

## **APPENDIX 1**

### **BURY METROPOLITAN BOROUGH COUNCIL**

#### **MONITORING OFFICER PROTOCOL**

#### **SUMMARY OF MAIN MONITORING OFFICER FUNCTIONS**

	<b>Description</b>	<b>Source</b>
1.	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989
2.	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3.	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4.	Report on resources	Section 5 Local Government and Housing Act 1989
5.	Arranging for Members to sign the undertaking to abide by the Code of Conduct before taking up their appointment with the Council.	Council procedure
6.	Receive copies of whistleblowing and allegations of misconduct.	Code of Conduct for Members and Co-opted Members of Bury Council
7.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66{11+66(6)}
8.	Establish and maintain registers of members Interests and gifts and hospitality.  Arranging for Members to notify the Monitoring Officer of any disclosable pecuniary, personal, or prejudicial interests within 28 days of becoming a member of the authority.	Section 81 LGA 2000 and Code of Conduct for Members and Co-opted Members of Bury Council Section 30 of the Localism Act 2011 and Members Code of Conduct
9.	Arrange for Members to notify the Monitoring Officer of any disclosable pecuniary, personal, or prejudicial interests within 28 days of becoming aware of any new interest or change in any interests registered.	Members Code of Conduct
10.	Maintain the register of Members interests and gifts and hospitality.	Section 29 of the Localism Act 2011 and Members Code of Conduct
11.	Advice to members on interpretation of the Code of Conduct	Authority procedure

12.	Investigating report on allegations of misconduct	Authority procedure
13.	Appoint a person to investigate and report on allegations of misconduct where relevant	Authority procedure
14.	Arrange sub-committee hearings to consider reports from the Monitoring Officer or other investigating officer on allegations of misconduct by a Member.	Authority adopted procedure
15.	Advice to members on interpretation of Code	Code of Conduct for Members and Co-opted Members and regulations when made
16.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Chapter 7 – Standards Localism Act 2011
17.	Compensation for maladministration	Section 92 LGA 200
18.	Advice on vires issues, maladministration, financial impropriety, probit and policy framework and budget issues to all Members	DETR Guidance