



Part E – Officers
Section E1 – Officers

In Part E:-

This Section (E1) of the Constitution explains the role of the authority’s officers in general and the role of certain key and “statutory” or “proper” officers. It sets out the officer management structure and explains how the authority’s functions are grouped together under Services and Directorates.

Section E2 contains the Officer Scheme of Delegation that sets out how Council has delegated powers to officers and how officers are to use those powers. In summary, with the exception of matters that are specifically reserved to Members by law or in this Constitution, such as adopting strategic policy and taking certain types of regulatory decisions, all of the other functions are delegated to officers. Officers may enter into contracts and incur expenditure but must do so within financial limits and procedures set out in the Finance and Contract Procedure Rules (Section F5).

Section E3 contains the Employment Procedure Rules.

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BOROUGH COUNCIL



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Section E1:- Officers

In this Section:-

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- 3. Statutory Officers**
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1. Introduction

- 1.1 “Officers” is the term used to refer to the people employed, retained or appointed by the authority to advise and support Members and implement their decisions. The term “officers” in this constitution includes all the people who operate in this capacity under an agreement with the authority whether or not they are directly employed by the Council. This may include contractors, consultants, agency staff and volunteers.
- 1.2 Section A2 explains the core objective of this authority’s approach to decision making and how it operates a “Cascade of Powers” system of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected by the decision in question. Under this system of delegation the vast majority of the authority’s decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 1.3 In order to ensure the smooth functioning of the authority and the efficient delivery of services, Council and the Cabinet have delegated to officers all of the powers that they need to do what their role requires of them from time to time. More information on the powers of officers can be found at Section E2.
- 1.4 Some officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as “Statutory” or “Proper” officers and some have specific legal titles in addition to their job titles. A summary of who these officers are and what they are responsible for can be found at paragraphs 3 and 4 of this Section (below).
- 1.5 The relationship between officers and Members is governed by a Protocol on Member/Officer relations which can be found at Part F. Members and officers are also bound by Codes of Conduct. These can also be found at Part F.



2. Officer Management Structure

- 2.1 The Council's services are delivered through different departments, known as "Services" each under the control of an officer who is known as a Head of Service. Services are grouped together to form Directorates under the control of an Executive Director. Each Head of Service reports to their relevant Executive Director.
- 2.2 Executive Directors are responsible for all of the Services within their Directorate. They report to the Chief Executive. The Chief Executive is ultimately responsible for the operational management of the Council, its officers, and for the delivery of all of the authority's services within the budget and policy framework set by Members.
- 2.3 The Chief Executive and Executive Directors are known as the "Chief Officers" and together (with the Monitoring Officer and Section 151 Officer) they form the Council's Executive Management Team.
- 2.4 The way the Council structures its Services and Directorates changes from time to time to reflect changes in service delivery and best practice. The Council's website contains the most up to date information and also sets out more details about who does what and how they can be contacted.

3. Statutory Officers

- 3.1 The authority is required to appoint certain officers to undertake the "Statutory Officer" roles. These roles require the appointed officer to discharge specific legal duties to ensure that the Council acts within the law and uses its resources wisely. Those roles are the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer or S151 Officer), and the Monitoring Officer.
- 3.2 The Council is responsible for ensuring that these officers have the resources they require to discharge their roles effectively.



The Head of Paid Service

- 3.3 The Chief Executive is the authority's Head of Paid Service. The Head of Paid Service reports to Council on the manner in which the discharge of the authority's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

The Chief Finance (Section 151 or S151) Officer

- 3.4 The Chief Finance Officer is responsible for the proper administration of the financial affairs of the authority.
- 3.5 The Chief Finance Officer will contribute to the corporate management of the authority by providing professional advice and assistance to officers and Members in respect of matters of financial propriety, compliance, and due process in the formation and implementation of the budget and policy framework.
- 3.6 The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Cabinet or the external auditor.

The Monitoring Officer

- 3.7 Unless otherwise agreed the Head of Legal and Governance is the authority's Monitoring Officer. The Monitoring Officer is responsible for ensuring lawfulness and fairness in decision-making and matters relating to the conduct of elected Members.
- 3.8 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.
- 3.9 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance Officer, report any proposal, decision or omission considered to be unlawful or to amount to



maladministration to the Council or the Cabinet. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- 3.10 The Monitoring Officer will contribute to the promotion and maintenance of high standards of Member conduct and will discharge functions in respect of breaches of the Member Code of Conduct.
- 3.11 The Monitoring Officer shall determine matters relating to the interpretation of the Constitution and will be responsible for ensuring that it is kept up to date.
- 3.12 The Monitoring Officer is authorised to make minor and/or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the intentions of the Council.

4. Proper Officers

- 4.1 There are various laws which require certain functions to be undertaken by the “Proper Officer” of the council or for a “Proper Officer” take overall responsibility for a particular statutory duty. The “Proper Officer” for these purposes shall be the Chief Officer with responsibility for the subject matter or Service Area in question. In the case of uncertainty, cross-cutting matters or matters relating to democratic process or corporate governance, the Proper Office is the Chief Executive or Monitoring Officer.
- 4.2 “Proper Officer” functions may be discharged by other officers duly authorised to act in the name of the “Proper Officer” concerned.