

## Article 12 – Chief Officers

### 12.01 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 will engage persons for the following posts, who will be designated chief officers:

Chief Executive  
Deputy Chief Executive  
Deputy Chief Executive  
Assistant Chief Executive  
Director of Children's Service  
Director of Adult Social Service  
Director of Corporate Governance  
Director of Environment and Operations  
Director of Planning, Housing and Regeneration  
Director of Corporate Services  
Commercial Director  
Assistant Director(s) Finance

The Director of Corporate Governance will have reserve powers to exercise all or any of the powers delegated to the Head of Legal or the Democratic Services Manager under the Constitution, together with the following statutory officer powers:

- Members' declarations of acceptance of office
- Members' notice of resignation
- Giving notice of casual vacancies
- Convening Council to fill Mayoral casual vacancy
- Signing summonses for council meetings and receiving notices as to Members' addresses for summonses
- Receiving notification of political groups for the calculation of political balance
- Returning Officer for election of parent governor representatives to Committee
- Deposit of documents
- Certification and authentication of documents, byelaws and copy minutes and signing of other relevant formal notices and documents.

**(c) Statutory Officers**

The Council will designate the following posts as shown:

<b>Post</b>	<b><u>Statutory Designation</u></b>
Chief Executive	Head of Paid Service works with Members and Strategic Directors to deliver the council's themes.
Director of Corporate Governance	Monitoring Officer
Chief Finance Officer	Chief Finance Officer Section 151 Officer
Director of Children's Service	Director of Children's Services
Director of Adult Social Services	Director of Adult Social Services

Such posts will have the functions described in Article 12.02-12.06 below.

- (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 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, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restriction of 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.  
*References:*  
*Section 4 and 5, Local Government and Housing Act 1989*
- (c) The Head of Paid Service has authority over all other chief officers so far as is necessary for efficient management and for carrying out the Council's functions.

**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 to the Executive in relation to an executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give 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 Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Code of Conduct referred by the Standards Committee. Then s/he or they will make reports and recommendations in respect of such allegations to a Sub-Committee of/or the Standards Committee. S/he may also refer cases back to the Standards Committee under appropriate circumstances.
- (e) **Fulfilling Standards Board for England Requirements.** The Monitoring Officer will provide the Standards Board for England with the required periodic information on the allegations of misconduct received by the Standards Committee and the exercise of related functions.
- (f) **Reports from Ethical Standards Officers.** Where an investigation into an allegation of misconduct has been conducted by the Standards Board for England, the Monitoring Officer may inform councillors, co-opted members and/or officers as appropriate of the outcome of the investigation and furnish them with a copy of the report where this will help to promote high standards of conduct of councillors and co-opted members of the authority.
- (g) **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.
- (h) **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 the budget and policy framework.

- (i) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the council, in particular through the provision of legal advice and advice on probity and good administration.
- (j) **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.
- (k) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

*References:*

*(Section 5), Local Government and Housing Act 1989*

*Sections 60, 64-66, Local Government Act 2000*

*Chapters 8 and 9, DETR Guidance*

*Part 10, sections 183 to 203 of the Local Government and Public Involvement in Health Act 2007*

#### **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 Financial 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) **Estimates and resources.** In accordance with the Local Government Act 2003 to advise on robustness of estimates and level of resources.
- (c) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.
- (d) **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.
- (e) **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.

- (f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### **12.05 Functions of the Director of Children's Services**

- (a) The Council as a children's services authority is required by the Children Act 2004 to appoint an officer to be known as the Director of Children's Services.
- (b) The Director of Children's Services is responsible for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the Council by an NHS body.

#### **12.06 Functions of the Director of Adult Social Services**

- (a) The Council is required by the Local Authority Social Services Act 1970, as amended by the Children Act 2004, to appoint an officer, to be known as the Director of Adult Social Services
- (b) The Director of Adult Social Services is responsible for the delivery of the Council's social services functions, other than those for which the Council's Director of Children's Services is responsible under the Children Act 2004.

#### **12.07 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.

#### **12.08 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.

#### **12.09 Employment**

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