

Chapter 10 – Officers

10.0 Terminology

10.1 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.

Post	Functions and areas of responsibility
Chief Executive	Head of Paid Service
Deputy Chief Executive	Deputy for the Head of Paid Service
Such posts as may be designated Chief Officers in line with specific legislation	

- (c) **Head of Paid Service, Monitoring Officer, Chief Financial Officer and Data Protection Officer:** The council will designate the following posts as shown.

Designation	Post
Head of Paid Service	Chief Executive
Monitoring Officer	Head of Legal and Democratic Services
Chief Financial Officer (s151 officer)	Head of Strategic Finance and Property Services
Data Protection Officer	Data Protection Officer

- (d) Such posts will have the functions described in Chapter 10.2 – 10.5 below. The duties of the Monitoring Officer and the Chief Finance Officer can

be carried out by a deputy, appointed by them, in case of absence or illness.

- (e) **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.
- (f) The Chief Executive and the Deputy Chief Executive are to be appointed by the Chief Officer Recruitment Committee, with the Chief Executive appointment to be ratified by Council.
- (g) The appointments of the Monitoring Officer and Chief Financial Officer (s151 officer) are to be carried out by the Chief Executive, and ratified by Council.

10.2 Functions of the Head of Paid Service

10.2.1 **Discharge of functions by the council:** The Head of Paid Service will report to 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.

10.2.2 **Restrictions on functions:** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

10.3 Functions of the Monitoring Officer

10.3.1 **Maintain 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, officers and the public and that its aims and principles are given full effect.

10.3.2 **Ensure lawfulness and fairness of decision making:** After consulting the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to Council, or to the Executive 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.

- 10.3.3 **Support the Audit and Governance Committee:** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee.
- 10.3.4 **Conduct investigations:** The Monitoring Officer together with the Independent Person if appropriate will conduct investigations into complaints.
- 10.3.5 **Ensure access to information:** The Monitoring Officer will ensure that there are procedures in place for executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, to be made publicly available as soon as possible.
- 10.3.6 **Advise whether Executive decisions are within the budget and the Policy Framework:** The Monitoring Officer will advise whether decisions of Council or the Executive are in accordance with the budget and Policy Framework.
- 10.3.7 **Provide 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 Members.
- 10.3.8 **Restrictions on post:** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

10.4 Functions of the Chief Financial Officer

- 10.4.1 **Ensure lawfulness and financial prudence of decision making:** After consulting the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

10.4.2 **Administer financial affairs:** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the council.

10.4.3 **Contribute to corporate management:** The Chief Financial Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.

10.4.4 **Provide advice:** The Chief Financial 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 Members and will support and advise Members and officers in their respective roles.

10.4.5 **Give financial information:** The Chief Financial Officer will ensure that financial information about the council is provided to the media, members of the public and the community.

10.5 Functions of the Data Protection Officer

10.5.1 The council shall appoint a Data Protection Officer (DPO) as required under the General Data Protection Regulations (GDPR).

10.5.2 The DPO shall provide assistance to:

- (a) monitor internal compliance with GDPR and any associated regulations;
- (b) inform and advise on the council's data protection obligations;

- (c) provide advice regarding Data Protection Impact Assessments (DPIAs); and
- (d) act as a contact point for data subjects and the supervisory authority.

10.5.3 The DPO shall be an expert in data protection who is adequately resourced and able to act independent on data protection matters. The post shall report to the Head of Legal and Democratic Services.

10.6 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer

10.6.1 The council will 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.

10.7 Conduct

10.7.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

10.8 Employment

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