

## 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 (Statutory Head of Paid Service)	<p>Overall corporate leadership, management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Returning Officer for County Council elections.</p> <p>Clerk to the Lord Lieutenancy of Cambridgeshire.</p> <p>Chief Executive’s Office and support to the Chair and Vice-Chair of Council.</p> <p>Voting member of the Cambridgeshire and Peterborough Integrated Care System.</p>

<p>Executive Director of Finance and Resources (Statutory Section 151 Officer)</p>	<p>Statutory Section 151 financial management and administration responsibilities; medium term financial strategy and budgetary planning, treasury management, pension fund management; financial monitoring and reporting; education finance; financial closedown and statement of accounts.</p> <p>Property and asset management; facilities management; buildings compliance.</p> <p>Procurement and Commercial Services.</p> <p>Information Technology and Digital Services.</p> <p>Customer Services.</p> <p>Local Government Shared Services lead authority functions for financial transactions; insurance.</p> <p>Shared Services and Joint Working Agreement / Section 113 management of shared services with Peterborough City Council.</p>
<p>Service Director: Legal and Governance (Statutory Monitoring Officer)</p>	<p>Statutory Monitoring Officer and Legal Services, including externally commissioned legal advice.</p> <p>Internal Audit and Risk Management.</p> <p>Information Governance and Data Protection.</p> <p>Democratic and Member Services.</p> <p>Oversight of Council's client relationship with Pathfinder Legal Services Limited.</p>
<p>Executive Director for Children, Education and Families (Statutory Director of Children's Services)</p>	<p>Children's social care, including statutory Director of Children's Services, covering child protection, safeguarding and children in care; Children's Services (including youth services and children centres, fostering and adoption services).</p> <p>Education; school improvement; educational capital and place planning, special education needs and inclusion.</p>

<p>Executive Director for Adults, Health and Commissioning (Statutory Director of Adult Social Services)</p>	<p>Adult social care, including statutory Director of Adult Social Services functions, covering: adult social care learning disability services; physical disability services, adult safeguarding; older people’s services; mental health.</p> <p>Commissioning and contract management for social care and health functions.</p> <p>Public Health, including population health and wellbeing, health improvement, and health protection.</p>
<p>Executive Director of Place and Sustainability</p>	<p>Highways and transportation, including transport authority functions, highways maintenance, capital programme delivery, network strategy and management, road safety and transport policy.</p> <p>Planning, Natural Environment and Heritage Services, climate change and energy policy.</p> <p>Digital connectivity programme for the County.</p> <p>Waste Management and Recycling.</p> <p>Community Safety.</p> <p>Regulatory Services, including Trading Standards, Registration and Coroner Services.</p>
<p>Executive Director of Strategy and Partnerships</p>	<p>Legal and Governance Services, including Internal Audit and Risk Management, Information Governance and Data Protection; Democratic and Member Services, Elections management support to the County Returning Officer.</p> <p>Human Resources, including Organisational Learning and Development; Health and Safety; Equality, Diversity and Inclusion.</p> <p>Communications, including media relations, internal communications, programme communications, stakeholder engagement and web / social media communications.</p> <p>Business Continuity, Resilience and Emergency Management and Planning, including Local Resilience Forum participation and leadership for the County Council as a category 1 Civil Contingencies Act agency.</p> <p>Corporate policy, partnerships and business planning,</p>

	<p>corporate programme and project management and transformation support, business intelligence, statutory performance reporting and management, research, insight and analysis.</p> <p>Libraries, Adult and Community Skills and Learning, Community Engagement and Participation Services.</p> <p>Business Support Services.</p>
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(c) Statutory Officers - Head of Paid Service, Monitoring 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, which will have the functions described in Article 11.02–11.04 below:

Post	Designation
Chief Executive	Statutory Head of Paid Service and County Returning Officer.
Service Director of Legal and Governance	Statutory Monitoring Officer and solicitor to the Council.
Executive Director of Finance and Resources	Statutory Section 151 Officer.
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.

(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 the 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 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 they consider 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 Section 151 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 Section 151 Officer or the Head of Paid Service.

#### 11.04 Functions of the 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 Section 151 Officer will report to the Council or its committees and to the Council's external auditor if they consider 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 Section 151 Officer shall have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Section 151 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 Section 151 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 Section 151 Officer will provide financial information to the media, members of the public and the community.

(f) Restriction on Post. The Section 151 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 Section 151 Officer

The Council shall provide the Monitoring Officer and Section 151 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 the 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 the Constitution.