

**STOCKTON-ON-TEES BOROUGH COUNCIL**  
**ANNUAL REPORT OF THE MONITORING OFFICER**  
**2009/10**

DRAFT



**Stockton-on-Tees**  
BOROUGH COUNCIL

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## **1. Introduction**

This is the Annual Report of the Monitoring Officer for 2009/10. Its purpose is to provide an overview of the Monitoring Officer's work during that period and to highlight those issues that will require attention during 2010/11.

## **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"), the Local Government Act 2000 ("the 2000 Act") and the Local Government and Public Involvement in Health Act 2007 which requires the Monitoring Officer to advise the Standards Committee regarding allegations of member misconduct and politically restricted posts. Details of the Monitoring Officer's functions have been set out in previous Annual Reports. These reports are accessible at <http://sbcinternet/yourcouncil/standprob/monofficer/>. They were also the subject of an overview report to the Corporate, Adult Services and Social Inclusion Select Committee on 9 March 2010. The report can be accessed at <http://ldsap03/aksstockton/users/public/admin/kab14.pl?operation=SUBMIT&cmte=CAS&meet=21&phase=two&arc=>.

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

The support arrangements 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 2009/10. The working relationships with the Head of Paid Service and Section 151 Officer have continued to be 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 significant, not least the considerable support provided by the Senior Legal Assistant with responsibility for standards, together with the assistance provided by the Head of Democratic Services and all of the Democratic Services staff.

## **3. Constitution**

3.1 The Constitution was again reviewed and updated during 2009/10. The current version is accessible at <http://sbcinternet/yourcouncil/constitution/>.

## **4. Lawfulness and Maladministration**

4.1 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, decisions and procedures to ensure compliance with legislation and the Constitution (eg as regards access to information). 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.

4.2 The Council's governance arrangements continued to be robust and no reports regarding potentially unlawful decision-making or maladministration were issued during 2009/10.

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

There were no reports from the Local Government Ombudsman in 2009/10 regarding actions or omissions which amounted to maladministration. The provisional statistics for 2009/10 indicate that enquiries and complaints received by the Ombudsman reduced, as did the number of decisions made; and that the Council's response time to first enquiries again improved.

### 5. **Good Governance**

5.1 The Monitoring Officer has continued to work in collaboration with the Council's other statutory Officers, as well as working in partnership with other Officers, groups and services to develop and disseminate guidance, policies and procedures (eg relating to risk management, business continuity planning and freedom of information requests). The focus for this work is the Corporate Governance Working Group, on which the Monitoring Officer sits, with the Section 151 Chief Finance Officer as Chair. Under the Group's auspices, the Monitoring Officer was again involved in reviewing the Internal Audit Service.

#### 5.2 **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. During the year the procedures for handling FOI requests were reviewed and strengthened. A report was presented to Cabinet in this respect.

This is accessible at

<http://www.egenda.stockton.gov.uk/aksstockton/images/att11472.doc>. 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 2009/10.

#### 5.3 **Regulation of Investigatory Powers Act 2000 ("RIPA")**

For 2009/10 there was a decrease in the number of directed surveillance authorisations (5). There were no covert human intelligence source authorisations. The Council's arrangements for authorising RIPA surveillance were independently assessed and the Inspector commended the Policy and Procedures document (accessible at <http://sbcinternet/resources/council/reginvpowers/ripa.doc>)

#### 5.4 **Contract Procedure Rules**

Oversight of the tender receipt and opening arrangements has been taking place on a quarterly basis. This includes monitoring of the electronic tendering system. No concerns have been highlighted.

## **6. The Standards Committee**

### **6.1 Background**

The Committee's functions and membership are detailed in its Annual Reports (see paragraph 6.3).

### **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.

The appropriate link is

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

### **6.3 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, 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 continued to be provided to all Members. Reports also continued to be submitted to and considered by the Standards Committee on a regular basis. These reports included examples of register entries by Members and Officers.

Relevant reports to the Standards Committee can be seen at <http://www.egenda.stockton.gov.uk/aksstockton/images/att11000.doc> and <http://www.egenda.stockton.gov.uk/aksstockton/images/att11007.doc>.

### **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 have again been undertaken during the year.

Relevant reports are accessible as per paragraph 7.2 of this report.

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

Each Council 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 have taken place on a regular basis. The Council's contract procedure rules highlight the legislative sanctions against bribery and corruption.

Relevant reports are accessible as per paragraph 7.2 of this report.

#### **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 policy can be seen at <http://sbcinternet/yourcouncil/standprob/confreppol/>.

#### **7.6 Dispensations**

No dispensations were requested during 2009/10 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. Working relations with Town and Parish Councils have continued to be developed during 2009/10. In particular a workshop was held on 8 May 2009 and forums with Clerks took place on 27 October and 3 November 2009.

#### **7.8 Standards for England**

The Monitoring Officer is responsible for establishing and maintaining an effective working relationship with Standards for England. During 2009/10 this has involved quarterly reporting of statistics regarding the local assessment of complaints about alleged misconduct by Stockton's Members and members of Town and Parish Councils in Stockton's area and working with Standards for England Officers regarding its Annual Return procedures and its Annual Report.

A copy of the Annual Return for 2009 can be seen at <http://sbcinternet/yourcouncil/standprob/standcomm/>.

## 8. Corporate Compliance with Legislation

The arrangements for ensuring consistent responses to new legislation, Government initiatives and consultation exercises have continued to be applied in 2009/10.

## 9. Member Training and Development

9.1 The Council has an established learning and development strategy and has achieved the North East Charter accreditation for elected member development.

9.2 The progress to date in this respect and the plans for the future were set out in a report to the Members Advisory Panel on 22 December 2009. This included details of the mandatory training for 2010/11.

The report can be accessed at

<http://www.egenda.stockton.gov.uk/aksstockton/images/att11208.doc>

and the appendix is accessible at

<http://www.egenda.stockton.gov.uk/aksstockton/images/att11209.pdf>.

## 10. The Independent Remuneration Panel

10.1 The Panel last met during April/May 2008.

Details of the Panel's report to Cabinet and Council's decision can be seen at <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab71.pl>.

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

11.1 In 2009/10 the following meetings were supported by Democratic Services:-

Full Council Meetings (including Special Meetings)	-	11	(11)
Cabinet meetings (including Special meetings)	-	16	(15)
Scrutiny/Select Committee Meetings	-	76	(97)
Licensing/Licensing Sub-Committee Meetings	-	29	(31)
Planning Committee Meetings	-	18	(17)
Standards Committee Meetings	-	12	(13)

During the year there were (7) 8 Audit Committees; (11) 6 Employee Appeal Panels; (5) 4 Appeals and Complaints Committees, and (6) 4 Members Advisory Panel meetings.

### 11.2 Local Assessment Meetings

During 2009/10 the following meetings of the Standards Committee's sub-committees took place in relation to Member misconduct allegations:-

Assessment Sub-Committee	5 (6)
Review Sub-Committee	1 (3)
Consideration Sub-Committee	2 (2)
Hearings Sub-Committee	1 (0)

(2008/09 figures in brackets)

## 12. Members' and Mayoral Support

12.1 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 have continued to include:-

- Administering the Mayor's web page
- 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 357 Civic Engagements in 2009/10 (387 in 2008/09).

## 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. The current version of the Statutory Forward Plan can be found at <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab61.pl?PVIEW>

## 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.

No issues or concerns were however raised in 2009/10 regarding the approach taken to the treatment of exempt or confidential information in reports.

## 15. Processing Call-In Requests

No requests to call-in Cabinet decisions were made during 2009/10.

## 16. Official Signing and Sealing

The Monitoring Officer is responsible for overseeing the signing and sealing of official documents. During 2009/10 (740) 606 documents were sealed. Of that number, 429 (566) were property related.

The remaining 29% of the documents sealed were made up primarily as follows:-

Contracts	-	102	(89)
Traffic/Highway Orders	-	63	(51)
Tree Preservation Orders	-	12	(17)



A further 142 (118) property documents and 45 (45) contracts were signed during the year.

## **17. 2009/10 Work Programme Schedule**

The following work was undertaken in relation to the 2009/10 work programme set out in last year's Monitoring Officer Annual Report:-

### **17.1 The Constitution**

- The Constitution was reviewed, revised and published.
- A draft Licensing Protocol was prepared and will be reported to the Licensing Committee.

### **17.2 Lawfulness and Maladministration**

- The Council's Ombudsman complaints handling procedures were again monitored and reviewed. No issues for concern were raised by the Ombudsman during the year.

### **17.3 Good Governance**

- The scrutiny function and arrangements were reviewed to facilitate the EIT programme. They were also reported to the Local Public Services Board.
- Tender receipt and opening was monitored.
- The RIPA policy and procedures were reviewed and updated both before and after inspection by the Office of the Surveillance Commissioners. The inspection outcome was extremely positive.

### **17.4 Ethical Governance**

- Resources to support the local assessment of member complaints (including their administration and the delivery of training) were reviewed and considered to be appropriate.
- A development programme for the Tees Valley Standards Committees was developed, and is being delivered, in association with the other local authorities.

### **17.5 Confidential Reporting**

- The policy and procedures continued to be monitored.

### **17.6 Compliance with legislation**

The process of introducing new executive arrangements has commenced. Initial consultation has taken place with local government electors and interested parties.

17.7 Progress in relation to all of this work was reported to the Standards Committee on 9 April; 22 October 2009 and on 15 January 2010. The relevant reports are accessible at

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmte=STD&meet=38&arc=71> (9 April 2009);

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmte=STD&meet=45&arc=71> (22 October 2009);

## **18. Work Programme Schedule 20010/11**

The following work is proposed for 2010/11:-

### **18.1 The Constitution**

- Continue to review and revise the Constitution.
- Report the Licensing Protocol to Committee.

### **18.2 Lawfulness and Maladministration**

- Continue to monitor the effectiveness of the Council's complaints handling.

### **18.3 Good Governance**

- Review the scrutiny function and arrangements in light of the requirements of new legislation regarding the scrutiny of partners.
- Review the authority's anti-money laundering arrangements.
- Monitor and update the Council's RIPA procedures in accordance with proposed statutory guidance.
- Review the Members' Learning and Development Strategy and deliver a Members' Induction programme following the May 2011 Local Elections.

### **18.4 Ethical Governance**

- Provide advice and guidance on new members and employees' codes of conduct, as and when they are introduced.
- Continue to work in partnership with the other Tees Valley Authorities regarding the implementation of a development programme for Standards Committees.
- Continue to publicise the Standards Committee and its work.

### **18.5 Confidential Reporting**

- Continue to monitor the policy and procedures.

### **18.6 Compliance with legislation**

- Project manage the introduction of new executive arrangements in accordance with statutory timescales.

## **19. Conclusion**

- 19.1 The Monitoring Officer's role focuses on maintaining high standards, encouraging ethical behaviour, increasing awareness and the implementation of good governance, as well as being involved in taking appropriate action to deal with issues and potential problems as they arise. The effectiveness of this role is 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 the appropriate channels to raise concerns. The Council's governance arrangements have again been commended by the Audit Commission.

- 19.2 Most importantly, in order to fulfil this 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. This support has once again been efficient, effective and timely.
- 19.3 Views on any aspect of this report or on the continued development of the Monitoring Officer role would be welcomed 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) .

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1 April 2010