

**Wiltshire Council
Constitution
Protocol 8
Monitoring Officer Protocol**

PROTOCOL 8

MONITORING OFFICER PROTOCOL

1. The Monitoring Officer will receive:

- 1.1. Advance notice of Corporate Leadership Team meetings, copies of all agenda and reports.
- 1.2. Advance notice of meetings whether formal or informal between the Chief Executive and Corporate Directors, Directors and Members of the Cabinet or committee chairmen where any procedural, vires or other constitutional issues are likely to arise.
- 1.3. Advance notice of all emerging issues of concern including legality, probity, vires and constitutional issues.
- 1.4. Copies of all reports to members.

2. The Monitoring Officer has the right:

- 2.1. To attend and speak at any Corporate Leadership Team meetings.
- 2.2. To call for any relevant information whether confidential or otherwise and to give that information as appropriate to any body including the Standards Committee, the Audit Commission and the Local Government Ombudsman.
3. This protocol is in addition to any provisions in the council's constitution.

4. The Monitoring Officer will:

- 4.1. Ensure the Chief Executive and Corporate Directors, including the S.151 Officer have up-to-date information regarding emerging issues.
- 4.2. Deal with allegations of misconduct in accordance with the statutory framework for local assessment, review and determination of complaints under the Members' Code of Conduct.
- 4.3. Establish and maintain a register of interests of members and co-opted members of the council and its parish, town and city councils in accordance with section 29 Localism Act 2011.
5. The Chief Executive and Corporate Directors and Monitoring Officer will meet regularly as required to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
6. 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 his or her functions.
7. The Monitoring Officer will have control of a budget sufficient to enable him / her to discharge his/her responsibilities.
8. 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.
9. 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 Chief Executive and Corporate Directors.

10. The Monitoring Officer may defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved.
11. The Monitoring Officer will make a report to the council from time to time as necessary on the staff, accommodation and resources he/she requires to discharge his/her functions.
12. The Monitoring Officer will appoint at least one deputy and keep them briefed on emerging issues.
13. The Monitoring Officer's nominated deputy will have all the rights and powers of the Monitoring Officer when discharging the role of Monitoring Officer.