

## ~~PART 2, ARTICLE 11~~ PART 2 ARTICLE 11 - OFFICERS

### 1. General

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

### 2. Chief Officers

- 2.1 The Council will engage persons for the following posts, who will be designated chief officers:-
- 2.1.1 Chief Executive, who is also the Council's Head of Paid Service
  - 2.1.2 Director of Social Care, Health and Housing, who is the Council's statutory Director of Adult Social Services
  - 2.1.3 Director of Children's Services, who is also the Council's statutory Chief Education Officer and Director of Children's Services.
  - 2.1.4 Director of Community Services
  - 2.1.5 Director of Resources
  - 2.1.6 Director of Regeneration
  - 2.1.7 Director of Public Health
- 2.2 The functions and areas of responsibility of each of the Council's chief officers and delegations to other officers are set out in full in the Scheme of Functions Delegated to Officers in Part 3E Part H3 of the Constitution.

### 3. Statutory Officer Appointments

- 3.1 Certain legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. These are outlined in the table overleaf.

	<b>LEGISLATION</b>	<b>STATUTORY OFFICER</b>	<b>ALLOCATED TO</b>
1.	S.6 Local Authority Social Services Act 1970 (as amended by the Children Act 2004)	Director of Adult Social Services (Adult Services Only)	Director of Social Care, Health and Housing
2.	S.151 Local Government Act 1972	Chief Finance Officer	Chief Finance Officer
3.	S.3 and S.25 of the Local Government Act 2003	Chief Finance Officer	Chief Finance Officer
4.	S.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
5.	S.28 Representation of the People Act 1983	Acting Returning Officer	Chief Executive
6.	S.35 Representation of the People Act 1983	Returning Officer	Chief Executive
7.	S.72 Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Head of Public Protection
8.	S.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
9.	S.5 Local Government and Housing Act 1989	Monitoring Officer	Monitoring Officer
10.	S.532 Education Act 1996	Chief Education Officer	Director of Children's Services
11.	S.18 Children Act 2004	Director of Children's Services	Director of Children's Services
12.	S.212A Local Government Act 2000	Scrutiny Officer	Head of Governance
13.	Section 73A National Health Service Act 2006		

3.2 Further information about the functions of some of these statutory roles is given below. ~~these statutory roles is given below.~~

### 3.3 Functions of the Head of Paid Service

3.3.1 **Structure:** The Head of Paid Service will determine and publicise a description of the overall detailed structure of the Council showing the management structure and deployment of officers.

3.3.2 **Discharge of functions by the Council:** The Head of Paid Service will report to full Council, where he/she considers it appropriate, any proposals relating to 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.

### 3.4 Functions of the Monitoring Officer

3.4.1 **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.

3.4.2 **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 a meeting of 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.

- 3.4.3 **Ethical Standards:** The Monitoring Officer will advise and support the Council in the exercise of its responsibilities for Standards under chapter 7 of the Localism Act including:
- contributing to the promotion and maintenance of high standards of conduct by Members and officers of the Council
  - commissioning and conducting investigations into allegations submitted under section 29 of the Localism Act 2011
  - establishing and maintaining a register of interests of members and co-opted members of the Council
  - exercising such responsibilities for Standards in relation to Parish Councils as are prescribed by the Localism Act 2011.
- 3.4.4 **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.
- 3.4.5 **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.
- 3.4.6 **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.
- 3.4.7 **Procurement of external legal advice:** The Monitoring Officer will advise on the procurement of external legal advice.

### 3.5 **Functions of the Chief Finance Officer**

- 3.5.1 **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 a meeting of 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.
- 3.5.2 **Sustainable financial position:** Sections 3 and 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the time that the budget is considered and the Council Tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to, once fixed, and report to the Council if they are going to be infringed.
- 3.5.3 **Administration of financial affairs:** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 3.5.4 **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.
- 3.5.5 **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.
- 3.5.6 **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

### 3.6 **Restrictions on functions**

The Head of Paid Service may not also be the Monitoring Officer but may hold the post of Chief Finance Officer, if a qualified accountant. The Monitoring Officer may not be the Chief Finance Officer or the Head of Paid Service. The Scrutiny Officer may not also be the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

### 3.7 **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.

### 3.8 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in [Parts 5C and 5D](#) [Part F](#) of this Constitution.

### 3.9 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in [Part 4K](#) [Part H4](#) of this Constitution.

## 4. **Proper Officer Appointments**

4.1 The Local Government Act 1972 makes provision for certain officers of a local authority to be designated as the "Proper Officer" to carry out particular functions under various Acts of Parliament. These are outlined in the table below.

4.2 In the event of any officers mentioned above being for any reason unable to act or of any of their posts being vacant, the Chief Executive will appoint an officer to act in their place.

4.3 The Chief Executive is appointed as the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has yet been made by the Council and is reflected in the Constitution.

4.4 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. Every appointment outlined in the table below that is amended, replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
1.	Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
2.	Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
3.	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this table.			Chief Executive
4.	Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer which, by virtue of any provision to the said Act, is to be construed as a reference to the Chief Financial Officer of the Council.			Chief Finance Officer
5.	Building Act 1984	Section 61	Receive notification of, and having free access to, repairs of drains.	Assistant Director Planning
6.	The Flood and Water Management Act 2010	Section 21	To maintain a register of structures and features which are likely to have a significant effect on flood risk in the area	Assistant Director Planning
7.	Environmental Protection Act 1990	Section 149	Seizure of stray dogs	Head of Public Protection
8.	Highways Act 1980	Section 37(5)	Receive and make available for inspection certificates approving dedication of highways to be maintainable at public expense	Head of Highways

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
9.		Section 205(3) and (5)	Preparation of specification estimate and provisional appointment for private street works, and receipt and making available for inspection those documents	Assistant Director Highways & Transport
10.		Section 210(2)	Certification of document giving details of estimate and consequential amendment or provisional appointment for private street works	Assistant Director Highways & Transport
11.		Section 211(1)	Making final apportionment of expenses for private street works	Assistant Director Highways & Transport
12.		Section 216(2) and (3)	Settlement of proportion of amount where certain railway or canal undertakers are exempt	Assistant Director Highways & Transport
13.	Housing Act 1985	Section 606	Submitting reports on, or conducting inspections of, houses unfit for human habitation or in clearance areas	Assistant Director Housing Services
14.	Housing Act 2004	Section 4	Receipt and inspection of complaints of category 1 or 2 hazards on residential premises	Assistant Director Housing Services
15.	Local Authorities Cemeteries Order 1977 and Cremation Regulations	All	Officer of the burial authority and Registrar for various matters relating to cremation and to nominate a Medical Referee and Deputy Referee under the regulations	Head of Community Services
16.	Local Authorities (Standing Orders) (England) Regulations 2001	Schedule 1	Giving notice of appointments and dismissals at Director or Assistant Director level	Monitoring Officer



	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
17.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Regs 3 and 4	Recording of collective executive decisions	Monitoring Officer
18.		Regs 5, 6, 9 and 11	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions	Monitoring Officer
19.		Regs 12 and 15	Publicity in connection with the forward plan and giving notice etc. in cases of urgency	Monitoring Officer
20.		Reg 17	Rights of access to documents for councillors	Monitoring Officer
21.	Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000	Various Regulations	Verification etc. of Mayoral petitions	Monitoring Officer
22.	Local Elections (Principal Areas) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
23.	Local Elections (Parishes and Communities) Rules 2006	Rules 52-55	Inspection, production, retention and destruction of electoral documents	Chief Executive
24.	Local Government Act 1972	Section 13 (3)	Parish Trustee, where parish has no separate parish council	Chief Executive
25.		Section 83(1) to (4)	Witnessing and receiving declarations of acceptance of office	Chief Executive
26.		Section 84(1)	Receiving a councillor's resignation	Chief Executive
27.		Section 88(2)	Calling a full Council meeting to elect a chairman if there is a casual vacancy	Chief Executive
28.		Section 89(1)(b)	Giving notice of a casual vacancy	Chief Executive

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
29.		Section 96(2)	Receipt and recording of disclosure of Members' interests under Section 94 and 96(1)	Monitoring Officer
30.		Section 100 and 100A to 100K	Access to meetings and documents	Monitoring Officer
31.		Section 115(2)	Receiving money due from officers	Chief Finance Officer
32.		Section 146(1)(a) & (b)	Making declarations and certificates about transferring securities	Monitoring Officer
33.		Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Monitoring Officer
34.		Section 204(3)	Receipt of application for licence under Licensing Act 1964 and Justices licence.	Head of Public Protection
35.		Section 210(6) and (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer	Monitoring Officer
36.		Section 225	Depositing documents	Monitoring Officer
37.		Section 228(3)	Making accounts available for councillors to look at	Chief Finance Officer
38.		Section 229(5)	Certifying photocopies of documents	Monitoring Officer
39.		Section 234(1)	Authenticating documents	Monitoring Officer
40.		Section 234(2)	Statutory Notices under various Public Health and associated legislation	Head of Public Protection and Assistant Director Housing Services

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
41.		Section 234(2)	Notices in respect of Council dwellings relating to the right to buy, or proceedings for the termination of a secure tenancy	Assistant Director Housing Services
42.		Section 236(9) & (10)	Sending copies of byelaws to parish councils, parish meetings and the county council	Monitoring Officer
43.		Section 238	Certifying byelaws	Monitoring Officer
44.		Schedule 12, Para 4(2)(b)	Signing the summons to Full Council	Chief Executive
45.		Schedule 12 Para 4(3)	Being told where to send summonses to Full Council meetings	Monitoring Officer
46.		Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Monitoring Officer
47.		Schedule 16 Para 28	Keeping lists of buildings of special architectural or historic interest	Assistant Director Planning
48.	Local Government Act 1974	Section 30(5)	Giving notice that copies of an ombudsman's report are available	Chief Executive
49.	Local Government (Miscellaneous Provisions) Act 1976	Section 41(1)	Certifying copies of resolutions and minutes	Monitoring Officer
50.	Local Government (Finance) Act 1988	Section 116(1)	Notifying the external auditor of arrangements for a meeting to consider a report of the Chief Finance Officer	Chief Executive
51.	Local Government and Housing Act 1989	Section 2(4)	Receipt of list of politically restricted posts	Monitoring Officer
52.		Section 15	Receipt of Notice relating to political groups	Monitoring Officer
53.		Section 19	Receipt of general notice of members personal interests	Monitoring Officer

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
54.	Local Government (Committees and Political Groups) Regulations 1990		Dealing with political balance on committees	Monitoring Officer
55.	Local Government Act 2000		Acting as proper officer for all the responsibilities in the Local Government Act 2000	Monitoring Officer
56.	Milk and Dairies (General) Regulations 1959	Part VII (Regs 18-20)	Provisions with regard to infection of milk	Head of Public Protection
57.	Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Chief Finance Officer
58.	Proceeds of Crime Act 2002	Part 7	Nominated officer to receive disclosures on suspected money laundering	Chief Finance Officer
59.	Terrorism Act 2009	Part 3	Nominated officer to receive disclosures on suspected terrorist property	Chief Finance Officer
60.	National Assistance Act 1948	All	Public Health (misc.)	Head of Public Protection
61.	National Assistance (Amendment) Act 1951	All	Public Health (misc.)	Head of Public Protection in consultation with Director of Social Care, Health and Housing and Director of Public Health where appropriate
62.	Public Health Act 1936	Section 85(2)	Serving a notice requiring action to deal with verminous people or things	Head of Public Protection in consultation with Assistant Director Housing
63.	Public Health Act 1961	Section 37	Controlling the sale of verminous things	Head of Public Protection

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
64.	Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Head of Public Protection
65.		Section 18	Getting information about cases of notifiable disease or food poisoning	Head of Public Protection
66.		Section 20	Stopping of work to prevent disease spreading	Head of Public Protection
67.		Section 21	Excluding children from school if they are likely to carry a notifiable disease	Head of Public Protection
68.		Section 22	Asking for the names and addresses of pupils at a school or department of a school	Head of Public Protection
69.		Section 24	Approving satisfactory disinfection or washing of articles known to have been exposed to infection from a notifiable disease.	Head of Public Protection
70.		Section 29	Approval of proper disinfection before allowing letting of house or room after recent case of notifiable disease	Head of Public Protection
71.		Section 30	Approval of proper disinfection of house upon ceasing occupation	Head of Public Protection
72.		Section 31	Certifying the need to disinfect premises	Head of Public Protection
73.		Section 32	Certifying the need to remove someone from an infected house	Head of Public Protection
74.		Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Head of Public Protection
75.		Section 40	Getting a warrant to examine residents of a common lodging house	Head of Public Protection

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
76.		Section 42	Certifying a common lodging house to be free from infection	Head of Public Protection
77.		Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	Head of Public Protection
78.		Section 48	Certifying that it would be a health risk to keep a body in a building	Head of Public Protection
79.		Section 59	Authenticating documents about things they are responsible for under the Act.	Head of Public Protection
80.	Public Health (Infectious Diseases) Regulations 1988	All	Infectious diseases, food poisoning and food borne infections.	Head of Public Protection
81.	Rates Act 1984	Section 7	Certification of compliance with maximum rates under the Local Government Finance Act 1987	Chief Finance Officer
82.	Rent Act 1977	Section 63	Appointment of rent officers under a scheme	Director of Social Care, Health and Housing
83.		Schedule 15 Part IV	Certificates of provision of suitable alternative accommodation	Director of Social Care, Health and Housing
84.	Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Chief Executive
85.	Registration Services Act 1953	Sections 9(1) and (2)	Appointment of interim superintendent registrar(s)	Head of Governance
86.		Sections 13(2)(h) and 13(3)(b)	Exercise of powers under the local scheme of organisation	Head of Governance

	<b>LEGISLATION</b>	<b>SECTION</b>	<b>PROVISION</b>	<b>PROPER OFFICER</b>
87.		Section 20	The proper officer to be subject to regulations made by the Registrar General	Head of Governance
88.	Registration of Births, Deaths and Marriages Regulations 1968 – 1994		Registration of Births, Deaths and Marriages	Head of Governance