

TITLE OF REPORT : UPDATE ON MONITORING OFFICER WORK PROGRAMME

REPORT OF THE MONITORING OFFICER

1. SUMMARY

- 1.1 A short report to update the Standards Committee on the Monitoring Officer work programme.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee note the content of the report.
- 2.2 That the Committee provide comment on the ongoing work, or ideas for other areas to be considered by the Monitoring Officer in the civic year 2013/14.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 None, although clerks of the parish councils will receive copies of this report.

6. FORWARD PLAN

- 6.1 This report does not contain matters referred to in the Forward Plan.

7. BACKGROUND

- 7.1 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on other policies and procedures that relate to, or assist to govern, Member conduct.

8. ISSUES

Complaints Update

- 8.1 Since the Standards Committee last met on 26 February 2013, four complaints have been received, all relating to Parish Councils:

- One was dismissed by the Monitoring Officer as there was no case to answer, although follow up advice was provided to the Parish Council in respect of a potential Data Protection issue;
- One complaint was received, but a request for further information was not responded to despite a reminder being sent. The file has therefore been closed;
- Two complaints are ongoing and are currently being considered by the Monitoring Officer.

8.2 Following the consideration of the first complaint the Monitoring Officer, in consultation with the Independent Person, reviewed the complaints handling procedures and made minor amendments to them to ensure clarity, in particular as to when the Member concerned is first notified of the existence of a complaint. The Monitoring Officer was delegated this authorisation by Full Council on 12 July 2012 when the new standards regime was adopted.

Independent Person (IP)

8.3 Members will be aware that it is a requirement of the Localism Act 2011 that authorities appoint an IP for the purposes of their complaints handling processes. As a result of the consideration of the first complaint it became apparent that the Council would benefit from having a third IP as there may be rare occasions when both the Council's IP and Reserve IP might be conflicted out of acting on the same matter.

8.4 Coincidentally at the same time that the above complaint was being considered the Council was approached by Broxbourne Borough Council who were struggling to recruit to their IP post, although have now been able to appoint to the position. Nicholas Moss and Peter Chapman have agreed to act as Reserve IPs for Broxbourne. In return it has been suggested that we appoint Broxbourne's IP as a third, unpaid, IP. This will be reported to Council on 18 July 2013 to confirm the appointment.

Constitution Review

8.5 Member's will be aware from the report to Standards Committee in February that a significant amount of work is being undertaken on the constitution review. The aim is to report to Full Council on 18 July 2013 with the proposed new constitution.

Member's Role Description

8.6 As part of the work undertaken on the constitution review the Council has been provided with a Member Role Description which is attached at Appendix A. It is proposed that this role description be added to the new Member welcome pack and also be placed on the intranet (for clarity it will not be in the revised constitution). The Committee is invited to comment on the draft role description.

Social Media Guidelines

8.7 The report to the February 2013 meeting referred to a proposal to produce guidelines to assist in how to responsibly use these methods of communication which are growing in importance and popularity. The draft guidelines are currently being discussed at officer level and an update will be provided at the meeting. It is not intended that the guidelines limit or discourage use of social media in any way, nor is it intended that there should be a separate policy as for Members the Code of Conduct principles would apply.

9. LEGAL IMPLICATIONS

9.1 There are no specific legal implications arising from this report. Legal implications will be dealt with when each of the work programme matters are brought back to the Committee.

10. FINANCIAL IMPLICATIONS

10.1 The external solicitors involved in the Constitution Review are charging £5,000 for their work. This revenue cost is being met out of existing budgets. There are no implications for capital costs within the report.

11. RISK IMPLICATIONS

11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

12.1 None. Implications will be considered in relation to the specific areas of work identified.

13. SOCIAL VALUE IMPLICATIONS

13.1 None.

14. HUMAN RESOURCE IMPLICATIONS

14.1 None. The work outlined within the report is within the Monitoring Officer's workstream.

15. APPENDICES

15.1 Appendix A – Member's Role Description

16. CONTACT OFFICERS

16.1 Anthony Roche, Acting Corporate Legal Manager and Monitoring Officer
anthony.roche@north-herts.gov.uk; ext 4588

17. BACKGROUND PAPERS

17.1 None.