

MONITORING OFFICER'S PROTOCOL

(A) General Introduction to Statutory Responsibilities

1. Under Section 5 of the Local Government and Housing Act 1989 the Authority must appoint a "Monitoring Officer". The Monitoring Officer acts as a "watchdog" over all the Council's activities to ensure legality and propriety. Both the Monitoring Officer and the Council must establish systems and procedures to bring to his or her attention any situations where issues of illegality, maladministration or impropriety may arise.
2. The Monitoring Officer undertakes to discharge his/her responsibilities with determination and in a manner which will enhance the reputation of the Council. In general terms his/her ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to discussion particularly at early stages. In doing so, he/she will provide appropriate and, if necessary, strong advice to Members so as to protect and safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
3. It is essential that all staff whether employed by the Council, its partners or its agents are aware of the role of the Monitoring Officer and co-operate with him/her in ensuring that the Council's processes and procedures are constantly monitored to avoid illegality or maladministration. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - (a) complying with the law of the land (including any relevant Codes of Conduct);
 - (b) complying with any General Guidance issued, from time to time, by the Audit and Governance Committee and / or advice of the Monitoring Officer;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.
4. 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) As a member of the Senior Management Team, the Monitoring Officer will have advance notice of those meetings, agendas and reports and the right to attend and speak.
 - (b) The Management Team and any Service Manager will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - (c) The Monitoring Officer or his/her staff will have copies of all reports to the Council and Committees thereof.
 - (d) 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 information.
 - (e) The Monitoring Officer will have a special relationship with the Mayor of the Council, Chairman of the Audit and Governance Committee and the Chairman of the Overview and Scrutiny Committee and other Committees and will ensure the Head of Paid Service/S151 Officer have up-to-date information regarding emerging issues.
 - (f) The Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current

government issues and other matters of concern regarding probity and constitutional matters.

- (g) 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.
- (h) The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning their functions.
- (i) The Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the Audit and Governance Committee.
- (j) 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 S151 Officer.
- (k) In consultation with the Chairman of the Council and the Chairman of the Audit and Governance Committee, the Monitoring Officer may defer the making of a formal report under Section 5 Local Government 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 he/she requires to discharge his/her functions.
- (m) The Monitoring Officer will appoint a deputy and keep him/her briefed on emerging issues.
- (n) The Monitoring Officer will make arrangements to ensure good communication with Clerks to the Parish Council within the administrative area.

(B) Summary of the Monitoring Officer's Functions

See also Scheme of Delegation

Description	Source
1. Review and arrange for the updating of the Constitution and Schemes of Delegation.	The Council's Constitution.
2. Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
3. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
4. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
5. Report on resources. Section 5 Local Government and Housing Act 1989.	LGA 2000 Section 66 (1) + 66 (6).
6. Receive copies of Whistleblowing allegations of misconduct.	Code of Conduct and Whistleblowing Policy.
7. Receive and investigate allegations of misconduct in compliance with the Council's arrangements for dealing with member conduct complaints.	Section 28 Localism Act 2011.
8. Establish and maintain registers of Member's interests and gifts and hospitality.	Section 29 Localism Act 2011 and Code of Conduct for Members.
9. Advice to Members on interpretation of Code.	Code of Conduct.
10. Key role in promoting and maintaining high standards of conduct through support to the Audit and Governance Committee.	Ethical framework.
11. Ethical framework functions in relation to Parish Council.	Sections 28 -31 Localism Act 2011.
12. Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	DETR Guidance.

(C) Investigation of Complaint(s) about Members

This protocol should be read in conjunction with the Council's arrangements for dealing with standards allegations which are designed to assist the Monitoring Officer in the discharge of functions in relation to the dealing with alleged breaches of the Members' Code of Conduct.

1. The Monitoring Officer may investigate an allegation of a breach of the Code of Conduct. These investigations can be related to City Council or Parish Council Members.
2. It is anticipated that the actual investigation is unlikely to be by the Monitoring Officer, but will be by either the Deputy Monitoring Officer or other relevant officer designated as the Investigating Officer by the Monitoring Officer.