

STANDARDS COMMITTEE

22 JULY 2014

*PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

TITLE OF REPORT: UPDATE ON MONITORING OFFICER WORK PROGRAMME

REPORT OF THE MONITORING OFFICER

1. SUMMARY

- 1.1 A report to update the Standards Committee on the Monitoring Officer work programme and specific items linked to that 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 2014/15.
- 2.3 That the Standards Committee provide any specific feedback regarding the Member Governance Training event that took place on 26 June 2014 and consider next steps for training.

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 “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 25 Feb 2014, there are the following updates in relation to complaints:
- The Monitoring Officer has received complaints regarding communication. The Monitoring Officer has concluded that these are not upheld having regard to the Member Code of Conduct. However it would appear to be a useful opportunity to make Members aware that individuals are becoming more reliant on, for example, email communication and are less tolerant when an early response is not received even if it has not been possible to verify that a Member received an email. To this end the MO will be putting a brief advice note into MIS to make Members aware.
 - The MO has received two other complaints that have not been upheld having regard to the Member Code of Conduct.
 - The MO continues to be consulted on matters that may have caused concern, but at this stage have not evolved into a complaint.
- 8.2 At the last meeting of the Committee, Members asked how issues that had not yet become formal complaints were brought to the Monitoring Officer's attention, and what routes would be available should the Monitoring Officer feel conflicted, or wished to act on her own behalf. The Minutes of the last meeting of the Committee record that the MO would respond in more detail regarding what routes would be available should the Monitoring Officer feel conflicted, or wished to act on her own behalf.
- 8.2.1 The Monitoring Officer may be contacted by Members or individuals wishing to discuss matters that may have given rise to concern as outlined at paragraph 8.1 above. In this way the MO may become aware of issues that have not developed into formal complaints.
- 8.2.2 The Monitoring Officer is able to appoint deputy Monitoring Officers, internal to the Council and externally. The post of Senior Lawyer acts as the Council's internal Deputy Monitoring Officer.
- 8.2.3 The Council has reciprocal arrangements with Broxbourne Borough Council and the Monitoring Officer there is able to act, in the capacity as deputy Monitoring Officer, and indeed has previously acted in the role of the Monitoring Officer where the residing Monitoring Officer at NHDC has felt conflicted.
- 8.2.4 Equally if the MO wished to act on her own behalf and pursue a complaint, this would need to be on the basis of instructing a Deputy MO to deal with the complaint as the MO would then be unable to act. The MO might intervene in this manner if the situation warranted it. Much of the scope of the role of the MO when working with Members, is predicated around working collaboratively to inform, advise and influence behaviours. Ultimately the MO can only provide advice to Members and it is then up to individuals whether they accept that advice. In light of this background, for the MO to consider progressing a complaint under the Members Code of Conduct, the relevant behaviour would usually need to represent real harm to the Council or a risk of such harm.

Constitution Review

- 8.3 Work will commence later this Summer in relation to the next Constitution Review, and the aim is to report that to Full Council on 9 April 2015, with recommended changes and updates.

Training for Members

- 8.4 The Committee considered the issue of governance training for Members at the last Committee meeting. The Minutes record as follows:

RESOLVED:

That training for District and Parish Members include the subject of predetermination, with training sessions being offered at different times, and that various methods of training be used.

- 8.5 A Governance Conference was run on 26 June 2014, with attendance of at least 20 attendees. Feedback is welcomed from the Committee. Key topics covered included:
- The Member's Code of Conduct
 - Declarations of Interests
 - Bias and predetermination
 - Principles of good decision making
- 8.6 It is intended to follow that training session up with an internal Officer led session, focusing on scenarios, and further sessions will continue to be offered through out the year. The aim will be to organise these at different times in line with the preference expressed by the Committee at their last meeting.
- 8.7 Given the importance and priority of good governance it is proposed to consider another Governance Conference for next year.

Review of the Complaints documentation and the Role Description for the Independent Persons and associated documents

- 8.8 The Committee received a presentation from the Independent Persons at the last meeting. The Minutes record as follows:

RESOLVED:

- (1) That the report and presentation be noted;
 - (2) That the Monitoring Officer's intention to review the Role Description for the Independent Persons be noted;
 - (3) That the Monitoring Officer, in consultation with the Independent Person and Chairman of the Standards Committee, review all documentation regarding complaints, particularly to address any anomalies and the involvement of the Independent Person in the appeals process; and
 - (4) That the resulting Role Description and other documentation, as mentioned in (2) and (3) above, be presented to a future meeting of this Committee.
- 8.9 This review work has commenced with an initial meeting between the Monitoring Officer, Chairman of the Standards Committee and Independent Persons. This is to be followed by a further meeting and it is intended that the outcome will be reported to the Committee at their next meeting on 14 October 2014.

Monitoring Officer cover

- 8.10 The Council's Monitoring Officer is expected to commence maternity leave on 8 September 2014. A Report is to be considered at Full Council on 24 July 2014, asking that the Senior Lawyer (who will also be the Acting Corporate Legal Manager) and

Deputy Monitoring Officer be appointed as Acting Monitoring Officer for the duration of the Maternity Leave.

8.11 Additionally there is the ongoing arrangement with Broxbourne Borough Council referred to above at Paragraph 8.2.3. The Monitoring Officer at Broxbourne can act as a Deputy Monitoring Officer for North Herts District Council, and will continue in support of the Acting Monitoring Officer.

8.12 The post of Senior Lawyer has been covered by a temporary appointment in order to provide support to the Acting Corporate Legal Manager. The Officer in post has been in the role for some time covering for the Senior Lawyer who has been on a Sabbatical. The candidate filling this role is also appointed as an internal Deputy Monitoring Officer.

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 costs of the training will be covered by the Member Development budget.

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 None.

16. CONTACT OFFICERS

16.1 Katie White Corporate Legal Manager and Monitoring Officer
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17. BACKGROUND PAPERS

17.1 None.