

MONITORING OFFICER PROTOCOL

Introduction

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. In respect of this statutory role the Monitoring Officer reports direct to the Chief Executive.

Role of the Monitoring Officer

- 1 The Monitoring Officer undertakes to discharge her responsibilities outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms 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 the Monitoring Officer and colleagues and Members are designed to help ensure the effective discharge of their functions.
 - (a) Advance notice of meetings, whether formal or informal, between Chief Officers and members of the Executive or Committee Chairmen will be given to the Monitoring Officer where any vices or other constitutional issues are likely to arise, or where a key decision is to be taken.
 - (b) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vices and constitutional issues.
 - (c) The Monitoring Officer or her staff will be provided with copies of all reports in respect of key decisions and will be provided with copies of reports in relation to non-key decisions on demand.
 - (d) The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available in accordance with the Access to Information Regulations.
 - (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 advise Scrutiny Committees whether decisions of the executive are in accordance with the budget and policy framework.

- (g) The Monitoring Officer will advise Members and potential complainants on the scope of the Council's code of conduct and on the process for handling allegations of potential breaches. In this respect, the Monitoring Officer will have regard to any Regulations or any guidance issued by the Standards Board on the handling of complaints.
- (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 her functions.
- (j) The Monitoring Officer will have control of a budget sufficient to enable her to undertake her functions.
- (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 or desirable changes following consultation in particular with the Head of Paid Service and Chief Finance Officer.
- (m) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources she requires to discharge his/her functions.
- (n) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- (o) The Monitoring Officer will make arrangements to ensure good communication between her office and Clerks to Parish Councils.
- (p) The Monitoring Officer will be responsible for maintaining the Members Register of Financial and Other Interests and Register of Gifts and Hospitality for the Borough Council and Parish and Town Councils.
- (q) The Monitoring Officer will undertake or arrange for investigations into matters as directed by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.

Functions of the Monitoring Officer

Article 12 of this Constitution provides that the functions of the Monitoring Officer include the following: -

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will undertake or arrange for investigations into matters as directed by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions,

maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

- (i) **Restrictions on functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.