

## **STANDARDS COMMITTEE**

**29 APRIL 2009**

### **ANNUAL REPORT OF THE MONITORING OFFICER**

Report from/Author: Deborah Upton, Monitoring Officer

#### **Summary**

This is the Monitoring Officer's Annual Report to the Standards Committee for the period May 2008 to March 2009. This report gives an update on Member conduct issues, and the work of the Standards Committee and the Monitoring Officer.

#### **1. Budget and Policy Framework**

- 1.1 An annual report on standards activity will be submitted to Full Council.

#### **2. Background**

- 2.1 The various functions of this Committee and the Monitoring Officer include promoting and maintaining high standards of conduct, and monitoring the operation of the Code of Conduct for Members.
- 2.2 Members will recall that the new Code of Conduct was adopted in May 2007, and all Members received training on the new Code. Additionally, the Local Government and Public Involvement in Health Act 2007 introduced changes to ethical standards which placed additional responsibility on the Monitoring Officer for dealing with complaints of breach of the Code of Conduct.

#### **3. Local Assessment of Standards Complaints**

- 3.1 The new procedure applied to all complaints received from 8 May 2008. As a result, this Committee at its meeting on 25 June 2008 established additional sub-committees and agreed terms of reference of those sub-committees for the purposes of considering complaints received of possible breaches of the Code of Conduct.
- 3.2 Between May 2008 and April 2009, four complaints against Members of the Council of possible breaches of the Code of Conduct were received. These have all considered by a Referrals Sub-Committee. The Sub-Committee decided in two cases that the matter should be referred to the Monitoring Officer for investigation, one case was referred to the Standards Board for England and one case was referred to the Monitoring Officer for local resolution.

- 3.3 The case that was referred to the Monitoring Officer for local resolution will be reported to the next meeting of the Standards Committee.
- 3.4 Of the two cases referred to the Monitoring Officer for investigation, the investigations are now completed and the reports are to be sent to the complainant and members for comment this week, prior to the hearing panels being set up.
- 3.5 Of the case that was referred to the Standards Board for England (SBE), the Ethical Standards Officer found that there was no evidence of any failure to comply with the code of conduct.
- 3.6 As part of the new local process, the Monitoring Officer is also required to provide quarterly statistics to the Standards Board on the number of complaints and the outcomes. These have been provided and the next update is due.

#### **4. Register of Members' Interests**

- 4.1 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and these are kept by the Monitoring Officer and available for public inspection. However in line with good practice, it is recommended that these are published on the Council's website.
- 4.2 Internal Audit also undertake an annual check of the register of members interests to ensure that they are completed.

#### **5. Gifts and Hospitality Register**

- 5.1 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Gifts and Hospitality are regarded personal interests which must be declared for a period of three years after the gift is received, (if any committee business relates to the person or body providing the gift or hospitality). During the period of this report only one Member has had cause to register gifts and hospitality received with an estimated value of £25.00 or more.

#### **6. Members' Training and Development**

- 6.1 There have been no new members for the period of this report, and no further training has been undertaken on the Code of Conduct. However, the Monitoring Officer would recommend that further training be offered to members.

#### **7. Dispensations**

- 7.1 The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, set out the following circumstances in which a Member can apply to the Standards Committee for a dispensation from requirements relating to the interests set out in the Members Code of Conduct:

- (a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -
- (i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate; or
  - (ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989;
- (b) the Member has submitted to the Standards Committee a written request for a dispensation explaining why it is desirable; and
- (c) the Standards Committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

7.2 During 2008/09, dispensations have been requested from St Mary Hoo Parish Council.

## **8. Financial Implications**

8.1 This report contains no specific financial implications as any training will be provided from within existing budgets

## **9. Legal Implications**

9.1 These are contained in the body of the report.

## **10. Recommendation**

10.1 The Committee is requested to recommend that:-

- (i) The register of members interests be published on the Council's website
- (ii) That additional training on the Code of Conduct be offered to members.

10.2 The Committee is asked to recommend to Full Council the Annual Report of the Monitoring Officer for consideration.

### **Lead officer contact**

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### **Background Papers:**

Standards Committee agenda and minutes – 20 July 2005