

SECTION 19

OFFICERS

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19.1 Introduction

19.1.1 The Council employs paid staff (known as officers) to carry out decisions, give advice and manage the day-to-day delivery of its services. The law requires that certain officers should be employed to carry out specific statutory responsibilities (“statutory officers”), but otherwise, the Council may decide which officers to employ to carry out which duties.

19.1.2 The Chief Executive is the most senior officer of the Council. He or she is responsible for deciding on the overall management structure of the Council. The Deputy Chief Executives support the Chief Executive. ~~Currently,~~ the work of the Council is organised into ~~four~~ six groups, headed by a Corporate Group Manager, and each group is divided into a number of Service Areas, each with responsibility for particular areas of the Council’s services. ~~Each Service Area is headed by a Team Manager.~~ A diagram showing the current management structure of the Council, ~~and the work of each Group and Team Unit,~~ is set out at Appendix F (Management Structure of the Council). Further information about the organisation of the Council and the officers responsible for different areas can be obtained from Customer Services, the Council’s web-site at www.mendip.gov.uk or any Council Information Point.

19.1.3.1 The Corporate Strategic Management Leadership Team (“CSLMT”) is the most senior management group for Officers of the Council. ~~It works closely with the Cabinet to ensure that the Council’s policies are implemented and that its procedures are followed.~~ SLT is made up of the Chief Executive, the Deputy Chief Executives, and the Section 151 Officer. SLT has overall responsibility for the Council’s strategic vision and direction, and the delivery of its priorities.

19.1.3.2 Working closely with Cabinet, Corporate Management Team (CMT), which comprises CLT and all Group Managers is responsible for the managerial leadership of the Council; implementation of the Cabinet

~~policy directives; and the co-ordination and commissioning of Council-wide activities. GMT is made up of the Chief Executive, the Corporate Managers, the section 151 Officer and the Strategic HR Advisor.~~

19.1.4 Most day-to-day and operational decision-making is carried out by officers so that the Council can provide services in the most economic, efficient and effective way. The powers granted to officers to make decisions on behalf of the Council are set out in the Schemes of Delegation in Schedule 1 of Section 18 (Responsibility for Functions).

9.2 Responsibilities of Corporate Management Team

19.2.1 Chief Executive and Deputy Chief Executives

The Chief Executive is designated as the Head of Paid Service, and is one of the statutory officers of the Council. ~~The Chief Executive, or in his/her absence or in the case of urgency the Deputy Chief Executives will~~ S/he will have the following roles and responsibilities (together with any others specified in his or her contract of employment):

- Overall corporate management and operational responsibility (including overall management responsibility for all officers).
- Provision of professional and politically-neutral advice to all parties in the Council's decision-making processes.
- ~~W~~Together with the Monitoring Officer, responsibility for a system of record-keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies, as required by statute or the Council.
- Reporting to Full Council on the way in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required to carry out those functions and the organisation of officers.
- Carrying out any other functions allocated to the post of Chief Executive by law or by any other provision of this Constitution.
- Is designated as a Chief Officer for the purposes of relevant legal government legislation.

- Is responsible for leading the process of preventing and detecting Fraud and Corruption and accountable for the effectiveness of this.

19.2.2 **Corporate Group Managers**

The **Corporate Group** Managers are responsible for those areas of the Council's services allocated to their Group as set out in the diagram at Appendix F (Management structure of the Council) and the scheme of Delegation to Officers in Section 18, Schedule 1.

19.3 **Statutory Officers**

19.3.1 In addition to the Chief Executive as the Head of Paid Service, the Council must designate a Monitoring Officer and a **Chief Financial OfficerSection 151 Officer** as statutory officers. The Monitoring Officer cannot be the Chief Executive or the **Chief Financial OfficerSection 151 Officer**, although the Chief Executive may be the **Chief Financial OfficerSection 151 Officer** if he/she is a qualified accountant. ~~The Council has appointed a Monitoring Officer to that specific post, and the post of Corporate Financial Advisor has been designated as the Chief Financial Officer (S151 officer).~~

19.3.2 The Monitoring Officer has the following functions:

- Maintaining an up-to-date version of the Constitution and ensuring that it is widely available for consultation by members, staff and the public.
- After consulting with the Chief Executive and the Corporate Financial Manager, reporting to the full Council (or to the Cabinet in relation to an executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration.
- To promote and maintain high standards of conduct for the Council's elected and co-opted members.
- Receive Code of Conduct complaints against Members and Parish Councillors and deal with such complaints in accordance with the procedure set out at Appendix H Procedure for Dealing with Standards Allegations.

- To maintain a register of Member's interests and ensure it is available for inspection (a register is to be maintained for both this Council and the Parish Councils).
- In consultation with the Standards Committee, to appoint an Independent Person, and a Reserve Independent Person, if required, who will be consulted on the reviewing resolution and determination of Code of Conduct complaints.
- To consider requests for a dispensation on the following grounds to enable a Member to participate and vote on a matter in which the Member has a disclosable pecuniary interest ("DPI") as defined in the Code of Conduct:
 - i) That so many members of the decision making body have DPis in a matter that it would impede the transaction of the business- in other words a dispensation is needed to prevent the meeting being inquorate.
 - ii) That without a dispensation no member of the Cabinet would be able to participate on the matter
- Ensuring 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.
- Advising whether decisions of the Council are in accordance with the Budget and Policy Framework.
- Providing advice to councillors and officers on the scope of the Council's powers and its authority to take decisions, and on issues relating to maladministration, financial impropriety, and compliance with the Budget and Policy Framework
- To report to the Police the failure of any Member or Members to disclose and/or register a disclosable pecuniary interest that, in the opinion of the Monitoring officer, may constitute a criminal offence, in accordance with this Constitution at Appendix H.
- To consult with the Independent Person or the Reserve Independent Person if the Independent Person is unable to act for any reason, all in accordance with the procedure outlined at Appendix H of this Constitution.
- Providing advice on issues relating to probity, ethical standards and the Codes of Conduct to members and officers of the Council, councillors and clerks of parish councils in the Mendip area and to members of the public.
- Carrying out any other functions allocated to the post of Monitoring Officer by law or by any other provision of this Constitution.

- Under the partnership agreement (IAA Inter-Authorities Agreement) Monitoring Officer functions are excluded.
- Retaining a confidential written record of whistleblowing concerns for monitoring and audit purposes.

19.3.3 The ~~Corporate Financial Advisor~~Section 151 Officer has the following functions, as the Chief Financial Officer:

- After consulting with the Chief Executive and the Monitoring Officer, reporting to the full Council (or to the Cabinet in relation to an executive function) and to 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.
- Administering the financial affairs of the Council.
- Contributing to the corporate management of the Council, in particular through the provision of professional financial advice.
- Providing 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 supporting and advising councillors and officers in their respective roles.
- Providing financial information to the media, members of the public and the community.
- Carrying out any other functions allocated to the post of Chief Finance Officer by law or by any other provision of this Constitution.

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

19.4 Standards of Conduct

Officers will comply with the Standards of Conduct for Officers set out at Appendix B and the Protocol on Officer/Member Relations set out at Appendix E of this Constitution.

19.5 Employment of Officers

~~Section 19~~

~~Mendip District Council Constitution~~

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~~Updated/Approved by~~ Monitoring Officer/Full Council on 04.08.2015/11 July 16

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