

Peak District National Park Authority



MONITORING OFFICER PROTOCOL

July 2011 – amended February 2013, July 2020, November 2022 and December 2023

Monitoring Officer Protocol

Contents

		Page
1.	Statutory Responsibilities	3
2.	Working Arrangements	3
3.	Standards Matters	4
4.	Insurance and Indemnity	5
	Schedule: Summary Of Monitoring Officer Functions	6

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. (“the Act”)
- 1.2 The Authority’s Monitoring Officer, pursuant to Section 5 (1) of the Act, is the Authority Solicitor. The interim Monitoring Officer (May 2023 – March 2024) is the Customer and Democratic Support Manager.
- 1.3 The Deputy Monitoring Officer, pursuant to Section 5 (7) of the Act, is appointed by the Monitoring Officer. The interim Deputy Monitoring Officer (May 2023 – March 2024) is the Senior Lawyer – Planning & Enforcement.
- 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 Localism Act 2011 appears in the Schedule annexed to this document.

2. Working Arrangements

- 2.1 The Monitoring Officer will discharge the duties and responsibilities with balanced determination without fear or favour 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 Customer and Democratic Support Manager and the Senior Lawyers, Senior Legal Officer and the Customer and Democratic Support Senior Advisers.
- 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 and Heads of Service;
 - (b) The Chief Finance Officer;
 - (c) All Members of the Authority particularly the Chair and Deputy Chair of the Authority;
 - (d) The External Auditor and the Internal Auditor;
 - (e) The Local Government and Social Care Ombudsman;
- 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) attend Management Team and the Resource Management Meeting 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 Localism Act 2011 and adopted Authority procedure for all matters relating to the Members' Code of Conduct, and the Authority Meeting in relation to the Members' standards framework.

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 Officers;
- (c) give advice to the Authority on matters relevant to the Authority Members' standards functions;
- (d) carry out investigations or appoint an external investigator following a complaint that a Member has breached the Members' Code of Conduct and arrange for local hearings in accordance with the adopted Authority procedure – Arrangements for dealing with standards allegations under the Localism Act 2011.
- (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	Authority procedure
6.	Arrange for Members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming a Member of the Authority	Section 30 of the Localism Act 2011 and Members' Code of Conduct.
7.	Arrange for Members to notify the Monitoring Officer of any disclosable pecuniary, personal or prejudicial interests within 28 days of becoming aware of any new interest or change in any interest registered.	Member's Code of Conduct
8.	Maintain the Registers of Members' Interests and Gifts and Hospitality.	Section 29 of the Localism Act 2011 and Members' Code of Conduct.
9.	Advice to Members on interpretation of the Members' Code of Conduct.	Authority procedure
10.	To provide advice to the Authority Meeting on the standards framework.	Authority procedure
11.	Investigate and report on allegations of Members' misconduct.	Authority procedure
12.	Appoint a person to investigate and report on allegations of Members' misconduct.	Authority procedure
13.	Arrange Authority Sub-Committee hearings to consider reports from the Monitoring Officer, or other Investigating Officer, on allegations of misconduct by a Member.	Authority adopted procedure

14.	Key role in promoting and maintaining high standards of conduct through support to the Authority Meeting.	Chapter 7 – Standards Localism Act 2011
15.	Payment of Compensation for maladministration (as per Standing Orders).	Section 92 of the Local Government Act 2000.
16.	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.	DCLG guidance.
17.	Investigating complaints against a Member not covered by the Code of Conduct.	Authority procedure.