

Report to the Overview and Scrutiny Committee

Report of: Constitution & Member Services SSP

Date of meeting: 28 February 2011

Subject: Statutory Officers – Protocols

Chairman: Councillor Mrs M McEwen



Recommendation:

That a report be submitted to the Council recommending:

- (a) that protocols for the three Statutory Officers and their relationship with the Council, set out in Appendices 1-3 be adopted; and**
- (b) that these protocols be reviewed every two years in future.**

Report:

1. We have considered, on two occasions, 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. We 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.
3. The arrangements for Deputies are as follows:
 - (a) HOPS – the holder 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 has an appointed Deputy who would undertake those duties insofar as this did not involve detailed legal advice on any point, in which case specialist legal advice either from within the Council or externally could be sought; and
 - (c) CFO – there is a Deputy Chief Finance Officer who would undertake the duties of the CFO.
4. We have included reference to these arrangements in all three Protocols.
5. We also raised the question of how “perceived” or actual conflicts of interest should be dealt with in relation to the Statutory Officers. We asked that this be discussed further with the Officers’ Corporate Governance Group (CGG) and we support the suggested proposals as follows:
 - (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 but the question of whether a conflict of interest exists is solely a matter for the statutory officer concerned, as is the case with Councillors.

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

Budgets

8. We raised further questions about budgets and have been advised that these officers do not have dedicated budgets specifically for those functions. Each designated officer and deputy is of Director status, with access to other budgets for their Directorate, or could discuss use of other Council budgets.

Review

9. We recommend that these Protocols be reviewed every two years.

Conclusion

10. We recommend as set out at the commencement of this report.