

# **Annual Report of the Monitoring Officer 2010/11**



**Stockton-on-Tees**  
BOROUGH COUNCIL

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## **1. Introduction**

This is the Annual Report of the Monitoring Officer for 2010/11. Its purpose is to provide an overview of the Monitoring Officer's work during that period and to highlight those issues that will be of importance during 2011/12.

## **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 Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007. 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/>. The Monitoring Officer's duties and responsibilities will change significantly as a result of the Localism Bill particularly in relation to Members' conduct.

### **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 in 2010/11. The working relationships with the Head of Paid Service and Section 151 Officer have been key ones, 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. The support of the Head of Legal Services (the Deputy Monitoring Officer) and the Legal Services team has been essential as has the assistance provided by the Head of Democratic Services and the Democratic Services staff. Democratic Services underwent an EIT review during the year identifying both efficiencies and improvements. Legal Services will be similarly reviewed during the coming year.

## **3. Lawfulness and Maladministration**

3.1 Part of the Monitoring Officer's role involves monitoring Cabinet and Committee, agendas, reports, decisions and procedures to ensure compliance with legislation and the Constitution (e.g. as regards access to information). The Monitoring Officer also has a duty to ensure that Cabinet decisions and their reasons are made publicly available. This is done, by means of the e-genda system (<http://www.stockton.gov.uk/yourcouncil/egenda>)

3.2 The Council's governance arrangements continued to be effective and no reports regarding potentially unlawful decision-making or maladministration were issued during 2010/11.

## **4. Good Governance**

### **4.1 Freedom of Information**

The Monitoring Officer continued to oversee the Council's arrangements for ensuring compliance with the Freedom of

Information (“FOI”) legislation and, where required, responded to particular requests and advised on FOI and data protection matters.

4.2 No determinations were required from the Monitoring Officer as the Primary Qualified Person as to whether information was exempt from disclosure under Section 36 of the Freedom of Information Act.

4.3 Regulation of Investigatory Powers Act 2000 (“RIPA”)

For 2010/11 the number of directed surveillance authorisations remained low. There were no covert human intelligence source authorisations. The Council’s arrangements for the acquisition of communications data were externally inspected and it was determined that the Authority was acting lawfully and Officers were discharging their statutory duties responsibly. Changes proposed for 2011/12 will involve the additional requirement to obtain a Magistrate’s approval before surveillance can take place or communications data can be acquired. During the year, the Monitoring Officer dealt with a number of requests for information about the Authority’s use of its RIPA powers.

4.4 Contract Procedure Rules

Oversight of the tender receipt and opening arrangements has continued to take place on a quarterly basis. No concerns arose.

4.5 Annual Audit Letter 2009/10

The Audit Commission found that the Council had maintained its high standards of governance. The full report is accessible at:-

<http://egenda.stockton.gov.uk/akstockton/att14179.doc>

## **5. The Standards Committee**

5.1 Background

The Committee’s functions and membership are detailed in its Annual Reports. The reports are accessible:-

<http://sbcinternet/yourcouncil/standprob/standcomm/>

5.2 Meetings

The Committee’s meetings, reports and minutes are accessible to all Members of the Council and the public.

The appropriate link is

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/ka b71.pl?cmte=STD>

5.3 Localism Bill

Under the Bill, the requirement to have a Standards Committee will be abolished. The Model Code of Conduct will be revoked and

authorities will be able to decide whether to have their own voluntary code and to have a committee with responsibility for standards. Authorities will still have a duty to promote and maintain such standards. The Bill is expected to receive Royal Assent and be implemented in early 2012. The Council will, therefore need to determine what local arrangements it wishes to establish, once the current standards regime has been abolished.

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

6.1 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

6.2 Maintaining Register of Member Interests and Register of Gifts and Hospitality

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 as did advice on ad hoc queries. There will be a full refresh of the register following the local elections in May. The Localism Bill envisages that such registers will still be required to be maintained.

6.3 Overseeing Registration of Officer Interests

Every employee has a duty 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. Guidance has also been given on a variety of specific enquiries.

6.4 Overseeing Registration by Employees of Gifts and Hospitality

Each Service is responsible for keeping an up to date record of all gifts and hospitality offered and/or received. Failure to comply is a breach of the conditions of employment and could form the basis of disciplinary proceedings. As with interests, audits and Monitoring Officer inspections of the register have taken place on a regular basis and appropriate advice has been provided on individual queries. The Council's contract procedure rules highlight the legislative sanctions against bribery and corruption. New, more serious offences will be created by the Bribery Act 2010.

6.5 Dispensations

No dispensations (for Members with prejudicial interests) were requested during 2010/11 from the Standards Committee. The

Localism Bill proposes that Borough and Town/Parish Councils will have such powers in future.

6.6 Area Partnership Boards

Specific guidance on interests was provided at Board meetings.

6.7 Town/Parish Councils

Working relations with Town and Parish Councils continued to be developed during 2010/11. In particular a briefing for Clerks took place on 5 November 2010.

6.8 Standards for England

During 2010/11, as a result of the proposals for abolishing Standards for England, quarterly reporting of statistics regarding the local assessment of conduct complaints ceased, as did the requirement for an annual return.

6.9 Annual Audit Letter 2009/10

The Audit Commission indicated that the Council has an ethos and culture of high standards supported by good member support and development, strong governance and anti-fraud arrangements.

**7. Corporate Compliance with Legislation**

The arrangements for ensuring consistent responses to new legislation, Government initiatives and consultation exercises were strengthened during the year in light of the new Government's programme of change.

**8. Member Training and Development**

A revised strategy for Member learning and development has been produced in advance of the local elections and with the application for Charter Plus Status in mind.

**9. Support to Council, Cabinet, Scrutiny and Committee Meetings**

9.1 Monitoring Officer support is provided to Cabinet and Council meetings particularly to the Mayor, but also to all other Members, specifically procedural, constitutional and legal advice (eg procedure for motions and potential conflicts of interest). Legal Officers provide similar advice at Planning, Licensing Committee meetings, and Employee Appeals Panel hearings. Scrutiny Officers support all of the (7) Select Committees and the Executive Scrutiny Committee, as well as the Tees Valley Joint Health Scrutiny Committee and the Regional Health Scrutiny Committee. Democratic Services Officers provide administrative and procedural support and advice to meetings of Council, Cabinet and all of the Councils Committees, together with other bodies such as the Members Advisory Panel.

- 9.2 Only two Standards Committee Assessment Sub-Committee meetings were held during the year. These were supported by a Legal Officer and Monitoring Officer advice on action proposed was also provided.

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

The co-ordination and maintenance of the Statutory Forward Plan continues to be an important part of the Authority's governance framework. 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> . This work is supplemented by related monthly Leaders meetings.

## **11. Access to Information**

No issues or concerns were raised in 2010/11 regarding the approach taken to the treatment of exempt or confidential information in reports e.g. for Cabinet.

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

No requests to call-in Cabinet decisions were made during 2010/11.

## **13. 2010/11 Work Programme**

The following work was undertaken in 2010/11:-

### **13.1 The Constitution**

- The Constitution was reviewed, revised and published. A revised version has also been agreed for introduction after the local elections on 5 May 2011, in order to reflect the new executive arrangements agreed by the Council. Advice was provided on a range of constitutional issues
- A draft Licensing Protocol was reported to and agreed by the Licensing Committee.

### **13.2 Lawfulness and Maladministration**

- The effectiveness of the Council's complaints handling procedures was again monitored and specific advice provided in relation to various complaints.

### **13.3 Good Governance**

- The scrutiny function and arrangements were reviewed as part of the Democratic Services review.
- The RIPA policy and procedures were reviewed and updated after external inspection. The inspection outcome was extremely positive. Guidance was provided on the Council's use of RIPA.

- The Members' Learning and Development Strategy was reviewed and an Induction programme prepared for post May, 2011.

#### 13.4 Ethical Governance

- The Standards Committee's work continued to be publicised.
- Although a Tees Valley Independent Standards Committee Members' Forum was held on 22 April 2010 in view of the proposals in the Localism Bill, further joint training and development has been placed on hold.

#### 13.5 Confidential Reporting

- The policy and procedures continued to be monitored and the policy was reported to be Standards Committee on 12 August 2010.

#### 13.6 Compliance with Legislation

The process of introducing new executive arrangements was completed. The Council Leader and Cabinet model will be operative from 8 May, 2011 with the Leader being appointed for a four year term by Council at the Annual Meeting on 25 May.

### **14. Work Programme 2011/12**

The following work is proposed for 2011/12:-

#### 14.1 The Constitution

- Publish a revised Constitution incorporating the agreed new executive arrangements and other revisions and oversee its operation.

#### 14.2 Lawfulness and Maladministration

- Continue to monitor the effectiveness of the Council's complaints handling and provide advice on specific complaints where needed.
- Ensure appropriate advice and support is provided regarding the Council's EIT programme, and related initiatives.

#### 14.3 Good Governance

- Provide oversight regarding the Authority's response to the Localism Bill and other key legislative proposals
- Update the Council's RIPA procedures in accordance with the proposed additional statutory requirements and oversee the new arrangements.



- Contribute to the delivery of Members' Induction programme following the May 2011 Local Elections and continue to provide guidance on constitutional and governance issues.

#### 14.4 Ethical Governance

- Provide advice and guidance regarding new ethical governance arrangements following the implementation of the Localism Bill, particularly Members' interests and the proposed criminal sanctions.

### 15. Conclusion

15.1 The Monitoring Officer's role focuses on encouraging high standards and good governance, as well taking appropriate action to deal with issues and potential problems as they arise. This relies on effective systems, procedures and support being in place to identify such issues and 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.

15.2 Views on any aspect of this report or on the Monitoring Officer's role would be welcomed and should be directed to the Monitoring Officer, c/o Susan Ranson, PA to the Director of Law and Democracy and Head of Legal Services, PO Box 11, Municipal Buildings, Church Road, Stockton-on-Tees, TS18 1LD; telephone 01642 527060; email address [susan.ranson@stockton.gov.uk](mailto:susan.ranson@stockton.gov.uk)

