

Scrutiny Overview Report

For the Corporate Adult Services and Social Inclusion Select Committee

Monitoring Officer

Introduction

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 has been extended by the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). The 1989 Act requires local authorities to appoint a Monitoring Officer. Other than as prescribed in that Act, discretion as to when and how to exercise the duties of the Monitoring Officer fall solely to the postholder. The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision-making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards and advising the Standards Committee in connection with the local determination of complaints about Member conduct.

Summary of Monitoring Officer Functions

	Description	Source
1.	Report on contraventions or likely contraventions of any enactment or rule of law.	Sections 5 and 5A, Local Government & Housing Act 1989
2.	Report on any maladministration or injustice where the Ombudsman has carried out an investigation and issued a report.	Sections 5 & 5A, Local Government and Housing Act 1989
3.	Appoint a Deputy	Section 5, Local Government & Housing Act 1989
4.	Report on sufficiency of resources	Section 5, Local Government & Housing Act 1989
5.	Establish and maintain the Register of Members’ interests, and the register of gifts and hospitality	Section 81, Local Government Act 2000
6.	Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997	Local Authorities (Contracts) Regulations 1997
7.	Maintain, monitor and review the Constitution	The Constitution, Article 15
8.	Support the Standards Committee. Promote and maintain high standards of conduct.	Part III, Local Government Act 2000
9.	Receive reports from Ethical Standards Officers and case tribunals	Part III, Local Government Act 2000
10.	Consulting with, supporting and advising the Head of Paid Service and Section 151 Chief Finance Officer on issues of lawfulness and probity.	The Constitution, Article 12
11.	Advising the Council and Cabinet and Committees on issues of lawfulness and probity.	Constitution, Article 12

12.	Conduct investigations into misconduct.	Section 66, Local Government Act 2000
13.	Proper Officer for Access to Information	The Constitution, Article 12
14.	Advise on whether executive decisions are within the Budget and Policy Framework	The Constitution, Article 12
15.	Provide advice on vices issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.	The Constitution, Article 12
16.	Issuing Dispensations to Members regarding prejudicial interests	Standards Committee
17.	Primary Qualified Person for considering whether certain information is exempt from disclosure under the Freedom of Information Act	Section 36, Freedom of Information Act 2000
18.	To determine whether information relating to a Member's personal interests is sensitive information under the new model code of conduct.	The new model code of conduct for Members.
19.	To advise the Standards Committee in connection with the grant and supervision of exemptions from political restriction under the Local Government and Public Involvement in Health Act.	The Local Government and Public Involvement in Health Act 2007.
20.	To advise the Standards Committee in relation to the local referral of member misconduct allegations and as regards any requests for review of the Committee's decisions regarding such referrals.	The Local Government and Public Involvement in Health Act 2007

Summary of Key Activities in 2009/10

- Improved awareness and understanding amongst Officers, Members, Town/Parish Councils and the Public, of the Standards Committee and its role, and of the arrangements for the local assessment of code of conduct complaints, through the provision of information, guidance, training and publicity.
- Training provided for Standards Committee members, together with a panel of substitute Councillors, Independent Members and Parish Representatives, in relation to their local assessment duties and responsibilities and established four Standards Sub-Committees for the purposes of the code of conduct complaints process.
- Established and commenced an ethical framework development programme for Standards Committees and Independent Members in partnership with the other Tees Valley Local Authorities.

Summary of Key Activities in 2010/11

- **Improving standards and probity**
 - review and refresh training and information on standards and ethics (including the proposed new Member Code of Conduct) to Town and Parish Councils
 - provide training and guidance for Members (including co-opted Members) and Officers in connection with the proposed new Member Code of Conduct
 - continue to publicise the Standards Committee and its work
 - continue to provide training and guidance on the Standards Committee's role for:-
 - Standards Committee Members
 - Officers
 - Non-Committee Members; and
 - Town/Parish Councils
 - continue to work with other Tees Valley Local Authorities to co-ordinate and implement a development programme for the Tees Valley Standards Committees
- **Introduce New Executive Arrangements**
 - produce draft proposals regarding the form of executive proposed, including the details of appropriate revisions/additions to the Constitution
 - submit proposals for change for consideration and approval by Cabinet
 - implement the approved proposals
- **Further develop arrangements for the scrutiny of partners**
 - develop working arrangements with Local Involvement Networks (LINKs) and Care Quality Commission
 - strengthen links with external partners and agree arrangements to input into scrutiny topics
 - deliver member training on new scrutiny requirements and CFA
 - develop scrutiny processes to accommodate review of LAA outcomes
 - appointment of designed scrutiny officer
 - in conjunction with other North East Councils, develop Regional Health Scrutiny arrangements

- **Review the Members' Learning and Development Strategy and arrange for the delivery of a Members' Induction programme after the May 2011 local elections**
 - compare existing Member learning and development arrangements against regional and national best practice, including the Members Charter Plus criteria and submit for assessment
 - identify and deliver required Member learning and development requirements, and prepare appropriate Members Induction programme in readiness for post elections 2011

Council Plan Improvement Activities and Priorities 2010/11

- Improve corporate and ethical governance.
- Further develop arrangements for scrutiny of partners.
- Plan and deliver the Parliamentary General Election, Local Government Elections and New Executive Arrangements.