

SECTION 11: ROLES OF OFFICERS

Management Structure

General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

The responsibilities of all senior managers are shown in the senior management structure that appears in the **Appendix** at the end of Part 3, Section 3.

11.1 Head of Paid Service – Managing Director

The Managing Director of the Council will have the following key functions and responsibilities: -

- To be responsible to councillors for the efficient leadership and management of the Council's paid service (including overall managerial responsibility for all officers).
- To be accountable for ensuring that the Council's services are provided and monitored in a cost-effective manner, achieving best value from expenditure and with effective systems of internal audit and control.
- To establish and maintain effective and enduring operational processes and relationships with councillors to ensure that the political decision-making process takes place in an informed and integrated manner.

Powers of the Managing Director (in addition to the proper officer responsibilities in Section 12. See also Head of Paid Service paragraphs 11.3 below)

Staffing

1. To establish or re-organise staffing structures and arrangements in accordance with the policies established by the Cabinet for the delivery of services including:
 - to create a new permanent post
 - to appoint a temporary Head of Service (other than statutory chief officers)
 - to appoint a temporary statutory or non-statutory chief officer subject to consultation with the Portfolio Holder with responsibility for Corporate Services, the Chairman of the Corporate Governance, Audit and Standards Committee and Group Leaders
 - to appoint a Deputy
 - to designate Deputy Monitoring Officer
 - to re-grade posts subject to the Job Evaluation process

- to make changes to designations
 - to fill a post by promotion or transfer (subject to consultation with the Portfolio Holder with responsibility for Corporate/HR Matters and the Leader for decisions related to the posts of Head of Paid Service, Executive Director, Section 151 Officer or Monitoring Officer
 - to decide not to advertise a vacancy externally or to fill a vacancy through restricted competition.
2. To make decisions related to the terms and conditions of staff in accordance with the policies and schemes established by the Council, including
 - to sign on behalf of the Council all terms and conditions of employment relating to appointment of staff
 - to terminate employment during probationary periods
 - to approve honoraria, merit increments and market supplements
 3. To appoint, discipline, suspend and dismiss staff in accordance with provisions in the Officer Employment Procedure Rules
 4. In consultation with the Portfolio Holder with responsibility for Corporate/HR Matters to apply the Council's early retirement/redundancy scheme if costs can be contained within the Budget

HR Policies

5. To approve updates to Human Resources Policies in consultation with the Portfolio Holder with responsibility for Corporate/HR Matters

Assets of Community Value

6. To act as the Senior Officer responsible for review of a decision to list a property or land on the list of Assets of Community Value or for compensation decisions made under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012, including the administration of procedures for review set out in Schedule 2 to the Regulations.

Anti-Social Behaviour

7. Approval of Dispersal Orders under section 30 of the Anti-Social Behavior Act 2003
8. Signing Anti-Social Behaviour Orders as a joint signatory with the Police superintendent

Unacceptable Behaviour

9. Review of a decision to restrict a complainant's access to the Council's offices in accordance with the provisions in the policy on Unacceptable Behaviour

Civil Emergencies

10. To exercise powers under section 138 of the Local Government Act 1972 in the event of a civil emergency or disaster and may authorise another officer to exercise these powers on their behalf

11.2 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Head of Paid Service, the Monitoring Officer and the Section 151 Chief Finance Officer are the Statutory Officers of the Council. The Council will designate the following officers as shown -

| Post | Designation |
|------------------------------------|-----------------------------------|
| Managing Director | Head of Paid Service |
| Corporate Manager – Legal Services | Monitoring Officer |
| Executive Head of Finance | Section 151 Chief Finance Officer |

Restrictions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.3 Functions of the Head of Paid Service

The Head of Paid Service will: -

- determine and publicise a description of the management structure of the Council and the deployment of officers (copy attached to this section).
- report to the Council on the manner in which the discharge of the Council's functions is co-ordinated; the numbers and grades of officers required for the discharge of functions and the organisation of officers;

11.3 Functions of the Monitoring Officer

In respect of the Council's Constitution and decision-making structure, the Monitoring Officer will

- after consulting with the Head of Paid Service and Chief Finance Officer, report to the full Council or to the Cabinet in relation to an executive 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.
- contribute to the promotion and maintenance of high standards of councillor conduct.
- Investigate matters related to councillor conduct and make reports or recommendations in respect of them to the Corporate Governance, Audit and Standards Committee.
- consult the Independent Person before the outcome of any complaint is determined.
- advise whether Cabinet decisions are in accordance with the budget and policy framework.
- contribute to corporate management and provide professional advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.
- Consider applications for, and grant dispensations to individual members under section 33 of the Localism Act 2011 to allow them to take part in a meeting from which they would otherwise be precluded.

In support to the Monitoring Officer, the Corporate Manager – Democracy 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.
- ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- maintain the system of record keeping for the Council's decisions
- seek to ensure that the Council's decision-making works within the provisions of the Constitution

11.4 Monitoring Officer's right to information

(a) Information for investigations

In any investigation the Monitoring Officer will have unqualified access to information from the Council and its officers.

(b) Reports to councillors

The Monitoring Officer has the right to see all reports to councillors

11.5 Functions of the Section 151 Chief Finance Officer

In respect of the Council's Constitution and decision-making structure, the Chief Finance Officer will

- after consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council or to the Cabinet in relation to an executive function and to 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.
- be responsible for the administration of the financial affairs of the Council.
- contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 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.
- provide financial information to the media, members of the public and the community.

11.6 Duty to provide sufficient resources to the Monitoring and Section 151 Officers

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are sufficient to allow their duties to be performed.

11.7 Duty to tell Monitoring and Section 151 Officer about procedural or constitutional issues

Executive Directors and Heads of Service must alert the Monitoring Officer and Chief Finance Officer to issues of concern as soon as they come up. These will include legality, probity, vires and constitutional issues.

If the finance or contract rules have been broken, or if decisions have been taken by people who are not allowed to take them, the Monitoring Officer and the Chief Finance Officer must be told in writing.

11.8 **Employment**

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