

ARTICLE 12 – OFFICERS

12.01 MANAGEMENT STRUCTURE

- (a) **GENERAL**. The Council either directly or via a delegation to an Officer may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- (b) **CHIEF OFFICERS**. The Council will engage persons for the following posts who will be designated Chief Officers:-

Post	Functions and Responsibilities
Chief Executive and Head of Paid Service	<ul style="list-style-type: none">• 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• Representing the Council on partnership and external bodies (as required by statute or the Council).•
Director – Finance and Legal	<ul style="list-style-type: none">• Together with the Monitoring Officer responsibility for a system of record keeping for all Council decisions.• Legal and Risk• Efficiency, Contracts & Procurement• Human Resources and Organisational Development• Finance and Performance
Director - Environment	<ul style="list-style-type: none">• Regulatory Services• Safer, Cleaner, Greener• Leisure and Community•
Director – Place	<ul style="list-style-type: none">• Infrastructure• Economic Development• Housing and Regeneration• Planning and Transport
Director - Children and Families	<ul style="list-style-type: none">• Education• Information, Advice, Learning and Skills• Early Intervention and Prevention••

Director – Adult Social Care and Health	<ul style="list-style-type: none"> • Personalisation and Health • Preventative and Targeted Pathways • Community Options • Support and Assessment • Specialist Services • Community Services
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The Chief Executive may make minor adjustments to the Functions and Responsibilities of the above Chief Officers

(c) **HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER.**

The Council has designated the following posts as shown

below:-

Functions and Responsibilities	Post
▪ Head of Paid Service	▪ Chief Executive
▪ Monitoring Officer	▪ Assistant Director – Legal, Governance and Elections
▪ Chief Finance Officer	▪ Director – Finance and Legal

Such posts will have the functions described in Article 12.02 – 12.04.

- (d) **STRUCTURE**. The Head of Paid Service will determine 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.

12.02 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) **Discharge of the Council’s Functions.** The Head of Paid Service will when he/she considers it appropriate to do so, report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the manner 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 if a qualified accountant.

12.03 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 Chief Finance Officer, the Monitoring Officer will report to the full Council or in relation to an Executive function to the Executive - if he or 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) **Supporting the Audit, Governance and Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Audit, Governance and Standards Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into complaints relating to the conduct of Members where, having consulted an Independent Person, it is considered appropriate to do so, and make reports or recommendations in respect of them to the Audit, Governance and Standards Committee when necessary.
- (e) **Proper Officer for Access to Information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- (f) **Advising whether Executive decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with Budget and Policy Framework.
- (g) **Providing advice.** The Monitoring Officer will 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.
- (h) **Restrictions on functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 **FUNCTIONS OF THE CHIEF FINANCE 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 full Council or to the Executive in relation to an Executive Function and the Council's external auditor if he or 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 will 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.** The Chief Finance Officer will 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 and will support and advise Councillors and Officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will at such time and in such manner as he considers appropriate provide financial information to the media, members of the public and the community.
- (f) **Restrictions on functions.** The Chief Finance Officer cannot be the Monitoring Officer.

12.05 **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER**

The Council will 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.

12.06 **CONDUCT**

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

12.07 **EMPLOYMENT**

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