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**REPORT TO: MORAY COUNCIL ON 7 DECEMBER 2022**

**SUBJECT: INFORMATION REPORT: MONITORING OFFICER REPORT  
FROM 1 AUGUST 2021 TO 31 OCTOBER 2022**

**BY: MONITORING OFFICER**

**1. REASON FOR REPORT**

- 1.1 To inform the Council 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 within 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 BY THE MONITORING OFFICER:**

**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 Ensured that Council/Committee meetings could continue to be held virtually throughout the pandemic response with assistance from Committee Services staff
- 3.4 Reviewed agendas, reports and notices of motion submitted for all formal meetings of the Council and its Committees/Sub-Committees.
- 3.5 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 gaps within Legal Services, a lighter touch is now being given to the report review process with time spent being relative to the risk. The handling of Notices of Motion is taking up an increasing amount of time, partly due to an increased number and partly due to more diverse issues being raised. Procedures are currently being worked on to enable Notices of Motion to be processed as efficiently as possible.
- 3.6 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.
- 3.7 Progressed with a review of the Council's Committee Governance arrangements in line with the Council's Improvement and Modernisation Programme. This involved a review of the Council's meeting structures to help ensure that they meet the needs of the organisation. More recently a review of senior Councillor roles has been undertaken and a Councillors Roles and Responsibilities document agreed.
- 3.8 The final element of this review, the role of the Audit and Scrutiny committee, is outstanding. The review also highlighted a need to review the Council's second tier governance documents. This process is now underway.
- 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. Councillors are reminded that any changes must be notified within one month of them occurring.
- 3.12 Delivered training sessions for Councillors on the revised Code of Conduct and provided regular updates to Councillors in relation to Standards Commission briefings and relevant hearings. Further training opportunities will cover the issues raised in the following paragraphs.

- 3.13 Given advice to councillors on individual circumstances including:
- the requirement to declare an interest
  - registration of interests
  - the revised rules on accepting gifts and hospitality. This area has caused some practical difficulties which have been raised at a national level to see if further clarity can be given.
- 3.14 Dealt with complaints against, and mediated in situations of conflict between Councillors. These have involved the following provisions of the Code
- showing respect for other Councillors
  - language used in social media
  - allegations of bullying and harassment
  - declaration of interests
- 3.15 Communicated with the Ethical Standards Commissioner and the Standards Commissioner over complaints covering:
- Declaration of Interests.
  - Language used on social media
  - Councillors showing respect for each other in terms of the Code.
- 3.15 Participated with other Monitoring Officers in workshops with the Standards Commission over issues relating 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 help to manage political and regulatory risks within the Corporate Risk Register.
- (e) **Staffing implications**  
The role is carried out by the Head of Governance Strategy and Performance, supported by the Legal Services Manager. It can be challenging to fulfil the role alongside competing workload priorities.
- (f) **Property Implications**  
None
- (g) **Equalities/Socio Economic Impact**  
There are no issues arising directly from this report.

**(h) Climate Change and Biodiversity Impacts**

None

**(i) Consultations**

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

**5. CONCLUSION**

**5.1 The report informs the Council on 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

Ref: