

Annex 2 - Roles and duties of Statutory Officers

Every relevant local authority, namely:

- County Councils;
- County Borough Councils;
- District Councils;
- London Borough Council;
- The common Council of the City of London;
- The Council of the Isles of Scilly;
- The Greater London Authority; and
- Standalone Fire and Rescue Authorities

must have the following statutory officers who are each responsible for elements of governance within the authority. This is specified in the Local Government and Housing Act 1989 (Section 21) - <https://www.legislation.gov.uk/ukpga/1989/42/section/21>

For Police and Crime Commissioners, the requirement to appoint a Chief Executive and Chief Finance Officer (S151 Officer) is set out in Paragraph 6, Schedule 1 of the Police Reform and Social Responsibility Act 2011 - <https://www.legislation.gov.uk/ukpga/2011/13/schedule/1/paragraph/6/enacted>. The Chief Executive is designated as the Monitoring Officer for the purposes of section 5(1) of the Local Government and Housing Act 1989 with responsibility for ensuring the legality of the action of the PCC and the PCC's staff. See paragraph 202 of Schedule 16 of the 2011 Act, which amends section 5 of the 1989 Act - <https://www.legislation.gov.uk/ukpga/2011/13/schedule/16/paragraph/202/enacted>.

In respect of the Combined Authority Mayor for Greater Manchester, the Combined Authority is required by section 73 of the Local Government Act 1985 to appoint a Chief Finance Officer to be responsible for the proper administration of the Combined Authority's affairs - <https://www.legislation.gov.uk/ukpga/1985/51/section/73>. Section 5 of the Local Government and Housing Act 1989 also requires the Combined Authority to appoint a Monitoring Officer - <https://www.legislation.gov.uk/ukpga/1989/42/section/5>.

Chief Executive:

It is the role of the Chief Executive, also known as the Head of Paid Service, to ensure that all the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.

Local Government and Housing Act 1989 - <https://www.legislation.gov.uk/ukpga/1989/42/section/4>

Section 151 Officer:

Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO), to have responsibility for those arrangements.

As such, the CFO must lead on a local authority's financial functions and ensure they are fit for purpose. CFOs must be professionally qualified and suitably experienced.

In correspondence with the Local Government Finance Act 1988 the CFO must be a member of one of the following bodies in order to qualify as a responsible officer:

- (a) the Institute of Chartered Accountants in England and Wales,
- (b) the Institute of Chartered Accountants of Scotland,
- (c) the Chartered Association of Certified Accountants,
- (d) the Chartered Institute of Public Finance and Accountancy,
- (e) the Institute of Chartered Accountants in Ireland,
- (f) the Chartered Institute of Management Accountants, and
- (g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section.

Local Government Act 1972 - <https://www.legislation.gov.uk/ukpga/1972/70/section/151>

Local Government Finance Act 1988 -
<https://www.legislation.gov.uk/ukpga/1988/41/section/113>

Monitoring Officer:

It is the role of the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution. They are often, but not always, the head of legal services in a local authority.

Local Government and Housing Act 1989 -
<https://www.legislation.gov.uk/ukpga/1989/42/section/5>