

COUNCIL

14 APRIL 2011

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 2010 to March 2011. 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 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.

2.3 The Government presented the Localism Bill to Parliament on 13 December 2010. The Bill has had its twenty-fourth debate in the House of Commons and is now due to be in the report stage. It is anticipated that the Bill will be enacted in late 2011. It is likely that the present standards regime will continue to operate until a fixed day after the Bill is given Royal Assent.

2.4 The Localism Bill covers a wide range of matters, including changes to local government governance and structures, changes in the spheres of housing, planning and regeneration in addition to proposals relating to standards.

2.5 The proposals to the standards regime are aimed at deregulating standards across the country, allowing authorities to adopt their own provisions to regulate members' conduct. Local authorities will have a general duty, under the Localism Bill, to promote and retain high standards of conduct by Members and Co-opted Members.

3. Local Assessment of Standards Complaints

3.1 Between 1 April 2010 and 15 March 2011, eighteen complaints were received against Members of both Medway Council and a parish council.

3.2 Nine of the eighteen 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; and

3.2.2 Two cases were referred for local resolution.

3.3 The Monitoring Officer referred nine complaints made against Parish Councillors to the Standards Committee, on 2 February 2011, in order to seek a direction as to how to deal with the complaints. These complaints related specifically to the ongoing Local Governance review at Allhallows Parish Council. It has been determined that further complaints received, which are similar in nature, will be directed to the Independent Officer currently undertaking the review.

3.4 The total cost of Independent Investigations for this period is £29,964.61.

3.5 The Monitoring Officer is no longer required to provide quarterly statistics to the Standards Board on the number of complaints and the outcomes, following the Government's changes to the Standards regime.

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 a year.

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 and Parish Council 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 eight 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 four new independent members at Full Council on the following dates:
 - 6.1.1 Charles Thompson on 15.04.2010;
 - 6.1.2 Fatima Shah on 15.04.2010;
 - 6.1.3 Christopher Sanford on 15.04.2010; and
 - 6.1.4 John Sindrey on 17.06.2010.
- 6.2 The Council elected two new Councillors on the following dates: -
 - 6.2.1 David Craggs on 12.08.2010 (resigned 25.08.2010); and
 - 6.2.2 John Jones on 21.10.2010.
- 6.3 All Councillors received training on the Code of Conduct, and 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:
 - 7.1.1 Where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or
 - 7.1.2 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 2010-2011, no dispensations were requested or granted.

8. Standards Committee – 23 March 2011

- 8.1 The Standards Committee received the Monitoring Officer's Annual Report at its meeting on 23 March 2011. The Monitoring Officer introduced the report at the meeting, highlighting that 18 complaints had been received in the reporting year of 1 April 2010 to 15 March 2011, with nine being referred to the Referrals Sub-Committee, and in that same period investigations had amounted to a cost of £29,964.61, which averaged out at approximately £3,500 per case, which was more cost effective than the estimated cost per case by Standards for England.
- 8.2 During the debate on the report it was confirmed that of the complaints received relating to Parish Councillors, with the exception of one, all related to Allhallows Parish Council.
- 8.3 The Committee also raised concern about the expenditure of independent investigations, which had risen significantly from previous years and it was felt that all Members should be made aware of this expense. In response, the

Monitoring Officer confirmed that investigations could not be carried out internally due to the lack of capacity for internal staff to carry out the work. It was also advised that the budget allocated for such costs was not overspent. In addition, it was advised that, wherever possible, situations are dealt with internally and informally, but that this does not necessarily satisfy complainants.

- 8.4 The Committee noted the report and agreed that it would be passed to Full Council with its comments.

9. Financial, Legal and Risk Management Implications

- 9.1 This report contains no specific financial implications, as any training will be provided from within existing budgets.
- 9.2 The legal implications contained in the body of the report.
- 9.3 There are no specific risk management implications arising from this report.

10. Recommendation

- 10.1 Council is recommended to note the report and the comments from the Standards Committee.

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Background Papers:

None