

PROTOCOL

**ETHICAL FRAMEWORK - MEMBERS' CODE OF CONDUCT -
ALLEGED BREACHES**

MONITORING OFFICER

1. (a) This Protocol is endorsed by each of the following Local Authorities ("the Tees Valley Authorities") who will use best endeavours to ensure that its provisions are honoured:-

Darlington Borough Council	("Darlington")
Hartlepool Borough Council	("Hartlepool")
Middlesbrough Borough Council	("Middlesbrough")
Redcar & Cleveland Borough Council	("Redcar")
Stockton-on-Tees Borough Council	("Stockton")

- (b) Reference in this protocol to a Monitoring Officer of one of the Tees Valley Authorities means the following:-

Darlington's Borough Solicitor
Hartlepool's Chief Solicitor
Middlesbrough's Director of Legal & Democratic Services
Redcar's Assistant Chief Executive, and
Stockton's Director of Law and Democracy,

together with any of their nominated or appointed Deputies when acting in the role of Monitoring Officer.

2. This Protocol is intended to be applied in relation to a complaint about the conduct of any elected member or co-opted member of the Tees Valley Authorities or of any elected member or co-opted member of any Town or Parish Council for which any of the Tees Valley Authorities are the principal authority (all such elected members or co-opted members being referred to as "member"), where:-

- (i) the Standards Board for England (through an Ethical Standards Officer) has carried out an investigation (either partially or fully) and has referred a case back to a Monitoring Officer of one of the Tees Valley Authorities for referral to and determination by that Authority's Standards Committee, or
- (ii) the Standards Board for England has (through an Ethical Standards Officer) referred a complaint to a Monitoring Officer of one of the Tees Valley Authorities for investigation by that Monitoring Officer.

3. Where, in such circumstances, as specified in paragraph 2(i) above, the Monitoring Officer considers:-

- (a) that he/she cannot carry out his/her duties, as advisor to the Standards Committee, and further that the Deputy Monitoring Officer cannot carry out such duties, due to a conflict of interest, or because he/she is otherwise absent or unavailable;

and/or that

- (b) neither he/she, the Deputy Monitoring Officer nor any other appropriate person is able to fulfil the duty of reporting or presenting the case to the relevant Standards Committee.,.

the Monitoring Officer may contact the Monitoring Officer of the Authority specified next in the list of Tees Valley Authorities shown in paragraph 1(a) in order to determine whether that Monitoring Officer could assist in relation to either or both of paragraphs 3(a) or (b) above

- 4. Where, in such circumstances, as specified in paragraph 2(ii) above, the Monitoring Officer considers that:-

- (a) he/she cannot carry out his/her duties, as advisor to the Standards Committee, and further that the Deputy Monitoring Officer cannot carry out such duties, due to a conflict of interests or because he/she is otherwise absent or unavailable

and/or that

- (b) he/she cannot carry out that investigation and that there are no other appropriate persons, whether legally qualified or otherwise, who could carry out such an investigation, due to a conflict of interest or for any other justifiable reasons,

the Monitoring Officer may contact the Monitoring Officer of the Authority specified next in the list of Tees Valley Authorities shown in paragraph 1(a) in order to determine whether that Monitoring Officer could assist in relation to either or both of paragraphs 4(a) or (b) above.

- 5. If as a result of a request pursuant to paragraphs 3 or 4 above, assistance is provided then the Authority providing such assistance shall be entitled to charge for such assistance at the appropriate hourly rate or rates for the person, or persons concerned, plus disbursements, which may include any costs incurred as a result of that Authority having to pay any relevant insurance premium.
- 6. If as a result of a request pursuant to paragraphs 3 or 4 above, assistance is provided, then the Authority providing the assistance shall indemnify the recipient Authority in respect of any claim for negligence or wilful misconduct on the part of the officer or officers providing the assistance.
- 7. All documentation (including electronic data) and information arising from the provision of the assistance shall remain confidential and the officer or officers of the authority providing the assistance shall not release such information without the consent of the Monitoring Officer of the recipient Authority.
- 8. This Protocol may be amended, varied or extended in writing by agreement by all the Tees Valley Authorities.
- 9. In the event that any one or more of the Tees Valley Authorities wishes to cease to be a party to the Protocol, the remaining Authorities, if any, must decide whether or not to apply the Protocol as revised.

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Darlington Borough Council

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Hartlepool Borough Council

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Middlesbrough Borough Council

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Redcar & Cleveland Borough Council

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Stockton-on-Tees Borough Council

Dated: