

Appendix 1

Article 10 – Officers

Explanation

This article sets out the senior management structure. It defines the roles of the Chief Executive and Directors and the Statutory Officer functions.

10.01 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 with responsibilities as determined from time to time by the Chief Executive:

Chief Executive

Executive Director for Children's Services

Executive Director for Resources and Transformation~~Change and Governance~~

Executive Director for Economy and Environment

Executive Director for Social Care and Inclusion

Director of Public Health

- (c) **Head of Paid Service, Monitoring Officer, ~~and~~ Chief Financial Officer** Data Protection Officer and Statutory Scrutiny Officer - The Council will designate those posts as shown:

Formatted: Indent: Left: 2.5 cm,
First line: 0.04 cm

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
<u>Executive Director (Resources and Transformation) Assistant Director for Finance</u>	Chief Finance Officer with Section 151 responsibilities
<u>Data Protection Manager</u>	<u>Data Protection Officer</u>
<u>Executive Director (Economy and Environment)</u>	<u>Statutory Scrutiny Officer</u>

Such posts will have the functions described in Article 10.02 –10.06 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.

10.02 Functions of the Head of Paid Service

- (a) **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.
- (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.

10.03 Functions of the Monitoring Officer

- (a) **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.
- (b) **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.
- (c) **Restrictions on posts** - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (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.

10.04 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 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) **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 the elected Mayor 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.
- (f) In the event of the prolonged absence of the Section 151 Officer the role reverts in the first instance to the Head of Finance and then to the Head of Internal Audit.

10.05 Functions of the Data Protection Officer

(a) **Monitoring compliance with Data Protection Legislation and providing assurance** - The Data Protection Officer will act as the Council's designated Data Protection Officer monitoring ensuring compliance with Data Protection legislation and providing assurance when reviewing and addressing information enquiries, data breaches and complaints relating to data protection.

(b) Providing advice where requested as regards to data protection impact assessments.

(b) **To retain independence** - The Data Protection Officer shall ensure that the function is independent in its operation with clear, direct access to the Chair of the Audit Committee, Head of Paid Service, Chief Finance Officer, and all other levels of management and elected members of the Council.

(c) **Restriction on Posts** – The Data Protection Officer must not be conflicted by having a dual role of governing data whilst also defining how data is managed.

(d) In performing these functions the Data Protection Officer will have due regard to the risk associated with processing operations, taking into account the nature, scope, context and purpose of processing.

10.06 Functions of the Statutory Scrutiny Officer

(a) to promote the role of the authority's overview and scrutiny committee or committees.

(b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees.

(c) to provide support and guidance to:-

(i) members of the authority,

(ii) members of the executive of the authority, and

(iii) officers of the authority.

in relation to the functions of the authority's overview and scrutiny committee or committees.

10.0~~56~~ 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.

10.0~~67~~ 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.

10.0~~78~~ Employment

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