and reactive aspects of the role, in an efficient and effective way, the Monitoring Officer requires the support of other Officers and Services, particularly the Deputy Monitoring Officer, Officers in Legal Services; the Head of Democratic Services and Democratic Services Officers.

Views on the continued development of the Monitoring Officer role would be appreciated and should be directed to the Monitoring Officer, c/o Margaret Fawkes, PA to the Director of Law and Democracy, PO Box 11, Municipal Buildings, Church Road, Stockton-on-Tees TS18 1LD; telephone 01642 527060; email address [margaret.fawkes@stockton.gov.uk](mailto:margaret.fawkes@stockton.gov.uk) .

## 20. Other Languages or forms of Communication

For further information about the availability of this report in other formats and languages, please contact Margaret Fawkes on 01642 527060 or via email to [margaret.fawkes@stockton.gov.uk](mailto:margaret.fawkes@stockton.gov.uk).

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Monitoring Officer  
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