

**Extract from:
Oxfordshire County Council Corporate Governance Library**

The Monitoring Officer

The Monitoring Officer is required to be appointed under Section 5 of the Local Government and Housing Act 1989.

The Monitoring Officer is statutorily responsible for reporting to the council on any proposal, decision or omission by the council, any committee, sub-committee, joint committee or officer which has given rise to, or is likely to or would give rise to a breach of the law or potential mal-administration.

Subject to consulting the Head of Paid Service and Chief Finance Officer in making any such report, it is a matter for the Monitoring Officer's discretion as to how they carry out their responsibilities and duties under Section 5.

The monitoring officer's duties have to be performed personally but they may appoint a deputy to act in their absence or illness.

The council has to provide monitoring officers with sufficient staff, accommodation and other resources as in their opinion are sufficient to allow their duties to be performed.

The appointment of the Monitoring Officer is a council function and their dismissal is subject to certain statutory procedures under the Local Authorities (Standing Orders) (England) Regulations 2001.

The Monitoring Officer also has responsibilities under section 28 of the Localism Act 2011 to investigate and report on allegations of a complaint against a Member.

Other functions

The Monitoring Officer has responsibilities under the council's Constitution including:

- monitoring, reviewing and (where authorised) changing the Constitution
- advising on the interpretation and application of the Constitution
- advising and determining on issues relating to the scope of the budget and policy framework procedure rules

The Monitoring Officer is the lead officer who works closely with and advises the Audit & Governance Committee. The Monitoring Officer is the lead legal adviser to the committee whose work includes:

- promoting and maintaining high standards of conduct by members
- receiving an annual report on the work of the Monitoring Officer

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The Monitoring Officer provides advice generally to members and officers on matters including:

- probity and ethical issues
- issues relating to possible mal-administration
- the legality and constitutional propriety of their actions

The Monitoring Officer has a key role to play in promoting good corporate governance and has delegated authority to approve all Corporate Governance Policies in consultation with the Section 151 Officer and the Leader and Deputy Leader of the Council.

The Monitoring Officer has a key role in supporting the council's complaints procedure and providing formal legal advice throughout the process.