

## Article 12– Officers

### Explanatory Comment

This Article describes the structure of the ~~Senior Management~~ Council and the roles of the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

#### 12.01 Management structure

- ~~(a)~~ **(a) Structure.** The Head of Paid Service will determine and publicise a description of the overall officer structure of the Council. This is set out at Part 7 of this Constitution.
- ~~(b)~~ The Corporate Management Team is made up of the Chief Executive, Corporate Directors and any other officer as determined by the Chief Executive. The Senior Management structure of the Council comprises the Chief Executive, Corporate Directors and Heads of Service. Each Corporate Director has a portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes and strategies and specific projects. The duties of the Corporate Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council's vision, priorities and core values. Each Corporate Director has a portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes and strategies, partnerships and specific projects.
- ~~(b)~~ The composition of each portfolio may change from time to time to reflect statutory requirements and the needs of the Council and the skills and experience of individual Corporate Directors.
- ~~(c)~~ The number of Corporate Directors and Heads of Service may vary from time to time.
- ~~(cd)~~ The Council is required to designate the following statutory posts: Head of Paid Service, Chief Financial Officer, and Monitoring Officer who will act in accordance with their professional standards and best practice guidance.

~~For the purposes of illustration, the distribution of portfolios and statutory responsibilities at December 2008 is as follows:~~

<b>Post</b>	<b>Functions and areas of responsibility</b>
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<del>Chief Executive</del>	<p><del>Head of Paid Service. Overall corporate management and operational responsibility (including overall management responsibility for all officers).</del></p> <p><del>Provision of professional advice to all parties in the decision making process.</del></p> <p><del>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</del></p> <p><del>Representing the Council on partnership and external bodies (as required by statute or the Council). These roles are underpinned by the political neutrality and service to the whole Council.</del></p> <p><del>Policy, Performance &amp; Partnership</del></p>
<del>Corporate Director: Resources</del>	<p><del>Finance, Human Resources, Information &amp; Communication Technology, Audit &amp; Democracy, Risk Management, Legal Services. The Corporate Director or the Head of Finance may hold the role of statutory Chief Financial Officer. The Head of Legal Services is the Monitoring Officer</del></p>
<del>Corporate Director: Community Services[F1];</del>	<p><del>Community &amp; Neighbourhoods including Equalities &amp; Diversity, Safer Communities, Locality Management and work with Parish Councils, etc. Leisure &amp; Cultural Services including Arts &amp; Culture, Libraries &amp; Lifelong Learning, Leisure &amp; Physical Activities, Sports &amp; Recreation, Customer Services including Reception, Web Services &amp; Business Transformation, Support &amp; Improvement including Registration Services.</del></p>
<del>Corporate Director: Children &amp; Young People</del>	<p><del>Schools Standards &amp; Effectiveness, School Inclusion, Planning &amp; Resources, Children's Social Services, Corporate Parenting, Looked After Children, School Attendance, Childcare, Early Years, Children's Centres, Behaviour Strategy &amp; Management, Pupil Referral Units, Schools Multi-cultural Development Services, Involving &amp; Consulting Services for C&amp;YP, Education Psychology, Sensory Inclusion Service, School &amp; Community Clusters Service Delivery, Outdoor Education, Youth &amp; Connexions Services, Building Schools for the Future, Capital and Facilities Management, School Admissions, Children Workforce Development, Living Services, Youth Offending Service, Disabled Children. The Corporate Director is Director of Children's Services.</del></p>
<del>Corporate Director: Adult &amp; Consumer Care</del>	<p><del>Adult Social Services, Community &amp; Health, Housing, Environmental Health, Trading Standards, Licensing, Civil Resilience, Joint Commissioning, Performance &amp; Standards. The Corporate Director is Director of Adult Social Services.</del></p>

<b>Post</b>	<b>Functions and areas of responsibility</b>
<del>Corporate Director: Environment and Regeneration</del>	<del>Planning and Environment, Mobility and Development, Strategic Regeneration, Asset &amp; Property Management and Economic Development</del>

~~The above table is descriptive only and full details of delegations are available as referred to in Part 11 of this Constitution (100g(2) List). The duties of the Corporate Directors include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members, the corporate management team and partners, including the pursuit of the Council's vision, goals and core values.~~

The statutory posts referred to above will have the functions described in paragraph 12.02–12.04 below.

~~**Structure.** The Head of Paid Service will determine and publicise a description of the overall officer structure of the Council. This is set out at Part 7 of this Constitution.~~

## 12.02 Functions of the Head of Paid Service

The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Chief Executive he/she may delegate other functions which are not included in Section 4.

- (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 Financial 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, employees and the public.  
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial 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 following receipt of an ombudsman's report indicating if a 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 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 Cabinet 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 Cabinet decisions are within the policy framework and budget** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy to act in his/her absence and when the Monitoring Officer is unable to act as defined in **Section 5 of the Local Government and Housing Act 1989.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

#### 12.04 **Functions of the Chief Financial Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial 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 Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (~~c~~) **Contributing 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.
- (~~d~~) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.

(ee) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

(f)} **Supporting the Audit Committee:** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

12.05 **Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer**

The Council will provide the Head of Paid Service, 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.

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**

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

(b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.