

11.15 Chief Officers Protocol

Statutory Responsibilities

- 11.15.1 This protocol provides some general information on how the statutory requirements of the Chief Officers will be discharged in the Council. These Officers are statutory appointments pursuant to the following legislation:
- The Head of Paid Service – Section 4 of the Local Government and Housing Act 1989
 - The Monitoring Officer – Section 5 of the Local Government and Housing Act 1989
 - The Chief Financial Officer – Section 151 of the Local Government Act 1972
- 11.15.2 The Chief Officers should undertake to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.
- 11.15.3 A summary list of the statutory responsibilities appears in the table at Appendix A.

11.16 Working arrangements

- 11.16.1 Having excellent working relations with Members and Officer will assist in the discharge of the statutory responsibilities of the Chief Officers. 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 Chief Officers to discharge the Council's statutory and discretionary responsibilities.

11.16.2 The following arrangements and understandings between the Chief Officers, Chief Officers and Members are designed to ensure the effective discharge of the Council's business and functions. The Chief Officers will:

- (a) Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including:
 - (i) The manner in which the discharge of 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 (Head of Paid Service)
 - (ii) Issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise (Monitoring Officer)
 - (iii) Issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss of deficit (Chief Financial Officer)
- (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) 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 any functions;
- (e) Ensure that all Chief Officers are kept up to date with relevant information regarding their statutory duties.
- (f) Ensuring that all Chief Officers meet regularly to consider and recommend action in connection with Corporate Governance issues and other matter of concern.
- (g) Report to the Council when necessary on the corporate approach of the Council, the Constitution and the Financial Regulations and any necessary or desirable changes following consultation with the Chief Officers.
- (h) Make a report to the Council, as necessary on the staff, accommodation and resources required

discharging their statutory functions.

- (i) Have a direct relationship of respect and trust with the Leader, Deputy Leader and the Chairman of the Regulatory and Scrutiny Committees with a view to ensuring the effective and efficient discharge of Council business.
- (j) Develop an effective working liaison and relationship with the External Auditor and the Local Government Ombudsman 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 Audit and Governance Committee/External Auditor:
 - (i) Defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved (Head of Paid Service)
 - (ii) Defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved (Monitoring Officer)

(iii) Defer the making of a formal report under Section 114, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved (Chief Finance Officer)

(l) Have sufficient resources to address any matters concerning their statutory functions.

(m) In the case of the Monitoring Officer and Chief Financial Officer, appoint a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Monitoring Officer/Chief Financial Officer.

11.16.3 To ensure the effective and efficient discharge of the arrangements as set out in paragraph 2.2 above, Members and Officers will report any breaches of statutory duty or Council policy and procedures and other legal, constitutional or financial concerns to the Chief Officers as soon as practicable.

11.16.4 The Chief Officers are available for Members and Officers to consult on any issues relating to their statutory remit.

11.16.5 The statutory officer or their deputy will record details of any advice given.

APPENDIX A

SUMMARY OF CHIEF OFFICERS' FUNCTIONS

THE HEAD OF PAID SERVICE		
	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 1989
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
THE MONITORING OFFICER		
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Receive copies of whistleblowing allegations of	Code of Conduct

	misconduct	
6	Establish and maintain registers of Members' interests and gifts and hospitality	Section 29 Localism Act 2011
7	Compensation for maladministration	Section 92 Local Government Act 2000
8	Advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	Government guidance
9	Maintain a log of Member training	Local requirement
CHIEF FINANCIAL OFFICER		
1	Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account	Section 114, 114a, 115, 116 Local Government and Finance Act 1988
2	Appointment of Deputy	Section 114 Local Government and Finance Act 1988
3	Report on resources	Section 114 Local Government and Finance Act 1988
4	Responsibility for the administration of financial affairs	Section 151 Local Government Act 1972
5	Borrowing, investment accounts and financial administration	Local Government Act 2003 Sections 1-92
6	Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts	The Accounts and Audit Regulations 2003 Local Authorities (Capital Finance and Accounting)(England) Regulations 2003