

STATEMENT OF INTERNAL CONTROL 2007/08

STATEMENT BY LUTON BOROUGH COUNCIL'S MONITORING OFFICER

As the Council's Monitoring Officer, appointed under section 5 of the Local Government and Housing Act 1989 (as amended) I am under a statutory duty to report to the Full Council at any time it appears to me that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise or is likely to or would give rise to a contravention of any enactment or rule of law or to any maladministration within the meaning of Part III of the Local Government Act 1974.

I am under a similar duty to report to the authority's Executive in relation to Executive functions.

Article 12.4 of the Council's Constitution sets out these statutory duties in brief form and also sets out a range of duties which I am required to undertake which are supplemental or incidental to the statutory duties. These are:

- to maintain the Constitution;
- to support the Standards Committee;
- to receive and act on reports made by Ethical Standards Officers and decisions of Case Tribunals;
- to ensure that investigations are conducted into matters referred by Ethical Standards Officers and that reports or recommendations in respect of such investigations are made to the Standards Committee;
- to ensure that there is in place a procedure for making decisions of the Executive, together with the reasons for those decisions publicly available;
- to advise on whether decisions of the Executive are in accordance with the Council's Policy Framework and the Council's Budget Framework;
- to provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.

During 2007/08 I have not considered it necessary to make any reports under the statutory powers referred to above and am not currently aware of factors that would cause me to be under a duty to make any such report.

I have during the year given support to the Standards Committee and during 2007/08 there was one complaint against a member made to the Standards Board for England which was referred for investigation by an Ethical Standards Officer. The outcome of this investigation was a finding that the member concerned had failed to comply with the Council's Code of Conduct for Members but that no action should be taken in relation to that failure.

I have during the year regularly provided advice both to officers and members on the powers of the Executive and the authority to take decisions and in relation to the rights of members and other issues.

The Council has provided me with sufficient resources to carry out my duties during 2007/08.

Richard Stevens
Head of Legal Services
Monitoring Officer
Luton Borough Council

10 June 2008

156/05