

**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 Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers and who shall collectively form a Senior Management Team:

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive (Head of Paid Service)	<p><u>Statutory functions of the Head of Paid Service as set out in 12.02 below.</u></p> <p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Departmental management and operational responsibility for the following service areas:</p> <p>Corporate Policy; Best Value; Public Relations/Information; Reception; Sustainability; Electoral Registration and Review; Community Strategy; Community Partnerships/Development; Arts Development; Sports Development; Community Safety; Milton Country Park; Travellers' Services</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for reviewing the Constitution.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Chief Finance Officer	<p>Departmental management and operational responsibility for the following service areas:</p> <p>Financial Administration; Accountancy; Collection of Revenues (Council Tax, Non-Domestic Rates, Rents and Other Debts); Housing and Council Tax Benefit; Site Management; Postal Services; Printing Services; e-Government; Exchequer; Payroll; Internal Audit; Library; Human Resources; Legal Services; Local Land Charges; Democratic Services.</p>

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	<p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Statutory responsibilities of chief finance officer set out in 12.04 below.</p> <p>Calculation of the council tax base, in accordance with S67 of the Local Government Act, as amended by S84 of the Local Government Finance Act 2003.</p>
<p><del>Development Services Director</del> <u>Executive Director</u></p>	<p>Departmental management and operational responsibility for the following service areas:</p> <p>Development Control; Local Plans/Local Development Framework; Land Use; Transport and Economic Development; Building Control; Conservation of Built and Natural Environment; Listed Building Grants; Street Naming and Numbering; Housing Development; Travellers Sites</p>
<p><del>Housing and Environmental Services Director*</del></p>	<p><del>Departmental management and operational responsibility for the following service areas:</del></p> <p>Housing Management (Shire Homes); Housing Aid and Advice; Home Improvement Agency; Right to Buy; Lands; Contracted Building Repairs, Grounds Maintenance, Vehicle Maintenance, Taxi and Private Hire Car Inspection and Miscellaneous Direct Services in support of other Council functions;</p> <p><del>[*All Council's Licensing Functions; Environmental Health and Services including Dog Warden Service, Pest Control Service; Street Cleansing; Street Lighting; Swavesey By-Ways; Awarded Watercourses; Waste Management and Re-Cycling; Pollution Control; closure powers under Part 6 of the Anti-Social Behaviour Act 2003.</del></p> <p><del>(Line management only – all under operational control of Chief Environmental Health Officer)</del></p>
<p><del>Chief Environmental Health Officer</del> <u>Monitoring Officer</u></p>	<p><del>Statutory functions of the Monitoring Officer as set out in 12.03 below.</del></p> <p><del>All Council's Licensing Functions; Environmental Health and Services including Dog Warden Service, Pest Control Service; Street Cleansing; Street Lighting; Swavesey By-Ways; Awarded Watercourses; Waste Management and Re-Cycling; Pollution Control</del></p>

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	<i>[Full operational control – only reporting to Housing and Environmental Services Director]</i>	
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- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council designates the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
<del>Head of Legal Services Executive Director</del>	Monitoring Officer
Chief Executive	Chief Finance Officer

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

(d) **Corporate Managers** The Council shall appoint Corporate Managers to carry out its functions through power delegated by the Chief Officers. The Chief Officers, together with the Corporate Managers, Principal Solicitor, Human Resources Manager and any other officer at the Chief Officers' discretion, shall collectively form an Executive Management Team.

(d)(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 senior officers. This is set out at Part 7 of this Constitution.

### **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) Restriction 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 consultation 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 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.

- (c) **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.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer, or a representative appointed by him/her, will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **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.
- (h) **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.
- (i) **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 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

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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 [s.114 Local Government Finance Act, 1988]. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council [s.151 Local Government Act, 1972] and there is delegated to the Chief Finance Officer responsibility for the execution and administration of treasury management decisions. He/she will act in accordance with the Council's policy statements and treasury management practices and **the Chartered Institute of Public Finance and Accountancy's** Standard of Professional Practice on Treasury Management
- (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) **Giving 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***

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

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### **12.08 General Delegated Powers and Proper Officer Responsibilities** [repeated in Delegation Rules]

(a) Authority to exercise the powers and carry out all of the functions of the Council shall be delegated to the Chief Officers, subject to the following exceptions:

- (1) Matters reserved to the Council in accordance with Article 4.
- (2) Matters reserved to the Cabinet and individual Portfolio Holders in accordance with Part 3, Tables 2A and B.
- (3) Matters reserved to Regulatory and other Committees and Sub-Committees in accordance with Part 3, Tables 1 and 3.
- (4) Matters reserved to specific Officers by law or under the provisions of this Constitution.

The Chief Officers shall have authority to delegate their powers, functions and responsibilities, wholly or in part, to Corporate Managers or other senior staff reporting directly to them. These officers shall themselves have discretion to delegate powers to be exercised by suitably qualified and experienced officers within their areas of responsibility, subject to limitations on further delegation which may be imposed. In all cases:

- General and specific delegations, and any limitations upon them, shall be set out in writing.
- Delegated powers shall be exercised in accordance with the Council's agreed corporate priorities set out in the budget and policy framework agreed by the Council and with the Delegation Rules set out in Part 4 of this Constitution.
- Accountability for the actions of Corporate Managers and subordinate Officers shall remain with the Chief Officers.

~~(a)(b) The~~ Chief Officers shall have full power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 12.01(b) above in relation to all operational matters, subject strictly to the Delegation Rules in Part 4. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget. ~~Where there is doubt as to whether a power exists or existed, the Chief Executive shall after consulting any members of the executive or any relevant Chairmen of Committees, advise and may certify in writing accordingly. Such certificate shall be conclusive for all purposes.~~

~~(b)(c)~~ Any limit or restriction upon the general delegated powers under paragraph 3.3 of the Delegation Rules shall be reported to the Council and recorded by the proper officer [paragraph 4,

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ibid]. In this paragraph and in all the Part 4 rules relating to committee, executive and Council administration, reference to the 'proper officer' shall mean the Chief Executive or such suitably experienced senior officer as the Chief Executive shall appoint

~~(c)~~(d) Unless otherwise provided by law or in this Constitution, each Chief Officer, within his or her respective functions and areas of responsibility set out in Article 12.01(b), shall also be the respective 'proper officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'proper officer' but any Chief Officer may delegate any such responsibility to a suitably experienced senior officer

~~(d)~~(e) All proper officer appointments not already set out in this Constitution, other than general appointment under paragraph ~~(de)~~ above, whether of, or under delegation by, any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.