

## **Part 5 – D**

### **MONITORING OFFICER PROTOCOL**

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this Protocol with determination and in a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate, particularly at the early stages. This protocol applies to the person appointed as deputy Monitoring Officer in the absence of the Monitoring Officer
2. The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of their functions:
  - (a) If not a member of the Chief Officer's management team, the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
  - (b) Advance notice of meetings whether formal or informal between Chief Officers and members of the Cabinet or committee chairs will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
  - (c) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
  - (d) The Monitoring Officer or his / her staff will be provided with copies of all reports to members.
  - (e) The Monitoring Officer is expected to develop good liaison and working relations with the District Auditor and the Ombudsman including the giving and receiving of relevant confidential or non-confidential information.
  - (f) The Monitoring Officer will have a special relationship with the Chair of the Standards Committee and the Overview and Scrutiny Commission and will ensure the Head of Paid Service and Chief Finance Officer have up-to-date information regarding emerging issues.
  - (g) The Monitoring Officer will be expected to make enquiries into allegations of misconduct.
  - (h) The Head of Paid Service, Chief Finance Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
  - (i) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held

by the Council and any employee who can assist in the discharge of their functions.

- (j) The Monitoring Officer will have control of a budget sufficient to enable him / her to seek external legal advice.
- (k) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
- (l) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary desirable changes following consultation in particular with the Head of Paid Service and the Chief Finance Officer.
- (m) In consultation with the Chair of the Council (the Mayor) and Standards Board, the Monitoring Officer may defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
- (n) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodations and resources required to discharge his / her function.
- (o) Chief Officers will lodge their internal schemes of authorisation (schemes of Delegation and Management) with the Monitoring Officer and their Annual Service Plans at the beginning of each financial year or as soon as possible after that.

### Summary of Monitoring Officer Functions

Description		Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Receive copies of whistleblowing allegations of misconduct	Draft Model Code.
6	Investigate misconduct in compliance with regulation (when made)	Regulations when made.
7	Establish and maintain registers of members' interests and gifts and hospitality	Section 81 LGA 2000 and draft Model Code
8	Advice to members on interpretation of Code	Draft Model Code and consultation paper
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance paragraph 8.20
10	New ethical framework functions in relation to Parish Councils	Section 83(12) LGA 2000
11	Compensation for maladministration	Section 92 LGA 2000
12	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	DCLG guidance