

REGULATION 2: RESPONSIBILITIES OF STATUTORY OFFICERS - PROPOSED

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- 2.1 **General**
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- 2.3 **The Monitoring Officer**
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2.1 **GENERAL**

2.1.1 In accordance with the Local Government Act 2000 and subsequent amendments, the Council must appoint the following 3 statutory officers:

- Head of Paid Service (HPS)
- Monitoring Officer (MO)
- Chief Finance Officer (SCFO)

2.1.2 These officers must be free to carry out their obligations as stipulated by legislation which includes:

- Section 151 of the Local Government Act 1972 (SCFO)
- Sections 114 and 114A of the Local Government Finance Act 1988 (SCFO)
- Sections 4 and 5 of the Local Government and Housing Act 1989 (HPS and MO)
- Sections 25 and 27 of the Local Government Act 2003 (SCFO)
- The Accounts and Audit Regulations (SCFO)

2.2 **THE HEAD OF PAID SERVICE**

2.2.1 **Management:** The Head of Paid Service is responsible for the overall corporate management and **operational activity** of the Council.

2.2.2 **Professional Advice:** S/he is responsible for the provision of **professional advice** to all parties and committees in the decision-making process.

2.2.3 **Records of Decisions:** S/he is responsible, together with the Monitoring Officer, for ensuring a system for recording and reporting Council decisions is maintained.

2.3 THE MONITORING OFFICER

- 2.3.1 **Standards of Conduct:** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee.
- 2.3.2 **Constitution:** The Monitoring Officer will maintain the Constitution and ensure that it is available for consultation by Members, staff and the public.
- 2.3.3 **Records of Decisions:** S/he is responsible, together with the Head of Paid Service, for ensuring that procedures for recording and reporting decisions, and the reasons for those decisions, are operating effectively.
- 2.3.4 **Advice on Budget and Policy Framework:** S/he is responsible, together with the Statutory Chief Finance Officer, for advising the Executive if their decisions are not in accordance with the budget and policy framework.
- 2.3.5 **Unlawfulness and Maladministration:** S/he is responsible for overseeing that no action of the Council contravenes any legislation or code of practice or may lead to a charge of maladministration.
- 2.3.6 If s/he considers that any proposal, decision or omission will give rise to unlawfulness or maladministration s/he will make a Section 5 report to the Council or the Executive, as appropriate, after consultation with the Head of Paid Service and Statutory Chief Finance Officer.

2.4 THE STATUTORY CHIEF FINANCE OFFICER (SCFO)

- 2.4.1 **Financial Administration:** The Statutory Chief Finance Officer is responsible for:
- establishing a framework for the proper administration of the Council's financial affairs;
 - setting and monitoring compliance with financial management standards;
 - establishing an adequate and effective system of internal audit;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - giving accurate, impartial advice and information on financial issues and options to the Chief Executive's Management Team, the Council and all its committees and members.

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- 2.4.2 Detailed responsibilities of the Statutory Chief Financial Officer as part of the 'financial administration framework' are also included in the relevant sections of the other Financial Regulations.
- 2.4.3 **Robust Budget:** The Statutory Chief Financial Officer shall issue a Section 25 report each year before the Council's budget is approved.
- 2.4.4 **Advice on Budget and Policy Framework:** Along with the Monitoring Officer, the Statutory Chief Finance Officer is responsible for advising the Executive if their decisions are not within the budget and policy framework.
- 2.4.5 **Unlawful Proposals:** The Statutory Chief Finance Officer shall issue a Section 114 (2) report to the Executive, all members and the Council's external auditor if s/he considers that any proposal, decision or course of action by the Council, a committee, a member of the Executive or an officer:
- will involve incurring unlawful expenditure, or
 - is unlawful and likely to cause a loss or deficiency, or
 - is about to enter an item of account **which is unlawful**.
- 2.4.6 In preparing a report s/he shall consult as far as practicable with the Head of Paid Service and the Monitoring Officer.
- 2.4.7 **Expenditure Exceeds Resources:** The Statutory Chief Finance Officer shall issue a Section 114 (3) report to the Executive, and subsequently the Council, if it appears that the expenditure in the **financial** year is likely to exceed the resources available.
- 2.4.8 **Deputies:** The "Nominated Operational Finance Manager and Nominated Strategic Finance Manager" are deputised to perform the Section 114 duties if the Statutory Chief Finance Officer is unable to perform these duties.
- 2.4.9 **Members and Officers shall draw to the attention of the Statutory Chief Finance Officer at the earliest opportunity, any subject which may lead to a formal report.**