

KENT MONITORING OFFICERS MUTUAL ASSISTANCE PROTOCOL

1. DEFINITIONS

- 1.1 'Participating Authority' shall mean the Kent authorities named within, and signatories to, this Protocol (Appendix 1).
- 1.2 'Monitoring Officer' shall mean the person within each Participating Authority who is designated as such pursuant to ~~S~~section 5 of the Local Government and Housing Act 1989 (as amended) or, where ~~he/she is~~they are unable to act, shall include any person nominated as their deputy for the purposes of that section.
- 1.3 'Independent Person' shall be interpreted in accordance with the- Local Authorities (Standing Orders) (England) Regulations 2001.

2. MUTUAL ASSISTANCE

- 2.1 This Protocol enhances existing arrangements for co-operation between Kent Monitoring Officers (KMOs) and allows for the creation of a cost effective and expeditious system whereby KMOs offer assistance to each other where, by reason of actual or likely conflicts of interest, non-availability, natural justice or other reasons, a Monitoring Officer is unable to carry out ~~his/her~~their functions within ~~his/her~~their authority.
- 2.2 The Participating Authorities have agreed to enter into arrangements for the provision of mutual assistance in connection with the Monitoring Officer's functions as follows:
- (a) ~~the statutory duty of~~ leading and carrying out an investigation of a Member complaint;
 - (b) ~~the statutory duty of~~ bringing ~~the a~~ Member complaint before ~~a sub-committee of~~ the Standards Committee;
 - (c) ~~the statutory duty of~~ advising the Standards Committee;
 - (d) ~~the provision of~~ providing general advice on issues related to the Member Code of Conduct;
 - (e) expressing a view or advising on a matter relating to a Member complaint which is the subject of investigation;
 - (f) any other aspect of Monitoring Officer activity deemed appropriate by the KMOs.
- 2.3 If a Participating Authority wishes to request assistance from the Independent Person of another Participating Authority in relation to functions under The Local Authorities (Standing Orders) (England) Regulations 2001 then The Monitoring Officer of the Participating Authority wishing to request assistance will address that request for

assistance to the Monitoring Officer of the other Participating Authority who will make relevant enquires of that authority's Independent Person(s) and will respond accordingly.

- 2.3 Nothing in this Protocol is intended to dissuade any Monitoring Officer from seeking private sector legal advice.

3. PARTICIPATING AUTHORITIES

- 3.1 The County of Kent shall for the purposes of this Protocol, be divided into the following geographical areas:

East Kent authorities

- (1) Ashford
- (2) Canterbury
- (3) Dover
- (4) Shepway
- (5) Swale
- (6) Thanet

West Kent authorities

- (1) Dartford
- (2) Gravesham
- (3) Maidstone
- (4) Sevenoaks
- (5) Tonbridge and Malling
- (6) Tunbridge Wells

County, London Boroughs and Unitary authorities

- (1) Kent County Council
- (2) London Borough of Bexley
- (3) London Borough of Bromley
- (4) Medway Council

- 3.2 Subject to clause 3.5, a Monitoring Officer shall in the first instance, seek assistance from a Participating Authority within their authority's geographical area, failing which, they may, as considered appropriate in the circumstances of the case, seek assistance from a Participating Authority outside their authority's geographical area.
- 3.3 KMOs shall use their reasonable endeavours to ensure that when assistance is provided, it is provided in a competent and cost effective manner and the presumption shall be, that KMOs shall use the resources of their own authority when providing assistance.
- 3.4 Taking into account their capabilities, resources and other factors such as potential conflicts of interest, KMOs may decline a request to assist.
- 3.5 **Reciprocal assistance**

A Monitoring Officer who is in receipt of assistance from a KMO, shall, be under an obligation to provide reciprocal assistance to the KMO, if requested. Once reciprocal assistance is provided, the obligation shall be discharged.

4. INSTRUCTIONS AND RECOVERABLE COSTS

- 4.1 When seeking assistance, the Monitoring Officer shall describe the work involved and provide a best estimate of time in sufficient detail.
- 4.2 KMOs shall respond within 7 days of receiving a request for assistance, either accepting or rejecting the request.
- 4.3 When accepting a request for assistance, KMOs may specify their hourly rate as charged to their authority (with no allowance for uplift) [plus VAT?].

5. COMMENCEMENT DATE

The date upon which the arrangements detailed in this Protocol take effect, subject to the duly authorised signature of all KMOs.

6. DURATION AND AMENDMENTS

- 6.1 The arrangements detailed within this Protocol shall continue to apply until discontinued by mutual determination.
- 6.2 Additions and/or amendments to this Protocol may be made at any time, subject to appropriate consultation with, and consent of, the KMOs.

APPENDIX 1

The undernoted Monitoring Officers agree to participate in the Mutual Assistance Protocol with immediate effect:

- 1. Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL**

Signed:

Date:

- 2. Canterbury City Council, Council Offices, Military Road, Canterbury, Kent CT1 1YW**

Signed:

Date:

- 3. Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR**

Signed:

Date:

- 4. Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ**

Signed:

Date:

- 5. Gravesham Borough Council, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU**

Signed:

Date:

- 6. Kent County Council, Sessions House, Maidstone, Kent ME1G 1XQ**

Signed:

Date:

- 7. London Borough of Bexley, Civic Offices, Broadway, Bexleyheath, Kent DA6 7LP**

Signed:

Date:

- 8. London Borough of Bromley, Civic Centre, Stockwell Close, Bromley, Kent BR1 3UH**

Signed:

Date:

- 9. Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JG**

Signed:

Date:

- 10. Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR**

Signed:

Date:

- 11. Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent TN13 1NG**

Signed:
Date:

12. Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

Signed:
Date:

13. Swale Borough Council, Swale House, East Street, Sittingbourne, Kent ME10 3HT

Signed:
Date:

14. Thanet District Council, Council Offices, P O Box 9, Cecil Street, Margate, Kent CT9 1XZ

Signed:
Date:

15. Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

Signed:
Date:

16. Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, Kent TN2 5LD

Signed:
Date: