

# **Annual Report of the Monitoring Officer 2011/12**



**Stockton-on-Tees**  
BOROUGH COUNCIL

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## **1. Introduction**

This is the Monitoring Officer's Annual Report for 2011/12. It provides details of the Monitoring Officer's work during that period and highlights some of the key issues for 2012/13.

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

2.1 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 in relation to Members' conduct have changed significantly as a result of the Localism Act 2011.

2.2 Support for the Monitoring Officer

The support for the Monitoring Officer encompasses the working relationships with the Head of Paid Service, Section 151 Officer, the Corporate Management Team, the Extended Management Team, the Corporate Governance Working Group, the Internal Audit, the Standards Committee and the External Auditor. The assistance provided by the Head of Legal Services (the Deputy Monitoring Officer) and the Legal Services team has again been vital as has the support provided by the Head of Democratic Services and the Democratic Services teams.

## **3. Lawfulness and Maladministration**

3.1 Part of the Monitoring Officer's role involves monitoring Council, Cabinet and Committee, agendas, reports, decisions and procedures to ensure compliance with legislation and the Constitution (e.g. as regards potential conflicts of interest for decision makers). 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 established new executive arrangements in 2011/12. Its governance continued to be effective and no reports regarding potentially unlawful decision-making or maladministration were issued during the year.

3.3 During the year, three new judicial review claims were received relating respectively to development control; a children's complex needs and highways matters, and a pre-action letter was issued regarding a property matter. A claim issued in 2010/11 relating to a regeneration and economic development matter was also still ongoing.

## **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 2011/12 the number of directed surveillance and covert human intelligence source authorisations remained low. The Council's arrangements for the acquisition of communications data were externally inspected. Changes proposed for 2012/13 in the Protection of Freedoms Bill 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 again 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 continued to take place on a quarterly basis. No concerns arose.

4.5 Annual Audit Letter 2010/11

The Audit Commission found no issues of concern regarding the Authority's standards of governance. The full report is accessible at:-

[http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/ka\\_b10.pl?cmte=&operation=DETAIL&cdr\\_id=D120001&phase=two&arc=&meet=](http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/ka_b10.pl?cmte=&operation=DETAIL&cdr_id=D120001&phase=two&arc=&meet=)

## 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](http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/ka_b71.pl?cmte=STD)

5.3 Localism Act

Under the Act, the requirement to have a Standards Committee is to be abolished. The date proposed by the Government is 1 July 2012. At the same time, the Model Code of Conduct will be revoked and authorities will have to adopt their own new code of conduct. The Committee has been actively involved in developing the Council's proposed response to the Localism Act's standards provisions. The new arrangements will not involve a Standards Committee, but instead an elected member panel drawn from a politically balanced list of members, which will if and when required consider findings of breach of the code of conduct following a formal investigation. Until that point is reached, officers in consultation with an independent person will deal with alleged breaches of the code, with a view to informal resolution of complaints wherever reasonably possible.

## **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 a Register of Members 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. As a result of the 2011 Local Government Elections the Register was refreshed with returns from (18) members who were newly elected to the Council. Under the Localism Act provisions, new disclosable pecuniary interests for members will be introduced and failure to declare and register them will have potential criminal consequences.

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. 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. 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 and new, more serious offences have been created by the Bribery Act 2010. These have been reflected in an updated version of the Employee Code of Conduct.

6.5 Dispensations

No dispensations (for Members with prejudicial interests) were requested during 2011/12 from the Standards Committee. The Localism Act proposes that Borough and Town/Parish Councils will have such powers in future. The arrangements proposed in response to the Act's provisions envisage that in the future applications for dispensations will be considered by Officers in consultation with an independent person, unless it is considered more appropriate for them to be put before an elected member panel.

6.6 Area Partnership Boards

Specific guidance on interests continued to be provided at Board meetings.

6.7 Town/Parish Councils

Working relations with Town and Parish Councils continued to be developed during 2011/12. A briefing for Clerks took place on 28 October 2011 and a further briefing was scheduled for 21 February 2012 to discuss new standards arrangements under the Localism Act.

6.8 Health and Wellbeing Board and Police and Crime Panel

Both of these are Council Committees and will require appropriate guidance on members' interests.

**7. Member Training and Development**

The revised strategy for Member learning and development which was produced in advance of the local elections is now being implemented and the preparation of an application for Charter Plus Status is well advanced.

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

8.1 Monitoring Officer support is provided to Council and Cabinet meetings, specifically procedural, constitutional and legal advice (eg procedure for motions and potential conflicts of interest). Legal Officers provide similar advice at 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.

8.2 During the year, 9 Standards Committee Assessment Sub-Committee meetings were held together with 3 Review Sub Committee meetings. These were supported by a Legal Officer and relevant Monitoring Officer advice was provided when required, including two reports on the outcome of other action directions.

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

The co-ordination and maintenance of the Statutory Forward Plan continues to be a key 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 continues to be linked to related monthly Leaders' meetings.

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

One request to call-in a Cabinet decision was made during 2011/12. This concerned Cabinet's decisions on 8 December 2011 regarding the Borough Wide Car Parking Strategy. The Executive Scrutiny Committee agreed on 19 January 2012 not to refer the matter back to Cabinet for reconsideration.

## **11. 2011/12 Work Programme**

The following work was undertaken in 2011/12:-

### **11.1 The Constitution**

- A revised Constitution incorporating the agreed new executive arrangements and other revisions was introduced.

### **11.2 Lawfulness and Maladministration**

- The effectiveness of the Council's complaints handling procedures were monitored. No material issues were identified e.g. by the Local Government Ombudsman.
- Appropriate advice and support was provided in connection with the Council's EIT programme, and related initiatives.

### **11.3 Good Governance**

- Guidance was given regarding the Localism Act and other key legislative proposals e.g. the Police Reform and Social Responsibility Act.
- The effectiveness of the Council's RIPA procedures has continued to be overseen, pending the introduction of new requirements contained in the Protection of Freedoms Bill.
- The Members' Induction programme was delivered following the May 2011 Local Elections, and guidance has continued to be provided on constitutional and governance issues particularly to newly elected Members,.

### **11.4 Ethical Governance**

- Advice and guidance has been provided regarding proposed new standards arrangements in response to the provisions of the Localism Act.

**12. 2012/13 Work Programme**

The work proposed for 2012/13 will include the introduction of new standards arrangements under the Localism Act; further revisions to the Constitution arising from the Act; establishing effective governance in relation to the Council's Health and Wellbeing Board and the Cleveland Police and Crime Panel; and the revision of the Authority's RIPA procedures in line with the requirements of the Protection of Freedoms Bill.

**13. Conclusion**

13.1 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 means of raising concerns.

13.2 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)



