



STATUTORY OFFICERS OF THE COUNCIL

1. HEAD OF PAID SERVICE

- 1.1 The Head of Paid Service is appointed for the purposes of Section 4 (1) of the Local Government and Housing Act 1989. The Head of Paid Service will have overall responsibility for the management of the Council within the policies currently adopted by the Council and will:-
- have authority over all other employees;
 - be responsible for the effective organisation of employees and the staffing levels within the Council's overall budget;
 - ensure the most efficient and effective delivery of service as specified by the Council to meet the Council's aims and objectives.
- 1.2 The Head of Paid Service will report to the Council as necessary on the manner in which the discharge of the Council's functions is co-ordinated, and the staff resources required.

2. SECTION 151 OFFICER

- 2.1 The Director of Resources, as a qualified accountant, is also the officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 (S151) of the Local Government Act 1972.
- 2.2 He/she will have overall responsibility for the proper administration of the Council's financial affairs including the provision of a continuous internal audit. The S151 Officer is primarily concerned with ensuring lawfulness and financial prudence of decision making and ensuring that the Council has a balanced budget. After consulting with the Head of Paid Service and the Monitoring Officer, he/she will report to the Council and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency.

3. MONITORING OFFICER

- 3.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989 and is Mr Simon Quelch, Lead Specialist - Legal (Maldon District Council).
- 3.2 The Monitoring Officer's statutory duty under Section 5 can be summarised as being a duty to report to the Council in any case where he is of the opinion that any proposal, decision or omission of the Council, its committees or subcommittees or

anyone employed by the Council is, or is likely to be, illegal or to constitute maladministration.

- 3.3 This statutory duty is a personal duty, and the Monitoring Officer cannot delegate it to someone else unless he is ill or away, or otherwise unable to act, in which case the Deputy Monitoring Officers, (Stuart Jennings, Corporate Governance Project Officer or Emma Holmes, Senior Legal Specialist), can take over the role.
- 3.4 If the Monitoring Officer makes such a report to the Council, it will be sent to every councillor and the proposal, decision, or omission referred to in the report is suspended. Council must consider the report and decide, within 21 days on the steps it is taking in response to the report.
- 3.5 The Monitoring Officer also has a range of functions relating to the conduct of councillors. These include the arrangement of local investigations into Member conduct at both District and Parish level, and the provision of advice to District and Parish Councillors on the Members' Code, and the establishment and maintenance of the Register of Members' Interests.
- 3.6 The Monitoring Officer will also report on any findings of maladministration by the Local Government Ombudsman

Section 5 of the Local Government and Housing Act 1989

It shall be the duty of the monitoring officer, if it at any time it appears to him that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority is represented constitutes, has given rise to or is likely to or would give rise to:

- (a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
- (b) any such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974 (Local Commissioners)

to prepare a report to the authority with respect to that proposal, decision or omission.