

# **Monitoring Officer Annual Report 2015/16**

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# Monitoring Officer Annual Report 2015/16

## 1. Introduction

- 1.1 The Monitoring Officer's Annual Report summarises the more important matters arising from the Monitoring Officer's work for the Borough Council from 1 April 2015 to 31 March 2016 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, the Borough Council of Kings 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 2015 – March 2016

The appointment of the current Monitoring Officer was confirmed by Council in June 2014 and has carried out the statutory functions since that time.

Duties	Work undertaken
(a) Report on contraventions or likely contraventions of any enactment or rule of law.	None
(b) Report any findings of maladministration causing injustice where the Ombudsman has carried out an investigation.	There have been two incidents, the Council has made a payment of £100 in respect of one of them.
(c) Establish and maintain the Register of Member's interests and gifts and hospitality.	All Members of both the Borough and Parish Councils completed new returns following the elections in May 2015.  Members have been issued with Guidance.  Members making nil returns have been reminded of their obligations under the Code.

	<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>
<p>(d) Maintain Register of Employees gifts and hospitality.</p>	<p>The Registers have been updated regularly and are open to inspection.</p>
<p>(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.</p>	<p>During the year between April 2015 and March 2016 a total of 27 complaints have been received.</p> <p>In a significant proportion of these cases there was either no breach identified or the members concerned were offered guidance and assistance. No cases were referred for investigation.</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 guidance through the provision of briefing notes and training on the Code of Conduct has been undertaken by the Monitoring Officer.</p>
<p>(f) Investigate breaches of the Council's own protocols.</p>	<p>There have been no alleged breaches of the Council's own protocols which have been investigated and dealt with accordingly.</p>
<p>(g) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct.</p>	<p>The Monitoring Officer has provided advice to Parish Councils on the Standards and Conduct Arrangements during 2015/16 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>
<p>(h) Promote and support high standards of conduct through support to the Standards Committee.</p>	<p>The Committee has not met this year as there has been no requirement to do so.</p>
<p>(i) Compensation for maladministration.</p>	<p>None.</p>

(j) Maintenance and review of the Constitution.	The Constitution has been revised and updated during the year.
(k) Responsibility for complaints made under the Council's Whistleblowing and Anti-Fraud policies.	None
(l) Breaches of the Employee Code of Conduct.	There have no formal allegation of breaches under the Employee Code of Conduct.
(m) Advice on vires issues, maladministration, financial impropriety, probity and policy framework.	<p>The Monitoring Officer has been consulted on new policy proposals and on matters, which have potentially significant legal implications.</p> <p>The Monitoring Officer has 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 regularly advises on the legality and/or appropriateness of administrative procedures, in conjunction with the Democratic Services Team.</p> <p>The Monitoring Officer reviewed the Planning Code this year, which was updated.</p>

### 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 2015/16 are as follows;

- Planning continues to be the area which generated a substantial number of complaints both at Borough and District level.

#### **4.2 Code of Conduct**

4.2.2 To undertake Member training.

#### **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**

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 2015 and March 2016 for the purposes of the latest regulations (subject to the areas outlined above).

Emma Duncan  
Monitoring Officer  
1st April 2016