

COUNCIL

15 APRIL 2010

ANNUAL REPORT OF THE MONITORING OFFICER

Report from/Author: Deborah Upton, Monitoring Officer

Summary

This is the Monitoring Officer's Annual Report for the period April 2009 to March 2010. 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, following its initial consideration by the Standards Committee on 7 April 2010. Any comments of the Standards Committee will be reported to Council in an addendum report.

2. Background

- 2.1 The various functions of the Standards 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 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 Standards Committee locally for dealing with complaints of breach of the Code of Conduct.

3. Local Assessment of Standards Complaints

- 3.1 Between 1 April 2009 and 26 March 2010, thirteen complaints were received against Members of both Medway Council and two parish councils.
- 3.2 Twelve of the thirteen complaints have been considered by a Referrals Sub-Committee, the outcome of which was:
- 3.2.1 Seven cases were sent to the Monitoring Officer for investigation;
 - 3.2.2 In four cases, a decision that there was no substantial complaint to answer; and
 - 3.2.3 One case was withdrawn.

- 3.3 One complaint was considered by a Referral Sub-Committee on 1 April 2010.
- 3.4 Of the seven cases referred to the Monitoring Officer for investigation, one is currently in the final stages of completion, and draft reports have been sent to the complainant and the member for comments, prior to the hearing panel being set up.
- 3.5 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 within the necessary timescales, 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.
- 4.2 Publication of the register of member's interests on the website will shortly be undertaken, and the new web pages for Democracy and Governance include a facility to see at a glance, the record of declarations of interest made by every member of the Council at each meeting they attend. This system has now been live for two weeks.
- 4.3 Internal Audit undertake an annual check of the register of members interests to ensure that they are completed, and the Monitoring Officer sends a reminder letter to members each year advising them to ensure their register is kept up to date.

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 six Members, have had cause to register gifts and hospitality received with an estimated value of £25.00 or more.

6. Members' Training and Development

- 6.1 The Council appointed a new member, Councillor Tashi Bhutia on 3 September 2009, following which training on the Code of Conduct was provided for him. Training has also been delivered to members this year through their group meetings.

7. Dispensations

- 7.1 Under the Standards Committee (Further Provisions) (England) Regulations 2009, the 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 are as follows:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **or**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

7.2 The Member is required to submit to the Standards Committee a written request for a dispensation explaining why it is desirable.

7.3 During 2009-2010, dispensations have been requested and granted to three Parish Councillors from St Mary Hoo Parish Council to speak and vote on matters relating to the Parish Council's Area, which lies within the vicinity of the Councillors' properties.

8. Financial, Legal and Risk Implications

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

8.2 These are contained in the body of the report.

8.3 There are no specific risk implications arising from this report.

9. Recommendation

9.1 The Council is requested to consider the Annual Report of the Monitoring Officer.

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Background Papers:

None