



Appendix B

ARTICLE 11 – OFFICERS

TERMINOLOGY

In this Article the use of the word ‘officers’ means all employees and persons engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other contract for services.

11.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts, who shall be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).
<u>Chief Finance Officer</u>	<u>Section 151 duties; budgetary planning, monitoring and reporting; strategic asset management; facilities management; buildings compliance; transformation; programme and project management</u>
LGSS: Director of Finance	Strategic Finance; Strategic Asset Management (including County Farms Estate); Property Services and Delivery; Audit; Pensions; LGSS Finance; Section 151 Officer <u>Schools finance; financial closedown and Statement of Accounts; financial transactions, audit, pensions</u>
LGSS: Director of People, Transformation and Transactions	Workforce Strategy and Policy; Strategic HR; Workforce Development (not including elected member development); Business Transformation; Transactional Services; Revenues and Benefits
LGSS: Director of Law and Governance	Legal Services and Democratic Services.
LGSS: Director of IT Services	Strategy; Operations; Applications Services; Networks and Telephony



Post	Functions and areas of responsibility
LGSS: Director of Business Services, Systems and Change	Insurance and Procurement
Corporate Director: Customer Service and Transformation	Customer service, strategic information management, programme and project management, risk, information governance (including Freedom of Information), emergency management, corporate policy and partnerships, equality and diversity, Chief Executive and Corporate Director support team and civic support, community engagement, community safety.
<u>Director: Corporate and Customer Services</u>	<u>Business Intelligence, Communications & Information, Customer Services, Emergency Planning, IT & Digital Services</u>
Executive Director: Children, Families and Adults <u>People and Communities</u>	Children's social care (including child protection, safeguarding and looked after children); children's enhanced and preventative services (including youth services and children centres; learning; school effectiveness; school organisation and place planning, special educational needs; strategy and commissioning; adult social care learning disability services; physical disability services, adult safeguarding; older people's services; mental health.
Executive Director: Economy, Transport and Environment <u>Services Place and Economy</u>	Environment policy, trading standards, highways, passenger transport, planning and sustainable infrastructure, adult and community learning, culture, libraries, coroner and registration.
Director of Public Health	Responsibility for exercising the Council's powers and duties to improve and protect the health of the people in the Council's area, particularly, but not limited to, those under Section 30, Health and Social Care Act 2012 and Section 2B, NHS Act.

(c) Statutory Officers - Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Proper Officer

There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Post	Designation
Chief Executive	Head of Paid Service
LGSS: Director of Law and Governance	Monitoring Officer and Solicitor to the Council



<u>Head of Finance</u> <u>Chief Finance</u> <u>Officer</u>	Chief Finance Officer (Section 151 Officer)
As defined in the Constitution or designated by the Chief Executive	Proper Officer The term ‘Proper Officer’ is used in many different statutes. Therefore it is appropriate for different officers to fulfil this role depending on the context. As such, unless otherwise stated in the Constitution, the Proper Officer shall in each case be the person nominated by the Chief Executive for that particular purpose.

Such posts will have the functions described in Article 11.02–11.04 below.

- (d) **Structure.** The Head of Paid Service shall determine, subject to Council approval, and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

11.02 **Functions of the Head of Paid Service**

- (a) **Discharge of Functions by the Council.** The Head of Paid Service shall report to Full Council, or an appropriate committee, on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer (Section 151 Officer) if a qualified accountant.
- (c) **Exemptions from Political Restrictions:** The Head of Paid Service will be responsible for considering applications from officers for exemption from political restriction in respect of the post held by that officer.

11.03 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring Lawfulness and Fairness of Decision-Making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.



- (c) **Providing Advice.** To act as the Solicitor to the Council and in consultation with the Head of Paid Service and the Chief Finance Officer, to provide advice on the scope of powers and authority for the Council to take decisions, maladministration, probity and governance issues, to all Councillors and to support and advise Councillors and officers in their respective roles.
- (d) **Supporting the Constitution and Ethics Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution and Ethics Committee. This will include making arrangements for the hearing of allegations against Members concerning breaches of the Code of Conduct.

The Monitoring Officer shall also support the Constitution and Ethics Committee in ensuring the Council's Constitution is fit for purpose and in this role, shall keep it under review and make recommendations as to how it might be amended to better achieve the purposes set out in Article 1 or in response to changes in law.

- (e) **Conducting Assessments.** In the case of allegations that a Councillor has breached the Members' Code of Conduct, the Monitoring Officer and the Council's Independent Person shall conduct an initial assessment of complaint and make a decision as to whether the complaint warrants investigation or any other action.
- (f) **Conducting Investigations.** Where allegations of breaches of the Members' Code of Conduct are referred for investigation, the Monitoring Officer shall make arrangements for the conduct of such investigations and report the findings to the Constitution and Ethics Committee.
- (g) **Proper Officer for Access to Information.** The Monitoring Officer shall ensure that decisions of the Council and its committees, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) **Advising whether Decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Council and its committees are in accordance with the Budget and Policy Framework.
- (i) **Providing Advice.** The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- (j) **Qualified Person.** The Monitoring Officer shall determine whether information should be exempt from disclosure under the provisions of Section 36 of the Freedom of Information Act 2000.



- (k) **Restrictions on Posts.** The Monitoring Officer cannot be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

11.04 **Functions of the Chief Finance Officer (Section 151 Officer)**

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or its committees and to 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 or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing Advice.** In consultation with the Monitoring Officer, the Chief Finance Officer will provide advice on the scope of powers and authority to take decisions regarding financial matters, financial maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Restriction on Post.** The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

11.05 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council shall provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

11.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

