



REPORT TO: MEETING OF MORAY COUNCIL ON 05 SEPTEMBER 2018

SUBJECT: REPORT ON MONITORING OFFICER ISSUES ARISING 1 JUNE 2017 TO 31 JULY 2018

BY: MONITORING OFFICER

1. REASON FOR REPORT

- 1.1 To report on the range of activities undertaken by the Monitoring Officer from 1 June 2017 to 31 July 2018.
- 1.2 This report is submitted to Council in terms of a Paragraph Section III (4) of the Council's Scheme of Administration relating to public performance reporting.

2. RECOMMENDATION

- 2.1 The Council is asked to consider and note the activities of the Monitoring Officer over the period 1 June 2017 to 31 July 2018.**

3. BACKGROUND

- 3.1 There is a statutory requirement for every Council to appoint a Monitoring Officer. The Head of Legal and Democratic Services performs this role in Moray Council. The two Legal Services Managers, Margaret Forrest and Aileen Scott act as Depute Monitoring Officers to cover periods of absence.
- 3.2 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.*
- 3.3 It is generally accepted that the Monitoring Officer will also:
- Promote good governance and sound decision making.
 - Promote the Councillors Code of Conduct.
- 3.4 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).

4. SUMMARY OF WORK UNDERTAKEN

4.1 Statutory role

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

4.2 Governance role

4.2.1 During the period covered by the report the Monitoring Officer has:

- Reviewed agendas, reports and notices of motion submitted for all formal meetings of the Council and its Committees/Sub-Committees. 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.
- Advised administration and opposition councillors on practical application of the Council's Constitutional Documents to the committee system, including advice on Notices of Motion, Written Questions and Suspension of Standing Orders. The amount of time spent in on this advice is significantly more than in previous years.
- Worked with CMT and Administration Group in reviewing the Council's governance arrangements including political balance, committee structures and remits.
- Delivered training for councillors on governance and the role of the Chair in running effective committee meetings.
- Reviewed the Council's constitutional documents and made suggestions to committee. Further guidance/procedure is required for ward members speaking at committee for planning issues and this will be brought to a future meeting of Planning and Regulatory Services Committee.
- Reviewed governance and scrutiny arrangements in place with outside bodies such as the Integration Joint Board, Waste Incineration Joint Venture and Moray Leisure.
- Ensured that the Council is aware of and compliant with all major pieces of new legislation through the legal services section.

4.3 Code of Conduct Role

4.3.1 During the period covered by the report the Monitoring Officer has:

- Maintained the register of councillors interests including six monthly reminders and council tax payment checks prior to budget setting.
- Given advice to councillors on individual circumstances and mediated in situations of conflict.

- Provided training to councillors with regular updates.
- There have been no formal communications with the Commissioner for Ethical Standards over investigations and complaints.

5. 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**
None
- (f) **Property Implications**
None
- (g) **Equalities/Socio Economic Impact**
There are no issues arising directly from this report.
- (h) **Consultations**
The two Depute Monitoring Officers have been consulted and their comments have been reflected in the report.

6. CONCLUSION

- 6.1 The Council is invited to consider and note the activities undertaken by the Monitoring Officer during the period covered by this report.**

Author of Report: Alasdair McEachan, Monitoring Officer
Background Papers: None
Ref: