

ANNEX 1

MONITORING OFFICER PROTOCOL

1. Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989.
- 1.2 The Authority's Monitoring Officer, pursuant to Section 5 (1) of the Act, is the Director of Corporate Resources.
- 1.3 The Deputy Monitoring Officer, pursuant to Section 5 (7) of the Act, is the Democratic Services Manager.
- 1.4 The Deputy Monitoring Officer shall discharge the duties and responsibilities of the Monitoring Officer when the Monitoring Officer is absent.
- 1.5 A summary of the statutory duties and responsibilities under this Act and the Local Government Act 2000 appears in the Schedule annexed to this document.

2. Working Arrangements

- 2.1 The Monitoring Officer will discharge the duties and responsibilities with determination and in a manner that will enhance the reputation of the Authority. In discharging these duties and responsibilities the Monitoring Officer is assisted by the Head of Law, the Democratic Services Manager and the Democratic Services Officers.
- 2.2 To ensure that high standards of corporate governance and probity are maintained throughout the Authority the Monitoring Officer will develop and maintain effective working relations with:
 - (a) The Head of Paid Service, Directors and Heads of Service;
 - (b) The Chief Finance Officer;
 - (c) All Members of the Authority particularly the Chair of the Standards Committee and the Chair and Vice Chair of the Audit and Performance Committee;
 - (d) The District Auditor and the internal Auditor;
 - (e) The Local Government Ombudsman;
 - (f) The Standards Board for England;
- 2.3 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are all statutory appointments with a duty to consult each other.
- 2.4 All Members and officers have a responsibility to inform the Monitoring Officer of any issues of concern and risk, including, issues around legal powers and duties, ethical standards, probity, propriety and procedural or other constitutional issues that arise or are likely to arise.

2.5 The Monitoring Officer will:

- (a) be a full member of the Management Team and the Resource Management Team and receive advance notice of meetings, agendas and reports;
- (b) be invited to attend informal meetings with Members or officers where such meetings concern matters within the responsibilities of the Monitoring Officer;
- (c) be consulted by the Chief Finance Officer when exercising any duties under the Local Government Finance Act 1988;
- (e) have unqualified access to any information held by the Authority and to any officer who can assist in the discharge of any functions in carrying out any investigations.

2.6 The Monitoring Officer will:

- (a) be available for Members and officers to consult on any issues of the Authority's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements;
- (b) report to the Authority, from time to time, on the constitutional arrangements and advise on any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Chief Finance Officer;

3. Standards Matters

3.1 The Monitoring Officer has a key role in promoting and maintaining high standards of conduct and has responsibility under the Local Government Act 2000 for all matters relating to the Members' Code of Conduct, and the Standards Committee.

3.2 In carrying out these responsibilities the Monitoring Officer will:

- (a) give advice on the Authority's Members' Code of Conduct and declarations of Members' interests;
- (b) maintain and keep up to date relevant statutory Registers for the declaration of Members' Interests and the Register of Gifts and Hospitality for Members and staff;
- (c) give advice to the Standards Committee on matters relevant to the Committee's functions;
- (d) carry out investigations following a complaint that a Member has breached the Members' Code of Conduct and arrange for local hearings in accordance with the Procedures for Investigations and the Procedures for Hearings;
- (e) provide training for Members on ethical standards and Code of Conduct issues;
- (f) keep under review the Authority's Protocols and other relevant advice and guidance notes.

4. Insurance and Indemnity

- 4.1 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Authority and the proper discharge of the Monitoring Officer's role.

SCHEDULE Summary of Monitoring Officer Functions

	Description:	Source:
1.	Report to the Authority on contraventions or likely contraventions of any enactment or rule of law.	Section 5 of the Local Government and Housing Act 1989.
2.	Report to the Authority any maladministration or injustice where the Ombudsman has carried out an investigation.	Section 5 of the Local Government and Housing Act 1989.
3.	Report to the Authority on resources required to carry out functions.	Section 5 of the Local Government and Housing Act 1989.
4.	Appointment of Deputy Monitoring Officer.	Section 5 of the Local Government and Housing Act 1989.
5.	Arranging for Members to sign the undertaking to abide by the Code of Conduct before taking up their appointment with the Authority	Section 52 (1)(a) Local Government Act 2000
6.	Maintain the Registers of Members' Interests and Gifts and Hospitality.	Section 81 of the Local Government Act 2000 and Members' Code of Conduct.
7.	Advice to Members on interpretation of the Code of Conduct.	Standards Board Statutory Guidance
8.	To provide advice to the Standards Committee	Standards Board Statutory Guidance
9.	Investigate and report on allegations of misconduct.	Section 66(1)+66(6). Local Government Act 2000. Regulations.
10.	Take action following Directions from an Ethical Standards Officer	Section 66(1)+66(6). Local Government Act 2000. Regulations.
11.	Appoint a person to investigate and report on allegations of misconduct where the Monitoring Officer has a conflict of interest.	Section 82A Local Government Act 2000

12.	Arrange Standards Committee hearings to consider reports from an Ethical Standards Officer and the Monitoring Officer, or other Investigating Officer, on allegations of misconduct by a Member.	Section 66(1)+66(6). Local Government Act 2000 Regulations
13.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Part III, Local Government Act 2000. Standards Board Statutory Guidance
14.	Payment of Compensation for maladministration.	Section 92 of the Local Government Act 2000.
15.	Advice to Members on vires issues, maladministration, probity and policy framework, financial impropriety and budget issues, in consultation with the Chief Finance Officer where appropriate.	DETR guidance.
16.	Investigating complaints against a Member not covered by the Code of Conduct.	Authority procedure.