

Article 12 Officers

12.01 Management Structure

The Council operates a four tier senior management structure, comprising:

- Chief Executive and Head of the Paid Service (First Tier)
- Director (Second Tier)
- Assistant Director (Third Tier)
- Manager (Fourth Tier)

Chief Officers. The Council will engage persons for the following posts, who will be designated chief officers in accordance with Part 4 (Officer Employment Rules) set out in the constitution.

Post	Functions & Areas of Responsibility
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<p>Chief Executive (and Head of Paid Service)</p>	<p>Overall corporate 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>
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Post	Functions & Areas of Responsibility
Director	Responsibility for supporting the Chief Executive in the overall strategic management of the Council and to ensure long-term planning and change management.
Assistant Director	Assistant Directors report directly to their Director Full details of the functions carried out by each of these chief officers is set out in Part 7 Management Structure.

Head of Paid Service, Monitoring Officer and Chief Finance Officer.
The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Law and Governance	Monitoring Officer
Director of Finance	Chief Finance Officer

Such posts will have the functions described in Articles 12.02 to 12.04 below.

Structure

The Head of Paid Service will determine and publicise a description of the overall 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 Functions by the Council.** The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council’s functions is co-ordinated (ie overall Council structure). Directors will periodically report the number and grade of officers required for the discharge of functions and the organisation of officers to the Head of Paid Service.
- (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**

The “statutory functions” are in italics. All other functions are “non-statutory functions”:

- 1 *To report to the Council and to the Cabinet in any case where they are of the opinion that any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the authority, the Cabinet or any member or officer of the authority has given rise to or is likely to or would give rise to any illegality;*
- 2 *To report to the Council or the Cabinet in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the authority, the Cabinet or any member or officer of the authority has given rise to maladministration or injustice;*
- 3 *To maintain the Register of Members’ Interests;*
- 4 *To administer complaints of member misconduct pursuant to the Localism Act 2011 and in accordance with the arrangements adopted by the Authority.*

- 5 *To determine whether the disclosure of information by the authority in response to a request under the Freedom of Information Act would, or would be likely to, prejudice the effective conduct of public affairs;*

- 6 To investigate any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the authority, the Cabinet or any member or officer of the authority which they have reason to believe may have given rise to or is likely to or would give rise to
 - 6.1 illegality
 - 6.2 maladministration
 - 6.3 failure to observe the Members' Code of Conduct;

- 7 To act as the principal adviser to the authority's Ethical Standards and Member Development Committee;

- 8 To provide advice to members on the Code of Conduct for members and local protocols adopted by the authority;

- 9 To monitor and uphold the authority's Constitution;

- 10 To secure the lawfulness and fairness of decision-making, including advising on whether a decision or proposed decision is an executive or non-executive decision, and whether it is contrary to or not in accordance with the authority's approved budget and policy framework;

- 11 To act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Cabinet;

- 12 Responsibility for co-ordinating Ombudsman matters and Whistle-Blowing functions of the authority;

- 13 Appointment as Proper Officer for the Data Protection Act 2018, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2001;

- 14 To consult regularly with the Chief Executive, the Chief Finance Officer, Director – Business Strategy and Change and the Chief Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions;
- 15 To investigate any application for a dispensation and to report and recommend to the Ethical Standards and Member Development Committee except where such dispensations are delegated to the Monitoring Officer;
- 16 To secure that members of the authority are fully aware of their obligations in respect of probity, particularly under the Code of Conduct for Members and any local protocols adopted by the authority;
- 17 To advise on politically restricted posts under the Local Government and Housing Act 1989, as amended;
- 18 To report to the Cabinet and to the Council on the resources which they require for the discharge of their functions;
19. To report regularly to the Ethical Standards and Member Development Committee on the performance of their functions insofar as they are relevant to the Committee's Terms of Reference.

For more information see the Protocol on the role of the Monitoring Officer attached as an Appendix to this document.

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 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 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 provide required financial information to the media, members of the public and the community.

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.