

## **Part 2 – The Constitution**

### **Chapter 19 – Officers**

#### **1. Senior Management structure**

##### **General**

- 1.1 The Council will engage such officers as it considers necessary to carry out its functions.
- 1.2 The Council will engage persons for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Main areas of responsibility</b>
Chief Executive	Overall responsibility for all corporate, commercial, operational, policy and Human Resources / employment matters.
Strategic Director of Service Development and Integration	Public Health and Wellbeing; Adult Social Care; Adult Commissioning and Safeguarding; Mental Health.  Children’s Social Care and Complex Needs; Children’s Commissioning and Safeguarding; Schools and Education; Youth and Childcare Services.
Chief Operating Officer	Highways, Environment and Street Scene; Waste and Recycling; Housing and Neighbourhoods; Information Technology.  Corporate and Strategic Finance; Treasury Management; Investments and Acquisitions.  Corporate Performance; Customer Services.
Director, Inclusive Growth	Regeneration, Housing Strategy, Capital Delivery, Employment and Skills; Planning and Development Management.
Director of Law and Governance	Legal, Democratic and Electoral Services; Human Resources and Organisational Development;  Community Safety; Enforcement and Regulatory Services.
Director of Policy and Participation	Corporate Policy, Strategic Planning and Communications.  Community Development and Engagement; Community Cohesion and Equalities; Culture and Recreation.

- 1.3 The Chief Officers are members of the Strategic Leadership Team. The Chief Officers also form the Leadership Group, along with other senior management as determined by the Chief Executive, and share responsibility for the proper governance and running of the Council.
- 1.4 The Chief Executive will determine and publicise via the Council's website a description of the overall departmental structure of the Council.

## **2. Statutory Posts**

- 2.1 The Council currently designates the statutory posts as follows:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Strategic Director of Service Development and Integration	Director of Adult Social Services Director of Children's Services
Director of Law and Governance	Monitoring Officer
Chief Operating Officer	Chief Financial Officer (commonly referred to as "Section 151 Officer")
Director of Public Health	Director of Public Health

## **3. Functions of the Chief Executive / Head of Paid Service**

- 3.1 The key functions of the Chief Executive / Head of Paid Service are as follows:
- a) Overall corporate management and operational responsibility (including overall management responsibility for all officers).
  - b) Provide leadership and promote high standards of conduct throughout the Council;
  - c) Act as Proper Officer as required.
  - d) Provision of professional advice to all parties in the decision making process.
  - e) Responsible for a system of record-keeping for all the Council's decisions and boards.
  - f) Represent the Council on partnership and other external bodies (as required by statute or the Assembly).
  - g) Act as the Returning Officer for the Local Government Elections.
- 3.2 The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

#### **4. Functions of the Monitoring Officer**

##### 4.1 The key functions of the Monitoring Officer are as follows

- a) Maintain an up-to-date version of the Constitution and ensure that it is available to Councillors, staff and the public.
- b) After consulting with the Chief Executive and Chief Financial Officer where practicable, report to the Assembly in respect of a non-executive function or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission has given rise to or would give rise to unlawfulness or if any decision or omission has given rise to maladministration, under sections 5 and 5A of the Local Government and Housing Act 1989. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and in reporting allegations of failure to comply with the Councillors' Code of Conduct.
- d) Arrange the conduct of investigations into matters referred and take such other actions as the Standards Committee may direct within its terms of reference.
- e) Maintain the register of Members' interests.
- f) Act as Proper Officer as required.
- g) Advise, in conjunction with the Chief Financial Officer, whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- h) Be responsible for providing advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework to all Councillors.

##### 4.2 The Monitoring Officer cannot be the Chief Financial Officer or the Chief Executive.

#### **5. Functions of the Chief Financial Officer**

##### 5.1 The key functions of the Chief Financial Officer are as follows:

- a) Responsible for the administration of the financial affairs of the Council as required by section 151 of the Local Government Act 1972 or (so far as relevant) section 112 of the Local Government Finance Act 1988, including the provision of financial information both internally and externally as required.
- b) After consulting with the Head of Paid Service and the Monitoring Officer where practicable, report to the Assembly in respect of a non-executive function or to the Cabinet 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.

- c) Act as Proper Officer as required.
- d) Contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- e) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget issues to all Councillors and support and advise Councillors and officers in their respective roles.
- f) Advise, in conjunction with the Monitoring Officer, whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- g) Provide appropriate financial information to the media, members of the public and the local community.

5.2 The Chief Financial Officer cannot be the Monitoring Officer.

## **6. Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Financial Officer**

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

## **7. Delegation to Officers**

7.1 The delegation of powers to Chief Officers is set out in Part 3 of this Constitution.

7.2 Each Chief Officer shall be responsible for maintaining an internal scheme of delegation.

## **8. Conduct**

8.1 Officers will comply with the Officer Code of Conduct and Member/Officer Relations' Protocol set out in Part 5, Chapters 4 and 5 of this Constitution.

## **9. Appointment and dismissal of staff**

9.1 The appointment and dismissal of staff shall be governed by the provisions of the Officer Employment Procedure Rules contained in Part 4, Chapter 3 of this Constitution as supplemented, where appropriate, by the Council's personnel policies and procedures.