

Part 5D - Head of Paid Service Protocol

1.0 General introduction to statutory responsibilities

- 1.1 The Head of Paid Service is a statutory appointment pursuant to section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in the Council.
- 1.2 The Head of Paid Service should undertake to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.
- 1.3 A summary list of the statutory responsibilities appears in the table annexed to this document.

2.0 Working arrangements

- 2.1 Having excellent working relations with Members and Officers will assist in the discharge of the statutory responsibilities of the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers should, therefore, work with the Head of Paid Service to discharge the Council's statutory and discretionary responsibilities.
- 2.2 The following arrangements and understandings between the Head of Paid Service, Chief Officers and Members are designed to ensure the effective discharge of the Council's business and functions. The Head of Paid Service will:
 - (a) Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including the manner in which the discharge by the Council of its different functions is co-ordinated, the number and grades of officers required for the discharge of its functions, the organisation of the Council's officers and the appointment and proper management of the Council's officers;

- (b) Have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (c) Have the right to attend any meeting of the Council (including the right to be heard and report to the Executive) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Council, Executive, Committee meetings and Sub-Committee meetings (or equivalent arrangements);
- (d) In carrying out any investigation(s) and exercising any duties have unqualified access to any information held by the Council and to any Officer who can assist in the discharge of the functions;
- (e) Ensure the other statutory officers (Chief Financial Officer and the Monitoring Officer) are kept up-to-date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- (f) Meet regularly with the Chief Financial Officer and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern described in e) above;
- (g) Report to the Council, from time to time, on the corporate approach of the Council and any necessary or desirable changes following consultation, in particular, with the Chief Financial Officer and Monitoring Officer;
- (h) As per the statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources required to discharge his/her statutory functions;

- (i) Have a direct relationship of respect and trust with the Leader, Deputy Leader and the Chairmen of the Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business;
- (j) Develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Council, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (k) In consultation, as necessary, with the Chairman of the Council, the Executive and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;
- (l) Have sufficient resources to address any matters concerning his/her Head of Paid Service functions
- (m) To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other legal or constitutional concerns to the Head of Paid Service, as soon as practicable.

2.3 The Head of Paid Service is also available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of officers.

2.4 To ensure the effective and efficient discharge of this protocol, the Head of Paid Service will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.

2.5 The Head of Paid Service will record details of any advice given.

SUMMARY OF HEAD OF PAID SERVICE FUNCTIONS

	Description	Source
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 4 Local Government and Housing Act 1989
2	Report on resources.	Section 4 Local Government and Housing Act 1988.
3.	All staff to be appointed on merit.	Section 7 Local Government and Housing Act 1989
4.	Duty to adopt Standing Orders with respect to staff.	Section 8 Local Government and Housing Act 1989
5.	Confidentiality of staff records.	Section 11 Local Government and Housing Act 1989
6.	Conflicts of interest in staff negotiations	Section 12 Local Government and Housing Act 1989
7.	Appointment of staff	Section 112 Local Government Act 1972