

## Article 16 – Officers

### **16.01 Management structure**

#### **(a) General**

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

#### **(b) Statutory officers**

The full Council will appoint persons for the post of Chief Executive.

(The full Council will also appoint the Service Directors, who will be designated as members of the Corporate Management Team).

The functions of the Chief Executive will be as follows:

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
<b>Chief Executive (and Head of Paid Service)</b>	<p>To assist with the identification and delivery of the Council’s vision and corporate objectives.</p> <p>To be the Council’s Head of Paid Service with overall responsibility for the effective corporate and operational management of the Authority, and delivery of quality services to the community.</p> <p>To provide professional and policy advice to all parties in the decision-making process.</p> <p>To ensure the effective strategic management of the Council.</p> <p>To support the work and decision-making processes of the Leader and Executive, including the setting of strategic priorities which reflect the Council’s Community Strategy.</p> <p>To advise on the formulation, review and implementation of Council policy and strategy, including strategic financial matters.</p> <p>To ensure effective performance management systems are in place in order to secure best value in service delivery including maximising the opportunities for joined-up working through partnership and joint provision.</p> <p>To sustain the corporate interests and workings of the Council as a whole.</p>

Post	Functions and Areas of Responsibility
<b>Chief Executive (and Head of Paid Service) (continued)</b>	<p>To ensure effective mechanisms are in place for the delivery of effective internal and external communication.</p> <p>To actively manage the relationship between members and officers and to intervene to resolve any communication and other problems within the Authority.</p> <p>To work with elected members and staff to ensure the Council adopts a proactive response to external challenges from central government and other bodies (locally, regionally, nationally and internationally).</p> <p>To secure arrangements for the Council to work with others to improve the economic, social and environmental well-being of the area through joined-up working and service provision.</p> <p>To keep under review the organisation and management of the Authority.</p> <p>To ensure arrangements are in place for the production of appropriate contingency plans for the authority and fulfil the statutory duties concerned with civil emergency planning.</p> <p>To ensure that the Council's responsibilities for health and safety are met.</p> <p>To set agreed targets and monitor and evaluate the performance of the Service Directors.</p> <p>To work with the Cabinet to make any arrangements required to represent the Council at national, regional and European levels, with government bodies, local authorities, agencies, the local community, the private sector, academic institutions and any other organisations.</p>

(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will designate the following posts as shown:

Designation	Post
Head of Paid Service and Returning Officer for elections	Chief Executive

<b>Designation</b>	<b>Post</b>
Monitoring Officer	Head of Business Support
Chief Financial (Section 151) Officer	Head of Finance

Such posts will have the functions described in Article 15.02 - 15.04 below.

(d) Structure

The Head of Paid Service will determine and publicise a description of the overall Service Unit structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

## **16.02 Functions of the Head of Paid Service**

(a) Discharge of functions by the Council

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

## **16.03 Functions of the Monitoring Officer**

(a) Maintaining the Constitution

The Monitoring Officer in conjunction with the Democratic Services and Scrutiny Manager will maintain an up-to-date version of the Constitution and will ensure that it is published on the Council's website.

(b) Ensuring lawfulness and fairness of decision-making

After consulting with the Head of Paid Service, Chief Financial Officer and the Legal Services Manager, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if s/he 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) Dealing with complaints against Councillors

The Monitoring Officer will administer the process agreed by the Council for dealing with allegations of breaches of the Code of Conduct by Wyre Borough or Parish Councillors within the area.

(e) Proper Officer for Access to Information

The Monitoring Officer will ensure that decisions made by the Cabinet or one of its members, together with the reasons for those decisions and relevant Officer reports are made publicly available as soon as possible and that background papers are made available, on request.

(f) 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.

(g) Providing advice

The Monitoring Officer will contribute to the corporate management of the Council and will provide advice on the scope of powers and authority to take decisions, on maladministration, on financial impropriety, probity and on budget and policy framework issues to all Councillors.

(h) Restrictions on posts

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

**16.04 Functions of the Chief Financial Officer**

(a) Ensuring lawfulness and financial prudence of decision-making

After consulting with the Head of Paid Service, the Legal Services Manager and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to an Executive function and the Council's external auditor if s/he 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) 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.

(c) Administration of financial affairs

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

(d) Internal audit

The Chief Financial Officer will ensure that an adequate and effective system of internal audit service is provided to the Council.

(e) Providing advice

The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, on maladministration, on financial impropriety, probity and on budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(f) Give financial information

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

(g) Restriction on posts

The Chief Financial Officer cannot be the Monitoring Officer.

**16.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

The Council will provide the Monitoring Officer, the Deputy Monitoring Officer and the Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**16.06 Other officers**

Other officers will carry out the roles and functions for which they are responsible as set out in Part 7 of this Constitution.

**16.07 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

**16.08 Employment**

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