

PART 8

Monitoring Officer Protocol

Revised Protocol approved by Standards
Committee – 17 November 2008

Monitoring Officer Protocol

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this paper with determination and 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 early stages.
2. The following arrangements and understandings between Monitoring Officers and colleagues and Members are designed to help ensure the effective discharge of their functions:
 - (a) The Monitoring Officer will have advance notice of Management Team 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 Strategy Committee or Chairmen 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 or her staff will have copies of all reports to Members.
 - (e) The Monitoring Officer is expected to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - (f) The Monitoring Officer will have a special relationship with the Chairman of the Council, Chairmen of the Standards and Overview and Scrutiny Committees and will ensure the Head of Paid Service and Chief Finance Officer have up-to-date information regarding emerging issues.
 - (g) The Head of Paid Service, Chief Finance Officer and Monitoring Officer will consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
 - (h) 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.
 - (i) The Monitoring Officer will have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning their functions.
 - (j) 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.

- (k) In consultation with the Chairman of the Council and Standards Board the Monitoring Officer may defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved.
- (l) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge his/her functions.
- (m) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- (n) The Monitoring Officer will make arrangements to ensure good communication between his/her office and Clerks to Town and Parish Councils.

Summary of Monitoring Officer Functions

DESCRIPTION		SOURCE
1.	Report on contraventions or likely contraventions of any enactment or rule of law or any code of practice made or approved under any enactment.	Section 5 Local Government and Housing Act 1989.
2.	Report on any maladministration or injustice where Ombudsman or auditor 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.	Anti-Fraud and Corruption Policy.
6.	Investigate misconduct or take steps other than investigation in compliance with Regulations and directions of Standards Committee and report on the outcome.	Sections 57A and 66 LGA 2000, Standards Committee (England) Regulations 2008 and Directions when made in individual cases.
7.	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 81 LGA 2000 and Model Code.
8.	Advice to Members on interpretation of Code.	Model Code.
9.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Standards Board Guidance.

DESCRIPTION		SOURCE
10.	Liaison with Standards Board and Ethical Standards Officers.	New ethical framework, practical implications.
11.	New ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000.
12.	Compensation for maladministration.	Section 92 LGA 2000.
13.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework.	DCLG and Standards Board of England.
14.	Advise Standards Committee before a referral is made to the Monitoring Officer to take steps other than investigation.	Standards Committee (England) Regulations 2008.
15.	Refer allegation back to Standards Committee where new information/ evidence or death, illness or injury of member, and investigation no longer appropriate.	Section 66(2)(f) LGA 2000 Regulation 16, 2008 Regulations.
16.	Disclose Ethical Standards Officers' reports to relevant persons where it assists in promoting high standards of conduct by members.	Section 65A LGA 2000.
17.	Refer ESO reports to the Member complained against and the Standards Committee.	Standards Committee (England) Regulations 2008.
18.	Receive notification of development proposals concerning members and officers. Consider and confirm whether applications processed normally.	Planning Protocol.