

# Arun District Council

<b>REPORT TO:</b>	<b>Standards Committee 15.12.22</b>
<b>SUBJECT:</b>	<b>Monitoring Officer Protocol</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge – Monitoring Officer</b>
<b>LEAD MEMBER:</b>	Councillor Paul English
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
The Monitoring Officer Protocol improves the Council's corporate governance framework and helps to protect the interests of the Council.	
<b>DIRECTORATE POLICY CONTEXT:</b>	
The Monitoring Officer Protocol provides Members and Officers with a clear explanation of the powers and duties of the Monitoring Officer and how they will be applied.	
<b>FINANCIAL SUMMARY:</b>	
No financial implications are identified.	

## 1. PURPOSE OF REPORT

To consider the draft Monitoring Officer Protocol.

## 2. RECOMMENDATIONS

1.1. It is recommended that the Committee:

2.1.1 Considers and endorses the draft Monitoring Officer Protocol attached as the Appendix to this report; and

2.1.2 Recommends to Full Council that the Monitoring Officer Protocol be included within Part 8 of the Constitution.

## 3. EXECUTIVE SUMMARY

1.2. This report will bring forward a draft Monitoring Officer Protocol to explain the powers and duties of the Monitoring Officer and how they will be applied.

## 4. DETAIL

1.3. The designation of one of the Council's officers as the Monitoring Officer is a statutory requirement under the Local Government and Housing Act 1989.

1.4. The main functions of the Monitoring Officer are set out in Part 2, Article 11, Paragraph 4.0 of the Council's Constitution which are reproduced below:

- (a) **Maintaining the Constitution** – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the council if they consider that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to the Corporate Management Team** – the Monitoring Officer will contribute to the corporate management of the Council.
- (d) **Supporting the Standards Committee** – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) **Conducting investigations** – the Monitoring Officer will consider allegations of misconduct by councillors in accordance with the Council's adopted Local Assessment Procedure.
- (f) **Advising whether decisions are within the Budget and Policy Framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether decisions are in accordance with the Budget and Policy Framework.
- (g) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and Budget and Policy Framework issues to all Councillors; and will support and advise Councillors and Officers in their respective roles.
- (h) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

4.3 The draft Protocol expands upon the Articles of the Constitution's description of these functions by providing greater detail in relation to their basis and their operation in practice. The draft Protocol sets out how the Monitoring Officer will operate in order to maintain the high standards of ethical conduct throughout the Council; contribute to and be a key part of effective corporate governance; and work to protect and safeguard the Council's interests.

4.4 Approving a clear Monitoring Officer protocol is key to ensuring that all members of the Council understand the role of the Monitoring Officer and, looking forward, it will also be key for any new and returning members following the May 2023 elections.

## 5. CONSULTATION

5.1. The Monitoring Officer Protocol sets out the Monitoring Officer's powers and duties and is not the subject of external consultation.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1. The absence of a Monitoring Officer Protocol leaves Members, Officers and general public without a document setting out the purpose, role, powers and duties of the Monitoring Officer. Therefore, the option of continuing to operate without a Protocol has been discounted.

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1. No financial implications have been identified.

## **8. RISK ASSESSMENT CONSIDERATIONS**

- 8.1. There are no perceived risks to implementing such protocol, and in practice the incorporation of the protocol into the Constitution should help reduce risk across the Council by creating further clarity in respect of corporate governance.

## **9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

## **10. HUMAN RESOURCES IMPACT**

## **11. HEALTH & SAFETY IMPACT**

## **12. PROPERTY & ESTATES IMPACT**

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

## **14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

## **15. CRIME AND DISORDER REDUCTION IMPACT**

## **16. HUMAN RIGHTS IMPACT**

## **17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:** None