



Derby City Council

AUDIT AND ACCOUNTS COMMITTEE
30 July 2019

Report of the Monitoring Officer

ITEM 8

Monitoring Officer Update

Purpose

- 1.1 To provide a summary of current work involving the Monitoring Officer.

Recommendation(s)

- 2.1 To note the content of this Report.

Reason(s)

- 3.1 This Report provides information to the Committee on current and recent work undertaken by, or involving, the Monitoring Officer.

Supporting information

- 4.1 In January 2019, Emily Feenan was appointed as Monitoring Officer. Set out below is a summary of current work undertaken by, or involving, the current Monitoring Officer.
- 4.2 **Contract Procedure Rules and Procurement Strategy**

The Council's Contract Procedure Rules are set out at Part 6 of the Constitution.

In 2018 the Central Midland Audit Partnership undertook an internal audit review of the Council's Procurement Service; that review gave rise to a series of recommendations including:

We recommend that a Corporate Procurement Strategy be documented, reflecting the recommendations in the National Procurement Strategy for Local Government in England 201[8] by the Local Government Association, and that the Procurement Code be reviewed and updated as required.

In response to this recommendation the Council's Contract Procedure Rules have been reviewed and updated and the revised version will be submitted to Full Council for approval on 24 July 2019. A new introduction to the Contract Procedure Rules has been included, which sets out the Council's Procurement Strategy, which expressly embeds the three themes of the National Procurement Strategy for Local Government in England 2018.

4.3 New Standards Regime

As reported by the previous Monitoring Officer in the 2018 Monitoring Officer Update to this committee, on 23 May 2018 Council adopted a new procedure for dealing with Councillor Complaints. Council agreed that the new arrangements would be reviewed in the latter stages of the 2018/19 municipal year.

In February 2019 the previous Monitoring Officer provided an update report to Standards Committee on the new procedure. At that point, three standards complaints had been received and dealt with under the new regime. The previous Monitoring Officer reported that the new regime was innovative in its intent to reduce the number of politically motivated/associated complaints but that at that time there was insufficient evidence to conclude whether the new regime had achieved its objective, as any reduction in complaints could, equally, be driven by other local factors. The Standards Committee resolved to note the experience of the operation of the new regime and that no changes be made until further experience suggests it is necessary.

Since that date no further standards complaints have been received. The Standards Committee will receive future reports updating it on operation of the new complaints procedure when appropriate.

4.4 Referrals to the Monitoring Officer relating to Taxi Licensing issues

Any instances of Councillor interference with Taxi Licensing are recorded and reported to the Monitoring Officer.

Two Councillor contacts with Taxi Licensing were reported to the Standards Committee in February 2019.

Most breaches, or alleged breaches, of the Code of Conduct are reported to the Standards Committee following a process initiated through a complaint being submitted. Without a complaint being submitted, the committee does not have any power to issue sanctions against a councillor for a breach.

There are occasions, however, when the committee is alerted to potential breaches that have come to the attention of the Monitoring Officer. One such circumstance is instances of Councillor interference with Taxi Licensing, reported to the Standards Committee by the Monitoring Officer. Previous experience has shown that it would be inappropriate for the Standards Committee to make a ruling, or issue sanctions, based on the submission of this information alone. On that basis, the procedure stipulated that the Standards Committee would have no power beyond noting in those circumstances.

In July 2018 the Standards Committee resolved that a mechanism be developed to allow instances of a potential breach of the Members' Code of Conduct, which are reported to the Standards Committee by the Monitoring Officer, to be considered in the same way as a complaint would, without the necessity for a complaint having been received. In February 2019 Standards Committee resolved to recommend to Council that the procedure for dealing with Councillor Complaints be amended to allow such consideration and Council resolved to make such amendments at the meeting of Council on 27 February 2019.

4.5 **Governance Changes**

On 27 February 2019, Council resolved to authorise the Strategic Director of Corporate Resources to develop a Committee System based on the following working principles:

- Achieve greater councillor engagement in decision-making;
- No increase in the number of meetings;
- No increase in costs;
- Avoid unnecessary delays in decision-making so that any change is at least comparable to the Leader and Cabinet model;
- Including call-in within the functions of the new committee structure;
- To allow all councillors to put items on the agenda of committees;
- Fit for purpose officer delegation scheme, with councillor involvement only in significant officer decisions.

The proposal to move to a committee system governance model has major constitutional implications for the Council. A project governance structure has been established to develop and progress the proposals, with the Monitoring Officer playing a key role in developing the new governance model, considering the consequential changes needed to the Constitution and then drafting those changes. A Committee System Working Group, comprising Councillors and Officers, has been established to support this work.

4.6 Four Yearly Elections

On 27 February 2019, Council resolved to request that the Committee System Working Group explore a move to four-yearly 'all-council' elections, in conjunction with the review of Derby City Council's governance system.

The Monitoring Officer will develop proposals for a change to the Council's electoral cycle in conjunction with the Committee System Working Group and will report back to Council in due course.

4.7 Councillor Training Day

On 12 June 2019 Councillors attended the Council's first annual Councillor Training Day, following its establishment by resolution of Council in January 2019.

This whole day event allowed Councillors to attend mandatory training modules (Adults and Children's Safeguarding, Decisions and Deliberations and Data Protection) and a series of optional training modules (including: Code of Conduct, Role of the Chair, Scrutiny Skills and specific training for chairs and vice chairs of Licensing and Planning Control committees), allowing individual Councillors to tailor their training to any constitutional appointments.

The programme for the day was developed by the Monitoring Officer in conjunction with colleagues in Democracy. Colleagues are now collating feedback from the day (which has been broadly positive) to inform the structure and content of future Councillor Training Days.

Public/stakeholder engagement

5.1 N/A

Other options

6.1 N/A

Financial and value for money issues

7.1 N/A

Legal implications

8.1 N/A

Other significant implications

9.1 N/A

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Emily Feenan, Monitoring Officer and Interim Director of Legal, Procurement and Democratic Services	
Finance Service Director(s)		
Report sponsor		
Other(s)		

Background papers:
List of appendices: