

PART 5 - Protocol for the Role of the Monitoring Officer

1. The Monitoring Officer undertakes to discharge his or her role with determination and 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 access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer and colleagues and councillors are designed to help ensure the effective discharge of their functions:
 - (a) If not a member of the Joint Senior Management Team, the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak;
 - (b) Advance notice of meetings whether formal or informal between Chief Officers and members of the Executive Committee or Chairmen will be given to the Monitoring Officer where any procedural, *vires* or other constitutional issues are likely to arise;
 - (c) Strategic Management Team and Heads of Service will alert the Monitoring Officer to all emerging issues of concern including legality, probity, *vires* and other constitutional issues;
 - (d) The Monitoring Officer and his/her deputy will have copies of all reports to members;
 - (e) The Monitoring Officer is expected to develop good liaison and working relations with the Local Government and Social Care Ombudsman, including the giving and receiving of relevant information whether confidential or otherwise;
 - (f) The Monitoring Officer will have a special relationship with the Chairman of the Council, Chairman of Audit and Standards Committee and Overview and Scrutiny Committee and will ensure the Head of the Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues;
 - (g) The Monitoring Officer will be expected to make enquiries into allegations of a breach of the Code of Conduct and if appropriate will seek an informal resolution in consultation with the Independent Person. If this is not possible then he/she will make a written report to the Audit and Standards Committee who will decide on the merits of any complaint and the action to be taken.
 - (h) The Head of the Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity;

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- (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 their functions;
- (j) The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning their functions;
- (k) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework, subject to the approval of the Audit and Standards Committee;
- (l) The Monitoring Officer will report to Council from time to time on the Constitution and in accordance with authority delegated by Council can make minor changes to the Constitution where it is necessary arising from decisions of the Council and changes to legislation.
- (m) In consultation with the Chairman of the Council and the Chairman of Audit and Standards Committee the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved;
- (n) The Monitoring Officer will make a report to the Council, as necessary, on the staff, accommodation, and resources required to discharge their functions;
- (o) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues;
- (p) The Monitoring Officer will make arrangements to ensure good communication between their office and Clerks to Parish Councils.