

AGENDA
ITEM

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WEST DEVON BOROUGH COUNCIL

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NAME OF COMMITTEE	Standards
DATE	12 July 2011
REPORT TITLE	Monitoring Officer Annual Report 2010 - 2011
REPORT OF	The Deputy Monitoring Officer
WARDS AFFECTED	All

Summary of report:

To present the Monitoring Officer's Annual Report to the Standards Committee with recommendations to the full Council.

Financial implications:

There are resource implications in relation to the increased amount of work arising under the standards legislation for the Standards Committee Members, Monitoring Officer, and Committee Section. Additionally, we cannot anticipate the number and complexity of investigations and hence Investigating Officer costs.

RECOMMENDATIONS:

That the Standards Committee recommends that the Council considers and notes the Monitoring Officer's Annual Report for the period 1 April 2010 to 31 March 2011.

Officer contact:

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1. BACKGROUND

- 1.1 This is the fifth Annual Report of the Monitoring Officer, and it is considered best practice for the Monitoring Officer to produce an annual report on her duties and role throughout the year.

2. ISSUES FOR CONSIDERATION

- 2.1 Under the Local Government and Housing Act 1989, all Councils have a duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision-making.
- 2.2 The Monitoring Officer is responsible for advising the Council on the legality of its decisions, and on the conduct of Councillors under the Local Government Act 2000.
- 2.3 For the purpose of this report, the duties of the Monitoring Officer are broken down into three functions:
- Decision-making
 - Conduct and Standards
 - Constitution
- 2.4 At the end of the report is a summary of the main functions, comments on performance and any relevant actions to be undertaken.

3. LEGAL IMPLICATIONS

- 3.1 The report is necessary to present a summary to the Standards Committee and to Council of the Monitoring Officer's duties for the financial year 2010/11. Whilst there is no current legal requirement for such a report it is considered best practice and recommended by the auditors.

4. FINANCIAL IMPLICATIONS

- 4.1 There are resource implications in relation to the increased amount of work arising under the standards legislation for the Standards Committee Members, Monitoring Officer, and Committee Section.
- 4.2 Additionally, we cannot anticipate the number and complexity of investigations and hence Investigating Officer costs.

5. RISK MANAGEMENT

5.1 The risk management implications are:

Opportunities	Benefits
To ensure that the Council and the public are aware of the role and duties of the Monitoring Officer for the year 2010/11	To ensure that the Council complies with best practice
Issues/Obstacles/Threats	Control measures/mitigation
Lack of awareness of the Monitoring Officer's duties	To ensure transparency and consistency based on experience

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Towards Excellence Customer First
Statutory powers:	None
Considerations of equality and human rights:	There are no equality or human rights considerations arising from this report
Biodiversity considerations:	N/a
Sustainability considerations:	N/a
Crime and disorder implications:	N/a
Background papers:	
Appendices attached:	Appendix A: Monitoring Officer Annual Report 2010-2011