



REPORT TO: MORAY COUNCIL ON 15 SEPTEMBER 2021

SUBJECT: MONITORING OFFICER REPORT FROM 1 AUGUST 2020 TO 31 JULY 2021

BY: MONITORING OFFICER

1. REASON FOR REPORT

- 1.1 To report on the range of activities undertaken by the Monitoring Officer.
- 1.2 This report is submitted to Council in terms of Section III A (4) of the Council's Scheme of Administration relating to public performance reporting.

2. BACKGROUND

- 2.1 There is a statutory requirement for every Council to appoint a Monitoring Officer. The Head of Governance, Strategy and Performance performs this role in Moray Council supported by the Legal Services Manager who acts as Depute Monitoring Officer.
- 2.2 Legislation requires the Monitoring Officer to bring to the attention of the Council:
 - *A contravention of law or any code of practice made or approved under any enactment; or*
 - *Maladministration or injustice in each case actual or potential and whether by the Council, committees, sub-committees or officers.*
- 2.3 It is normal practice in local authorities for the Monitoring Officer to:
 - Promote good governance and sound decision making.
 - Promote the Councillors Code of Conduct.
- 2.4 The Council's Policy and Resources Committee on 2 October 2012 agreed that the Monitoring Officer would present an annual report on the activities of the post (para 8 of the minute refers).

3. SUMMARY OF WORK UNDERTAKEN

Statutory role

- 3.1 There have been no formal reports of legal contravention or maladministration.

Governance role

- 3.2 During the period covered by the report the Monitoring Officer has:
- 3.3 Put a temporary decision making structure in place during the early stages of the pandemic response, including the Emergency Cabinet.
- 3.4 Ensured that Council/Committee meetings could continue to be held virtually throughout the pandemic response.
- 3.5 Reviewed agendas, reports and notices of motion submitted for all formal meetings of the Council and its Committees/Sub-Committees.
- 3.6 This is a significant aspect of the Monitoring Officer's workload, often undertaken over a very restricted period to enable committee papers to be published within the statutory timescales. Given staffing reductions within Legal Services, a lighter touch is now being given to this review process with time spent being relative to the risk.
- 3.7 Advised all Councillors - administration and non-administration- on practical application of the Council's Constitutional Documents to the committee system, including advice on notices of motion, competency of motions, written questions, political balance and suspension of standing Orders.
- 3.8 Carried out a review of the Council's Committee Governance arrangements, following the Senior Management Restructure in October 2019. This involved substantial changes to the Scheme of Delegation and a review of the Council's meeting structures to ensure that they reflect the management structure and remain efficient.
- 3.9 Ensured that the Council is aware of and compliant with all major pieces of new legislation through the legal services section.

Code of Conduct Role

- 3.10 During the period covered by the report the Monitoring Officer has:
- 3.11 Maintained the register of councillor's interests including six monthly reminders and council tax payment checks prior to budget setting.
- 3.12 Given advice to councillors on individual circumstances, dealt with councillor /councillor complaints and mediated in situations of conflict. These complaints have fallen under the categories of:

- Councillors showing a lack of respect for each other.
- the requirement to declare an interest.
- relationships between councillors and officers.
- language used on social media

Future training/briefing opportunities will concentrate on these areas.

- 3.13 Provided regular email updates to Councillors on the Code of Conduct, Standards Commission briefings and cases and delivered an online training session on relevant issues from the Code in November 2020.
- 3.14 Communicated with the Ethical Standards Commissioner the Standards Commissioner over complaints covering:
- Registration of Interests and Declaration of Interests.
 - Councillors showing respect for each other in terms of the Code.
- 3.15 Participated with other Monitoring Officers in workshops with the Standards Commission to draft revisions to the Code of Conduct.

4. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
Effective governance is required for the delivery of the Council's stated priorities and plans.
- (b) **Policy and Legal**
These are detailed more fully in the report.
- (c) **Financial Implications**
None
- (d) **Risks implications**
Actions taken by the Monitoring Officer are designed to contribute towards the Council's risk management processes.
- (e) **Staffing implications**
The MO role is carried out by the Head of Governance Strategy and Performance, supported by the Legal Services Manager.
- (f) **Property Implications**
None
- (g) **Equalities/Socio Economic Impact**
There are no issues arising directly from this report.
- (e) **Consultations**

The Depute Monitoring Officer has been consulted and her comments have been reflected in the report.

5. CONCLUSION

5.1 The Council is invited to note the activities undertaken by the Monitoring Officer during the period covered by this report.

Author of Report: Alasdair McEachan, Head of Governance, Strategy and Performance (Monitoring Officer)

Background Papers: None

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