

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.C – Monitoring Officer Protocol

- 1.1 The Monitoring Officer undertakes to discharge their duties in a manner that will support the Executive and the democratic responsibilities of Members. Their ability to discharge the duties in this way depends upon excellent working relations with Members, Executive Directors and other senior officers to facilitate the flow of information and access to issues at an early stage.
- 1.2 The following arrangements and understandings between the Monitoring Officer, the Executive, Members and the Chief Executive and Executive Directors are designed to help ensure the effective discharge of the Monitoring Officer's functions:
 - a) The Monitoring Officer is entitled to attend the Council Management Team meetings and will have advance notice of those meetings and be provided with copies of all agendas and reports and, at all times, has access to, and is available to assist, all Members of the Council.
 - b) Advance notice of meetings whether formal or informal between Chief Officers and members of the Executive or Committee Chairs will be given to the Monitoring Officer where any procedural, vires, legal or constitutional issue is likely to arise.
 - c) Executive Directors and their senior staff will alert the Monitoring Officer to all emerging issues of concern regarding legality, probity, vires and constitutional issues.
 - d) The Council's external contracted solicitors have standing instructions to inform the Monitoring Officer of any such issues that are identified in the course of their work for the Council.
 - e) The Monitoring Officer will be consulted at the earliest possible stage where any possible change is proposed in Council policy or services.
 - f) The Monitoring Officer will have access to all papers held by any officer or Department of the Council including all papers supplied by officers to Members.
 - g) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary desirable changes following consultation with the Head of Paid Service and the Section 151 Officer.

- h) The Monitoring Officer will develop good liaison and working arrangements with the Audit Commission and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- i) The Monitoring Officer shall consider applications for a grant of a dispensation from Members in accordance with the Code of Conduct in the following circumstances:
 - i. That so many Members of the decision-making body have disclosable pecuniary interests (DPIs) in a matter that it would impede the transaction of the business; or
 - ii. That, without a dispensation, no Member of the Cabinet would be able to participate in consideration of this matter.

And may refer the dispensation request to the Ethics Committee to advise on or express a view should the Monitoring Officer consider it appropriate to do so. Granting dispensations in other circumstances is a matter reserved to the Ethics Committee.

- 1.3 To ensure the effective and efficient discharge of the arrangements set out herein, Members and officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 1.4 The Monitoring Officer will have absolute right of access to all meetings and all papers and will have absolute right of access to Full Council.
- 1.5 The Monitoring Officer is available for Members and officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g. Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 1.6 To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.
- 1.7 Where amendments/variation to this Protocol are necessary due to legislative changes, the Council Solicitor may make such consequential changes to this Protocol as are necessary to take such changes into account.