

# **Monitoring Officer Annual Report 2017/18**

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# Monitoring Officer Annual Report 2017/18

## 1. Introduction

- 1.1 The Monitoring Officer's Annual Report summarises the more important matters arising from the Monitoring Officer's work for the Council from 1 April 2017 to 31 March 2018 and comments on other current issues.
- 1.2 Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. It is founded on the fundamental principles of openness, integrity and accountability together with the overarching concept of leadership. In this respect, Borough Council of King's Lynn and West Norfolk recognises the need for sound corporate governance arrangements and has put in place policies, systems and procedures designed to achieve this.
- 1.3 The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has a number of statutory functions in addition to those conferred under the Local Government Act 2000 and subsequent regulations governing local investigations into Member conduct. These are outlined in the next section of the report.

## 2. The Monitoring Officer's Work April 2017 – March 2018

<b>Duties</b>	<b>Work undertaken</b>
(a) Maintaining a lawful position for the Council and reporting on contraventions or likely contraventions of any enactment or rule of law including fraud.	<p>The Monitoring Officer meets regularly with the Head of Paid Service and the Chief Financial Officer and is able to comment on issues.</p> <p>Eastlaw, a contracted legal service a managed by the Monitoring Officer, provide advice and assistance to officers throughout the Council and report to the Monitoring Officer on any areas of concern in relation to lawfulness and compliance with the Council's protocols and processes.</p> <p>The Monitoring Officer and her staff attend meetings and provide advice to officers and Members at an early stage, including seeing reports to committee.</p>

	<p>The Monitoring Officer also requires appropriate recording of delegated authority to evidence compliance with the Constitution.</p> <p>eastlaw assess and respond to either changes in the legal framework and in particular this year have led on the implementation of GDPR.</p> <p>No contraventions have been identified or reported.</p>
(b) Report any findings of maladministration causing injustice where the Ombudsman has carried out an investigation.	The Monitoring Officer reviews any complaints where the LGO has upheld the complaint.
(c) Establish and maintain the Register of Member's interests and gifts and hospitality.	<p>All Members of both the District and Parish Councils completed new returns following the elections in May 2015. Members are reminded to keep these up to date.</p> <p>Members have been issued with Guidance on the Code.</p> <p>Members making nil returns have been reminded of their obligations under the Code.</p> <p>The Register of Members' Interests is publicised on the Council's website. The Registers are available for inspection at the Council's offices.</p>
(d) Maintain Register of Employees gifts and hospitality.	The Registers have been updated regularly and are open to inspection.
(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.	<p>During the year between April 2017 and March 2018 a total of 29 complaints have been received.</p> <p>There has been a rise in complaints in relating to the Borough Council but the majority of these relate mainly to one issue, which has been the subject of an investigation and a finding by the Standards</p>

	<p>Committee.</p> <p>The most common complaints are alleged disrespect to others.</p> <p>In a significant proportion of these cases there was either no breach identified or the members concerned were offered guidance and assistance.</p> <p>In some cases the parish councils were offered assistance through mediation and conciliation to resolve the issues themselves rather than having solutions imposed upon them.</p> <p>Members have regularly sought advice in order to comply with the Code of Conduct, particularly in relation to declaring interests under the Code.</p> <p>Members have been provided with training.</p>
(f) Investigate breaches of the Council's own protocols.	There have been no alleged breaches of the Council's own protocols.
(g) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct.	<p>The Monitoring Officer has provided advice to Parish Councils on the Standards and Conduct Arrangements during 2016/17 face to face, by letter, telephone and email.</p> <p>The Monitoring Officer has provided advice and assistance to a number of parishes through interventions to raise standards and deal with complaints.</p>
(h) Promote and support high standards of conduct through support to the Standards Committee.	<p>The Committee has met to consider issues and hear cases.</p> <p>The Independent Person arrangements are working well.</p>
(i) Compensation for maladministration.	None.
(j) Maintenance and review of the	The Constitution has been revised and

Constitution.	updated.
(k) Responsibility for complaints made under the Council's Whistleblowing and Anti-Fraud policies.	<p>The risks of fraud are managed through the Council's anti fraud and corruption policies and underpinned by the financial and contract procedure rules. These are monitored for compliance by the legal and finance teams.</p> <p>Employees are made aware of the anti fraud policies and their ability to report through the Council's intranet and the Briefing.</p> <p>There have been no reports of fraud or financial impropriety.</p>
(l) Breaches of the Employee Code of Conduct.	<p>Employees are reminded through the Council's internal communications regarding business practice and ethical behaviour.</p> <p>There have no formal allegation of breaches under the Employee Code of Conduct.</p>
(m) Advice on vires issues, maladministration, financial impropriety, probity and policy framework.	<p>The Monitoring Officer has been consulted on new policy proposals, the budget and accounts and on matters, which have potentially significant legal implications.</p> <p>The Monitoring Officer meets regularly with the Chief Financial Officer.</p> <p>The financial statements are subject to a robust governance process through the Committee cycle.</p> <p>The Monitoring Officer and her staff have attended Council and other Committees as necessary.</p> <p>Officers consult the Monitoring Officer regularly on vires and probity issues.</p> <p>The Monitoring Officer works closely with the Chief Financial Officer and the Head of Paid Service to ensure probity in the organisation.</p> <p>The Monitoring Officer regularly advises on the legality and/or appropriateness of</p>

	<p>administrative procedures, in conjunction with the Democratic Services Team.</p> <p>This year has seen the implementation of GDPR and the introduction of an Information Risk Framework.</p>
(n) Exemptions to contract standing orders	15 exemptions have been allowed this year.
(o) actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements	None identified.

### 3. Key Messages

3.1 The key messages to note from the year are:

- (i) The systems of internal control administered by the Monitoring Officer including compliance with the Council's Constitution were adequate and effective during the period for the purposes of the latest Regulations. However, it is important that Members and Officers are regularly reminded of their obligations and updated on any changes to ensure there is no complacency.
- (ii) The Constitution continues to be regularly updated.

### 4. Looking Forward

4.1 The key issues for 2017/18 are as follows;

- Further implementation of the Information Risk Management Framework is planned.

#### 4.2 Code of Conduct

- 4.2.2 There have been a rise in complaints but this appears to be related to the same members rather than being more widespread.

#### 4.3 Corporate Governance Framework

- 4.3.1 The Council will keep the Code of Corporate Governance under review, taking into account any revisions to associated guidance and any recommendations arising from audit reports.
- 4.3.2 The Monitoring Officer will continue to provide an assurance in respect of the Code and the Annual Governance Statement by way of this Annual Report.

#### **4.4 Constitution and Regulations**

- 4.4.1 The Constitution will be continue to be kept under review by the Monitoring Officer working closely with the Democratic Services Team.
- 4.4.2 It will be appropriate to continue to remind Members and staff of the importance of compliance with the Council's regulations, as set out in the Constitution and other policy framework documents, and the Monitoring Officer and other staff will give advice accordingly.

### **5. Overall opinion on the adequacy and effectiveness of the Governance framework**

**The Monitoring Officer confirms that she is not aware of;**

- Any breaches of, or deficiencies in, internal control in respect of fraud or compliance with relevant legal provisions that could have a significant effect on the entity or a material impact on the financial statements;
- Any actual, suspected or alleged frauds or breaches of legislative requirements during 2017/18;
- Any excessive or undue pressure to meet financial or operating targets that may unduly influence the actions of either those charged with governance or Management;
- Any actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements;
- Any circumstances that would call into question the preparation of the financial statements on an ongoing basis.

That the systems of internal control administered by the Monitoring Officer including the Code of Conduct and the Council's Constitution, were adequate and effective during the year between April 2017 and March 2018 for the purposes of the latest regulations (subject to the areas outlined above).

Emma Duncan  
Monitoring Officer  
31/3/18