

Monitoring Officer Annual Report 2019/20

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Monitoring Officer Annual Report 2019/20

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 2019 to 31 March 2020 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 2019 – March 2020

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.	The Monitoring Officer is a member of the Council's Strategic Leadership Team, together with the Head of Paid Service and the Chief Financial Officer and is able to comment on issues discussed there.

	<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. These procedures have been reviewed and updated in light of the ongoing pandemic.</p> <p>eastlaw assess and respond to either changes in the legal framework and in particular this year, with Democratic Services have implemented the remote meeting provisions.</p> <p>Any contraventions have been remedied through the appropriate decision making processes.</p> <p>Members have been trained in the provisions of the Constitution and risk.</p>
<p>(b) Report any findings of maladministration causing injustice where the Ombudsman has carried out an investigation.</p>	<p>The Monitoring Officer reviews any complaints where the LGO has upheld the complaint. There have been no findings of maladministration.</p>
<p>(c) Establish and maintain the Register of Member's interests and gifts and hospitality.</p>	<p>All Members of both the District and Parish Councils completed new returns following the elections in May 2019. Members are reminded to keep these up to date.</p> <p>Members have been issued with Guidance on the Code and trained on the Code and governance and probity issues.</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</p>

	for inspection at the Council's offices.
(d) Maintain Register of Employees gifts and hospitality.	The Register has been updated regularly and are open to inspection. A copy appears at Appendix 1
(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.	<p>During the year between April 2019 and March 2020 a total of 29 complaints have been received. This compares to last year's figure of 24 complaints.</p> <p>27 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 and 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 2019/20 face to face, by letter, telephone and email.</p> <p>The Monitoring Officer (and her staff) have provided advice and assistance to a number of parishes through interventions to raise standards and 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.</p>
(h) Promote and support high standards of conduct through support to the Standards Committee.	<p>The Committee has met to consider a consultation response and best practice in respect of the new model code.</p> <p>The Independent Person arrangements are working well.</p>
(i) Compensation for maladministration.	There have been no cases of compensation
(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.</p> <p>The delegations were reviewed following the beginning of the pandemic and amended.</p> <p>The new legislative provisions relating to remote meetings have been implemented.</p>
(k) Responsibility for complaints made under the Council's Whistleblowing and Anti-Fraud policies.	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>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.</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>The Employment and Appeals committee has met to consider any disciplinary matters.</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 Strategic Leadership Team 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>There have been a number of reviews of the Project Management Framework and the actions suggested will be implemented into the Governance Framework.</p>

	The Risk Management Framework has been reviewed and updated and training provided to Members.
(n) Exemptions to contract standing orders	11 exemptions (Appendix 2) have been allowed this year, mainly in relation to specialist services and the applicable provisions under the Constitution have been followed. Contract Procedure Rules have been updated.
(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 at the current time.

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 the governance framework regularly 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 had elections and there has been a comprehensive programme of Member Development and training delivered.

4. Looking Forward

4.1 The key issues for 2019/20 are as follows;

- Actions arising from Project Governance Reviews need implementing through the AGS action plan
- The Performance Management Framework is due for review, and requires expanding to encompass service planning and risk.
- The Corruption and Anti Fraud Policy is due for review.
- The new Member Code of Conduct is currently being consulted on and when this is adopted, will require implementation.
- The Member/Officer Protocol requires review and updating.

4.2 Code of Conduct

4.2.2 The Member Code of Conduct is currently out for consultation which will result in changes to how Member behaviour is dealt with by the authority.

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 2019 and March 2020 for the purposes of the latest regulations (subject to the areas outlined above).

Emma Duncan
Monitoring Officer
24/07/20

APPENDIX 1 Register of Officer Gifts and Hospitality

Date	Name of officer	Name of person/organisation offering gift or hospitality	Description of gift/hospitality	Accepted or declined?
3.4.2019	Alison Ridgway	Mr J Sturgeon (Taxi Driver)	2 packets of biscuits	Accepted
4.4.2019	Rob Goodliffe	Team Van Oord	Industry Guild Dinner, 12 March 2019	Accepted
21.5.2019	Philip Rowson	Historic Houses	Summer Lunch invitation to Sennowe Park	Accepted
22.5.2019	Karen Spence	North Norfolk Railway	Day ticket for 2 adults on Poppyline	Accepted
12.8.2019	Wyn Nurse	Champions After Diner Speakers	Bottle of Champagne	Accepted
24.10.19	Steve Blatch	Team Van Oord	Project completion dinner 5 November 2019	Accepted
25.10.19	Cllr Fitch-Tillett	Van Oord	Dinner	Accepted
7.11.19	Nick Baker	Real Consulting	Supper - £60	Accepted
12.11.19	Russell Tanner	Openwide Coastal Ltd	Cromer Pier Christmas Show	Accepted
21.11.19	Phillip Rowson	The Maltings	Bottle of Prosecco	Accepted
6.12.19	Stuart Tate	SMG	Invitation	Accepted
9.12.19	Kaye Skinner	Mentnor Construction Ltd	M&S Christmas Hamper (addressed to NNDC - no particular named person)	Accepted
13.1.2020	Cllr Fitch-Tillett	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne	Accepted
20.1.2020	Rob Goodliffe	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne & 10.3.2020 at The Dorchester Hotel, London - Dinner, Drinks reception & Overnight Stay	Accepted
20.1.2020	Tamzen Pope	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne & 10.3.2020 at The Dorchester Hotel, London - Dinner, Drinks reception & Overnight Stay	Accepted
28.1.2020	Steve Blatch	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne	Accepted
28.1.2020	Sonja Seaton	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne	Accepted
28.1.2020	Sandra King	Team Van Oord	Dinner on 30.1.2020 at The Pheasant Hotel, Weybourne	Accepted
12.3.2020	Sally Tidman	The Bijou Collection	Open Half Day at The Harper, Langham	Accepted
12.6.2020	Trudi Grant - Benefits	Robin	Chocolate Cake	Accepted

APPENDIX 2; Contract Procedure Rule Exemptions granted from 1 April 2019 to 31 March 2020

Contractor	Type of Work	Amount	Exemption
British Geographical Society	Sandscaping Scheme Survey	£28,000	There is only one supplier with the direct relevant experience to complete the study and there is no acceptable alternative. An exemption is sought to appoint BGS to complete the geological pre-construction survey.
Civica UK Limited	Outsource revenue telephone calls and processing work to Civica on Demand	£56,000-£57,000	There is only one supplier with the direct relevant experience to complete the work and there is no acceptable alternative. There are a limited amount of suppliers who can provide this detailed level of service and Civica on Demand is part of the software company Civica UK Limited that NNDC currently uses, so they have the necessary skills to provide this interim resource whilst NNDC recruits and trains to the vacancies we have.
BIP Solutions	Provision of e-notices for publication and Quickcall tendering solution	£19,050	There is only one supplier with the direct relevant experience to complete the work and there is no acceptable alternative. BIP offer a "Quickcall" facility on their delta s-Sourcing solution allowing a basic document exchange and messaging facility without having to buy all the other modules that we would not necessarily use.
Your Own Place	Tenancy Sustainment training	£30,000	There is only one supplier with the direct relevant experience to complete the study and there is no acceptable alternative.
Aspect Group Limited	Refurbishment of NNDC toilets and enabling works for the Deep History Coast.	£60,000	The start date of the works is to be 9 September with a handover no later than 7 October 2019, there is a risk regarding the funding if these dates are not met.
Mantair Limited	Installation of new septic tank & new sewage treatment plant & soak away	£21,580 + VAT	Due to a change in legislation coming into force in 2020 the current septic tank and soak away system is not compliant. A limited amount of suppliers who can advice and deliver this scheme quickly. This work is required as a matter of urgency.

	system		
Royal HaskoningDHV	Bacton to Walcott Sandscaping Scheme – Additional Works	£300,000	It is considered desirable on commercial grounds to accept a quotation from a supplier already engaged by the Council on a project and that the price is not more than 50% of the original contract sum.
Marsh Consulting	The Coastal Loss Innovative Funding & Finance Study	£75,000	There is only one supplier with the direct relevant experience to complete the study and there is no acceptable alternative.
Peter Thomas	Consultancy	£30,000	There is only one supplier with the appropriate methodology to complete the study and there is no acceptable alternative.
Aspect Roof Services	Sheringham Leisure Centre Roof Panel	£99,500	The damaged roof panels proposes a H & S issue and an exemption is sought on Health and Safety grounds Also: <ol style="list-style-type: none"> 1) A tender exercise will take too much time up and there is no guarantee that another contractor would wish to apply the same methodology. Therefore this could cause further delays. 2) Whilst we may keep the inside closed therefore nothing can fall on the public we still need to protect the external roofing elements from becoming detached and injuring someone. 3) There is a reputational risk for the council in not reopening the pool. The new Splash is due to open March 2021 Everyone Active fears that current pool users may go elsewhere and then they are faced with trying to get them back. 4) Structural Engineer cannot rule out that we may experience a repeat occurrence if we leave as is. 5) Need to get the pool reopen to restore public confidence and minimise costs levied against us by Everyone Active. Still possible to open the Pool by Easter.
Aspect Roof Services	Splash Roof Panel Repair, Sheringham	£15,000	Limited amount of time to repair as could get progressively worse and facility needs to be open for Half Term.