

BRIEFING PAPER FOR BEST VALUE IMPROVEMENT BOARD

TITLE	AUTHOR	ITEM NO	DATE
Clear Up Project Recommendations – Progress Update	Paul Greeno, Senior Corporate and Governance Lawyer ext. 3934		18th December 2017

1. INTRODUCTION/SUMMARY

- 1.1 This report is providing the Board with progress on the recommendations for further action arising out of the Clear Up Report.

2. RECOMMENDATIONS

- 2.1 The Board is asked to note the report.

3. BACKGROUND

- 3.1 The Clear Up project was established at the request of the Commissioners to conduct a review of any unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions. The project focused on allegations which related to any decisions or activity which took place between October 2010 and June 2016 (the period from the election of the first directly elected mayor to the re-launch of the Whistleblowing policy).

- 3.2 The Project was launched in September 2016, and anybody could raise an allegation to the independent Clear Up Team as long as it met the following criteria:

- The allegation referred to a decision or activity that occurred between October 2010 and June 2016;.
- The allegation is notified directly to the Clear Up Team between Thursday 8th September 2016 and Thursday 8 December 2016 or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor; and
- Includes details of the alleged impropriety and any evidence which supports the complainant's claim. The complainant should also provide their contact details to allow a member of the Clear Up Team to discuss further the allegation.

- 3.3 An independent Clear Up Team was appointed to investigate the allegations. During the nominations window, 66 allegations were received and each were considered by the independent Team: reporting progress and making recommendations regularly to the Clear Up Board and which comprised the Chief Executive, Monitoring Officer, Corporate Director, Resources and a lead Commissioner (Chris Allison).
- 3.4 The Clear Up Board considered the final investigation reports and the draft final report at its final Board meeting on 27th March 2017. Following that meeting the report was amended to include the Board's decisions upon the final investigation reports and was finalised and published.
- 3.5 Following receipt of the Clear Up Project report the Monitoring Officer carefully considered the report and specifically Annex 1 which set out each of the 66 allegations; their finding; and the recommendations. Of those 66 it was noted that:
- 38 - Rejected (includes 1 that was also partially out of scope)
 - 11 - Out of Scope
 - 5 - Upheld
 - 11 - Partially Upheld
 - 1 ongoing
- 3.6 Even where allegations were rejected or were out of scope, the Clear Up Board considered whether there were any lessons to be learnt and made recommendations accordingly. Recommendations for action were made in respect of a total of 41 of the allegations.
- 3.7 Following receipt of the Clear Up Project report the Monitoring Officer has carefully considered the report and, in particular, Annex A and where further action was required by the Council, has allocated that action to various Corporate Directors and Divisional Directors. Attached at Appendix 1 is a spreadsheet setting Annex A and adding 2 additional columns giving the "Monitoring Officer Response" and the "Monitoring Officer Update". Relevant officers have been notifying the Monitoring Officer of actions taken and when an action has been completed.
- 3.7 The Monitoring Officer has been reviewing actions taken since May 2017 and a further 16 cases have been closed leaving 25 cases where recommendations are still outstanding.
- 3.8 Progress has still been made in respect of those remaining 26 matters. A number of the matters have more than 1 recommendation for action and 17 individual recommendations have been fully actioned but the

case itself cannot be closed as there are other outstanding actions in relation to that case.

- 3.9 Update reports are reviewed quarterly at the Corporate Leadership Team with the next report due to go on Wednesday, 17th January 2018. Following the next Corporate Leadership Team, a report will go to Cabinet.

4 COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no direct financial implications.

5. LEGAL COMMENTS

- 5.1 The Monitoring Officer has been monitoring actions taken and where an action has been completed the Monitoring Officer has ensured that all appropriate lawful steps were taken to comply with the recommendations.
- 5.2 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.
- 5.3 By virtue of Directions that were made by the Secretary of State on 17th March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included a recommendation that the Council set up a Clear-Up Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. A natural consequence of the investigation and determination is to consider the findings and implement recommendations so as to continue to demonstrate the Council continued commitment to the best value duty.
- 5.4 Pursuant to the Direction of 28th March 2017 progress upon this matter will be included in the quarterly reports to the Secretary of State upon the Best Value Action Plan and Best Value Improvement Plan.