

# **WORKING ARRANGEMENTS PROTOCOL as agreed between the Head of Paid Service and the Monitoring Officer**

## **1. INTRODUCTION TO STATUTORY RESPONSIBILITIES**

- a. The Combined Authority recognises the importance of the Monitoring Officer as a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol sets out the commitment of the Combined Authority to recognise and support the Monitoring Officer.
- b. The role of the Monitoring Officer rests with the Director of Law and Democratic Services.

## **2. WORKING ARRANGEMENTS**

- a. The Monitoring Officer will:-
  - (a) have sufficient resources to enable him/her to address any matters concerning his/her Monitoring Officer functions;
  - (b) have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions;
  - (c) be able to appoint a deputy, who may be external to the Combined Authority. The Deputy Monitoring Officer will deputise in the event of the absence of the Monitoring Officer or in the event of a conflict or perceived conflict of interest (see below).
  - (d) be advised of any issue(s) that may become of concern to the authority, including, in particular issues around legal powers to do something or not, member complaints, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
  - (e) have advance notice, (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
  - (f) have the right to attend (including the right to be heard) any meeting of the authority (including meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
  - (g) and will have advance notice of the Management Team, agenda and reports and the right to attend and speak on an item;
  - (h) in carrying out any investigation(s), have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of his/her functions.
- b. The Monitoring Officer will:
  - (a) ensure the other statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information;
  - (b) meet regularly with the Head of Paid Service and the Section 151 Officer;
  - (c) have the authority, on behalf of the Council, to contact the Auditor and the Local Government Ombudsman, or other relevant Central Government departments or bodies;
  - (d) in consultation as necessary with the Chief Executive and s151 Officer, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body (including a Court/Tribunal) is involved;

## **3. MEMBER AND OFFICER RESPONSIBILITIES**

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory

duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

#### **4. ADVICE**

The Monitoring Officer is available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Council Procedure Rules, Policy Framework, Terms of Reference, Scheme of Delegations).

#### **5. MONITORING THE PROTOCOL**

Annually, the Monitoring Officer will report to the Audit Committee on whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

#### **6. CONFLICTS AND INTERPRETATION OF THIS PROTOCOL**

Where the Monitoring Officer:

- a. Is advised that they are perceived to have a conflict or a possible conflict relating to an investigation or advice provided, or
- b. the Monitoring Officer believes that they may be perceived to have a conflict,

then the Monitoring Officer will discuss this issue with the Chief Executive and will appoint an external party to act as Deputy in this matter, if a deputy has not already been appointed. The Chief Executive will advise the Chair of the Audit Committee of any appointments of a Deputy Monitoring Officer.

Agreed by the Monitoring Officer and Head of Paid Service