

# NORTH HERTFORDSHIRE DISTRICT COUNCIL



14 October 2025

Our Ref Standards Committee 22 October 2025  
Contact. Committee Services  
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To:

District Councillors Vijaiya Poopalasingham (Chair), Ian Albert (Vice-Chair),  
Val Bryant, Elizabeth Dennis, Dominic Griffiths,  
Keith Hoskins, Chris Lucas, Ian Mantle,  
Caroline McDonnell, Ralph Muncer, Sean Nolan and  
Sean Prendergast.

(Substitutes: Councillors Sam Collins, Emma Fernandes, Tim Johnson, Paul Ward,  
Donna Wright, Joe Graziano, Nigel Mason, Claire Strong,  
Lisa Nash and Laura Williams.

Parish Councillors Parish Councillor Rebecca Elliott and Parish Councillor  
Martin Griffin (Co-opted non-voting Members)

Independent Persons Nicholas Moss OBE (Independent Person)  
Patrick Hodson (Reserve – Independent Person) –  
advisory roles

**NOTICE IS HEREBY GIVEN OF A**

## **MEETING OF THE STANDARDS COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCHWORTH GARDEN CITY, SG6 3JF**

On

**WEDNESDAY, 22ND OCTOBER, 2025 AT 7.30 PM**

Yours sincerely,

Isabelle Alajooz  
Director – Governance

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

## **Agenda** **Part I**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2. MINUTES - 5 MARCH 2025</b>	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 5 March 2025.	(Pages 5 - 10)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chair will decide whether any item(s) raised will be considered.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	
<b>6. STANDARDS MATTERS REPORT</b>	REPORT OF THE DIRECTOR – GOVERNANCE AND MONITORING OFFICER  The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints received for the year 2025 thus far, as well as any other relevant issues that have arisen between Committee meetings.	(Pages 11 - 16)

7. **ADOPTION OF UPDATED GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES** (Pages 17 - 28)  
REPORT OF THE DIRECTOR – GOVERNANCE AND MONITORING OFFICER

To provide the Committee with an updated guidance document on the duties, obligations and liabilities that Councillor's will have if they are appointed to (or are on) an outside body, highlighting the main changes to the previous guidance.

8. **ADOPTION OF THE MONITORING OFFICER PROTOCOL** (Pages 29 - 58)  
REPORT OF THE DIRECTOR – GOVERNANCE AND MONITORING OFFICER

To provide the Committee with a proposed Monitoring Officer protocol and to note the recent guidance document on the Golden Triangle and consider the recommendation to Full Council that the protocol be adopted into the Council's Constitution.

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# Public Document Pack Agenda Item 2

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON WEDNESDAY, 5TH MARCH, 2025 AT 7.30 PM

### MINUTES

**Present:** *Councillors: Alistair Willoughby (Chair), Ian Albert (Vice-Chair), Ruth Brown, Val Bryant, Elizabeth Dennis, Keith Hoskins, Vijaiya Poopalasingham, Sean Prendergast, Emma Rowe and Tom Tyson*

*Parish Councillors: Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin, non-voting advisory roles.*

*Nicholas Moss OBE and Wai Bing Hui (Reserve Independent Person), non-voting advisory roles.*

**In Attendance:** *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Faith Churchill (Democratic Services Apprentice), James Lovegrove (Committee, Member and Scrutiny Manager) and Jeanette Thompson (Service Director - Legal and Community)*

**Also Present:** *There were no members of the public present for the duration of the meeting.*

## 8 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 25 seconds*

Apologies for absence were received from Councillor Dominic Griffiths.

Councillor Michael Muir was absent.

*N.B. Councillor Ruth Brown entered the chamber during this item at 19:31*

## 9 MINUTES - 23 OCTOBER 2024

*Audio Recording – 1 minute 45 seconds*

Councillor Alistair Willoughby, as Chair, proposed and Councillor Keith Hoskins seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 23 October 2024 be approved as a true record of the proceedings and be signed by the Chair.

## 10 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 18 seconds*

There was no other business notified.

**11 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 23 seconds*

- (1) The Chair advised that, in accordance with Council policy this meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised for the purpose of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.

**12 PUBLIC PARTICIPATION**

*Audio recording – 2 minutes 58 seconds*

There was no public participation.

**13 STANDARDS MATTERS REPORT**

*Audio Recording – 3 minutes 2 seconds*

The Monitoring Officer presented the report entitled 'Standards Matters Report' and highlighted that:

- In 2024, there were 19 complaints received, as outlined in the Table under 8.3 of the report, and in 2025 there had been 3 complaints received to date.
- The Complaints Handling Procedure was updated in June 2024, at which time it had been suggested that the time limit for complaint responses change to 3 months. However, due to announcements following the meeting regarding English Devolution, it was not proposed to continue with the proposed review of these issues, until there was a clearer national picture.
- Following the Constitutional and Governance review and, taking into account national proposals to make a Standards Committee mandatory, the Terms of Reference of this Committee had been strengthened.
- Proposals on national Standards Matters, as included in the English Devolution White Paper, were outlined at 8.10 of the report. The Monitoring Officer confirmed that she and Independent Person attended the Committee of Standards and Public Life and part of their response on the proposals.

The Independent Member noted that the establishing of a single, national code of Standards was one of the most important parts of the proposals, as this would streamline the overall process.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson

In response to questions, the Monitoring Officer advised that:

- An advisory recommendation had been sent to the Mayor and Clerk at Royston Town Council regarding complaint 18/2024, and it was brought to the attention of Members for awareness of the lack of response. The lack of response may be due to staffing issues.

- The Word 'that' is missing from the sentence at paragraph 8.11, which should read as follows "The Chair of Standards Committee has indicated that he has been promoting that through Group", in reference to the consultation.

As part of the questions the Independent Person gave his endorsement of the Standards Matters Report as well as commenting positively on the National Code of Standards.

Councillor Sean Prendergast proposed, and Councillor Ian Albert seconded the motion.

The following Members took part in the debate:

- Councillor Elizabeth Dennis
- Councillor Val Bryant
- Councillor Tom Tyson

Points raised in the debate included that:

- Having standards training figures for Members was useful, further to this an anonymised update on all mandatory training for Members would be a beneficial addition to the report.
- Subject to the changes within the English Devolution White Paper, North Herts District Council may not exist in its current form; a Unitary authority may lead to Parish Councils taking on more, therefore the National Code of Standards should be applicable at all levels of Government.
- Looking at the complaints table the majority of the complaints come from a Parish and Town Council level and therefore that level of Government should comply with Standards Guidance.

Councillor Elizabeth Dennis proposed an additional recommendation to include the addition of mandatory training completion figures of Members as part of the report. This amendment was accepted into the substantive motion by the original proposer Councillor Sean Prendergast and Councillor Ian Albert seconded.

As part of the debate the Parish Councillors in attendance shared their views on the applicability of Standards Guidance at their respective Parishes.

As part of the debate the Monitoring Officer advised that during the Committee of Standards and Public Life meeting that although popular, mandatory guidance at Parish and Town level was not deemed necessary at the time. This could change as part of devolution and national guidance.

As part of the debate the Independent Person suggested it was a bad idea to adjust the National Code of Standards at different levels of Government as decent behaviour should be universal for all Members regardless of the level of practice.

Having been proposed and seconded and, following a vote, the substantive motion was:

**RESOLVED:** That the Committee

- (1) Noted the content of the report and makes any suggestions on future actions.
- (2) Noted the changes to the Standards Committee's local remit and potential changes in future following the publishing of the English Devolution White Paper.
- (3) Suggested the addition of mandatory training completion figures of Members (Safeguarding and Data Protection) be added to the report

**REASONS FOR DECISIONS:** To ensure good governance within the Council and keep the Committee abreast of changes locally and nationally.

## 14 ANNUAL WHISTLEBLOWING POLICY REVIEW

*Audio Recording – 27 minutes 5 seconds*

The Monitoring Officer presented the report entitled 'Annual Whistleblowing Policy Review' and advised that:

- The policy was brought to the attention Member of this Committee due to their increased remit.
- In accordance with best practice the policy is reviewed annually.
- The policy was based on the guidance of the charity Protect and was adjusted to fulfil the specific needs of the Council.
- The majority of changes for this year were minor administrative changes.
- A benchmarking assessment carried out with Protect highlighted a need for an amendment advising staff they could go to outsider organisations.
- Engagement was highlighted as an issue, currently this was encouraged by an annual notice in Insight and posters on each floor of the Council offices.
- Further action was required to improve engagement. This would include whistleblowing training and named champions within the Council.
- Last year there was no incidents of whistleblowing and the previous year there was one incident.

The following Members asked questions:

- Councillor Emma Rowe
- Councillor Ian Albert
- Councillor Val Bryant
- Councillor Vijaiya Poopalasingham
- Councillor Sean Prendergast
- Councillor Elizabeth Dennis
- Councillor Tom Tyson
- Councillor Alistair Wiloughby

In response to questions, the Monitoring Officer advised that:

- The engagement rating related to how well the Whistleblowing Policy was being communicated to staff.
- The Council would be taking the engagement rating onboard and aimed to form a Whistleblowing team. Then the policy could be updated between now and the annual review if necessary.
- The Whistleblowing Policy was not part of the induction of new staff, but all staff sign off annually that they are aware of the Policy. the Monitoring Officer would consult further with HR on this matter.
- The wording of the page 30, relating to anonymous reports could be altered if Members wished; however, it was not always possible to keep cases of whistleblowing anonymous and if parties were unaware of the person raising the concern, they would not attract the protection under legislation.
- A generic anonymous whistleblowing form could be something the Council implements in the future.
- The information given during a report would be kept confidential unless permission was given or an incident needed to be reported to the police.

In response to questions, the Committee, Member and Scrutiny Manager advised that Whistleblowing was not currently part of the Member Induction pack, but this could be added.

In response to questions, the Independent Person noted that a balance should be struck between anonymity and protecting those being complained about, and there were sometimes legitimate grounds to remain anonymous.

Councillor Ruth Brown proposed, and Councillor Keith Hoskins seconded the motion.

The following Members took part in the debate:

- Councillor Elizabeth Dennis
- Councillor Ruth Brown
- Councillor Emma Rowe
- Councillor Val Bryant
- Councillor Sean Prendergast

Points raised in the debate included that:

- Whistleblowing should be part of the mandatory training for Members.
- Councillors believe that an anonymous report form, would help staff feel more secure reporting concerns.
- Softening the wording in paragraph 3 would help but also anonymity could be achieved by a new form.

As part of the debate, Councillor Elizabeth Dennis proposed that the Whistleblowing Policy be included within the Code of Conduct training, which was mandatory for Members to complete, this was accepted by the proposer and seconder of the motion.

Having been proposed and seconded and, following a vote, the substantive motion was:

**RESOLVED:** That the Committee

- (1) Considered and noted the Annual Report, together with the actions proposed post benchmarking.
- (2) Approved the Whistleblowing Policy, Appendix 1, in relation to anonymous allegations, as amended, as follows:

Page 30 of agenda item:

*“Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Monitoring Officer.”*

*“In exercising this discretion the factors to be taken into account would include:*

- *the seriousness of the issues raised;*
- *the credibility of the concern;*
- *the likelihood of confirming the allegation from other sources and;*
- *the reasoning behind wanting to remain anonymous.*

*Please remember that if you do not tell us who you are (and are therefore raising a concern anonymously) it will may be difficult for us to look into the matter...”*

- (3) Requested that the Whistleblowing Policy be included within the Code of Conduct training, which was mandatory for Members to complete.

***REASONS FOR DECISION:***

- (1) Good practice indicates that the Whistleblowing Policy should be reviewed annually. It affords the opportunity to comment on and improve arrangements at the Council.
- (2) To ensure Members are aware of the Whistleblowing Policy and their role within the Policy.
- (3) To use wording that encourages Council employees to use the Whistleblowing Policy as often as required.

The meeting closed at 8.45 pm

Chair

## STANDARDS COMMITTEE

22 OCTOBER 2025

### \*PART 1 – PUBLIC DOCUMENT

**TITLE OF REPORT: STANDARDS MATTERS REPORT**

**REPORT OF: DIRECTOR: GOVERNANCE AND MONITORING OFFICER**

**COUNCIL PRIORITY: RESPONSIBLE GROWTH**

#### **1. EXECUTIVE SUMMARY**

- 1.1 The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints received for the year 2025 thus far, as well as any other relevant issues that have arisen between Committee meetings.

#### **2. RECOMMENDATIONS**

- 2.1. That the Committee notes the content of the report and makes any suggestions on future actions.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure good governance within the Council and keep the Committee abreast of changes locally and nationally.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

#### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 Group Leaders and the Standards Committee Chair is kept informed of Monitoring Officer and standards matters issues during briefing sessions. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Persons ('IPs') and the Chair and Vice Chair of Committee. Any relevant standards matter comments from the IPs meetings are part of the regular briefings with Group Leaders.

#### **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

#### **7. BACKGROUND**

- 7.1 Within its terms of reference the Standards Committee has a function "*to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority*". The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist with, areas of Member conduct.

## 8. RELEVANT CONSIDERATIONS

### Local

#### North Hertfordshire complaints/ issues update

#### Complaints:

- 8.1 The complaints reported below, are complaints and recommendations that have a) been concluded and/ or b) received, since the beginning of the year, 2025.
- 8.2 During the calendar year of January 2025 – October 2025, **11** complaints/ issues have been received.
- 8.3 As per normal practice a summary of the complaints and decisions are provided for the year commencing January 2025, to date. This reporting below is compliant with the Committee on Standards in Public Life ('CSPL') good practice recommendations. Note, where the decision at assessment stage is informal action – the Councillors have not been named. Complaints are treated as confidential, in so far as complainant and the Councillor subject to the complaint is concerned, unless they have reached what will generally be a public stage of the Procedure (i.e. Sub-Committee hearing). Decision outcomes are, however, reported through to the local council Parish/Town/ Community (Clerk and Chair or alternative as appropriate) and relevant Group Leader (or alternative as appropriate). The complaints are as follows – RAG colour coding denotes those completed – Green, with ongoing Orange and outstanding Red:

Complaint about: Parish/ Town or District Councillor	Basic summary of complaint	Action <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
1/2025 complaint in respect of District Councillor.	Breach of Code of Conduct at Council meeting 23.1.25	No breach of the Code of Conduct, therefore no further action.
2/2025 issue raised in respect of a District Councillor.	Comments at a Council meeting regarding officers.	Apology provided at the next meeting by the Councillor; no further action.
3/2025 complaint from a councillor regarding another councillor.	Handling of leadership restructure agenda item at council meeting	No breach of the code, no further action, the independent person also agreed with this decision.
3B/2025 complaint from a councillor regarding another councillor.	Comments uploaded to social media that could cause offence and concerning County Election	Dealt with by the Returning Officer directly with the councillor's agent and the group leader.
4/2025 issue raised regarding a councillor	Issue was regarding campaign literature, not really a complaint more so to make the monitoring officer aware	No further action.
5/2025 complaint from a councillor regarding another councillor.	Alleged bullying, unacceptable behaviour in meetings and via correspondence	Determined to be party political business not the Council's, no further action.
6/2025 complaint from a member of the public regarding a councillor	Alleged bullying as well as a safeguarding issue raised.	Matter was closed due to no further information provided.
7/2025 complaint from a member of the public regarding a councillor	Alleged bullying as well as a safeguarding issue raised.	Matter was closed due to no further information provided.

8/2025 complaint from a member of the public regarding a Town councillor.	Complaint relating to a post uploaded to Facebook.	Matter was closed due to no further information provided.
9/2025 complaint from a member of the public regarding a councillor	Alleged safeguarding incident.	Email sent requesting further information and email sent to the councillor advising them to inform their party of the incident. No further action
10/2025 complaint from a councillor regarding another councillor	Alleged bullying, harassment.	No breach of the code, no further action, the independent person also agreed with this decision.
11/2025 complaint from a member of the public regarding three councillors	Alleged predetermination of a planning application as well as failing to declare interests.	Decision made that the complaint warrants no further action.

### **Complaints Handling Procedure - updated:**

- 8.4 This was last updated in June 2024. As the English Devolution White Paper has been published and there are proposed changes to the regime, no amendments to the Procedure are proposed at this stage.

### **Councillor training North Herts District Councillors**

- 8.5 All District Councillors undertook training in October 2024. This training was provided as an online course and is available via the Council's Growzone training platform. It is not currently proposed to repeat that training because it remains current, and as there are proposed changes to the regime, further updated training can be provided when any new Code or regime has been enacted.

### **National and Local Developments**

- 8.6 Since the Committee's last report in March 2025<sup>1</sup>, there have been further national developments in the Government's wider local government and devolution agenda. The English Devolution and Community Empowerment Bill, introduced to Parliament in July 2025<sup>2</sup>, seeks to strengthen local leadership and accountability through enhanced local powers, new governance arrangements for combined and unitary authorities, and provisions for neighbourhood governance.
- 8.7 The Bill focuses on structural reform and devolution rather than councillor conduct or ethical standards matters. However, explanatory material issued by DLUHC and commentary from the Local Government Association (LGA)<sup>3</sup> emphasise the continuing importance of transparency, accountability and strong local governance frameworks, particularly during any reorganisation or governance change.
- 8.8 Monitoring Officers across Hertfordshire continue to meet regularly through the countywide Governance and Monitoring Officers' Network, sharing best practice on complaint handling, training and constitutional updates to promote consistency and readiness for any future structural change flowing from the Bill.

<sup>1</sup> <https://srvmodgov01.north-herts.gov.uk/documents/g3719/Decisions%2005th-Mar-2025%2019.30%20Standards%20Committee.pdf?T=2>

<sup>2</sup> [English Devolution and Community Empowerment Bill - GOV.UK](#)

<sup>3</sup> [English Devolution and Community Empowerment Bill: 2025 Policy Summary | Local Government Association](#)

8.9 Locally, the Council has strengthened its own arrangements:

- the remit of the Standards Committee was broadened in 2024 to include advising the Council on ethical governance matters prior to submission to Full Council;
- The Code of Practice on Good Governance for Local Authority Statutory Officers<sup>4</sup>, developed collaboratively by Solace, CIPFA, and LLG, which provides a framework for the three most senior statutory officers to work effectively within the "Golden Triangle" to advise, implement, and achieve good outcomes for local authorities was presented and endorsed by the Committee in October 2024<sup>5</sup>;
- The Committee will receive a separate report with a recommendation to endorse the Monitoring Officer Protocol as part of our measures to further strengthen our internal governance framework;
- member induction and refresher ethics training remain mandatory for all councillors; and
- the complaints procedure is kept under review to ensure consistency with the LGA Model Code and to encourage proportional and informal resolution where appropriate.

8.10 Officers will continue to monitor legislative and policy developments, report any confirmed changes to the national standards framework, and update local arrangements accordingly.

## **9. LEGAL IMPLICATIONS**

9.1 The terms of reference of the Standards Committee include, at paragraph 7.5.1 of their terms of reference "to promote and maintain high standards of conduct by Members and Co- Opted Members of the authority".

## **10. FINANCIAL IMPLICATIONS**

10.1 There are no capital or revenue implications arising from this report at this stage.

## **11. RISK IMPLICATIONS**

11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

11.2 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

## **12. EQUALITIES IMPLICATIONS**

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest.

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<sup>4</sup> [Code-of-Practice-on-Good-Governance-for-Statutory-Officers-June-2024.pdf](#)

<sup>5</sup> [\(Public Pack\)Agenda Document for Standards Committee 23/11/2024 19:30](#)

**13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

**14. ENVIRONMENTAL IMPLICATIONS**

- 14.1 There are no financial implications to this report.

**15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 None other than again highlighting the ongoing resource implications for the complaints received.

**16. APPENDICES**

- 16.1 None.

**17. CONTACT OFFICERS**

- 17.1 Isabelle Alajooz Service Director: Governance & Monitoring Officer  
[isabelle.alajooz@north-herts.gov.uk](mailto:isabelle.alajooz@north-herts.gov.uk)

**18. BACKGROUND PAPERS**

- 18.1 None other than those referred to/ linked above.

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<b>STANDARDS COMMITTEE</b>
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<b>22 October 2025</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>
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**TITLE OF REPORT: ADOPTION OF UPDATED GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES**

**REPORT OF: DIRECTOR: GOVERNANCE / MONITORING OFFICER**

**COUNCIL PRIORITY: RESPONSIBLE GROWTH**

**1. EXECUTIVE SUMMARY**

To provide the Committee with an updated guidance document on the duties, obligations and liabilities that Councillor's will have if they are appointed to (or are on) an outside body, highlighting the main changes to the previous guidance.

**2. RECOMMENDATIONS**

- 2.1. That the Committee recommend that Full Council approve and adopt the updated guidance for Councillors.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1. The Council's current guidance to Councillors on Outside Bodies was last updated in 2016.
- 3.2. A full review of the guidance to Councillors on outside bodies has been necessary to ensure:
- Councillors are aware of their liabilities based on the type of organisation which they are appointed to and the risks associated with these appointments both to the Councillor and the Council.
  - That the guidance available to Councillors aligns with the updated statutory position and also best practice.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. None: The previous policy had not been reviewed or updated since June 2016.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. None

## **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

## **7. BACKGROUND**

- 7.1. Outside bodies are external organisations which have a separate governance structure to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership, joint working and knowledge and information sharing.
- 7.2. Some appointments to outside bodies are made because of a statutory or legal requirement to appoint one or more Councillors to them. In other cases, the constitution of outside bodies requires a Councillor to be appointed and can occasionally require that the Councillor appointed to them must come from the majority political group of the Council. It may also be the position that some outside bodies require representation from wards or are political appointments usually relating to the governmental nature of a body.
- 7.3. However, most appointments to outside bodies are discretionary, and take into consideration how representation on them adds value in terms of contributing towards the Council's priorities and strategic objectives.
- 7.4. The benefit of the Council appointing members to outside bodies is that it provides support to the organisation concerned, enables councillors to fulfil their community leadership roles and enables appropriate monitoring of community bodies. Councillors appointed to outside bodies can work with and alongside local community groups, helping to empower them in terms of addressing local issues and delivering sustainable solutions.
- 7.5. Appointments to outside bodies also enhance Councillors' representative and community leadership roles. Councillor representation also enables positive influence on the effectiveness of an organisation for the benefit of the wider community.
- 7.6. Different duties and responsibilities will apply depending on the individual Councillor's role on the outside body.
- 7.7. Councillors appointed to outside bodies need to be clear as to whether their duty is to the Council or to the outside body and will need to identify any potential conflicts of interest and seek advice where this situation presents itself.
- 7.8. Given the length of time since the review of the guidance, it is fundamental to ensure that the statutory position and references to the legislation remain accurate.

## **8. RELEVANT CONSIDERATIONS**

- 8.1 In recent years, Local Authorities have pressed the importance of understanding the markets that we are operating in, understanding and managing risks. Whilst the appointment to outside bodies can lead to increased community cohesion some councils have run into difficulties arising out of exposing themselves to significant risk.

- 8.2 Whilst this is not the case across the whole sector, the appointment of Councillors to outside bodies, without fully empowering Councillors to understand the risks in their appointment, could impact the sector's commercial reputation and on the reputation of the individual authority.
- 8.3 It is therefore fundamental that Councillors understand their obligations when appointed to outside bodies particularly around the liabilities they carry as well as the limitation of the Council in indemnifying their actions.

#### **Changes from the previous guidance**

- 8.4 It is important to note that there have been no fundamental changes to the approach adopted by the Council and the updates are limited to the explanatory nature, tone and clarity of the document so that it is now easier to read and digest.
- 8.5 In particular, the following points have been expanded and clarified:

#### **General:**

The initial part of the guidance has been overhauled in its entirety to reflect clearly:

- the three most common types of outside body,
- the most common types of roles under each of these outside body and
- the corresponding liabilities.

- 8.6 All reference to officer appointments on outside bodies has been removed for brevity and clarity.

#### **Conflicts of Interest:**

- 8.7 The conflicts of interest section identifies the need for Councillors to be diligent around identifying potential conflicts opposed to limited themselves to actual conflicts. It also in sets out practical examples of when a conflict may arise even though the Council and the outside body have the same overall aims and objectives Councillors cannot assume that their interests will always be the same.
- 8.8 Conflicts of interest may arise if:
- the Council is selling, donating or leasing land to the company.
  - the company and the council are negotiating a contract with each other.
  - the company is seeking funding from the council.
  - there is a dispute between the company and the council.
  - the company is tendering or negotiating to provide goods, services or works to the Council.
- 8.9 It also provides Councillors with the steps that should be taken when a conflict is identified.

### **Indemnity provisions:**

- 8.10 The guidance now clarifies the position around statutory immunity which is limited to occasions when a Councillor is acting within the course of their role and the occasions that this may be expanded by the Council such as:
- the appointment was approved by the NHDC and/or
  - the nomination was made by the Council, and
  - the appointment was specifically approved for the purpose of the indemnity.

## **9. LEGAL IMPLICATIONS**

- 9.1. The Council appoints annually to a wide range of diverse outside bodies. Such appointments may be made under the general power in the Local Government Act 2000 which allows the Council to do anything which is likely to promote the economic, social or environmental wellbeing of the area, unless specifically prohibited.
- 9.2. Members are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to Council on their involvement in outside companies to which they have been nominated by the Council.
- 9.3. Pursuant to Section 7 of the Constitution and in particular paragraph 7.5.10, the Terms of Reference of the Standards Committee will have the following roles and functions:

*‘to advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case this is reserved to another decision making body), including annual review of the Whistleblowing Policy and arrangements’*

Further Section 4 sets out that only Full Council will be responsible for *‘adopting and amending the Authority’s Code of Conduct for members and other codes and protocols comprising the ethical framework.’* This guidance falls within the remit of this responsibility.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no capital or revenue implications arising from this report at this stage.

## **11. RISK IMPLICATIONS**

- 11.1. Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. Appropriate guidance frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no equalities implications associated with this report.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to this report

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 There will be no impact.

## **16. APPENDICES**

- 16.1 Appendix A – Updated Guidance to Councillors on Outside Bodies

## **17. CONTACT OFFICERS**

- 17.1 Isabelle Alajooz: Director of Governance and Monitoring Officer  
[Isabelle.Alajooz@north-herts.gov.uk](mailto:Isabelle.Alajooz@north-herts.gov.uk).

## **18. BACKGROUND PAPERS**

- 18.1 None.

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## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

### **Introduction:**

This guidance is solely intended for the purpose of providing general advice on the duties, obligations and liabilities that you, as a Councillor will have if you are appointed to (or are on) an outside body.

Councillors may be appointed to varying organisations with differing roles. In some instances, Councillors will be bringing their experience, knowledge and expertise flowing from their appointment as a Councillor and in other instances the appointment will be distinct from your Councillor appointment.

The role of Councillors on outside bodies will depend on the nature of the outside body and the capacity in which you are appointed. The appointment may involve acting as a company director, the trustee of a charity or member of an unincorporated body. Each structure and appointment will hold differing levels of responsibility and liability.

In participating in outside bodies, Councillors *may* be expected to not only represent the interests of the Council but will have duties and responsibilities to the outside bodies. However, if the Councillor has been appointed into a decision-making role on the outside body, then they must act in the interests of that body and exercise independent judgment in making decisions in accordance with their duty of care to the body.

In all cases Councillors should: -

- Operate within the rules, and/or constitution of the outside body;
- Report back, *where appropriate*, to the Council or relevant Committee;
- Behave ethically and adhere to the NHDC Code of Conduct ('NHDC Code');
- Take an active and informed role in the affairs of the outside body.
- Note that Councillors are not on an outside body to represent their political party.

Conflicts of interests can often arise when Councillors are appointed to outside bodies and the Councillor is expected to manage these in accordance with this guidance.

This guidance cannot provide a detailed answer for all circumstances and consequently further advice and guidance should be sought from the Council's Monitoring Officer or Deputy Monitoring Officer if required.

### **1. Types of Organisation:**

Councillors may participate in a variety of external organisations either independently or as a representative of the Council.

Some of the most common examples of outside bodies are:

- Companies limited by guarantee/shares
- Charitable Trusts
- Unincorporated association (like a Panel, or Board)

#### **1.1 Companies Limited by Guarantee or Share**

Companies have separate legal identities.

They are set up by their members, who may be either shareholders or guarantors. Liability of company members is limited to the value of their shares or by guarantee.

## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

Directors of companies have a duty to the company to act in good faith to promote the success of the company. If they do not uphold this duty, they can incur personal liability, particularly if the company becomes insolvent.

### 1.2 **Charities**

A charity is an organisation which is established for charitable purposes only and is subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Some companies and unincorporated associations are established for charitable purposes and are regulated by the Charity Commissioners, to ensure that they are properly managed and are spending their money properly on the charitable objects.

### 1.3 **Unincorporated Associations**

Groups, which are neither limited companies nor charitable trusts, may be “unincorporated associations” which have no separate identity from their members.

## 2. **Types of Roles:**

When representing the Council on an outside body, Councillors are expected to:

- act in accordance with the constitution and framework set by the outside body;
- make independent and personal judgements in line with their duty of care to the outside body;
- behave ethically and comply with the Council's Code of Conduct for Members (Councillors) or except and insofar as it conflicts with any other lawful obligations to which that outside body may be subject;
- comply with any Code of Conduct or similar arrangements in place relating to the outside body
- take an active and informed role in the management of the outside body's affairs.
- be aware of any potential conflicts of interest that may arise as a result of the appointment and act/seek advice accordingly

There are several different types of roles that a Councillor may be appointed to take up, the most common ones are set out below with some general details of the responsibilities that they each hold:

- Director;
- Trustee;
- Representative/ member
- Observer

## 3. **Duties of a Director:**

Directors are effectively agents of the company and therefore owe a number of common law and equitable duties to the company. These duties are set out in the Companies Act 2006 and apply to both Executive and Non-Executive Directors

Directors must:

## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

- Act within their powers
- Promote the success of the company
- Exercise independent judgement
- Exercise reasonable skill, care and diligence
- Avoid conflicts of interest
- Not accept personal benefits from third parties
- Declare a personal interest in a proposed transaction/arrangement with the company.

### **3.1 Directors Liability**

A Directors fiduciary and general duties are owed to the company therefore third parties will not normally have a cause of action against the Director, unless they act in a way which creates a personal obligation.

Some of the more serious wrongdoings that can expose a Director to personal liability are set out below: -

- Wrongful trading – trading at a time when a company has no reasonable prospect of avoiding insolvent liquidation which can result in personal liability for the debts
- Fraudulent trading - knowingly to carry on the business of a company with intent to defraud creditors or potential creditors
- Exceeding authority
- Director personally guaranteeing performance
- Acting as a director whilst disqualified
- Failing to maintain company records

### **4. Duties of a Charitable Trustee**

Those who are responsible for the control and administration of a charity are referred to as Trustees.

It is important to highlight that companies limited by guarantee often have Directors who may be referred to as Trustees, particularly in charitable contexts, the terms are not interchangeable: A company limited by guarantee is a legal structure and the Directors are legally responsible for the company's management. Their powers are defined in the company's articles of association, while Trusteeship is a specific fiduciary role.

In situations where an organisation is a charitable company, then a Trustee will also be bound to act in accordance with the principles above as well as those set out below. There is an overlap of Trustee duties and those of a Director.

As a Trustee of a charity, you have a duty to act in the best interests of the charity and can be personally liable if you breach that duty.

**General duties** of a Trustee are:

- Fiduciary (loyalty to the Trust and a duty of care to act in its best interests, having regard to the interests of the beneficiaries, employees and creditors this applies to all types of Trustees).
- To promote the charity's purposes
- Acting for the benefit of the public
- Undivided loyalty to the beneficiaries of the charity
- Act in good faith
- Act within the powers of the Charity
- Prudence

## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

- Acting collectively

In addition to the above, a Trustee must ensure (if the charity is registered) that the information relating to the Trust and Trustees is registered with the Charity Commissioners and that the annual accounts and return are completed/filed.

### 4.1 **Liability of Trustees**

A charitable trust is not a separate legal entity therefore personal liability may be incurred if a Trustee:

- Acts outside the scope of the trust deed
- Falls below the required standard of care
- Makes a personal profit from the trust assets

### 5. **Non-corporate/ unincorporated associations**

An unincorporated association is simply described as a group of two or more individuals who come together for a common purpose. They are not separate legal entities, meaning the members, not the association or organisation, are legally responsible for its actions and debts.

The rules governing the Councillor's duties and liabilities will (or should) be set out in the organisation's constitution, which is simply an agreement between members as to how the organisation will operate.

Usually, the organisation's constitution will provide for a management committee to be responsible for the everyday running of the organisation.

Management committee members must act within the organisation's governing documents and the committee Terms of Reference and must take reasonable care when exercising their powers.

### 5.1 **Liability of being a member of the non-corporate/un-incorporated associations:**

There is an increased risk from the absence of a "corporate veil" of unincorporated associations.

A Councillor may, as a member of the association, be personally liable for claims against the unincorporated organisation if it has insufficient assets to meet any legal responsibility or debts.

### 6. **Conflicts of Interest:**

Conflicts of interest may arise between the Council and an outside body.

Even though the Council and the outside body have the same overall aims and objectives Councillors cannot assume that their interests will always be the same.

Conflicts of interest may arise if:

- the council is selling, donating or leasing land to the company.
- the company and the council are negotiating a contract with each other.
- the company is seeking funding from the council.
- there is a dispute between the company and the council.

## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

- the company is tendering or negotiating to provide goods, services or works to the council.

### Success of company/charity:

The Trustee/Director must consider what would **promote, the success of the company or the purpose of the charity** and have regard to the likely consequences of any decision in the long term.

If the Councillor believes they are unable to do this without compromising their role as a Councillor and the interests of the residents of the district then serious consideration should be given to resigning the post.

### Duty to Avoid:

There is a legal duty for Directors to avoid conflicts of interest.

There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances it would be inappropriate for the Councillor to take part in discussions upon such topics both as a Councillor and as a Director. If the conflict is a serious one or repeatedly presents itself then it may be appropriate for the Councillor to resign as a Director of the company.

If the Councillor has an interest in the proposed transactions, a declaration must be made of the nature and extent of such an interest. This may cover both the Councillor's own interests as well as those of the Council. Whether the Councillor is allowed to participate in the latter case will depend on the company's governance documents.

### Confidentiality:

Some outside bodies may require the Councillor to treat the body's business as confidential. This may sometimes create a dilemma for the Councillor and may seem contrary to the idea of assisting public accountability. However, Councillors will have to bear this confidentiality requirement in mind and consider the alignment with the duties to the Council and its residents.

### Actions:

If Councillors are uncertain whether a conflict of interest exists they should seek advice from the Monitoring Officer as soon as possible and also:

- Notify the company's board of directors,
- Take no further part in the matter on behalf of the company
- Consider the impact of this interest on any decisions you may be involved in at the Council

## 7. **Relationship between Code of Conduct and the Appointment to the body**

This Guidance should be read in conjunction with the NHDC's Code of Conduct for Members ([Section 17](#) of the Constitution). Councillors will be expected to comply with any code for the outside body when sitting on an outside body.

Councillors should ensure that they comply fully with their obligations to disclose interests where they are sitting as Directors or Trustees.

If Councillors are appointed to (or on) outside bodies and *this is not deemed a Pecuniary Interest*, then under the NHDC's Code it is likely to be a Declarable Interest. Therefore, if a relevant item of business comes to the Council – serious consideration has to be given

## GUIDANCE TO COUNCILLORS ON OUTSIDE BODIES

as to whether a Councillor can participate in that meeting and if unsure should seek advice *before* the meeting.

### 8. Immunity, Insurance and Indemnity:

- 8.1 Where a Councillors acts within the course of their duties and in good faith, they have statutory immunity against personal liability.

However statutory immunity **does not** apply where a Councillor acts on an outside body. In most circumstances, the corporate veil means that a company can fail, owing creditors large sums of money, **without** affecting the Directors. However, in certain circumstances, Directors are held responsible for a company's liabilities.

- 8.2 NHDC **may** therefore provide an indemnity where Councillors are acting on an outside body, provided that:

- the appointment was approved by the NHDC and/or
- the nomination was made by the Council, and
- the appointment was specifically approved for the purpose of the indemnity.

The indemnity afforded by NHDC is subject to limitations however in general terms it reflects the statutory immunity protection therefore when a Councillor is acting properly, within their powers and in good faith, the power to indemnify will usually apply.

Regardless of any immunity, indemnity or insurance, Councillors may still incur personal liability or have to defend themselves where allegations are made that:

- They acted outside the powers of the authority
- They acted in bad faith, fraudulently or out of malice
- Their actions constitute a criminal offence
- They made a defamatory statement

In cases where Councillors act as a Director or Trustee specifically in connection with the business of the outside body, then they will be regarded as serving the particular body rather than the Council and it is the expectation of NHDC that the outside body should insure / and or agree to indemnify the Councillor.

### 9. Administration and Contact Details for Councillors:

- 9.1. Committee Services are leading on the administration and record keeping relating to Members nominated to Outside Bodies.
- 9.2. Committee Services will be in contact annually near the end of each Civic Year to receive your Report for recording on the Outside Bodies Information Sheet.
- 9.3. If further advice is required, please contact the Monitoring Officer on [monitoring.officer@north-herts.gov.uk](mailto:monitoring.officer@north-herts.gov.uk)

<b>STANDARDS COMMITTEE</b>
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<b>22 October 2025</b>
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<b>*PART 1 – PUBLIC DOCUMENT</b>
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**TITLE OF REPORT: ADOPTION OF THE MONITORING OFFICER PROTOCOL**

**REPORT OF: DIRECTOR: GOVERNANCE / MONITORING OFFICER**

**COUNCIL PRIORITY: RESPONSIBLE GROWTH**

**1. EXECUTIVE SUMMARY**

To provide the Committee with a proposed Monitoring Officer protocol and to note the recent guidance document on the Golden Triangle.

The role of the Monitoring Officer is a significant one and it is important that there is full understanding of the rights, obligations and purposes of the role.

The emphasis on good governance has been heightened in recent years as an increased number of authorities find themselves in financial difficulties. To this end a commitment to integrity, transparency, and ethical conduct in all public administration and decision-making processes has taken centre stage.

The three statutory officers (Monitoring Officer, Chief Finance Officer and Head of Paid Service) who collectively form the 'golden triangle' should model behaviours consistent with good governance. It is essential that the occupants of these core roles work closely together to ensure that the Council operates effectively.

The combination of a Monitoring Officer protocol supported by the recent publication of the 'The Golden Triangle: Governance Roles and Responsibilities' (attached at Appendix 2) amplifies the commitment of the Council to the highest levels of ethical standards, in turn further enhancing the governance framework within which all work is undertaken.

**2. RECOMMENDATIONS**

That the Committee:

2.1 Note the guidance attached at Appendix 2 titled 'The Golden Triangle: Governance Roles and Responsibilities'.

2.1. Recommend that Full Council approve and adopt the Monitoring Officer Protocol into the Constitution.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1** The role of the Monitoring Officer has expanded over recent years. Monitoring Officers are also required to act as consultants to anyone within the Council on matters of legality, maladministration, and impropriety.
- 3.2** It is therefore considered that it would be good practice for the Council to introduce an appropriate Protocol.
- 3.3** In August 2025, Lawyers in Local Government (LLG), the Chartered Institute for Public Finance & Accountancy (CIPFA) and the Society for Local Authority Chief Executives & Senior Managers (SOLACE) collaborated to produce a new guide: 'The Golden Triangle: Governance Roles and Responsibilities' (attached at Appendix 2). Members are invited to give consideration to this guidance to enhance their overall understanding of the interwoven nature of the roles of the three statutory officers within the Council.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

None – There is no extant Monitoring Officer protocol

### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

None

### **6. FORWARD PLAN**

- 6.1** This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

### **7. BACKGROUND**

- 7.1** The Council's constitutional documents comprise various codes and protocols which govern the conduct of Officers and Members in carrying out their duties.
- 7.2** It is considered beneficial to have in place arrangements to ensure that the statutory officer post of Monitoring Officer can carry out their responsibilities with the support of Members and Officers. These arrangements, in the way of a Protocol should be adopted into the Constitution to ensure transparency on the role and also evidence the commitment of the Council to supporting the delivery of this statutory appointment.

### **8. RELEVANT CONSIDERATIONS**

- 8.1** The Local Government and Housing Act 1989 (The Act) introduced the requirement upon local authorities to appoint an officer to discharge the functions of Monitoring Officer. The primary function is to advise the Council on its legal responsibilities and constitutional framework and ensure compliance with all legal obligations.
- 8.2** The legislation which established the Monitoring Officer function also places a duty upon the officer to prepare a report when it appears to the officer that a proposal, act or omission of the Council (including by any individual or committee) has given, is likely to give or would give rise to a contravention of any enactment or rule of law or give rise to maladministration.

- 8.3 The Council has never adopted formal procedures for the discharge of this function. This may reflect the fact that, for the most part, risks of unlawfulness by the Council are addressed through the day-to-day work of the Council's officers and advisers, overseen by the Monitoring Officer.
- 8.4 Where an act or omission does lead to the Council being found to have acted in breach of its obligations this will be reported to members in some form but there is no current procedure within the Council to cover the requirements of s.5 of The Act.
- 8.5 The Protocol attached at Appendix 1 seeks to explain how the three statutory officers work together to ensure the Council's business is carried out in a lawful and compliant way, with specific reference to the duty held by the Monitoring Officer.
- 8.6 The statutory responsibility of the Council's Monitoring Officer is found under s.5 and s.5A of the Act and its application to the responsibilities. The protocol explains a) this legal requirement, b) sets out the arrangements in place to manage the risk of unlawfulness or maladministration by the Council c) sets out a procedure by which the Monitoring Officer discharges the responsibility in consultation with the other statutory officers and with particular reference to the preparation of reports to members.
- 8.7 There are two statutory provisions – s.5 of The Act covers the actions of the full Council and any non-executive committee and s.5A of The Act covers all Executive actions, by officers or members.
- 8.8 The protocol explains the considerations and actions to address any concerns about possible unlawfulness or maladministration and how the Monitoring Officer may act to avoid the need to prepare a formal report. It also covers the procedures that will apply should a report be needed.
- 8.9 It is not proposed that every occasion of unlawfulness or potential breach will lead to a report.
- 8.10 There are various arrangements in place for risks or incidents of legal breach or maladministration to be reported to members, including the publication of reports from the Local Government and Social Care Ombudsman and the complaints and whistleblowing reports referred to the Standards Committee. It is not proposed that those arrangements be changed

#### **The New Guidance: Golden Triangle: Governance Roles and Responsibilities**

- 8.11 During the last few years there has been an increased focus on the roles of the three statutory officers in ensuring propriety and lawfulness of Councils in challenging times. This led to the preparation of a Code of Practice, published in July 2024, by the three relevant professional bodies CIPFA, SOLACE and LLG.
- 8.12 Since publication of the Code of Practice, the same three professional bodies have produced an additional guidance document, attached as Appendix 2.
- 8.13 This short guidance provides a concise, structured, and clear outline of the three 'Golden Triangle' officer roles. The intention is that this guidance will help maximise transparency, clarity, and understanding around professional duties.

**8.14** Members are invited to give particular consideration to the general overview which sets out the joint collaborative responsibilities, these are set out below and are at the heart of effective leadership in these roles:

- Lead Ethically
- Act Wisely
- Act Effectively
- Understand Governance
- Build Resilience
- Delivery Sound decision making
- Resource the role

**8.15** These responsibilities collectively highlight the guiding principle that exceptional governance is qualitatively developed when the above features emanate from the leadership of the Council. The output is that of galvanised public confidence in the ability of the Council to deliver for the residents of the District.

## **9. LEGAL IMPLICATIONS**

**9.1.** The main body of this report contains the specific legal implications. In addition, this Protocol has been produced in light of the provisions of the Localism Act 2011 and associated regulations and will be kept under review and amended where necessary.

**9.2.** Pursuant to Section 7 of the Constitution and in particular paragraph 7.5.10, the Terms of Reference of the Standards Committee will have the following roles and functions:

*‘to advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case this is reserved to another decision making body), including annual review of the Whistleblowing Policy and arrangements’*

Further Section 4 sets out that only Full Council will be responsible for *‘adopting and amending the Authority’s Code of Conduct for members and other codes and protocols comprising the ethical framework.’* This guidance falls within the remit of this responsibility.

## **10. FINANCIAL IMPLICATIONS**

**10.1** There are no capital or revenue implications arising from this report at this stage.

## **11. RISK IMPLICATIONS**

**11.1.** Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.

**11.2.** Appropriate guidance frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

## **12. EQUALITIES IMPLICATIONS**

- 12.1.** In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2.** There are no equalities implications associated with this report.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1.** The Social Value Act and “go local” requirements do not apply to this report.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1.** There are no known Environmental impacts or requirements that apply to this report

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1** There will be no impact.

## **16. APPENDICES**

- 16.1** Appendix 1 – Monitoring Officer Protocol  
Appendix 2 - The Golden Triangle: Governance Roles and Responsibilities

## **17. CONTACT OFFICERS**

- 17.1** Isabelle Alajooz: Director of Governance and Monitoring Officer  
[Isabelle.Alajooz@north-herts.gov.uk](mailto:Isabelle.Alajooz@north-herts.gov.uk).

## **18. BACKGROUND PAPERS**

- 18.1** none

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# **MONITORING OFFICER ROLE AND FUNCTIONS PROTOCOL**

## **1. Introduction**

This protocol has been produced as a guideline for the benefit of Members and Senior Officers on the role of the Monitoring Officer and the arrangement for ensuring this role is carried out effectively.

The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989 and aims to promote and maintain high standards of conduct under the Localism Act 2011

This protocol is based on the understanding that the ability of the Monitoring Officer to undertake their role and effectively rests on:

- developing and maintaining effective working relations with colleagues and Members;
- the flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council);
- the culture of the Council that enables the Monitoring Officer to speak truth to power.

The Monitoring Officer and the Council must have systems and procedures in place that will bring to the function's attention any situations where issues of; illegality, maladministration or impropriety may arise.

The Monitoring Officer will provide appropriate and, if necessary, firm advice to Members to protect and safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

For the purposes of this Protocol, the term 'Monitoring Officer' includes: any person nominated by the Monitoring Officer as a Deputy Monitoring Officer for the purposes of Section 5(7) of the Local Government and Housing Act 1989; and any person nominated under the provisions of Section 82A(2) or (3) of that Act to perform any function.

## **2. Functions and Responsibilities**

The specific functions of the Council's Monitoring Officer are detailed in the Constitution.

The chief responsibilities include: -

(a) a duty to report under Section 5 Local Government and Housing Act 1989 to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal, improper or to constitute maladministration. These matters are referred to in this Protocol as "reportable incidents".

(b) ensuring that the Council acts in accordance within the legislative framework when undertaking its functions;

(b) ensuring compliance with any relevant Codes of Conduct, best practice and government guidance;

(c) upholding the public law principles of; legality, fairness, participation, accountability, consistency, rationality, proportionality and impartiality.

(d) Not taking action that would bring the Council, their offices or professions into disrepute.

(e) referring relevant matters to the Standards Committee in accordance with the Members' Code of Conduct as set out in Part 17 of the Council's Constitution.

(f) preparing reports for, and advising at meetings of the Standards Committee;

(g) giving informal advice to Members in relation to informal resolution of a complaint;

(h) preparing any training programme for Members on ethical standards and Code of Conduct issues;

(i) establish, maintain and publish the statutory register of Members' interests;

(j) referring any written requests for dispensations from Members and Co-opted Members

### **3. Discharge of Functions**

In order to ensure the effective discharge of the above duties, the Monitoring Officer will:-

(a) amplify the 'Golden Triangle' relationship by working closely with the Chief Executive and Director of Resources (S.151 Officer) in order to

review current and likely future issues with legal, constitutional, or ethical implications;

(b) maintain harmonious working relations with; Internal and External Auditors; the Local Government and Social Care Ombudsman and the Housing Ombudsman Service.

(c) ensure that the Council is kept abreast of new legislation and changes in the law which are relevant to the carrying out of the Council's activities.

### **3.1 Senior Management Group (SMG) responsibilities:**

SMG are fundamental in enabling the Monitoring Officer to be able to fulfil their statutory responsibilities to the highest standard and will ensure that:-

(a) The Monitoring Officer is consulted at an early stage on new policy proposals and on matters which have potentially significant legal implications;

(b) Ensure that all draft reports to the Council and Committees are as a matter of routine approved by the Monitoring Officer who should also be made aware of any headline issues;

(c) The Monitoring Officer is informed of all emerging issues of concern of a legal, ethical, or constitutional nature. Similarly, Members should ensure that the Monitoring Officer is consulted in respect of new policy/regulatory proposals.

### **3.2 Reportable Incidents:**

The Monitoring Officer will evaluate whether a reportable incident has triggered their statutory duty to act as set out below:

(a) The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality, or by identifying alternative and legitimate means of achieving the objective of the proposal.

The Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the Officer or Member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer.

(b) Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he must in appropriate cases seek to resolve the matter amicably, by securing that any illegality or failure of process is rectified. However, it is recognised that the Monitoring Officer may decide that the matter is of such importance that a statutory report is the only appropriate response.

(c) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer will be entitled to add their written advice to the report of any other Council officer.

(d) The Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Director of Resources (Section 151 Officer), that such is necessary to respond properly to a reportable incident.

### **3.3 Working Arrangements:**

The Monitoring Officer will remain front and centre of all decision making of the Council and therefore maintains the right to:

(a) See all documents and information held by or on behalf of the Council, including documents and information held by any Council officer or Member; However, this right does not extend to documents and information held by or on behalf of any political party represented on the Council.

(b) Require any Council officer or Member, or any contractor to provide an explanation of any matter under any investigation;

(c) Report to the Council, and its Committees, including a right to present a written report;

(d) Notify the Police, the Council's Internal and External Auditors, and other regulatory agencies of any issue of risk and concern and to provide them with information and documents to assist them with their statutory functions, after consultation with the Chief Executive and the Director of Resources;

(f) Obtain, at the Council's expense, legal advice, either internally or from an independent external solicitor, barrister, or forensic consultant, on any matter which it is believed to be a reportable incident.

#### **4.Resources:**

The Monitoring Officer shall report to the Council, as necessary on the staff, accommodation and resources she requires to discharge her statutory functions;

- (a) have sufficient resources to enable them to address any matters concerning her Monitoring Officer functions;
- (b) have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning their functions.
- (c) appoint a deputy(ies) and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer;

#### **5. Conflicts**

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential 'reportable incident' they must:

- (a) consult the statutory officers who may then either refer the matter to a Deputy Monitoring Officer for investigation and to report back to the Chief Executive or
- (b) request a neighbouring authority to make their Monitoring Officer available to the Council to investigate the matter and report to the Chief Executive and other statutory officers and/or the Council as appropriate.

#### **6. Insurance and indemnity arrangements**

Financial Services 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.

#### **7 Sanctions for breach of the Council's Codes of Conduct and this Protocol**

Complaints about any breach of this Protocol by a Member will be referred to the Standards Committee and to the relevant Leader of the Political Group.

Complaints about any breach of this Protocol by an Officer will be referred to the relevant Director and/or the Chief Executive.

## **8. Parish Councils**

This protocol is in respect of the Council **only** and not in respect of Parish Councils.

The Monitoring Officer has no powers to deal with issues of maladministration or lawfulness on the part of the Parish Councils nor in terms of the Constitution/Standing Orders of the Parish Council

Where a complainant considers that the complaint has not been satisfactorily dealt with, the matter must be referred back to the Parish Clerk via their formal complaints process (where they do not publish one you should make enquiries of their Clerk and/or their Chairperson).

The Monitoring Officer will provide assistance to Parish clerks over standards issues; however the principal source of advice on such matters should emanate from the Clerk

The Monitoring Officer is responsible for dealing and receiving complaints against Parish Councillors alleging breaches of a code of conduct however it will not always be an appropriate or necessary use of public resources for the Monitoring Officer to conduct an investigation.

## SUMMARY OF MONITORING OFFICER FUNCTIONS

1	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
2	Report of 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	Receive copies of whistleblowing allegations of misconduct.	Code of Conduct. Public Interest Disclosure (Whistleblowing) Protocol.
6	Investigate allegations of misconduct of Councillors under the authority's Code of Conduct in compliance with: -	Localism Act 2011

- regulations
- in liaison with Independent Member

7	Establish and maintain registers of Members' interests and gifts and hospitality.	Section 81 Local Government Act 2000 and Code of Conduct for Members.
8	Advice to Members on interpretation of Code of Conduct.	Code of Conduct for Members.
9	New ethical framework functions in relation to Parish Councils.	Section 83(12) Local Government Act 2000. Localism Act 2011.
10	Advising on appropriateness of compensation for maladministration.	Section 92 Local Government Act 2000.
11	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	New Council Constitutions Guidance paragraph 8.21.
12	Advise on any indemnities and	Regulations under Local Government Act 2000.

insurance issues for  
Members/Officers.

- |    |  |   |
|----|--|---|
| 13 | Advise on the introduction of Local Assessment arrangements. | Local Government and Public Involvement in Health Act 2007 (including amendments to the Local Government Act 2000). |
| 14 | Act as the qualified person.                                 | S36 Freedom of Information Act 2000 and Information Commissioner's Office Awareness Guidance                        |

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# **The Golden Triangle: Governance Roles and Responsibilities**

**This document is a quick guide to the role of the three statutory officers in local authorities that focus on governance.**

**It brings together material from existing published sources, including the [Code of Practice on Good Governance for Statutory Officers](#) published in 2024 by CIPFA, Solace and LLG**

## Introduction: What is the ‘Golden Triangle’?

As outlined in the [Code of Practice on Good Governance for Statutory Officers](#), the three roles of Head of Paid Service, Chief Finance Officer and Monitoring Officer work together to ensure good administrative, financial, and ethical governance of a local authority in the exercise of its functions. The statutory officers are expected to advise clearly with impartiality and integrity. This can mean delivering challenging messages, which makes it more important that these three key officers work closely together to connect properly with key stakeholders across the authority. For this reason, they are often referred to collectively as the governance ‘Golden Triangle’.

In addition, there are other key leadership roles within the council which also play an important governance role and sometimes have their own statutory responsibilities. So, while this document focuses on the three roles that make up the Golden Triangle, the wider leadership team of any council could also be referred to as a ‘Golden Star’ and has a vital role in governance.

Crucially, all of these officers work on behalf of, and under the authority of, the *whole* council – not just the administration – and operate within various legal and assurance frameworks as set out in legislation and by regulators.

## **The Golden Triangle explained**

### **Chief Executive/Head of Paid Service**

**The Chief Executive is expected to act as lead council adviser, managerial leader and discharge the statutory Head of Paid Service role.**

#### **Role Summary:**

- The Head of Paid Service holds the power to formally report to the full authority on their preferred design for the delivery, co-ordination, and integration of the authority's functions.
- In addition to the responsibilities entrusted to them by the elected members, the Head of Paid Service is statutorily responsible for the numbers, grades, roles, appointment, and discipline of all staff other than those roles where the individual council's constitution and terms of reference specify elected member decision making.
- They are also chief advisor to the authority and responsible for ensuring the best advice is available to it at all tiers and ensuring the efficient and effective implementation of the council's programmes and policies across all services and the effective deployment of the authority's resources to those ends.

#### **Key areas of responsibility**

**According to the [Local Government Chief Executive Development Framework, created by the Local Government Association and Solace through extensive engagement with current chief executives and other key stakeholders, including councillors](#), the core role of a Chief Executive includes the following seven key areas of responsibility:**

##### **➤ The core chief executive role**

- **Coordination:** design, delivery, coordination and integration of council functions
- **Management:** management arrangements including accountability of functions and staff
- **Staffing:** the numbers, grades, roles, appointment and discipline of staff
- **Advising the council:** ensuring best advice is available to the council at all tiers
- **Elections:** acting independently as electoral risk manager (ERM) and returning officer (RO) for local and national elections, although in some cases councils appoint officers other than chief executives to act as returning officer
- **Emergencies:** preparing and leading response and recovery from civil emergencies

## ➤ **Managerial Leadership**

- **Leadership:** accountable for overall service delivery and managerial effectiveness
- **Direction:** clarity of direction, and continuous improvement of functions
- **Culture:** building an open, inclusive, learning and public service focus
- **Risk, control and safeguarding:** effective internal control systems and (where appropriate) oversight of children's and adults' safeguarding
- **Teamwork:** effective working in teams, across the organisation and its partners
- **Collaboration:** co-design and delivery with service users, communities and partners

## ➤ **Good Governance**

- **Unified powers:** distributed decision-making in one corporate entity
- **Reasoned and reasonable:** basis of all decisions; sound ideas and good evidence
- **Open:** meetings held in public, transparency and disclosure, whistleblowing
- **Advice:** objective, impartial and open to formal scrutiny and public question
- **Independent:** use of independent people to assure proper and due process
- **Citizenship:** practice of governance links to everyday dialogue with residents

## ➤ **Resource management**

- **Budgeting:** prioritisation, resource allocation, revenues and controlled spending
- **Savings:** producing and delivering agreed savings to time and target
- **Investment** in infrastructure through borrowing / capital receipts, and so on
- **Asset management:** well-maintained assets (including information and data), managed corporately
- **Financial risk:** exposure to risk through mismatch of debts and obligations
- **Prudence:** investing and spending for long-term value as well as near-term cost / benefit

## ➤ **Politics and the political interface**

- **Impartiality** while ensuring that the council's agenda is progressed
- **Guiding** others to work effectively in a democratically accountable organisation
- **Politics:** values, basic beliefs and differing political perspectives
- **Political parties:** individuals, coalitions, factions, consensus and dissent
- **Tiers of government:** national, regional, combined authorities, local, parish
- **Interface and overlaps:** of officers with councillors, codes, protocols, respect

### ➤ **Public ethics**

- **Ethical principles:** rights and liberty of individuals, community and the public good
- **Ethical cultures:** cultural variety and dynamism about values
- **Fairness:** equal treatment, equal opportunity, relational equality, equity
- **Services:** ethics in service design, delivery, resource allocation and staffing
- **Practices:** planning, environment, housing and transport compared with people-focused services
- **Violations:** investigation and sanctions for ethical breaches and integrity violations

### ➤ **Continuous improvement**

- **Learning and curiosity:** collaborative, continuous and curious style of learning
- **Innovation:** creative experimentation, trial and error, transform where feasible
- **Service re-design:** customer centred service design
- **Digital and artificial intelligence:** technology-powered, new media enabled, but human-led
- **Performance:** reported metrics of relative cost effectiveness to comparators
- **Impact and results:** making a positive difference through impact and results

## **Monitoring Officer**

**The Local Government and Housing Act 1989 states that it is the role of the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution and fulfilment of statutory obligations. They are often, but not always, the head of legal services in a local authority.**

### **Role Summary:**

- Responsible for ensuring lawfulness and fairness in the operation of the local authority's decision-making process.
- They are responsible for the maintenance and interpretation of the authority's constitution, have a key role in promoting and maintaining high standards of conduct and should (according to the statutory Guidance) also be the 'proper officer' for the purposes of publication of decisions and access to information.
- The Monitoring Officer maintains a register of members' interests and makes determinations on members' sensitive interests.
- They have a duty to act when it appears to them that any proposal, decision, or omission by the authority has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law or amounts to maladministration.

### **Key Areas of responsibility**

**According to LLG, the role of the monitoring officer includes:**

- **Ensure legality:** Report any actions by the authority that may be unlawful or constitute maladministration.
- **Investigate misconduct:** Examine breaches of the council's code of conduct and prepare statutory reports if needed.
- **Maintain registers:** Oversee registers of members' interests and hospitality.
- **Advise on conduct:** Act as the principal adviser to the standards committee and provide guidance on ethical standards.
- **Oversight of the constitution:** Responsible for maintaining and interpreting the council's constitution.
- **Advice:** Provide advice to councillors and officers on governance, propriety, and legality.
- **Training and culture:** Develop training programmes on ethical standards and foster a culture of integrity.

- **Liaison role:** Collaborate with the Chief Executive and Chief Finance Officer on governance issues.
- **Political awareness:** Navigate complex political environments while remaining impartial and trusted.
- **Crisis management:** Act swiftly when issues arise, often mediating informally before formal investigations.

## **Section 151/Chief Finance Officer**

**The chief financial officer is an executive senior leadership role with overall responsibility for the organisation's financial affairs, activities and operations. The role of the CFO is not just a financial one; the CFO also has leadership responsibilities in respect of the organisation as a whole. For more information see [CIPFA's guidance on the role of the CFO in local government](#).**

### **Role Summary:**

- Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs, and to secure that one of its officers has responsibility for those affairs.
- They are responsible for managing the budget and must report to the authority on the robustness of the estimates for expenditure and income within the budget, and the adequacy of the proposed financial reserves.
- They have a duty to act in respect of unlawful expenditure or when it appears to them that the authority's expenditure incurred in a financial year is likely to exceed the resources available to meet it.
- S151 officers are available to provide professional advice to members to assist with their decision making. This is impartial advice. This advice does not have to be followed but councillors have to be aware of the implications if they decide to go against an officer recommendation.
- The Local Government and Finance Act 1988 section 114(7) requires all councils to provide their S151 officers with such staff, accommodation and other resources as are in their opinion sufficient to allow their duties section 114 to be performed.

Further information on processes for removal or constraints being applied to discharging duties can be found in CIPFA's guidance (link to follow).

### **Key Areas of responsibility**

**According to guidance published by CIPFA the role of the Chief Finance Officer includes:**

- **Skilled professional:** Being a skilled, experienced, trusted and respected finance professional.
- **Finance function leader:** Leading an efficient and effective finance function that supports the organisation and helps people to grow, both as individuals and as professionals.

- **Financial health and stewardship:** Ensuring the financial health of the organisation and maintaining stewardship of public resources.
- **Driving organisational performance:** Creating an enabling culture, driving organisational performance and helping to bring about positive change.
- **Looking outwards:** Looking beyond the organisation to explore the wider context, to respond proactively to change and to build strong relationships with others.
- **Professional Leadership:** ensure the authority complies with the statutory and good practice financial management codes and frameworks that apply to all local authorities, including [The Prudential Code for Capital Finance in Local Authorities](#); the [Treasury Management Code of Practice](#); CIPFA's [Financial Management Code](#); and the [Code of Practice on Local Authority Accounting](#).

# General overview of the three roles

## Duties and Responsibilities

Below is a short summary and outline of the duties of the three Golden Triangle officers. However, this should be read in conjunction with the [Code of Practice on Good Governance for Statutory Officers](#) published in 2024 by CIPFA, Solace and LLG where full details about the responsibilities of each officer can be found.

### Lead Ethically

- The Head of Paid Service, Chief Finance Officer, and Monitoring Officer (the statutory officers) have a particular responsibility for actively fulfilling and embedding the [Nolan Principles](#) across the work of their organisation – including elected members – and the wider public service system.

### Act Wisely

- The statutory officers should be seen as playing an important role in key decisions and policy making – especially in relation to matters which have potential significant financial, legal, or ethical implications – and in ensuring the proper functioning and good management of the local authority and its strategic leadership through attending meetings, having access to documents, and producing reports for the consideration of their authority's decision-making bodies.
- The three statutory officers must also have access to support services, networks, and whistleblowing allegations and complaints (unless about them and it leads to a conflict of personal interests) relevant to their functions and seek to resolve issues swiftly.

### Act Effectively

- Each of the statutory officers must have the autonomy to fulfil their statutory role and ensure that everyone is kept up to date on relevant changes to professional and legal practices.
- There must be a constructive working relationship between the three statutory officers and they should have regular meetings (with minutes), which should often include the Head of Internal Audit, to review current and likely future issues

that will raise political, financial, legal, staffing or other issues that may impact on their statutory duties.

- The statutory officers must have access to brief the Leader (or directly elected Mayor), other leading members of the authority and political group leaders, to discuss options, potential policies, decisions, and the required steps to deliver good governance.
- The three statutory officers have a positive duty to report illegality, fraud, or corruption to the relevant authorities. If a statutory officer believes another statutory officer to be guilty of a misdemeanour, relevant governance routes should be followed.
- The authority is required to provide the statutory officers with sufficient staff, accommodation, and resources to fulfil their duties.

### **Understand Governance**

- The statutory officers should prepare and give their advice comprehensively, professionally, and impartially and encourage other officers to do the same.
- They must provide mutual trusted support wherever possible but also recognise the separation of powers and duties between the three roles, so that each is able to demonstrate independence, challenge, and balance across the golden triangle.

### **Build Resilience**

- The statutory officers, or the authority, should make arrangements for the formal deputisation of their role. The role of civil contingencies leadership requires co-ordination of cover twenty-four hours a day.
- The statutory officers should seek to embed strong and sustainable governance awareness across the authority.

### **Deliver sound decision making**

- The statutory officers must be satisfied that the authority has appropriate procedures in place to make lawful decisions, including ensuring all draft reports for decision contain the correct content on legal and financial matters as well as statutory considerations such as equality duties, and ensuring attention has been paid to relevant resident and stakeholder consultation.
- The statutory officers must be aware of the local authority's interests in external companies or bodies and the decisions of those bodies that are to be reserved to

the authority as a member or investor. They must ensure that there are reporting mechanisms in place for any issues.

- The statutory officers should keep up to date with performance against the business plan, including social and financial returns on investments and take appropriate action where concerns arise.
- The statutory officers should seek to have a regular and independent review of the governance and existence of the authority's companies and partnership bodies undertaken. (For more information on this, please see the LLG's example [Code of Governance for Local Authority Interests in Companies](#) and the Local Partnerships' [Local Authority Company Review Guidance](#))
- The statutory officers must assist those involved in the authority and the authority's organisations, including shared service arrangements, to understand conflicts of interest, and seek to provide support and resolve those conflicts where they arise.
- The statutory officers should ensure that an appropriate review of the effectiveness of the authority's governance, controls and risk management takes place across its partnership and other delivery bodies.

## **Resource the Roles**

- The statutory officers must make clear (and satisfy themselves) as to what staff, accommodation and other resources are necessary to perform their duty and ensure that they have ready access to these resources.
- The statutory officers must ensure their authority understand and can apply the regulatory, developmental, and ethical requirements that are associated with their roles.
- The statutory officers should be supported to undertake continuous professional development with access to developmental resources.

The [Local Government and Housing Act 1989](#) requires that:

- The Head of Paid Service or Chief Finance Officer may not also be the Monitoring Officer, to provide balance and independence, and avoid any conflicts of interest

Due to the specific advisory duties of the Chief Executive, please also see the guidance from the [National Salary Framework & Conditions of Service Handbook](#) from the Joint Negotiating Committee for Local Authority Chief Executives. For example, the handbook states that the Chief Executive shall not be required to advise any political group of the council, either as to the work of the group or as to the work of the council, neither shall he or she be required to attend any meetings of any political group.

## Summary

Within local government, the Head of Paid Service, Chief Financial Officer, and Monitoring Officer all play critical parts in its functioning, as this document starts to set out. Embodying both neutrality and expertise, the officers fulfil critical advisory, managerial, and decision-making capacities, with the best interests of their local authority and long-term outlooks at the heart of their role.

Beyond these formal functions, these statutory officers contribute to a local authority's effective organisational culture through their managerial and leadership roles. They are a crucial element in managing internal relationships and cross-departmental working, all of which are key to supporting effective governance and, in turn, operation of the organisation.

Due to their unique position within local authorities, particularly in the governance of the organisation, they have 'statutory protection' to ensure they have the necessary authority to perform their roles. This ensures that they are able to advise the whole council and discharge their full duties to the best of their abilities. In order to provide the neutrality, adaptability, and expertise required of their roles, this protection is a necessity.

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