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<b>SUBJECT:</b>	Review of the Protocol on the Role of the Monitoring Officer
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift
<b>REPORT AUTHOR</b>	Joanna Swift
<b>WARD/S AFFECTED</b>	None

### 1. Purpose of Report

This report considers whether the protocol on the role of the monitoring officer adopted by the Council remains fit for purpose.

### RECOMMENDATION

**The Committee is invited to note the information in this report and consider whether any changes should be made to the current protocol.**

### 2. Reasons for Recommendations

It is good practise for the Council to review its adopted policies and procedure on a regular basis to ensure they remain relevant and effective.

### 3. Content of Report

- 3.1 The monitoring officer is a statutory appointment under section 5 of the Local Government and Housing Act 1989. At both South Bucks and Chiltern District Councils this role is undertaken by the Head of Legal and Democratic Services
- 3.2 The monitoring officer has a duty to report to the Council on any proposal, decision or omission by the Council, Cabinet, committee or officer which has given rise to, or would be likely to give rise to a contravention of any law or any statutory code of practice. To date it has not been necessary for the monitoring officer to make such a report. There is also a duty to report on any finding of maladministration made against the Council by the Local Government Ombudsman. Again to date it has not been necessary for the monitoring officer to make such a report.
- 3.3 The monitoring officer also serves as the guardian of the Council's Constitution and decision-making processes with responsibility for advising the Council on the legality of its decisions and providing guidance to members and officers on the Council's Constitution and its powers. Under the Council's Access to Information Rules the monitoring officer is required to ensure that the decisions of the Cabinet or of individual Cabinet members, together with reasons for those decisions, relevant officers reports and background papers are made publicly available.

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- 3.4 The monitoring officer works closely with the Audit Committee to assist with its role of promoting and maintaining high standards of conduct and probity within the Council. Under the Council's complaints procedure the monitoring officer decides, in consultation with the Chairman of this committee and the Council's Independent Person, whether an investigation should be held into allegations that members of the Council (and parish/town councils in the District) may have breached the members' code of conduct. The monitoring officer also deals with requests for dispensations from Council members, again in consultation with the Chairman of this Committee and the Independent Person.
- 3.5 Under the Localism Act 2011 the monitoring officer is required to establish and maintain a register of members' disclosable pecuniary interests for both district and town/parish councillors, as well as any other non-pecuniary interests required to be disclosed under the Councils' codes of conduct.
- 3.6 It is vital that the monitoring officer carries out these various responsibilities in a positive manner which seeks to enhance the overall reputation of the Council. In doing so the monitoring officer will also safeguard, so far as is possible, members and officers from legal challenge and/or criminal sanctions whilst acting in their official capacities
- 3.7 To undertake this role effectively the monitoring officer needs to develop excellent working relations with members and officers. Equally, a speedy flow of relevant information (particularly in the early stages of any decision-making by the Council) is vital; so communication needs to be two-way. To ensure that members and officers understand the role and are clear about how the monitoring officer will discharge it, the adoption of a protocol is considered to be useful best practice. Accordingly the Council adopted the protocol appended to this report in April 2013. A similar protocol was also adopted by Chiltern District Council
- 3.8 The Committee is invited to consider whether the protocol remains fit for purpose having regard to experience since its adoption and to agree the minor amendment in paragraph (m) shown in bold and underlined, which reflects a change of name.

#### **4. Consultation**

Not applicable at this stage

#### **5. Options**

The Committee has the option of proposing changes to the protocol which would be the subject of wider consultation with members and the senior management team before formal consideration by Full Council.

#### **6. Corporate Implications**

Financial - None

Legal – As set out in the report

Risks issues – None

Equalities - None

**7. Links to Council Policy Objectives**

Whilst there is no direct link to the Council's main objectives the adoption and regular review of a protocol on the role of the monitoring officer supports arrangements to ensure good governance of the Council.

**8. Next Steps**

Consultation would be undertaken with the wider Council membership and senior management team on any proposed changes.

<b>Background Papers:</b>	None except those referred to in the report
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