

Colchester Borough Council

Monitoring Officer Protocol

- (1) By virtue of the Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011, the Monitoring Officer has responsibilities, powers and duties in relation to issues which include legality, maladministration, probity, procedure, vires, constitutional and ethical matters. The Monitoring Officer will discharge the responsibilities with determination and in a manner which will enhance the reputation of the Council.
- (2) The Council will provide the Monitoring Officer with such resources as he/she may reasonably request in order to fulfil the responsibilities of the post.
- (3) The Head of Paid Service, Chief Finance Officer and Monitoring Officer will meet as necessary to consider and recommend action in connection with governance issues and other matters of concern regarding probity.
- (4) The Monitoring Officer will be afforded access to all parts of all formal meetings of the Council, the Cabinet, Panels, Committees and Sub-Committees, and will be provided with copies of all reports to Members on request.
- (5) The Monitoring Officer will be provided with copies of all agendas and minutes of meetings of the Senior Management Team and will be invited to attend those parts of informal meetings conducted by the Head of Paid Service/Executive Management Team with the Leader of the Council, Cabinet Members, Chairman of the Scrutiny Panel or the Mayor which concern matters having reference to the responsibilities of the Monitoring Officer. Where possible, advance notice of such meetings will be given to the Monitoring Officer. The Monitoring Officer may request to attend any meeting which he/she considers to have reference to the responsibilities of the post, which request shall not be unreasonably denied.
- (6) Members, Executive Directors and Assistant Directors will alert the Monitoring Officer to all emerging issues of concern having reference to the responsibilities of the Monitoring Officer.
- (7) The Monitoring Officer will inform the Head of Paid Service or the Chief Finance Officer that an investigation is being commenced. The Monitoring Officer will also ensure that the Head of Paid Service and the Chief Finance Officer are kept informed and provided with up-to-date information on all emerging issues.
- (8) The Monitoring Officer will develop good liaison and working relations with the Council's Auditor, the Local Government and Social Care Ombudsman and Clerks to Town and Parish Councils.

- (9) The Monitoring Officer will review the Council's Constitution on an annual basis and following consultation in particular with the Head of Paid Service and the Chief Finance Officer, will report with recommendations to the Council.
- (10) From time to time as necessary, the Monitoring Officer will prepare a training programme for Members upon the Council's ethical framework and submit it to the Governance and Audit Committee for approval.
- (11) The Monitoring Officer shall deal with any allegations in relation to a possible failure to comply with the Members' Code of Conduct in accordance with the "Arrangements" approved by the Council under the Localism Act 2011.
- (12) In relation to any matter within the areas of responsibility of the Monitoring Officer, he/she has the discretion to conduct an investigation and report as appropriate to the Council, Cabinet, Scrutiny Panel, Governance and Audit Committee or the Head of Paid Service.
- (13) In carrying out any investigation, subject to adherence with the law at all times, the Monitoring Officer shall be afforded full access to any information held by the Council and may request an interview with any Member or Officer, which request shall not be unreasonably denied.
- (14) The Council's insurances shall extend to all Monitoring Officer responsibilities and to all staff engaged on such duties on behalf of the Monitoring Officer.