

## 5.2 MONITORING OFFICER PROTOCOL

1. The Monitoring Officer undertakes to discharge the responsibilities set out in this Protocol with determination and in a manner that will enhance the reputation of the Council. The ability to discharge these responsibilities depends on excellent working relations with Members and colleagues and access to information and debate at the earliest stage.
2. The arrangements and understandings set out below are to help ensure the Monitoring Officer is able to fulfil his/her duties effectively;
  - The Monitoring Officer will be a member of the Alliance Management Team and receive advance notice of all management team meetings, receive copies of the Agenda and all reports and have a right to attend and to speak at the meetings;
  - Advance notice of meetings, whether formal or informal, between the Chief Executive and the Executive Directors, members of the Executive or committee chairmen, must be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise;
  - The Chief Executive and the Executive Directors will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues;
  - The Monitoring Officer, or a person designated by him/her, will receive copies of **all** reports to members;
  - The Monitoring Officer will develop good liaison and working relations with the External Auditor and the Ombudsman including the giving and receiving of confidential information;
  - The Monitoring Officer will also have a special relationship with the Mayor and Chairman of Council, the Standards Committee, in particular the Chairman, and the Chairmen of the Select Committees and will ensure the Chief Executive and Chief Finance Officer (the section 151 officer) are kept informed about any emerging issues;
  - The Monitoring Officer or a person nominated by him/her shall be required to carry out investigations or other action in respect of allegations of misconduct made to the Standards Committee and, if appropriate, make a written report to the Standards Committee;
  - The Standards Committee, in conjunction with the Monitoring Officer, shall make arrangements to ensure that a situation should not arise whereby the Monitoring Officer, or his/her appointed representative, conducts an investigation and subsequently advises the Standards Committee at a Hearing about the same case.

- The Chief Executive, the Monitoring Officer and the Chief Finance Officer will meet regularly to consider governance and probity issues and recommend any action they feel is appropriate;
- In carrying out any investigation (whether under Regulations or otherwise), the Monitoring Officer, or his/her nominated representative, will have unqualified access to any information held by the Council or any member or employee who can assist in the discharge of his/her functions;
- The Monitoring Officer will have access to a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions and, where appropriate, to appoint another person to conduct investigations under bullet point 7 above;
- The Monitoring Officer will be responsible for preparing, delivering and evaluating a councillor development programme on the ethical framework in consultation with the Standards Committee;
- The Monitoring Officer will report to Council from time to time on any necessary or desirable changes to the Constitution after consultation with the Chief Executive and Chief Finance Officer;
- In consultation with the Mayor, as Chairman of Council, the Monitoring Officer may defer the making of a report under section 5 of the Local Government and Housing Act 1989 (i.e. a report on a matter considered to be illegal or to amount to maladministration) where another investigatory body is involved;
- The Monitoring Officer will report to Council from time to time as necessary on the staff, accommodation and resources they require to carry out his/her functions effectively;
- The Monitoring Officer will appoint a Deputy and keep him/her informed of all emerging issues;
- The Monitoring Officer will ensure good working relationships are established and maintained with all the Parish Councils and their Clerks.

Note: The reference to 'Monitoring Officer' in this protocol applies equally to the Deputy Monitoring Officer or anyone acting in that capacity.

## SUMMARY OF THE MONITORING OFFICER'S 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 the 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. Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Section 27 Localism Act 2011.
6. Advice to members on interpretation of the Code of Conduct	Section 28 Localism Act 2011
7. Consider allegations of breaches of the Code of Conduct	Section 28 (6) Localism Act 2011
8. Establish and maintain registers of members' interests and gifts and hospitality	Section 29 of the Localism Act 2011
9. Compensation for maladministration	Section 92 Local Government Act 2000
10. Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	DETR Guidance