

Report to the Constitution and Member Services Standing Scrutiny Panel



Date of meeting: 15 February 2011

Subject: Statutory Officers - Protocols

Responsible Officer: I Willett (01992 564243)
(Deputy Monitoring Officer)

Democratic Services Officer: Mark Jenkins (01992 564607)
Democratic Services Officer

Recommendation:

To consider revised protocols for the three Statutory Officers and their relationship with the Council.

Report:

1. The Constitution and Members Services SSP considered a report on draft Protocols for the three Statutory Officers at the last meeting, namely:

Head of Paid Service (HOPS), Monitoring Officer (MO) and Chief Finance Officer (CFO).
2. The Panel asked for consideration to be given to incorporating within each Protocol details of how those functions will be carried out in the event that any of the designated officers has a conflict of interest which would rule them out of involvement. The arrangements for Deputies are as follows:
 - (a) HOPS – the Head of Paid Service would nominate a Director to carry out the function of the Head of Paid Service in the event that he was absent.
 - (b) MO – the Monitoring Officer had an appointed Deputy who would undertake the duties attaching to the Monitoring Officer position insofar as this did not involve detailed legal advice on the any point, in which case the DMO might need to obtain specialist legal advice either from within the Council or externally; and
 - (c) CFO – that there was a nominated Deputy Chief Finance Officer who would undertake the duties of the CFO.
3. Reference to Deputies has been included in all three Protocols.
4. The Panel also raised the question of how "perceived" or actual conflicts of interest should be raised in relation to the Statutory Officers. This has been discussed with the Corporate Governance Group (CGG) which suggests:
 - (a) that concerns should be raised either with HOPS or with the statutory officer concerned with a requirement for the question to be discussed and, if necessary,

advice from CGG taken. CGG stresses that the question of whether a conflict of interest exists is a matter for the statutory officer concerned, as is the case with Councillors.

5. In the event that the concerns centre on HOPS, it is suggested that concerns should be raised with officers concerned directly or via the Monitoring Officer. Advice and discussion would then follow, if necessary involving CGG.
6. On the question of raising concerns at meetings, it is the view of CGG that it is undesirable for these questions to be raised at any formal meeting of the Authority. Such issues benefit from discussion in advance of meetings in the manner suggested above.

Budgets

7. The Panel raised further questions about budgets. CGG advises that these officers do not have dedicated budgets specifically for those functions. Each designated officer is of Director status, with access to other budgets for their Directorate, or could discuss use of other Council budgets.

Review

8. The Panel indicated that they wished to review these Protocols every two years.

Conclusion

9. The points raised at the last meeting have been incorporated in the revised protocols attached. (Appendices 1-3)