

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

6 AUGUST 2009

REPORT OF
CORPORATE
MANAGEMENT TEAM

COUNCIL DECISION/

Corporate Management and Finance – Lead Cabinet Member – Councillor Laing

ANNUAL REPORT OF THE MONITORING OFFICER - 2008/2009

1. Summary

This report provides Cabinet with the opportunity to consider the Monitoring Officer's Annual Report for 2008/2009 and to recommend it to Council for approval.

2. Recommendations

That the Monitoring Officer's Annual Report be considered and recommended to Council for approval.

3. Reasons for the Recommendations

To ensure that the duties and responsibilities of the Monitoring Officer, and the Monitoring Officer's work during the past year in connection with the authority's corporate/ethical governance, is brought to the attention of all Members and to as wide a cross-section of Officers as possible.

4. Members Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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COUNCIL DECISION

**Corporate Management and Finance – Lead Cabinet Member –
Councillor Laing**

ANNUAL REPORT OF THE MONITORING OFFICER - 2008/2009

Summary

This report provides Cabinet with the opportunity to consider the Monitoring Officer's Annual Report for 2008/09 and to recommend it to Council for approval.

RECOMMENDATION

That the Monitoring Officer's Annual Report be considered and recommended to Council for approval.

DETAIL

1. The production of annual reports is an important part of the Council's performance monitoring, reporting and planning procedures.
2. Monitoring, planning and reviewing the work of the Monitoring Officer should equally therefore include an annual reporting process as best practice.
3. Attached as an **Appendix** is the Monitoring Officer's third Annual Report (for 2008/09)
4. As with the Standards Committee's Annual Report the purpose of the Monitoring Officer's Report is to provide an overview of the work undertaken in the past year, to identify and promote examples of best practice and to provide an opportunity to review and learn from experience. The Report therefore sets out the Monitoring Officer's Statutory responsibilities, summarises how they have been extended during the year and how they have been discharged and draws attention to some of the main issues that will require attention in the year ahead.
5. Cabinet is asked to consider the Report, provide any comments it wishes to make on its content and to recommend it to full Council for approval.
6. Consultation on the Report has previously taken place with the relevant Cabinet Member; the Head of Legal Services as Deputy Monitoring Officer; the Head of Democratic Services; the Corporate Governance Group; the Corporate Management

Team; the Standards Committee and the Audit Committee. Once agreed the Report will also be placed on the intranet and the internet for the attention of all Members/Officers. A hard copy will, in addition be made available to each member of the Standards Committee.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

7. None specified as a result of this report. There will be financial implications inherent in specific elements of the Monitoring Officer's work programme.

Legal

8. Similarly, none arising from this report, but there are legal implications referred to in the Annual Report itself.

RISK ASSESSMENT

9. Matters identified in the Annual Report are assessed separately. This report is a low risk category.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

10. Effective corporate and ethical governance is critical to an authority's performance and to demonstrating continuous improvement. It is therefore, a fundamental element of the modernization agenda. Probity and high standards are an inherent part of corporate/ethical governance. The Annual Report is concerned with such governance in all of its aspects.

EQUALITY IMPACT ASSESSMENT

11. The Annual Report has not been subject to an assessment. No changes to policies or services are proposed. The Report reflects what has occurred during the past year.

CONSULTATION

12. The Annual Report has been produced in consultation with the Chair of the Committee and as specified in paragraph 6 of the report.

Director of Law & Democracy

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Background Papers:
Ward(s) and Ward Councillors:
Property Implications:

The Annual Report attached
Not Ward specific
None