

Appendix 1

Protocol for Mutual Assistance by Kent Monitoring Officers

The following Authorities acting by their respective Monitoring Officers have agreed to enter into this Protocol: -

- (1) Shepway District Council (“Shepway”) at Civic Centre Castle Hill Avenue Folkestone Kent CT20 2QY
- (2) Ashford Borough Council (“Ashford”) at Civic Centre Tannery Lane Ashford Kent TN23 1PL
- (3) Swale Borough Council (“Swale”) at Swale House East Street Sittingbourne Kent ME10 3HT
- (4) Canterbury City Council (“Canterbury”) at Council Offices Military Road Canterbury Kent CT1 1YW
- (5) Thanet District Council (“Thanet”) at Council Offices PO Box 9 Cecil Street Margate Kent CT9 1XZ
- (6) Dover District Council (“Dover”) at White Cliffs Business Park Dover Kent CT16 3PJ
- (7) Kent County Council (“KCC”) at Sessions House Maidstone Kent ME1G 1XQ
- (8) Medway Council (“Medway”) at Civic Centre Strood Rochester Kent ME2 4AU
- (9) London Borough of Bexley Council (“Bexley”) at Civic Offices Broadway Bexleyheath Kent DA6 7LP
- (10) Tunbridge Wells Council (“Tunbridge Wells”) at Town Hall Tunbridge Wells Kent TN2 5LD
- (11) Tonbridge & Malling Council (“Tonbridge”) at Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ
- (12) Dartford Borough Council (“Dartford”) at Civic Centre House Gardens Dartford Kent DA1 1DR
- (13) Gravesham Council (“Gravesham”) at Civic Centre Windmill Street Gravesend Kent DA12 1AU
- (14) Maidstone Borough Council (“Maidstone”) at London House 5/11 London Road Maidstone Kent ME16 8HR
- (15) Sevenoaks Council (“Sevenoaks”) at Council Offices Argyle Road Sevenoaks Kent TN13 1NG

Within this Protocol the term “Monitoring Officer” shall mean the person within each participating authority who is designated as such pursuant to S.5 Local Government and

Housing Act 1989 as amended or where he or she is unable to act shall include any person nominated as Deputy for the purposes of that section.

The presumption should be that Monitoring Officers for all Kent authorities will use the resources of their own authority in advising Standards Committees or in carrying out investigations.

1. Where: -

- (a) Counsel advises there is a conflict of interest within an authority such that neither the Monitoring Officer nor a member of their staff are competent to carry out the work associated with a Code of Conduct matter, or
- (b) Due to some other substantial reason,

Then the Monitoring Officer may seek assistance on the following terms.

- 2. The conflict of interest may be evidenced by the opinion of a Monitoring Officer, the advice of Counsel, a Standards Committee or the Standards Board for England and the nature of that conflict, or of some other substantial reason, shall be disclosed by the Monitoring Officer seeking assistance to the Monitoring Officer from whom that assistance is sought.
- 3. Kent will be divided into the following geographical areas: -

East Kent authorities

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

County and Unitary authorities

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

West Kent authorities

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

- 4. (a) Kent County Council, Medway Council and the London Borough of Bexley will seek assistance from each other failing which the County Council may seek assistance from such West Kent authorities and Medway Council from such East Kent authorities as their Monitoring Officers consider are appropriate in the circumstances of the case.

- (b) Subject to paragraph 5 below each authority will seek assistance from the higher numbered authority immediately above them. Failing that authority, they will proceed to the next highest numbered authority save for the highest numbered authorities who will apply to the authority with the lowest number and thereafter proceed upwards through the numbered authorities.
 - (c) If a Monitoring Officer determines that in the circumstances of the case he or she wishes to seek assistance from a Monitoring Officer from outside his or her own Authority's geographical area then they may do so but the Monitoring Officer approached in that way has no obligation to use his or her reasonable endeavours to assist.
- 5. A Monitoring Officer approached for assistance by a second Monitoring Officer shall use his reasonable endeavours to provide it if he has previously asked for assistance from that other Monitoring Officer and that assistance has been given. Once reciprocal assistance has been given to the other Monitoring Officer this obligation is discharged. If such an outstanding obligation exists between one Monitoring Officer and another then the Monitoring Officer owed the obligation may approach the other before approaching any other Monitoring Officer.
- 6. The obligations of the Monitoring Officer seeking assistance is to describe the work involved together with the best estimate of time in sufficient detail to allow another Monitoring Officer from whom assistance is requested to know the nature and scale of the task. The second Monitoring Officer must promptly seek clarification if necessary but having received sufficient detail must respond promptly accepting or rejecting the task. The task should only be rejected for reasons of pressure of work (which must be extreme if a reciprocal obligation as per paragraph 5 exists) or familiarity with the complainant and/or the victim. In his acceptance he should specify his hourly rate or rates (which should be his normal hourly rates charged to his own authority with no allowance for uplift) and identify with members of his staff (if any) who will be assisting in the task.
- 7. The Monitoring Officer who has successfully sought assistance from another Monitoring Officer shall use reasonable endeavours to render every assistance including arranging meetings of his authority's Standards Committee during the day.
- 8. Nothing in this Protocol is intended to dissuade any Monitoring Officer from seeking the preliminary views of other Monitoring Officers on whether a matter is suitable to be dealt with under this protocol or whether private sector legal advice is required.