

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
Standards Committee	23 February 2015

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
Monitoring Officer Update	Leader	Ian Parker	5

## 0 BACKGROUND

0.1 The role of the Monitoring Officer is a statutory function of the Council. Whilst the role is both varied and wide, the purpose of this report is to allow the Standards Committee to consider a couple of issues that have been drawn from recent investigations.

## 1 RECOMMENDATIONS

That Members should note the contents of this report and make any recommendations as they consider appropriate

### 2 DATA PROTECTION ACT 1998 (DPA)

2.1 All Councillors should be aware of the DPA when representing constituents. Councillors will inevitably contact the Council in their roles as:

- A member of the public
- A Councillor – perhaps on behalf of a constituent
- Part of their external employment

2.2 It is imperative that these different roles do not become blurred in anyway. To illustrate, a Councillor might contact specific Council departments requesting information, advice or support on a personal level; it should be made clear that this is personal. Similarly, if the Councillor is contacting the Council as part of their external employment, this too should be made unambiguously clear.

2.3 Perhaps the most difficult situation and maybe the most common is when a Councillor makes contact to the Council on behalf of a constituent. It is imperative that any such contact is undertaken with the explicit consent and permission of the third party.

2.4 During the run up to the election, Councillors will inevitably face issues from constituents and will naturally want to provide help and support. Such enquiries may lead to direct communications with Council Officers. Councillors must bear in mind that the Data Protection Act must be complied with at all times.

2.5 Councillors must ensure that the person or persons they are representing have given consent and that if any third party is involved, they too must give consent. Officers are not permitted under the Data Protection Action to divulge personal data/information without consent.

2.6 Councillors are bound by the Code of Conduct which includes an expectation that Councillors will not place undue pressure on Officer to divulge information. The Council operates within the law and must at all times protect personal information from being disclosed without proper consent.

### 3 MEDIA INCLUSION

- 3.1 Recently the Monitoring Officer had reasons to investigate a relatively minor allegation. Such allegations are dealt with confidentially. There are good reasons to maintain confidentiality, not least in order to allow for a full and through investigation to be undertaken.
- 3.2 Whilst in general the Code of Conduct promotes confidentiality, there is nothing specific which sets out any duties on the individual who is being complained of or indeed on the individual who has brought the complaint.
- 3.3 Recently, following notification of an allegation, the subject member of the complaint brought the complaint to the media. The allegation was then printed and made public.
- 3.4 On this occasion, the subject might have been considered relatively trivial. The concern (for the Standards Committee to consider) is whether either the Code of Conduct or the Hearings Procedure needs amending in order to address this issue for completeness. The Hearings Procedure may be amended by the Monitoring Officer in consultation with the Chair of Standards Committee – any amendments to the Code of Conduct would require full Council approval.

### WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

<b>FINANCIAL</b>	None		
<b>LEGAL</b>	It is imperative of course that both officers and members should at all times fully comply with the provisions of the Data Protection Act 1998.		
<b>RISK</b>	<p>Any failure to comply with the Data Protection Act could result in the Council and/or the individual(s) concerned being prosecuted – reputational damage for the Council would ensue.</p> <p>Whilst a complaint under Standards is being investigated it is not considered desirable that members should go to the media to refer to that complaint – the Monitoring Officer needs to ensure that a full investigation is carried out and completed without any hindrance or interference.</p>		
<b>THE IMPACT ON EQUALITY</b>	None		
<b>OTHER (see below)</b>			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

### BACKGROUND DOCUMENTS

Code of Conduct  
Hearings Procedure