

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra Ghaidheal agus Bhoid**

Customer Services  
Executive Director: Douglas Hendry



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10 January 2014

### **SUPPLEMENTARY PACK 1**

#### **SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT ARRANGEMENTS - COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on MONDAY, 13 JANUARY 2014 at 3:00 PM**

I enclose herewith item 4(Political Management Arrangements) which was marked to follow on the Agenda for the above Meeting. Please note Appendices 2 and 6-15 will be tabled at the Meeting.

Douglas Hendry  
Executive Director – Customer Services

### **ITEMS TO FOLLOW**

- 4. RESUME CONSIDERATION OF POLITICAL MANAGEMENT ARRANGEMENTS**  
Report by Executive Director of Customer Services (Pages 1 - 22)

#### **SHORT LIFE WORKING GROUP ON POLITICAL MANAGEMENT ARRANGEMENTS**

Councillor Gordon Blair	Councillor Michael Breslin
Councillor Vivien Dance	Councillor Anne Horn
Councillor Iain MacDonald	Councillor Roderick McCuish
Councillor Ellen Morton	Councillor Gary Mulvaney
Councillor Douglas Philand	Councillor Elaine Robertson
Councillor John Semple	Councillor Dick Walsh

Contact: Sandra McGlynn Tel: 01546 604401

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**ARGYLL AND BUTE COUNCIL****Short Life Working Group  
Political Management Arrangements****CUSTOMER SERVICES****13 JANUARY 2014**

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**DRAFT REPORT FOR COUNCIL  
RECOMMENDATIONS FROM SLWG –  
POLITICAL MANAGEMENT ARRANGEMENTS**

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**1.0 SUMMARY**

- 1.1 At its meeting on 27 June 2013 the Council agreed to establish a Short Life Working Group (SLWG) to review the current Political Management Arrangements (PMAs) and structures.
- 1.2 This report highlights the recommendations made by the SLWG following their consideration of these arrangements.

**2.0 RECOMMENDATIONS**

- 2.1 To note the contents of the report.
- 2.2 Agree that the proposals developed by the SLWG (set out at section 3.3 of the report) be submitted to Council on 23 January 2014 for consideration.

**3.0 DETAIL**

- 3.1 To date the SLWG on PMAs has met 6 times; 29 July 2013, 12 August 2013, 9 September 2013, 7 October 2013, 29 October 2013, and 11 December 2013. The SLWG is also scheduled to meet on 13 January 2014.
- 3.2 At these meetings the SLWG considered reports by the Executive Director - Customer Services which set out a series of options for consideration in the review of political management arrangements for Argyll and Bute Council.
- 3.3 The following is a summary of the decisions that were taken at meetings of the Group and the Council are asked to endorse these proposals;
- i. Adoption of a traditional model of Council with the following Service Committee structure (**appendix 1**) to include;
    - Policy and Resources Committee
      - Finance and HR
      - Policy Development /overview
      - General competence for matters not otherwise delegated
      - Economic Development (advised by the service Committee)
      - Strategic Projects
    - Community Services Committee
      - Culture

- Education
  - Social Work
  - Housing
  - Health Issues
  - Communities
- Environment, Development and Infrastructure Committee
    - Environment including Amenity Services, Carbon Management and Renewables
    - Development including advice to Policy and Resources on Economic Development Policy but excluding matters dealt with by PPSL
    - Infrastructure including Facility Services and Asset Management
    - IT
    - Piers, Harbours and Roads
- ii. That membership of the Policy and Resources, Community Services, and Environment, Development and Infrastructure Committees be not less than 12 and not more than 16 and to delegate authority to the Executive Director of Customer Services, in consultation with Councillors Walsh, E Morton, Taylor and Semple, to bring back recommendations for the SLWGs final report, including membership of the committees (attached at **appendix 2**).
  - iii. That the regulatory, audit, performance review and scrutiny functions of the Council are maintained within the existing committee structures
  - iv. To continue with the current number of members on the PPSL, PRS and Audit and Area Committees
  - v. That a Council meeting take place at the conclusion of a cycle of Committee meetings (e.g. 6 per year);
  - vi. That a call in function be reserved for Council and incorporated into the Standing Orders – model standing order attached at **appendix 3**
  - vii. To adopt the model Standing Order detailed at **appendix 4** of this report to allow participation in the work of the Service Committees.
  - viii. To extend the remit and powers of Area Committees (set out at **appendix 5**) to support the undernoted;
    - Enhanced financial regulations
    - Enhanced provision in relation to approvals relating to the acquisition, sale or lease of land and buildings within the area
    - A facility for the allocation of additional income raised through Council tax on empty properties, and arrangements for administration of these funds
    - Incorporation of the functions of CHORD Area Project Boards to be taken forward at an area level
  - ix. Agree not to introduce a Petitions function.

- x. Agree not to proceed on the development of a Members Bulletin
- xi. Agree that seminars should be scheduled for the first Monday of each month throughout the year (with the exception of July)
- xii. Agree that Standing Orders be amended to allow members to attend by video conference at committee meetings
- xiii. Endorse the Policy Lead Job Roles as follows;
  - Island Affairs (**appendix 6**)
  - Sustainable Environment, Renewables, and Strategic Tourism (**appendix 7**)
  - Adult Care (**appendix 8**)
  - Children and Families (**appendix 9**)
  - European Affairs, Sustainable Economic Growth and Strategic Transportation (**appendix 10**)
  - Planning and Regulatory Services (**appendix 11**)
  - Roads, Amenity Services, Infrastructure, Asset Management and Special Projects (**appendix 12**)
  - Community, Culture and Strategic Housing (**appendix 13**)
  - Improvement, HR, Customer Services and Facility Services (**appendix 14**)
  - Strategic Finance (**appendix 15**)
- xiv. To strengthen the role of the Monitoring Officer as set out in the attached report and protocol (**appendices 16 and 17** respectively)
- xv. Standards Committee – it was agreed that this would be subject to further discussion at the SLWG scheduled for 13 January 2014
- xvi. Delegate power to the Executive Director of Customer Services to make the minor and consequential amendments to the Constitution as required by adoption of the new committee structures and associated arrangements

3.4 Once the Council has made a final determination of the structure, the additional resources required to support the new arrangements can be assessed fully, but it is envisaged that a parallel restructuring of the Area Governance Team could address issues related to the more general support to members, as well as the additional Committee workload that will arise, reducing the net cost of these proposals, which at an indicative level might incur a cost of around £200k. The additional resources will address existing pressure on supporting the Area Committee and Area Community Planning Group process and will also provide the additional support to the new centre committee structures and the increased administrative burden of the committee administration. Furthermore, the increased resource will support the development of the video conferencing and webcasting functionality that will be available to the Council from the beginning of the new financial year. The implementation of these proposals should reduce the travel commitment for members in attending meetings but there will be an increased workload for officers in the set up of meetings when video conferencing and/or webcasting is being used. In addition, it is proposed to locate an increased

resource for support to the Monitoring Officer, within Governance and Law, at an indicative cost of £50k.

#### **4.0 CONCLUSION**

4.1 Following the decision by Council on 27 June 2013 to set up a SLWG to review the current PMAs and structures, the group have now met 7 times and developed a set of proposals for consideration by Council, as per the detail of this report.

#### **5.0 IMPLICATIONS**

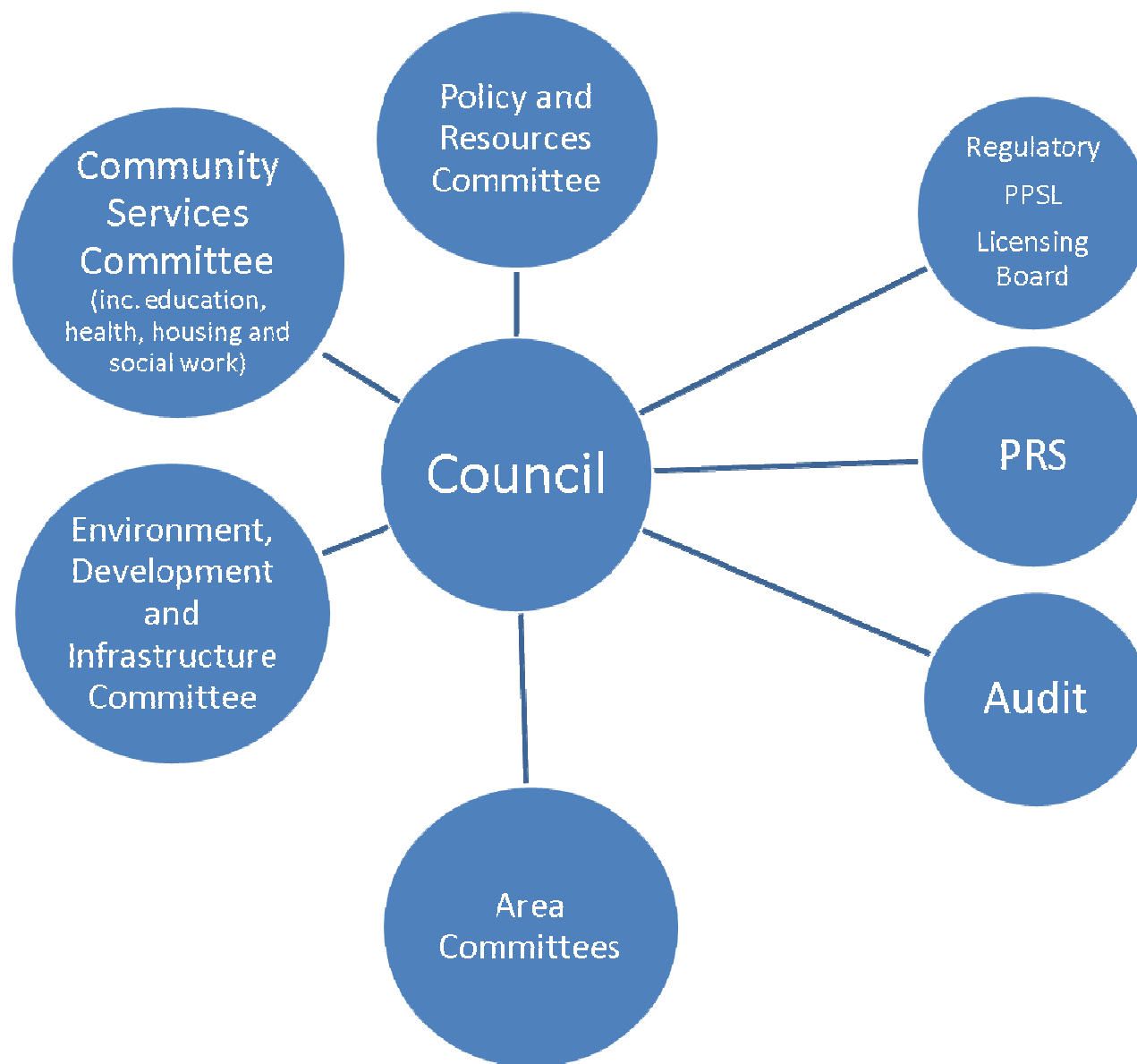
- 5.1 Policy - will improve development and decision making
- 5.2 Financial - as set out in the report but indicative at this stage only
- 5.3 Legal - none
- 5.4 HR - none at this stage but once a preferred model has been chosen by members, the resource implications of operating such a model can be fully assessed.
- 5.5 Equalities – no negative impact
- 5.6 Risk – The AIP has identified *‘Council’s leadership and culture – member to member and member to officer relationships’* as a scrutiny area. An agreed approach on political management arrangements and structures to be reported to Council would reduce risk in this area.
- 5.7 Customer Service – improved transparency of decision making

#### **6.0 APPENDICES**

- 6.1 Appendix 1 Preferred Model
- 6.2 Appendix 2 Membership of Service Committees
- 6.3 Appendix 3 Call In Function Standing Orders
- 6.4 Appendix 4 Participation Standing Orders
- 6.5 Appendix 5 Remit of Area Committees
- 6.6 Appendix 6 Policy Lead Job Role - Island Affairs
- 6.7 Appendix 7 Policy Lead Job Role - Sustainable Environment, Renewables and Strategic Tourism
- 6.8 Appendix 8 Policy Lead Job Role - Adult Care
- 6.9 Appendix 9 Policy Lead Job Role - Children and Families
- 6.10 Appendix 10 Policy Lead Job Role - European Affairs, Sustainable Economic Growth and Strategic Transportation
- 6.11 Appendix 11 Policy Lead Job Role - Planning and Regulatory Services
- 6.12 Appendix 12 Policy Lead Job Role - Roads, Amenity Services, Infrastructure, Asset Management and Special Projects
- 6.13 Appendix 13 Policy Lead Job Role - Community, Culture and Strategic Housing
- 6.14 Appendix 14 Policy Lead Job Role - Improvement, HR, Customer Services and Facility Services
- 6.15 Appendix 15 Policy Lead Job Role - Strategic Finance
- 6.16 Appendix 16 Monitoring Officer Report
- 6.17 Appendix 17 Monitoring Officer Protocol

8 January 2014

**Douglas Hendry - Executive Director of Customer Services**



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1. SCRUTINY OF THE X and Y COMMITTEES

1.1 Where, on the consideration by the X and Y Committees of any item of business, not fewer than nine Members of the Council, at least four of whom are elected Members of the relevant Committee, require immediately at the time the decision is taken (but not otherwise) that the decision should be subject to scrutiny by the Policy and Resources Committee[Council?], then, subject to paragraph 2. below, the decision shall be treated as a recommendation to the Policy and Resources Committee[Council?] for consideration and determination.

1.2 Paragraph 1 above shall not apply to any decision which arises on an item of business –

(a) Where –

- i. the Committee has considered a matter where the decision may affect the interests of any person as an individual; and
- ii. the decision is made after a hearing by the Committee where the person has a right in terms of any law, standing order or administrative procedure, to be heard in person or by a representative.

(b) Where, in the opinion of the Chairman, there is a requirement that the decision be given effect to before the next ordinary meeting of the Council.

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1. Participation clause

- 1.1 Any Councillor may be present at a meeting of a Committee or Sub-Committee of which the Councillor is not a Member. The Councillor will be entitled to take part in the discussions generally, without giving notice, but is allowed to speak and vote only on any particular issue affecting the Members' Ward which is delegated to the Committee or sub-committee, provided written notification is given to the Executive Director of Customer Services and received by him/her not later than 24 hours prior to the time at which the meeting is scheduled to commence. The Chairman will decide whether, in the circumstances of any matter, the provisions of this Standing Order will apply to the Member who has given notice, and the Chairman's ruling, which will be given as soon as possible after the start of the meeting, will be final.
- 1.2 A Councillor cannot speak and vote in terms of the provisions at 1.1 above at a meeting of the Planning, Protective Services and Licensing Committee when it is considering an application for planning permission, nor in similar circumstances when a Local Review Panel is considering an appeal in respect of an application for planning permission.
- 1.3 Notwithstanding the provisions of paragraph 1.1 a Councillor cannot be present at a meeting of a Committee or Sub-Committee of which she/he is not a Member when:-
- The public have been excluded from the meeting; and
  - The meeting is considering a matter where the decision may affect the interests of any person as an individual; and
  - The decision is made after a hearing by the Committee or Sub-Committee where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative
- 1.4 If a Committee or Sub-Committee has a hearing:-
- On a matter where the decision may affect the interests or rights of any person as an individual; and
  - Where the person has a right in terms of any law, Standing Order or administrative procedure, to be heard in person or by a representative;

Members of the Committee or Sub-Committee may only take part in or vote on the matter if they have attended the entire proceedings of the hearing.

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**i. Possible options to enhance the role of Area Committees**

Retention of all Terms of Reference as detailed in the Council Constitution plus the addition of the following:

- a. Oversight of Common Good Funds and Trusts as appropriate.
- b. To approve Area Policies in relation to the delivery of Council services consistent with Council wide policy.
- c. To consider and prioritise revenue and capital expenditure estimates for their Area and to make recommendations to the Council in relation to these.
- d. To approve the acquisition, sale or lease of land or buildings within their Area.
- e. To set local holidays, taking into account local circumstances.
- f. To resolve issues of naming of streets and buildings within the Council's control.
- g. To maintain strong links with local communities, community organisations and local community planning structures;
  - Maintain the operation of CPGs going forward, with the Area Committees remaining as the Council's local decision making body and operating as a key strategic partnership of the CPG, with only a small number of the Members participating and representing the Area Committee. This would help to address the current perception that the partnership is unbalanced and dominated by the Council.
  - Including delivery of local level of Single Outcome Agreement (SOA)
  - Including oversight of local Economic Development Action Plan
- h. Adoption of structured service delivery reporting across all areas (e.g. performance reports (Secondary Schools currently bring annual performance reports to Area Committees)/updates on service delivery issues – in some areas Officers bring regular reports on key issues to the Business Day and there is scope to extend this to all areas)
- i. To receive minutes of all local partnership bodies in which the Council participates and maintain an overview of local partnership arrangements and activities ensuring there is consistency in the various approaches.
- j. To make local services more accountable to elected members of the Council and through them, to the local community.
- k. To ensure that, subject to local needs and opportunities, the delivery of Council services and the use of its resources reflect the policies and priorities of the Council.
- l. To improve the identification of and make services more responsive to local issues and priorities.

- m. To ensure that Council services, partner agencies and the local community work together as necessary to implement the Council's policies and to respond to local issues more effectively.
- n. To work with partner agencies to promote the aims, principles and actions relating to the policy objectives, and to ensure that these are given an appropriately high priority by the Council's services.
- o. To make recommendations on plans and proposals for local service delivery/planning within their Area, including prioritisation of expenditure, which are consistent with Council Policy and within the available financial allocations.
- p. To initiate and undertake developments which are consistent with Council policy and within the available financial allocations.
- q. To promote Council strategies, agreements and partnerships at a local level.
- r. To appoint Members of the Area Committee, when invited to do so, to local organisations and groups.
- s. To maintain strong links with community and voluntary organisations.
- t. To be consulted on any review of the Scheme of Community Councils.
- u. (Assuming funds made available by Council) Allocation/monitoring of Area (or ward) budgets.
- v. To undertake current remit of the CHORD Project Boards

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**PROPOSAL FOR A MONITORING OFFICER PROTOCOL AND ASSOCIATED MATTERS**

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**1. SUMMARY**

- 1.1 This report advises the SLWG on a proposed process for a protocol to confirm the duties and responsibilities of the Council's monitoring officer, and to allow for the efficient discharge of these.

**2. RECOMMENDATION**

- 2.1 The SLWG is asked to agree to the further development of the principles as outlined herein.

**3. BACKGROUND**

- 3.1 The Council's Monitoring officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. The Monitoring officer has a duty to:

- (a) submit a report to the full Council, or any committee with appropriate delegated powers, where it appears to the Monitoring Officer that any proposal, decision or omission by the Council, its committees or sub-committees or any officer or joint committee on which the Council is represented, has given rise to, or is likely to give rise to, a contravention of any legislation or rule of law or of any code of practice made or approved under any legislation or any maladministration or injustice which might give rise to a complaint to the Public Services Ombudsman;
- (b) consult as far as practicable with the Chief Executive as the Council's Head of Paid Service and the Head of Strategic Finance as the Council's proper officer for the council's financial affairs, before submitting any report mentioned above;
- (c) appoint a depute (s) as is necessary to act in their absence as Monitoring Officer;
- (d) report on resources necessary to discharge Monitoring Officer responsibilities; and
- (e) provide advice and guidance on vires and maladministration issues.

- 3.2 In terms of Section 5 of the Ethical Standards in Public Life (Scotland) Act 2000, the Council has a duty to promote and ensure observance of the Councillors' Code of Conduct. The Monitoring Officer has an important role in discharging this duty by:

- (a) establishing and maintaining registers of Councillors' interests, gifts and

hospitality;

(b) providing advice to Members on the Code on Conduct;

(c) providing training on the Code of Conduct; and

(e) liaising with the Commissioner for Ethical Standards in Public Life in Scotland as necessary.

3.3 The Statutory Report from Audit Scotland (October 2013), highlighted that:

“The Chief Executive and the Monitoring Officer have a role in challenging councillors that do not behave in accordance with the code of conduct and within the roles and responsibilities of a councillor.”

The Accounts Commission accepted the report from Audit Scotland. In its findings, communicated to the Council by letter dated 25 October 2013, it stated, amongst others things that:

“The Commission underlines the importance of the role of Monitoring Officer in supporting good governance. The role needs to be afforded trust and respect.”

3.4 The Council’s Constitution contains, within Part F Ethical Framework, contains:

1. Guidelines – Code of Conduct for Members and Employees; and
2. Protocol for Member Officer Relations.

These set out the roles and responsibilities of both councillors and council officers. This highlights that elements of the guidance may be enforceable and subject to reporting to the Council by the Monitoring Officer.

3.5 Given the statutory and overarching role of the monitoring officer it is proposed to introduce a Monitoring Officer Protocol to confirm the duties and responsibilities of the Council’s monitoring officer.

A draft of a protocol is attached at Appendix 1 hereof.

The protocol refers to a “Standards Committee within the Council. it is proposed that such a committee be established with the following terms of reference as a first proposal for Members to consider:

“Terms of Reference

General Functions

1. To promote and maintain high standards of conduct by Councillors and other persons who may be appointed or co-opted to any Committee or Sub Committee or Policy Development Group of the Council;

2. To assist Councillors and other persons who may be appointed or co-opted to any Committee, Sub Committee or Policy Development Group of the Council to observe the requirements of the Ethical Standards In Public Life Etc (Scotland) Act 2000, the Code of Conduct, as amended from time to time, and the requirements of the Council’s Governance Framework and its Regulatory Schemes.



## Specific Functions

1. To advise the Council on the Councillors Code of Conduct (hereinafter referred to as the "Code") in terms of the Ethical Standards In Public Life Etc (Scotland) Act 2000, together with any Guidance and dispensation notes and the Councils own Governance Framework and Regulatory Scheme;
2. To advise, train, or arrange to train Councillors and other persons who may be appointed or co-opted to any Committee or Sub Committee or Policy Development Group of the Council on matters relating to the Code and the Council's Governance Framework;
3. To consider matters referred to it in terms of alleged breaches by members of the Council's Ethical Framework, as contained in the Council's constitution, reported to it by the Monitoring Officer and to provide advice and recommendations to the Council as it thinks fit in regard to the reporting of any alleged breach to the Commissioner for Ethical Standards;
4. To consider representations made to it in regard to the Code or any guidance issued thereunder and to consult with the Commissioner for Ethical Standards and the Scottish Government in relation to any matter for clarification, revisal or alteration of the Code as it shall think fit;
5. To consider any reports or case materials issued by the Ethical Standards Commissioner in relation to any investigation or decision of any hearing and to advise the Council on the conclusions of any investigation or decision of any hearing and on any matter of best practice in relation to the Code and any guidance issued thereunder;
6. To consider matters referred to it in terms of any requirements which may in future be laid down by statute."

- 3.6 The Membership of a Standards Committee within the Council would be a matter for members to determine. The Council previously had a standards committee comprising:

Five Members none of whom shall hold an executive position within the Council. Two members who are not councillors, one of whom will chair the committee.

## 4. CONCLUSION

- 4.1 Members have initial proposals to establish a protocol to confirm the duties and responsibilities of the Council's Monitoring Officer and constitute a Standards Committee within the Council as determined by members. If acceptable in principle, further details, including the resources required to implement specific measures will be brought forward.

## 5. IMPLICATIONS

### *Policy:*

Any alteration to the Council's constitution would require the approval of the Council.

<i>Financial:</i>	None at present. Possible future resource requirement if proposals accepted.
<i>Legal:</i>	Any alteration to the Council's constitution would require the approval of the Council.
<i>Equal Opportunities:</i>	None at present.
<i>Personnel:</i>	None at present.
<i>Risk</i>	Failure to adopt realistic proposals for role of Monitoring Officer may give rise to issues with Audit Scotland/Accounts Commission.
<i>Customer Service</i>	None at present.

Douglas Hendry – Executive Director of Customer Services.  
December 2013

For further information contact – David Logan – QIO Special Projects - 4322

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**ARGYLL AND BUTE COUNCIL**

**MONITORING OFFICER PROTOCOL**

**INTRODUCTION TO STATUTORY RESPONSIBILITIES**

1. The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989 and has a duty to:

(a) submit a report to the full Council and / or the Council's Standards Committee, as appropriate, where it appears to the Monitoring Officer that any proposal, decision or omission by the Council, its committees or sub-committees or any officer or joint committee on which the Council is represented, has given rise to, or is likely to give rise to, a contravention of any legislation or rule of law or of any code of practice made or approved under any legislation or any maladministration or injustice which might give rise to a complaint to the Public Services Ombudsman;

(b) consult as far as practicable with the Chief Executive as the Council's Head of Paid Service and the Head of Strategic Finance as the Council's proper officer for the council's financial affairs, before submitting any report mentioned above;

(c) appoint a depute(s) as is necessary to act in their absence as Monitoring Officer;

(d) report on resources necessary to discharge Monitoring Officer responsibilities; and

(e) provide advice and guidance on vires and maladministration issues.

2. In terms of Section 5 of the Ethical Standards in Public Life (Scotland) Act 2000, the Council has a duty to promote and ensure observance of the Councillors' Code of Conduct. The Monitoring Officer has as an important role in discharging this duty by:

(a) establishing and maintaining registers of Councillors' interests, gifts and hospitality;

(b) providing advice to Members on the Code on Conduct;

(c) providing training on the Code of Conduct;

(d) reporting alleged breaches by members of the Council's Ethical Framework, as contained in the Council's Constitution;

(e) supporting the Standards Committee; and

(f) liaising with the Standards Commission and Public Standards Commissioner, as necessary.

3. The Monitoring Officer is also responsible for (1) receiving declarations of acceptance of office of councillors and (2) maintaining a list of politically restricted posts within the Council.

(1) Section 33A, Local Government (Scotland) Act 1973

(2) Section 2, Local Government and Housing Act 1989

4. This Protocol provides information on how those statutory requirements will be discharged in the Council.

5. The current responsibilities of the Monitoring Officer role rest with the Executive Director of Customer Services who aims to discharge the statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so, the Executive Director will provide appropriate and robust advice to Members so as to protect and safeguard, so far as is reasonably possible, Members and Officers, from legal difficulties and possible misconduct whilst acting in their official capacities.

6. The Monitoring Officer will be supported in exercising this role by such Depute Monitoring Officers as are appointed by him from time to time.

7. Generally, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:

(a) complying with the Council's Constitution and the law (including any statutory Codes of Conduct. This includes the Code of Conduct for Councillors);

(b) complying with any guidance issued, from time to time, by the Standards Committee and/or advice of the Monitoring Officer;

(c) making lawful and proportionate decisions;

(d) adhering to the Council's approved procedures and having due regard to approved policies; and

(e) not acting in manner that might bring the Council, their office or profession into disrepute.

8. Good working relations with Members and Officers will assist greatly in the discharge of the statutory responsibilities of the Monitoring Officer as will early discussion of any issues well in advance of any formal Council business (including Committees and sub-committees). Members and Officers should, therefore, co-operate fully with the Monitoring Officer (and staff).

9. The Monitoring Officer is available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety or general advice on the Councillors' Code of Conduct.

### **CORPORATE RIGHTS OF THE MONITORING OFFICER**

10. In order to encourage good decision making and high standards of conduct amongst officers and elected members, the Monitoring Officer expects to be alerted at an early stage by Members and Officers as to any legal or procedural issues about which they may have concerns including, in particular, issues about the legal powers of the Council, ethical standards, probity, propriety, procedural or other governance issues that have arisen or that are likely to arise.

11. In order to perform the statutory role, the Monitoring Officer and staff shall:

(b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made at or before the Council, Committee meetings and/or Strategic Management Team;

(c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council at or before the Council, Committee meetings and/or Strategic Management Team;

(d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his functions; and

(e) have sufficient resources to enable him to address any matters concerning Monitoring Officer functions.

### **CORPORATE RESPONSIBILITIES OF MONITORING OFFICER**

12. The Monitoring Officer will:

(a) seek to ensure as far as practicable that the other statutory officers (the Chief Executive as Head of Paid Service and the Head of Strategic Finance as Chief Finance Officer) are kept up-to date with relevant information regarding any legal, ethical standards, procedural or other governance issues that are likely to (or do) arise;

(b) report to the Council where required by law following consultation, as far as practicable, with the Chief Executive and Head of Strategic Finance as Chief Finance Officer where to do so will not compromise his statutory responsibilities;

(c) report to the Council, as necessary, on the staff, accommodation and resources required to discharge his functions;

- (d) seek to establish effective working relationships with all elected members, in particular those Members who hold positions of responsibility in the Council's political management structure so as to ensure the effective and efficient discharge of Council business;
- (e) provide advice to the Council's Standards Committee as and when necessary;
- (f) maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality;
- (g) give robust advice to Members and Officers;
- (h) be responsible for preparing any training programme for Members on ethical standards and the Councillors' Code of Conduct issues;
- (i) act as the Council's point of contact by the Commissioner for Ethical Standards in Public Life in Scotland and/or the Public Standards Commissioner regarding complaints concerning alleged breaches of the Councillors' Code of Conduct;
- (j) seek to develop good liaison and working relationships with outside bodies relevant to the role of the Monitoring Officer, including the Commissioner for Ethical Standards in Public Life in Scotland and the Standards Commission for Scotland, the Council's external auditor, the Accounts Commission and the Scottish Public Services Ombudsman;
- (k) carry out such investigations as the Chief Executive may determine as relevant to the Monitoring Officer's role;
- (l) obtain, at his discretion, Counsel's opinion or other external specialist legal advice relevant to the Monitoring Officer's role;
- (m) appoint a depute(s) and keep them briefed on any relevant issues that may be required to be dealt with in the absence of the Monitoring Officer.
- (n) receive declarations of acceptance of office of councillor; and
- (o) maintain a list of politically restricted posts within the Council.

### **THE COUNCILLORS' CODE OF CONDUCT**

13. Whilst the Council has a statutory obligation to promote and ensure observance of the Councillors' Code of Conduct, and the Monitoring Officer has a pivotal role to play in discharging that obligation, it is important to note that enforcing compliance with the Code is strictly a matter for the Commissioner for Ethical Standards in Public Life in Scotland who has the power to investigate complaints against councillors.

14. The Monitoring Officer may assist the Commissioner with an investigation by commenting on and providing information on any complaint and making arrangements for interviewing witnesses.

15. The Monitoring Officer may also be involved in the handling of complaints made against Councillors in terms of the Council's own local procedures for dealing with such complaints.

16. The Monitoring officer may refer any alleged breach of the Council's Ethical Framework, as contained in the Council's constitution, to the Council's Standards Committee to enable it to consider any such alleged breaches by members in order that it may provide advice and recommendations to the Council, as it thinks fit, in regard to the reporting of any such alleged breach to the Commissioner for Ethical Standards in Public Life in Scotland.

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