

APPENDIX B

DRAFT PROTOCOL

- 1 The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this paper with determination and in 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 inclusion in discussion, 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 The Monitoring Officer will be a member of the Chief Officer's Management Team;
 - b Advance notice of meetings, whether formal or informal, between the Chief Officer, Strategic Managers 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 Senior officers 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. All reports intended for the Cabinet or individual Cabinet Members must be sent to the Monitoring Officer in draft form and any amendments required by the Monitoring Officer must be incorporated into the final draft;
 - e The Monitoring Officer will develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman, including the giving and receiving of relevant information whether confidential or otherwise;
 - f The Monitoring Officer will establish a close working relationship with the Chairman of the Council, Chairman of the Standards, Appeals and Complaints and Overview and Scrutiny Committees and will ensure the Chief Officer and Head of Finance have up-to-date information regarding emerging issues;
 - g The Monitoring Officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board and if appropriate will make a written report to the Standards Committee unless the Monitoring Officer and Chairman of the Standards Committee agree a report is not warranted;
 - h The Chief Officer, Head of Finance 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 his/her functions;
 - j The Monitoring Officer shall have authority to disclose any relevant information (including advice given in private) to an Ethical Standards Officer if required to do so. If the Monitoring Officer is a solicitor, such disclosure shall not constitute a breach of client confidentiality.
 - k The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;
 - l 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;
 - m The Monitoring Officer will report to the Council from time to time on the Constitution and on any necessary or desirable changes following consultation with the Chief Officer and Head of Finance;

- n In consultation with the Chairman of the Council and the Standards Board, the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved;
- o The Monitoring Officer will keep under review, and report as necessary, on the staff, accommodation and resources he/she requires to discharge his/her functions;
- p The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.

BACKGROUND PAPERS

Appointment of Independent Members to the Standards Committee

- Local Government Act 2000
- DLTR Guidance

The Role of the Monitoring Officer

- Local Government Act 2000
- The New Role of the Monitoring Officer – Association of Council Secretaries and Solicitors