

LONDON BOROUGH OF HARROW

Meeting:	Standards Committee
Date:	7 th October 2003
Subject:	Monitoring Officer Protocol
Key decision:	N/A
Responsible Chief Officer:	Gerald Balabanoff – Borough Solicitor
Relevant Portfolio Holder:	N/A
Status:	Part 1
Ward:	N/A
Enclosures:	Protocol for Monitoring Officer responsibilities

1. **Summary/ Reason for urgency (if applicable)**

- 1.1 Best practice encourages local authorities to adopt a Protocol for the Monitoring Officer to ensure that Members and Officers can support the Monitoring Officer in his role in facilitating the legal and proper discharge of the Council's business.

2. **Recommendations (for decision by Council)**

- 2.1 **That Standards Committee approve the Protocol and recommend its formal adoption by the Council for inclusion in the Council's Constitution. (Appendix A)**

REASON: Best practice encourages the adoption of such a Protocol for inclusion in the Constitution.

3. **Consultation with Ward Councillors**

- 3.1 Not applicable

4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 The remit of the Monitoring Officer responsibilities has been widened following the introduction of the new ethical framework under the Local Government Act 2000. The establishment of the Standards Committee and the new responsibilities for local investigation has added to the roles of the Monitoring Officer.

5. **Relevance to Corporate Priorities**

5.1 No direct relevance

6. **Background Information and options considered**

6.1 The Council is required under section 5 of the Local Government and Housing Act 1989 to appoint a statutory Monitoring Officer. Key responsibilities under the 1989 Act include:

- i) reporting on contravention/likely contravention of any enactment or rule of law;
- ii) report on maladministration or injustice where the Ombudsman has carried out an investigation

6.2 The responsibilities ascribed to the Monitoring Officer have now been expanded following the introduction of the Local Government Act 2000, Part III which deals with ethics and probity. Key additional responsibilities include:

- i) Investigation into misconduct and advice on the determination of complaints
- ii) Advice to the Standards Committee
- iii) Maintenance of the registers of Interests, gifts and hospitality
- iv) Advice on interpretation of the Code of Conduct
- v) Liaison with the Standards Board for England and Ethical Standards Officers.

6.3 The attached Protocol has been prepared to demonstrate that the Council has arrangements in place to ensure the Monitoring Officer can carry out his responsibilities with the support of Members and Officers. The Protocol sub-divides the responsibilities of the Monitoring Officer into three categories:

- i) reports and decision-making

The Protocol highlights the need for early consultation by Executive Directors and Directors with the Monitoring Officer on policy changes and possible problems for the authority. There are also requirements in relation to record keeping.

- ii) Legality, vires and constitutional issues

This part of the Protocol highlights the Monitoring Officer's role in ensuring the authority acts within its powers and the law.

- iii) Ethics and Probity

This section deals with the role of the Monitoring Officer in Members Conduct following the introduction of the Code of Conduct for Members.

7. **Consultation**

7.1 Not applicable

8. **Finance Observations**

8.1 There are no financial implications in this report.

9. **Legal Observations**

9.1 Are included within the body of this report.

10. **Conclusion**

10.1 It is proposed that the Protocol for Monitoring Officer Responsibilities be approved by Standards Committee and then adopted by full Council for inclusion in the Constitution.

11. **Background Papers**

11.1 Local Government Act 2000

11.2 Local Government and Housing Act 1989

12. **Author**

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