

## **1        MONITORING OFFICER (AN13-2003)**

Reference is made to Article IV of the Minute of Meeting of the City of Dundee Council on 4th May, 1995 when Alex Stephen, Chief Executive, was designated as Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989 with effect from 5th May 1995.

With the advent of the new Corporate Governance regime the Chief Executive recommends that the duties of Monitoring Officer should henceforth be carried out by Patricia McIlquham, Director of Support Services.

The Committee is asked to approve accordingly.

One of the Monitoring Officer's duties is to report to elected members if any proposal, decision or omission by the Council, its Committees or Sub-Committees, by elected members or officers or by Joint Committees on which the Council is represented constitutes, has given rise to or would be likely to give rise to a contravention of any enactment, rule of law or code of practice. This duty therefore implies that the Monitoring Officer has both a "sifting" role as regards issues progressing towards a decision (whether at member or officer level) and a "policing" role as regards decisions already taken.

Most items progressing towards a decision are already subject to a non-statutory vetting process by the Director of Support Services before they reach any decision-making level and this will continue. The corollary of this is that formal reports will generally only be required if either elected members or officers intend to proceed despite the Director of Support Services' advice to the contrary or issues come to the Director of Support Services' attention only after the decision from which they arise has been taken.