

## **MONITORING OFFICER PROTOCOL**

*(First adopted by the Standards Committee: 3rd December 2003)*

- 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 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 Corporate Board, 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 any meeting whether formal or informal between the Chief Executive, Corporate Directors, Directors, or Heads of Service (Tier 1 and 2) and members of the Executive or Committee Chairmen will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
  - c) The Chief Executive, Corporate Directors, Directors and Heads of Service (Tier 1 and 2) 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 have copies of all reports to members.
  - e) The Monitoring Officer is expected to develop good liaison and working relations with relevant Government Departments, the external 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, Chairman of the Standards Committee 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 Monitoring Officer will be expected to make enquiries into allegations of misconduct and if appropriate will make a written report to the Standards Committee unless the Monitoring Officer and Chair of Standards Committee agree a report is not warranted.
  - 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 to seek Counsel's opinion on any matter concerning their 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) In consultation with the Mayor, the Chair of the Standards Committee, the Leader of the Council, the Head of Paid Service, and the Chief Finance Officer, 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.
- n) 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.
- o) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- p) The Monitoring Officer will make arrangements to ensure good communication between his/her office and Clerks to Parish Councils.