

Item No	Referred from:	Standards Committee
6B	Date:	22 October 2025
	Title of item:	Adoption of the Monitoring Officer Protocol
To be considered alongside agenda item:		14

The report considered by Licensing and Regulation Committee at the meeting held on 22 October 2025 can be viewed here: [Agenda for Standards Committee on Wednesday, 22nd October, 2025, 7.30 pm | North Herts Council](#)

RECOMMENDED TO FULL COUNCIL: That Full Council approve and adopt the Monitoring Officer Protocol into the Constitution, subject to the comments and changes put forward by the Standards Committee.

REASON FOR RECOMMENDATION:

- (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.
- (2) It is therefore considered that it would be good practice for the Council to introduce an appropriate Protocol.
- (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.

Audio recording – 20 minutes 06 seconds

The Monitoring Officer presented the report entitled 'Adoption of the Monitoring Officer Protocol' and advised that:

- In recent years there had been more of an emphasis placed on ethical conduct, and this document sought to formalise how this worked at North Herts Council and outlined how the roles can be carried out effectively and independently.
- It would help to ensure that the role of the Monitoring Officer was understood by all, including Members, Officers and the public, and would embed the 'Golden Triangle' of roles within the Constitution.

The following Members asked questions:

- Councillor Ralph Muncer
- Councillor Paul Ward
- Councillor Ian Albert

In response to questions, the Monitoring Officer advised that:

- The term 'reportable instances' related to something which was reportable to the Monitoring Officer, which would cover Councillor Complaints, as well as other areas such as whistleblowing and safeguarding.
- If a complaint was received in relation to a politically charged matter, it may be best to refer the matter out to a neighbouring authority to ensure that there was a level of independence in the assessment of the complaint. This was allowed under the Complaints Handling Procedure.
- The Monitoring Officer role was appointed under the 1989 Act and the role was required to ensure all decisions of the Council were made lawfully. The Monitoring Officer should review and approve all decisions before being taken and no other Officer is able to do that within their role. Therefore, the Monitoring Officer role was described as 'front and centre' so that colleagues understood the oversight role of the Monitoring Officer within the decision making process of the Council.
- There were clear examples from other authorities where the role of the Monitoring Officer in decision making was unclear and the consequences this can have on the authority.
- The Monitoring Officer was not required to have oversight of decisions taken at Parish level.
- However, the Monitoring Officer was responsible for complaints made against Parish Councillors. The Complaints Handling Procedure outlined the need to assess and investigate complaints relating to Parish Councillors, and whilst a local resolution would be sought in the first instance, if this was not possible the normal criteria would apply for assessing these complaints.
- Should a complaint be received against a Parish clerk, this would be an employee matter as the clerk is not an elected position and therefore not covered by the Code of Conduct, and the Monitoring Officer would not be involved in these matters.
- The adoption of this Protocol into the Constitution would be for Full Council to consider and approve before formal incorporation.

As part of the debate, Councillor Ralph Muncer suggested that additional clarity should be added to make it clear what a 'reportable incident' was and that examples of when neighbouring authorities may be required to assist in assessments of complaints received should be included in the Protocol document.

Ahead of the vote, the Independent Person noted that there were small errors on pages 41 and 42 of the reports pack, including that complaints would be assessed prior to any investigation and reference to the Independent Member, rather than Independent Person.

In response to points raised, the Monitoring Officer thanked Members for their comments and suggestions to help ensure this was appropriate for both Members and Officers to understand. These amendments could be incorporated into the updated report which would be presented to Full Council, alongside the referral from this meeting.

Councillor Ralph Muncer proposed and Councillor Keith Hoskins seconded and, following a vote, it was:

RESOLVED: That the Committee noted the guidance attached at Appendix 2 titled 'The Golden Triangle: Governance Roles and Responsibilities'.

RECOMMENDED TO FULL COUNCIL: That Full Council approve and adopt the Monitoring Officer Protocol into the Constitution, subject to the comments and changes put forward by the Standards Committee.

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