

Article 12 - Officers

12.01 Management structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Executive, Directors and Deputy Chief Executive.** The full Council will engage persons for the following posts:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>As Head of the Paid Service the Chief Executive may determine the staff required to meet the needs of the Council and has the final authority on decisions relating to staffing. The Chief Executive is responsible for:</p> <ul style="list-style-type: none"> • Providing corporate and operational leadership to officers and line management of the corporate management team; • Being accountable to the Council for staff organisation and development; <p>Being the Returning Officer for County Council elections.</p>
Deputy Chief Executive (and Monitoring Officer)	<p>The Deputy Chief Executive oversees:</p> <ul style="list-style-type: none"> • Legal Services; • Member Services; • Coroner's Services; • Communications; • Policy; • Performance, Research and Intelligence. <p>As the Council's Monitoring Officer, the Deputy Chief Executive is accountable for ensuring the Council's business and all decisions are in accordance with the law and the Constitution. The Deputy Chief Executive is responsible for:</p>

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	<ul style="list-style-type: none"> • Member conduct and complaints against Members; • Ensuring the lawfulness of all proposed actions and decisions; <p>Authorising any legal action by the Council and managing action against the Council.</p>
Chief Operating Officer	<p>The Chief Operating Officer has responsibility for corporate functions including:</p> <ul style="list-style-type: none"> • Assets, buildings and facilities management; • Finance; • HR policy and advice; • Insurance; • Audit; • IT; • Pensions; • Procurement; <p>Risk Management (all officers carry some responsibility).</p>
Director of Adult Social Care and Health	<p>Discharges the functions as Director of Adult Social Care and has lead responsibility for all functions relating to adults' social care and safeguarding and partnership work and joint commissioning with the NHS.</p>
Director of Children's Services	<p>Responsible for the statutory functions as Director of Children's Services, children and young people's social care, early childhood, youth services, youth offending and all functions relating to schools, education and skills.</p>
Director of Communities, Economy and Transport	<p>Lead responsibility for the Council's functions in relation to communities, economy, highways and transport, infrastructure, strategic planning, environment, energy, waste strategy, trading standards, libraries and archives, registration service and ceremonies</p>
Chief Finance Officer and s.151 Officer	<p>The Chief Finance Officer carries responsibility for the sound and lawful</p>

	<p>management of the Council's money. The Chief Finance Officer has final say over most spending decisions within the budget set by Members. Particular responsibilities include:</p> <ul style="list-style-type: none"> • Ensuring the financial prudence of all decisions; • Administering the Council's financial affairs; • Providing financial advice to officers and Members; • Managing the Council's pensions scheme. <p>The Chief Finance Officer reports to Full Council and the Council's external auditor any potentially unlawful expenditure or action likely to cause a significant loss.</p>
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- (c) **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
Deputy Chief Executive	Monitoring Officer
Chief Finance Officer	Chief Finance Officer

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

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, 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 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 inspection 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 Cabinet in relation to a Cabinet function - 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) **Contributing to corporate management**
- (d) **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.
- (e) **Conducting investigations.** The Monitoring Officer will conduct, or arrange to be conducted investigations into allegations of misconduct by Councillors and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Receiving reports.** The Monitoring Officer will receive and act on reports and decisions of case tribunals.
- (g) **Proper officer for access to information.** The Monitoring Officer will ensure that 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 Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **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.

- (j) **Restrictions on posts.** 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 Cabinet in relation to a Cabinet 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 provide 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

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