

Monitoring Officer Annual Report 2018/19

Section Contents

1 Introduction

2 The Monitoring Officer's Work April 2018 – March 2019

3 Key Messages

4 Looking Forward

5 Overall opinion on the adequacy and effectiveness of the Governance framework

Monitoring Officer Annual Report 2018/19

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 2018 to 31 March 2019 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, North Norfolk District Council 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 2018 – March 2019

The appointment of the current Monitoring Officer was confirmed by Council on 21 September 2017 and has carried out the statutory functions since that time.

Duties	Work undertaken
(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 is a member of the Council's Corporate Leadership Team, together with the Heads of Paid Service and the Chief Financial Officer and is able to comment on issues discussed there.</p> <p>The Council's in house legal team, Eastlaw, 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.	<p>The Monitoring Officer reviews any complaints where the LGO has upheld the complaint. There has been no findings of maladministration.</p>
(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.	<p>The Registers have been updated regularly and are open to inspection.</p>
(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.	<p>During the year between April 2018 and March 2019 a total of 24 complaints have been received. This compares to last year's figure of 20 complaints.</p> <p>23 complaints relate to parish and town councils.</p>

	<p>The most common source of complaints were unclear governance procedures and also 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>Where appropriate political Group Leaders have been asked to underline the importance of Member respecting the provisions of the Code and other Protocols.</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>No cases were referred for investigation.</p> <p>Advice is being offered to parishes through 121, the Council's e-briefing to help parishes avoid complaints.</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 through the Member's Bulletin.</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 2018/19 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</p>

	deal with complaints. Further advice is being provided to parishes/towns to help them comply with their obligations under the Code through 121, the Council's e-briefing for parishes/towns.
(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 Member Officer Protocol and Constitution has been updated.</p> <p>The Independent Person arrangements are working well.</p>
(i) Compensation for maladministration.	The Council has made one payment of £400 to a complainant as a gesture of goodwill. No maladministration was found.
(j) Maintenance and review of the Constitution.	<p>The Constitution has been revised and updated during the year through the input of the Constitution Working Party and the Standards Committee.</p> <p>A Working Arrangements Protocol had been developed and in place to deal with the changes to political control.</p>
(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>

<p>(m) Advice on vires issues, maladministration, financial impropriety, probity and policy framework.</p>	<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 Heads of Paid Service to ensure probity in the organisation.</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 meets regularly with the Group Leaders to share issues.</p> <p>This year has seen the implementation of GDPR and the introduction of an Information Risk Framework.</p>
<p>(n) Exemptions to contract standing orders</p>	<p>10 exemptions have been allowed this year, mainly in relation to specialist services and the applicable provisions under the Constitution have been followed.</p>
<p>(o) actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements</p>	<p>None identified. A full list of litigation matters has been provided to the Council's external auditors.</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.
- (iii) During the current year the Council has changed control from a Conservative administration to no overall control. The Monitoring Officer and Democratic Services Team Leader worked with officers and Members to reflect this change within the Council's Protocols and processes.

4. Looking Forward

4.1 The key issues for 2018/19 are as follows;

- All out Council elections took place in May and a comprehensive development programme for members has been put in place.
- Project Governance is in the process of being reviewed.
- The contract standing orders are being reviewed.
- Further implementation of the Information Risk Management Framework is planned.

4.2 Code of Conduct

4.2.2 A change of political control has meant that there have been issues in relation to some Member conduct, this stabilised recently.

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 2018/19;
- 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 2018 and March 2019 for the purposes of the latest regulations (subject to the areas outlined above).

Emma Duncan
Monitoring Officer
31/3/19