

# 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, Corporate 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 Corporate Directors are designed to help ensure the effective discharge of the Monitoring Officer's functions:
  - a) The Monitoring Officer is entitled to attend the Corporate 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) Corporate 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 Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- i) The Monitoring Officer shall in their sole discretion and having regard to principles of administrative law 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), other registrable interests (ORIs) or non-registrable interests (NRIs) in a matter that it would impede the transaction of the business; or
  - ii. That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or
  - iii. That the dispensation is in the interests of persons living in the Borough; or
  - iv. That, without a dispensation, no Member of the Cabinet would be able to participate in consideration of this matter; or
  - v. That it is otherwise appropriate to grant a dispensation.

And may refer the dispensation request in relation to grounds (i) and (iv) above to the Ethics Committee to advise on or express a view should the Monitoring Officer consider it appropriate to do so. In respect of grounds (ii), (iii) and (v) above granting dispensations is a matter reserved to the Ethics Committee after consultation with the Independent Person.

- j) The Monitoring Officer shall ensure that all information provided to them will be processed lawfully in accordance with the Data Protection Legislation.
- 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 all Members, in whatever capacity they are acting, 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 delegation 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 Monitoring Officer may make such consequential changes to this Protocol as are necessary to take such changes into account.