

## **Annual Report of the Monitoring Officer for 2010/11**

### **1. Introduction**

This is the Annual Report of the Monitoring Officer for 2010/11. Its purpose is to provide an overview of the Monitoring Officers work during that period and highlight those issues that will require attention during 2011/12.

### **2. The Monitoring Officers Duties and Responsibilities**

2.1 The role of the Monitoring Officer derives from the Local Government and Housing Act 1989 ('the 1989 Act' ), the Local Government Act 2000 ("the 2000 Act") and the Local Government and Public involvement in Health Act 2007 which requires the Monitoring Officer to advise the Standards Committee regarding allegations of member misconduct and politically restricted posts.

### **3. Support for the Monitoring Officer**

3.1 The support arrangements and resources which enable the Monitoring Officer to undertake the functions referred to in this report have continued to be developed and strengthened. The working relationships with the Head of Paid Service and section 151 officer have continued to be important, as are those with the rest of the Corporate Management Team, the Chief Internal Auditor, the Standards Committee and the External Auditor. The Monitoring Officer is supported by two Deputy Monitoring Officers, who are the Heads of Legal Services. In addition considerable support has been provided to the Monitoring Officer by the Constitutional Services Manager and his staff. Together they are responsible for standards, and support the efficient functioning of the council's independent Standards Committee.

### **4. Constitution**

4.1 The constitution was again reviewed and updated during 2010/2011. The current version is accessible on CMIS (Committee Management Information System), which is accessible on the council's intranet and extranet.

### **5. Lawfulness and Maladministration**

5.1 The Monitoring Officer is the councils lead adviser on issues of lawfulness and the Councils powers. Part of this role involves monitoring cabinet and committee reports, agendas, decisions and procedures to ensure compliance with legislation and the constitution (e.g.: as regards access to information). The majority this work is undertaken by officers from Legal and Constitutional services. The Monitoring Officer also has a duty to ensure, through Constitutional Services, the committee decisions and their reasons are made publicly available. This work is carried out by officers from Constitutional Services through the council's website, by means of CMIS.

5.2 The Council's governance arrangements continue to be robust and no reports regarding potentially unlawful decision-making or maladministration were issued during 2010/11. In addition there were no reports from the Local Government Ombudsman in 2010/11 regarding actions or omissions that amounted to maladministration. The council has a record of statutory obligations through access to a law library and the internet.

## **6. Good Governance**

6.1 The Monitoring Officer has continued to work in collaboration with the Council's other Statutory Officers, as well as working in partnership with other officers, groups and services to develop and disseminate guidance, policies and procedures (e.g. relating to redundancy and disciplinary policies).

5.2 A review was carried out of the council's financial and contract rules, and these have been amended as part of the council's constitution.

## **7. The Standards Committee**

7.1 The committee's primary function is to promote and maintain high standards of conduct by Councillors. Full details of the remit of the Standards Committee are contained in part 3. 2, 8 of the Council's constitution.

## **8. The Ethical framework and support to the Standards Committee**

8.1 As lead Officer for the Standards Committee, the Monitoring Officer has a key role in promoting the Council's Ethical Framework and high standards of conduct within the authority. This includes the maintenance of the Members and Officers Registers of Interests and Gifts and Hospitality.

8.2 The Monitoring Officer is responsible for establishing and maintaining a register of members' interests. This is held within the office of the Constitutional Services Manager and is also accessible through the council's website through CMIS. The register is updated following the Council's annual meeting each year and periodically thereafter as members advise of changes to their entries on the register. Members' gifts and hospitality is also recorded on the interest register. Regular reminders of the need to keep it up-to-date continue to be provided to all members.

### **8.3 Confidential Reporting ("whistle blowing")**

The confidential reporting (whistle blowing) policy is available on the intranet as a standalone document and is contained in electronic version under the Internal Audit intranet pages at [http://inside.walsall.gov.uk/index/whistle\\_blowing.htm](http://inside.walsall.gov.uk/index/whistle_blowing.htm).

## 8.4 Dispensation

No dispensations were requested during 2010/2011 from the standards committee under the relevant authorities (standards committee) (dispensation is) regulations 2002.

## 8.5 Standards for England

The monitoring Officer is responsible for establishing and maintaining an effective working relationship with Standards for England. During 2010/11 this has involved quarter reporting of statistics regarding the local assessment of complaints about alleged misconduct by Walsall members, and working with Standards for England Officers regarding its Annual Return procedures and its Annual Report.

## **9. Corporate Compliance with Legislation**

The arrangements for ensuring consistent responses to new legislation, Government initiatives and consultation exercises have continued to be applied in 2010/2011.

## **10. Member Training and Development**

9.1 The Council provided member induction training briefing following the annual elections in 2010/11. In addition to this members are provided with training to enhance their ability to fulfil their functions to the councils various committees such as planning and employment appeals committees.

## **11. Officer Training**

11.1 The Monitoring Officer and Constitutional Services Manager provided governance training to officers of the council, and produced guides to support officers in decision making. These can be found on the council's intranet under Service Information, through Inside Walsall.

## **12. The Independent Remuneration Panel**

12. 1 The Councils Independent Remuneration Panel last met 6<sup>th</sup> October 2010. Details of the panel's report and council's decision can be seen on CMIS.

## **13. Support to Council, Cabinet, scrutiny and committee meetings**

13.1 Legal and Constitutional Services officers have provided full support to all council committee meetings throughout the civic year for 2010/11.

## **14. Members and Mayoral Support**

14.1 Through Constitutional Services the Monitoring Officer is responsible for ensuring that Members receive adequate advice, guidance and support in

their role as community representatives and that the Mayor is able to perform a broad Civic function. Particular areas of support for the mayoralty have continued to include:-

- Maintaining the Civic Diary
- Coordinating the Mayors Events and Engagements
- Remembrance Sunday; Mayors Annual Dinner; and Annual Meeting/Mayor Making

## **15. Preparing and Publishing the Forward Plan**

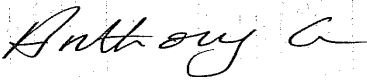
15.1 the coordination and maintenance of the Statutory Forward Plan is central to meeting the requirements of good governance as it enhances open and transparent decision-making. The forward plan is scrutinised by the Leader of Council prior to its monthly publication.

## **16. Access to Information**

16.1 specific guidance has continued to be provided to relevant Officers regarding the Access to Information provisions and the need for report writers to consider how best to deal with potentially exempt or confidential information when drafting items for council meetings. No issues or concerns were raised in 2010/11 regarding the approach taken to the treatment of exempt or confidential information reports. Amendments to Access to Information Procedure rules have been made this year in respect to the requirements set out in the Flood and Water Management Act 2010.

## **17. Conclusion**

The Monitoring Officer's role focuses on maintaining high standards, encouraging ethical behaviour, increasing awareness of, and the implementation of good governance. As well as being involved in taking appropriate action to deal with issues and potential problems as they arise. The effectiveness of this role is dependent on robust systems and procedures being in place to identify issues and potential problems and to ensure that Members, Officers and the public are aware of the appropriate channels through which they can raise concerns. The Monitoring Officer is satisfied that in reviewing the governance arrangements at present that they are effective and that the council is currently operating within existing legislation and statutory guidance.



**Tony Cox**  
**Interim Head of Legal and Constitutional Services and Monitoring Officer**