

BRIEFING NOTES ON THE NEW ETHICAL FRAMEWORK

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1. GENERAL PRINCIPLES OF LOCAL GOVERNMENT CONDUCT

- 1.1 The Government has defined 10 principles, which are to govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, in accordance with section 49(1) of the Local Government Act 2000.

These are:

Selflessness

- Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

- *Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

Objectivity

- Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

- Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

- Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

- Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

- Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

- *Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.*

Stewardship

- Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

- Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

1.2 These principles are expected to govern only the official conduct of members and co-opted members, apart from the second and eighth (italicised), which have effect on all occasions.

2. **CODE OF CONDUCT**

2.1 Following consultation, the Government has issued a Model Code of Conduct for elected and co-opted Members ("the Code" attached at Appendix A). The Code must be adopted as a minimum by all relevant authorities. Further provisions can be added to it as decided locally.

2.2 The Model Code came into force on 28 November 2001 and must be adopted by 5 May 2002. The Council is intending to adopt the Code at the Council meeting of 15 April 2002. In addition, existing Members and co-opted Members will be required to sign an undertaking to uphold the Code within 2 months of adoption and following the election, newly elected Councillors will not be able to act until they have signed as part of their acceptance of office a similar declaration.

2.3 The main areas covered by the Code are:

- An obligation to treat others with respect and to promote equality through no unlawful discrimination – paragraph 2. of the Code.
- A requirement not to compromise the impartiality of those who work for the authority including a contractor – paragraph 2. of the Code.
- A requirement not to disclose confidential information given or acquired without consent, nor to obstruct lawful access to information – paragraph 3. of the Code.

- A requirement not to bring his/her office or authority into disrepute – paragraph 4. of the Code.
- A requirement not to abuse his/her position on behalf of friends or others to confer advantage or disadvantage – paragraph 5 (a) of the Code.
- A requirement not to use the authority's resources for political activities unless it would facilitate or be conducive to the discharge of the authority's functions or an office to which he/she has been appointed.
- An obligation to give reasons for decisions.
- An obligation to report another member's failure to comply with the Code to the Standards Board in writing where there is a reasonable belief that this has taken place – paragraph 7. of Code.
- New provisions in relation to the register of interests and declaration of interests – paragraphs 14. to 16. of the Code.
- A requirement to record gifts and hospitality in excess of a financial limit of £25 - paragraph 17. of the Code.

2.3 The Code applies to Members and voting co-opted members.

2.4 Members must abide by the Code whenever they:

- conduct the business of the authority,
- conduct the business of the office to which they have been elected or appointed to, or
- act as a representative of the authority.

2.5 The Code only applies to activities undertaken in an official capacity except:

- “ A member must not in his official capacity, or any other circumstances, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute” (Paragraph 4. of Code)
- “ A member must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage ..” (Paragraph 5(a) of Code)

- 2.6 Members of an authority must comply with the Code of any other relevant authority when appointed by the Council to that body. They will, however, be obliged to comply with the Council's own Code when they act as a representative on another body.
- 2.7 Once the Council adopts the Code of Conduct (with or without local variations) a number of existing statutory provisions/obligations are no longer in force. These include:
- Declaration of acceptance of office provisions (order under section 83 of LGA 1972)
 - Power of Local Government Ombudsman to name members (section 30 (3A) of LGA 1974)
 - Power to surcharge Councillors under Section 17 of the Audit Commission Act 1998
 - Wilful misconduct provisions of Section 18 of Audit commission Act 1998

3. DECLARATION OF INTERESTS

3.1 The Code replaces the provisions of the old Code of Local Government Conduct – pecuniary and non-pecuniary interests – with concepts of personal interests and prejudicial interests

3.2 Personal Interests

3.2.1 Members will have a personal interest

- if it is an interest that is required to be disclosed in the register of interests, or,
- if they or their relative's or friend's financial position or wellbeing or that of :
 - any employment or business carried on by such persons,
 - any person who employs or has appointed such persons,
 - any firm in which they are a partner any company of which they are directors,
 - any corporate body in which they have a beneficial interest in shares worth over £5,000 nominal value,
 - any bodies membership of which is registerable by the member in which such a person holds a position of control or management,

might reasonably be regarded as being affected to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.

3.2.2 Personal interests must be declared and where the Member having such an interest has made an executive decision they must be recorded in any written statement of that decision.

3.2.3 A Member having a personal interest may also have a prejudicial interest.

3.3 Prejudicial Interests

3.3.1 A prejudicial interests is a personal interest which a member of the public with knowledge of the facts would reasonably regard as so significant that it is likely to prejudice the members judgement of the public interest.

3.3.2 There are a number of situations set out at paragraph 10 of the Code where Members may regard themselves as not having a prejudicial interest. These include where the matter relates to:

- A body to which they have been appointed or nominated by the authority as its representative
- Housing functions of authority and Member is a housing tenant not two months in arrears
- School meals, transport and travelling expenses where Member is a parent or guardian
- Members allowances.

3.3.3 However a member of an Overview and Scrutiny Committee has both a personal and prejudicial interest in relation to a decision taken by a Committee of which they are members although this does not apply if they attend to answer questions or give evidence.

3.3.4 If a Member has a prejudicial interest as defined, they must:

- withdraw from the meeting whenever it becomes apparent that the matter is being considered at that meeting unless a dispensation has been given ;
- not exercise executive functions in relation to that matter;
- not seek improperly to influence a decision about that matter.

3.3.5 Members with a prejudicial interest may participate in a meeting of the Council's overview and scrutiny committee and joint or area committees providing that:

- these bodies are not exercising functions of the Council or its executive and

- the interest is not of a financial nature or does not relate to the decision of a committee of which he/she is a member.

3.4 Dispensations in respect of Prejudicial Interests

3.4.1 Members may not have to withdraw from participating in a meeting where they have a prejudicial interest if they obtain a dispensation to this effect from the Council's Standards Committee.

3.4.2 The Standards Committee may grant such a dispensation where:

- the business of the Council would be impeded because the number of Members that are prohibited from participating in the business exceeds 50% of those members entitled or required to participate, or
- the Council is not able to comply with any duty which applies to it under section 15(4) of Local Government and Housing Act 1989

And where:

- the Member submitted a written request to Standard Committee with an explanation of why it was desirable to grant the dispensation and
- the Standards Committee concludes having regard to the content of the application and all other circumstances it is appropriate to grant the dispensation.

3.4.3 Dispensation is not permitted in relation to following matters:

- participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
- where dispensation sought is in relation to participation in meeting of an overview and scrutiny committee or sub committee where considering decision or action taken by any other of Council's committees, sub-committees, joint committees of which he is also be a member; or
- in circumstances where under the Code, a member of the Council's executive is prohibited from exercising functions which are the responsibility of the Council and which would otherwise be discharged by him/her alone.

3.4.4 The Standards Committee must ensure that a written record is kept of the existence, duration and nature of any dispensation granted and that this record is kept with the register of interests.

3.5 The Register of Interests

3.5.1 The Council and specifically the Monitoring Officer has a duty to maintain a register of Members' Interests.

3.5.2 Members (including voting co-opted Members) must register their interests:

- within 28 days of the Code being adopted by the Council, or if later,
- within 28 days of the Member's appointment to office.

3.5.3 Registration must be in writing and notify the Monitoring Officer of a Member's **financial concerns** :

- employment of business;
- employer, partnership, company of which director;
- name of payee of person making payment in respect of his/her election / or any expenses incurred carrying out duties;
- name of company in which Member has beneficial interest exceeding nominal value of £25K or one hundredth of total issued share capital of body;
- description of contract of goods, services or works with Council where Member is partner, remunerated director or has beneficial interest as defined above;
- address/description of land in area of Council which Member has beneficial interest in;
- address/description of land where Council is landlord and tenant is firm in which Member is partner or is company of which remunerated director of has beneficial interest in as defined above;
- address/description of any land in area of Council where Member has licence to occupy for 28 days or longer;

3.5.4 Members must also notify in same time-scale other **non-financial matters**, which relate to the Member's membership of or position of general control or management in any:

- body to which he has been appointed or nominated by the Council as its representative;
- public authority or body exercising function of a public nature;
- company, industrial and provident society, charity, or body directed to charitable purposes;
- body whose principal purposes include the influence of public opinion or policy;

- trade union or professional association.

3.5.5 Members must notify Monitoring Officer in writing of any changes to the above interests within 28 days of becoming aware of them.

3.6 Registration of gifts and hospitality

3.6.1 A Member must notify the Monitoring Officer of the receipt of any gift or hospitality over value of £25 and of its nature.

4. THE STANDARDS COMMITTEE

4.1 Under the Local Government Act 2000, the Council has a duty to establish a Standards Committee whose functions will include promoting and maintaining high standards of conduct by Members and Co-opted Members of the Authority.

4.2 The Standards Committee must have a minimum of three members and must include at least one independent member. Independent members must be independent of the authority and may not be Councillors or officers of any local authority including Haringey Council. Where the Standards Committee is to have more than 3 members then at least 25% of these must be independent members.

4.3 The quorum for meetings of the Standards Committee is three people. At least one of these must be an independent member, unless the independent member has some conflict of interest and would be prevented from participating in the business of the meeting by virtue of the authority's Code of Conduct.

4.4 Section 54 of the Local Government Act 2000 sets out the general functions of standards committees, which are as follows:

- promoting and maintaining high standards of ethical conduct by members and co-opted members of the authority;
- assisting members and co-opted members of the authority to observe the authority's code of conduct;
- advising the authority on the adoption or revision of a code of conduct and monitoring the operation of the code;
- advising, training or arranging to train members and co-opted members on matters relating authority's code of conduct.

4.5 The Standards Committee will thus advise the Council on the adoption of a local code and monitor and update it as necessary. It will also have a key role in implementing the code, providing and organising training for Councillors on ethical conduct. The Committee will be a source of advice and guidance.

For example, advising Councillors on matters of conduct such as the treatment of personal interests. The Committee will also receive reports on the outcome of investigations undertaken by the Regional Ethical Standards Officer, the Standards Board or its Adjudication Panel.

- 4.6 The Standards Committee will not be able to take executive decisions or consider issues of policy, since these may introduce a conflict of interest with its primary role.
- 4.7 It is expected that in due course there will be further clarification of the standards committee's powers and its role in relation to conduct of investigations.
- 4.8 Section 54(3) of the Act also allows local Standards Committees to exercise other such functions as the authority considers appropriate.
- 4.9 The present terms of reference for Haringey Council's Standards Committee is attached at Appendix B.

5. THE MONITORING OFFICER

- 5.1 With the introduction of the new ethical framework under Part III of the Act there will be significant changes to the role of the Monitoring Officer. This extended role will include a number of specific new functions.
- 5.2 The Monitoring Officer will have a key role in promoting and maintaining high standards of conduct within the Council, in particular through the provision of support to the Council's Standards Committee. He/she will also have to deal with allegations of breach of the new code of conduct, which are referred to them by an Ethical Standards Officer of the Standards Board for England.
- 5.3 A draft protocol for the Monitoring Officer is attached at Appendix C of this note.

6. THE NATIONAL STANDARDS BOARD

- 6.1 The Standards Board will deal with written complaints that a Councillor has failed to observe their Council's Code of Conduct and will make arrangements for such complaints to be investigated by an Ethical Standards Officer ("ESO"). If an alleged breach is brought to the attention of the monitoring officer or standards committee, they must refer it to the Standards Board for consideration.
- 6.2 These investigations may take a variety of courses including an ESO:
 - referring the matter back to the Council and asking for a report from the Monitoring Officer;
 - in particularly serious cases, suspending a member from council meetings for 6 months while an investigation is underway,

- co-ordinating his or her investigations with the Auditor or the Ombudsman if it appears to raise matters of maladministration or financial impropriety
- producing a written report which may recommend:
 - that the allegation was unsubstantiated,
 - that no further action was necessary, or
 - that the matter should be referred back to the Council's standards committee or forwarded to an independent Adjudication Panel for it to be heard by a Case Tribunal.

6.3 A Case Tribunal may impose penalties ranging from public censure through to suspension from Committees or from the Council itself, up to a prescribed maximum period. It could also disqualify from the office of Councillor for up to maximum period, provisionally 5 years.

6.4 The Standards Board will also have a pro-active role in issuing guidance to Councils and information about best practice on issues of conduct. It will also maintain regional lists of independent persons available to be co-opted by individual Councils onto their own Standards Committee.

7. Reviews and Appeals

7.1 Where an ESO decides not to investigate a complaint, the complainant may ask the Standards Board to review the ESO's decision. The Standards Board, will normally only do this where there is new evidence or there were errors in the process leading up to the ESO's decision.

7.2 There is no right to appeal against or seek a review of a decision to investigate a complaint.

7.3 There is no right to appeal or review an ESO's final decision on how to dispose of a complaint (see para. 6.2 above) by either complainant or the Member complained against.

7.4 A decision of an Adjudication Panel- either interim or final may be appealed against to the High Court.

APPENDIX A

THE MODEL CODE OF CONDUCT - AUTHORITIES OPERATING EXECUTIVE ARRANGEMENTS

PART I GENERAL PROVISIONS *Scope*

1. - (1) A member must observe the authority's code of conduct whenever he -

- (a) conducts the business of the authority;
- (b) conducts the business of the office to which he has been elected or appointed; or
- (c) acts as a representative of the authority,

and references to a member's official capacity shall be construed accordingly.

(2) An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the authority -

- (a) on another relevant authority, he must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(4) In this code, "member" includes a co-opted member of an authority.

General Obligations

2. A member must -

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and

(c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3. A member must not -

(a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor

(b) prevent another person from gaining access to information to which that person is entitled by law.

4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5. A member -

(a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the authority -

(i) act in accordance with the authority's requirements; and

(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

6. - (1) A member must when reaching decisions -

(a) have regard to any relevant advice provided to him by -

(i) the authority's chief finance officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988; and

(ii) the authority's monitoring officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989; and

(b) give the reasons for those decisions in accordance with the authority's and any statutory requirements in relation to the taking of an executive decision.

(2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

7. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

PART 2
INTERESTS
Personal Interests

8. - (1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or -

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.

(2) In this paragraph -

- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

9. - (1) A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Subject to paragraph 12(1)(b) below, a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interests

10. - (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

(2) A member may regard himself as not having a prejudicial interest in a matter if that matter relates to -

- (a) another relevant authority of which he is a member;
- (b) another public authority in which he holds a position of general control or management;
- (c) a body to which he has been appointed or nominated by the authority as its representative;
- (d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member's tenancy or lease;
- (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
- (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Overview and Scrutiny Committees

11. - (1) For the purposes of this Part, a member must if he is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority or a sub-committee of such a committee, regard himself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees,

of which he may also be a member.

(2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Participation in Relation to Disclosed Interests

12. - (1) Subject to sub-paragraph (2) below, a member with a prejudicial interest in any matter must -

(a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the authority's standard's committee;

(b) not exercise executive functions in relation to that matter; and

(c) not seek improperly to influence a decision about that matter.

(2) A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the authority's -

(a) overview and scrutiny committees; and

(b) joint or area committees,

to the extent that such committees are not exercising functions of the authority or its executive.

13. For the purposes of this Part, "meeting" means any meeting of -

(a) the authority;

(b) the executive of the authority; or

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.

PART 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

14. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of -

- (a) any employment or business carried on by him;
- (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
- (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
- (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.

15. Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of his membership of or position of general control or management in any -

- (a) body to which he has been appointed or nominated by the authority as its representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society, charity, or body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy; and

(e) trade union or professional association.

16. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 14 and 15 above, provide written notification to the authority's monitoring officer of that change.

Registration of Gifts and Hospitality

17. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality.

APPENDIX B

STANDARDS COMMITTEE

TERMS OF REFERENCE

- (a) To advise the Council on the adoption of a local Code of Conduct for Members, to promote, develop and maintain high standards of conduct by the members and co-opted members of the authority, including:
- providing and organising training of Councillors in ethical conduct
 - to be a source of advice and guidance to Members on matters of conduct
 - giving advice to individual Councillors on such issues as the treatment of personal interests including the declaration and registration of interests, and, generally, on matters of conduct.
- (b) To monitor and update the Code as necessary;
- (c) To be responsible for the implementation of the Code and providing or organising training for members on ethical conduct;
- (d) To consider a report of the Monitoring Officer on any matter referred to them by an Ethical Standards Officer of the Standards Board for England under Sections 60 or 64 of the Local Government Act 2000 and to report any relevant issues to the Council.
- (e) To respond to national reviews and consultations on standards related issues
- (f) To provide high level oversight of the following :
- internal and external audit.
 - the whistle-blowing policy.
 - Complaints and ombudsman cases.
 - the authority's constitution.

APPENDIX C

PROTOCOL FOR MONITORING OFFICER

- 1 The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this paper 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 Monitoring Officers and colleagues and members are designed to help ensure the effective discharge of their functions:
 - (a) The Monitoring Officer will have advance notice of Chief Executive's Management Board meetings and agendas and reports and have the right to attend and speak.
 - (b) Advance written notice of meetings whether formal or informal between Chief Officers and members of the Executive or Committee Chairmen will be given to the Monitoring Officer where any significant procedural, vires or other constitutional issues are likely to arise.
 - (c) Chief Officers will give notice in writing to the Monitoring Officer of all emerging issues of significant concern including legality, probity, vires and constitutional issues.
 - (d) The Monitoring Officer or his/her staff will have copies of all reports to members. The Monitoring Officer is expected to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - (e) The Monitoring Officer will have a special relationship with the Chairman of the Council, Chairman of the Standards and Overview and Scrutiny Committees and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
 - (f) The Monitoring Officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board and if appropriate will make a written report to the Standards Committee unless the Monitoring Officer and Chair of Standards Committee agree a report is not warranted.
 - (g) The Head of 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.
 - (h) 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.

- (i) The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.
- (j) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
- (k) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Financial Officer.
- (l) In consultation with the Chairman of the Council and Standards Board the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.
- (m) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources required to discharge his/her functions.
- (n) The Monitoring Officer will appoint a deputy and keep him/her briefed on emerging issues.