

Article 12 – Officers

TERMINOLOGY

The use of the words "officers" means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations.

12.01 Management structure

- (a) **General:** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers:** The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Change management/ <u>Transformation</u> Civic Functions Communications and funding Development of partnership and joint working arrangements Electoral Services Inward Investment Leadership and strategic direction and management Member/Officer relationships Tourism Performance management Policy development Provision of external focus <u>Community Services, Safety and CCTV</u> <u>Digital Services/EKS ICT</u> Regeneration Delivery Governance Legal and Democratic Services Human Resources
Strategic Director (Corporate Resources <u>Finance & Housing</u>) (and Section 151 Officer)	<u>Financial Management and Budgetary Control</u> Accountancy Client Officer for East Kent Audit Partnership <u>Client Officer for EKS/Civica</u> Community Services Community Safety and CCTV Digital Services Financial management and budgetary control Housing <u>Management</u> <u>Housing Needs</u> Procurement Property Investment <u>Housing Investment</u>

Post	Functions and areas of responsibility
	Regulatory Services
Strategic Director (Operations and Commercial Place & Environment)	<u>Planning and Development</u> Building Control Leisure Services Major Projects <u>Regeneration and Tourism</u> <u>Inward Investment</u> Museums <u>& Heritage</u> Natural Environment Parks and Open Spaces Planning Services (excluding enforcement) Property and Corporate Assets Transport and Parking Waste Services
<u>Strategic Director (Corporate & Regulatory)</u>	<u>Corporate Governance</u> <u>Communications and Funding</u> <u>Democratic and Corporate Services</u> <u>Legal</u> <u>Electoral Services</u> <u>Human Resources and Payroll</u> <u>Regulatory Services</u> <u>Port Health</u>

- (c) **Head of Paid Service, Monitoring Officer and Section 151 Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Solicitor to the Council	Monitoring Officer
Strategic Director (Corporate Resources <u>Finance & Housing</u>)	Section 151 Officer

Such posts will have the functions described in Article 12.02–12.04 below.

- (d) **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.
- (e) **Corporate Management Team.** The Corporate Management Team shall comprise the Chief Executive (and Head of Paid Service), Strategic Director (~~Corporate Resources~~Finance & housing), ~~and~~ Strategic Director (~~Operations and Commercial Place and Environment~~) ~~and~~ Strategic Director (~~Corporate & Regulatory~~).

The Monitoring Officer is not a member of the Corporate Management Team; however, the Monitoring Officer will always have access to the Chief Executive and Strategic Directors and to Corporate Management Team agendas in advance of the meetings. The Monitoring Officer will be free to attend meetings of the Corporate Management Team as they require.

The Corporate Management Team is not a decision-making body and its meetings will not be held in public.

- (f) **Leadership Forum.** The Leadership Forum comprises the Leader of the Council, the Chief Executive, members of the executive, members of the Corporate Management Team and supporting officers.

In exercising their respective leadership roles, and as part of any effective working arrangements, it is necessary for the Leader and the Chief Executive to meet informally from time to time with members of the executive and members of the Corporate Management Team.

A Leadership Forum will therefore be held to enable regular and scheduled discussions to take place between members of the executive and members of the Corporate Management Team.

The purpose of the Leadership Forum is therefore to

- facilitate discussions on general or particular issues or enable clarification of matters between Leader, the Chief Executive, members of the executive, members of the Corporate Management Team
- assist in settling the Notice of Forthcoming Key Decisions.
- assist in identifying items for consideration at future meetings of the Cabinet.

The Leadership Forum is not a decision-making body and its meetings will not be held in public.

12.02 Functions of the Head of Paid Service

- (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 Section 151 Officer if a qualified accountant.

NB In the absence of the Head of Paid Service at any meeting of the Council, the Monitoring Officer or nominee shall act on his behalf for the purposes of the conduct of that meeting.

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 consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service, the Strategic Director (~~Corporate Resources~~Finance & Housing), the Monitoring Officer will report to the full Council or to the Leader and executive in relation to an executive function if he or 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.

- (c) **Dover District Council Kent Code of Conduct for Members.** The Monitoring Officer will discharge those functions ascribed to him under the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.
- (d) **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.
- (e) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional governance advice.
- (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 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.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.04 Functions of the Section 151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Leader and executive in relation to an executive 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 Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 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.
- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and the Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Solicitor to the Council

The Solicitor to the Council shall have full access to the Council and the Executive, to all Committees and Sub-Committees of the Council and the Executive and to all Chief Officers on all matters of legal professional business.

12.07 Senior Information Risk Owner

A senior officer who is familiar with information risks and the Council's response to risk with overall responsibility for the Council's information risk and governance management arrangements. The responsibilities of the Senior Information Risk Owner are to lead and champion a culture of good information management, Own the overall information risk policy and procedures and advise the Council's senior management on information risk.

The role of the SIRO includes:

- Accountability for Information Risk Management, its confidentiality, integrity and availability and to ensure it is being effectively managed and correctly classified
- Leading and encouraging a culture that protects and exploits information within the Council, including agreeing the risk appetite within the Authority
- Responsibility for the corporate information security and information governance policy
- Providing an annual statement of the security of information assets for inclusion in the Annual Governance Assurance Statement

12.08 Data Protection Officer

Article 37 of General Data Protection Regulation 2016 requires a public body to designate a Data Protection Officer on the basis of professional qualities and particular knowledge of data protection law and practices. This post holder should not be the Senior Information Risk Officer. The council must support its Data Protection Officer by providing resources to undertake tasks and access to personal data and process and operations and to maintain expert knowledge. The Data Protection Officer must be able to perform their duties in an independent manner and the council may not give the Data Protection Officer instruction on exercising their role.

12.09 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.

12.10 Employment

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

*References: Chapters 8 and 9, DETR Guidance
Sections 4 and 5, Local Government and Housing Act 1989
Sections 60, 64–66, Local Government Act 2000*