

ARTICLE 12 - OFFICERS

12.1 MANAGEMENT STRUCTURE

- **General**

The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- **Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer:

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
<p>Chief Executive¹ (and Head of Paid Service)</p>	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers);</p> <p>Equality of opportunity in employment and service delivery; performance management and service development; policy development, external relations and communications, customer services and the promotion of welfare rights;</p> <p>Provision of professional advice to all parties in the decision making process;</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions;</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
<p>Deputy Chief Executive</p>	<p>Assisting the Chief Executive in the overall corporate management and operational responsibility of the Council;</p> <p>Taking the lead on corporate initiatives, particularly the delivery of the Council's organisational corporate objectives;</p> <p>Representing the Council on partnership and external bodies.</p>

¹ Any reference to a “Director” within the Constitution shall be deemed to include reference to the Chief Executive, the Deputy Chief Executive and the Assistant Chief Executive (Corporate Governance) unless the context requires otherwise.

POST	FUNCTIONS AND AREAS OF RESPONSIBILITY
<p>Assistant Chief Executive (Corporate Governance) (and Monitoring Officer)</p>	<p>The Solicitor to the Council and Monitoring Officer; provision of legal advice;</p> <p>Management of corporate governance;</p> <p>Procurement and purchasing, electoral matters, land charges, vehicle licensing, other licensing² and enforcement duties, registration of births, deaths and marriages and civil partnerships, and the management of matters relating to Members, the Lord Mayor, Committees and Scrutiny Support;</p> <p>Data protection, human rights, freedom of information and regulation of surveillance activities.</p>
<p>Director of Resources (and Section 151 Officer)</p>	<p>The Chief Finance Officer to the Council and Section 151 Officer; provision of financial advice;</p> <p>Ensuring financial prudence of decision making, administration of financial affairs including benefits, student support, the collection of revenue, Council tax and national non domestic rates, internal audit, creditor payments and the Council's insurance arrangements;</p> <p>Industrial relations and employment matters including employee training and health and safety;</p> <p>Risk management, civil defence and emergency peace time planning;</p> <p>The application of information, communication and associated technologies to support the discharge of any of the Council's functions.</p>
<p>Director of City Services</p>	<p>The provision of services relating to building maintenance, catering, cleaning, transport (including corporate fleet management and maintenance and passenger transport) and school crossing patrols;</p> <p>Civic and community buildings, accommodation and facilities management;</p> <p>Matters relating to highways and road traffic (except those carried out by Director of City Development) including parking enforcement;</p> <p>Streetscene management (and enforcement) including street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly tipping and dog warden services.</p>

² Under the Licensing Act 2003 and the Gambling Act 2005
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<p>Director of City Development</p>	<p>Contaminated land, obtaining information as to interest in land, and arrangements for the execution of highways works;</p> <p>The management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land); the operation of retail and wholesale markets and car boot sales;</p> <p>The promotion of economic development and management of the city centre (including the promotion of the city centre and management of public spaces);</p> <p>Highways and road traffic regarding transportation and engineering services;</p> <p>Planning, building control (whether under the Building Act 1984 or otherwise); safety at sports grounds, land drainage, environmental management (including policy development on Waste Management) and the formulation and implementation of environmental improvement programmes;</p> <p>Design services and asset management;</p> <p>Street naming and numbering;</p> <p>Cultural services (including the arts, libraries, record repositories, museums and art galleries, tourism and promotions, public entertainment, halls and venues);</p> <p>Recreation services (including parks, countryside and sports facilities), cemeteries, crematoria, burial grounds and mortuaries, countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), the provision and maintenance of landscaping schemes.</p>
<p>Director of Environment and Neighbourhoods</p>	<p>Statutory nuisances and air quality;</p> <p>Housing (excluding those matters delegated to ALMOs), the condition and occupation of housing, caravan sites and land occupied by travelling people; environmental and consumer protection; health and safety, public health (including the investigation and control of notifiable diseases); animal welfare;</p> <p>Regeneration, community planning and community initiatives, community safety and the reduction of crime and disorder;</p> <p>Management and oversight of area based working arrangements;</p> <p>Vocational training and allied services for persons over compulsory school age, and the promotion of arrangements to assist persons to</p>

	obtain employment, and employers to obtain employees.
Director of Children's Services ³	The planning, commissioning and delivery of children's services (i.e. education, social and health services pertaining to children) and the promotion of arrangements for inter-agency co-operation.
Director of Adult Social Services ⁴	The planning, commissioning and delivery of services for vulnerable adults including social services and the promotion of arrangements for inter-agency co-operation.

Officer functions are further described in Part 3 of the Constitution.

- **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service	Chief Executive	Deputy Chief Executive
Monitoring Officer	Assistant Chief Executive (Corporate Governance)	Chief Legal Services Officer
Chief Finance Officer	Director of Resources	Chief Officer (Financial Management)

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.

Such posts will have the functions described in Article 12.2–12.4 below.

- **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.

³ Appointed under Section 18 Children Act 2004

⁴ Appointed under Section 6 of the Local Authority Social Services Act 1970

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **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.

- **Restrictions on functions**

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 FUNCTIONS OF THE MONITORING OFFICER

- **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.

- **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/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.

- **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.

- **Receiving reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the Case Tribunals.

- **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.

- **Proper officer for access to information.**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- **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

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **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 and will support and advise Councillors in their respective roles.

- **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **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/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.

- **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

- **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.

- **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.

- **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.5 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.

12.6 Conduct

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

12.7 Employment

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