

COUNCIL

29 January 2026

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: ADOPTION OF THE MONITORING OFFICER PROTOCOL

REPORT OF: DIRECTOR: GOVERNANCE / MONITORING OFFICER

COUNCIL PRIORITY: RESPONSIBLE GROWTH

1. EXECUTIVE SUMMARY

To provide Members 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

It is recommended that:

- 2.1. Full Council approve and adopt the Monitoring Officer Protocol into the Constitution.
- 2.2. Note the guidance attached at Appendix 2 titled: The Golden Triangle: Governance Roles and Responsibilities.

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. The proposals of this report have been taken to Standards in accordance with the governance arrangements of the Constitution 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

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18. BACKGROUND PAPERS

18.1 none