

## **10. Monitoring Officer Protocol**

### **Statutory Responsibilities**

The Monitoring Officer is a statutory appointment under the provisions of section 5 of the Local Government and Housing Act 1989. This protocol sets out how the duties of the Monitoring Officer will be carried out.

The Monitoring Officer's responsibilities will be carried out in accordance with the authority's policies, legislative requirements and relevant government guidance. The Monitoring Officer's ability to carry out these duties and responsibilities effectively will depend on the proactive assistance and cooperation of councillors and staff.

### **Working Arrangements**

The Monitoring Officer will promote effective working relationships with councillors and staff members to advance good governance, the highest standards of ethical behaviour and the effective discharge of the Monitoring Officer's statutory and discretionary duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the authority, is central to fulfilling those responsibilities. Councillors and staff agree to work with the Monitoring Officer, and staff in Legal and Democratic Services to this end.

### **Resources**

The authority agrees to provide the Monitoring Officer with sufficient staff, accommodation and resources to discharge their statutory functions. The Monitoring Officer will appoint such Deputy Monitoring Officers as they think fit and will keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer.

### **Access to Information**

The Monitoring Officer will be kept informed by councillors and staff of any issues that may become of concern to the authority, including, issues concerning legal powers, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen.

The Monitoring Officer will be given advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which officer delegated decisions may be taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken).

The Monitoring Officer will have the right to attend (including the right to be heard at) any meeting of the authority (including meetings at which officer delegated decisions may be taken) before any binding decision is taken (including a failure to take a decision where one should have been taken).

The Monitoring Officer will have unqualified access to any information held by the council and to any officer who can assist in the discharge of their functions regarding investigation and determination of complaints.

### **Relationships**

The Monitoring Officer will ensure the authority, its councillors and staff, in particular, the Chief Executive and the Chief Finance Officer are kept up to date with relevant information regarding

any legal, ethical standards, probity, propriety, procedural or other governance issues that are likely to arise or have arisen.

The Monitoring Officer will develop a professional working relationship of respect and trust with the chairman, Leader, party group leaders and other authority members with a view to ensuring the effective and efficient conduct of authority business.

### **Standards Matters**

The Monitoring Officer will give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being submitted). If a formal written complaint is submitted then the Monitoring Officer will ensure that the complaint is dealt with in accordance with the procedure established from time to time by the Monitoring Officer in consultation with the chairman of the Appeals Committee.

### **Dispensations**

The Monitoring Officer has been delegated the authority, in consultation with a Designated Independent Person, to deal with requests for dispensation without the need for a meeting of the Appeals Committee, where that is deemed to be appropriate (see Part 5 Section 4 paragraph 8 and Part 5 Section 6).