

Article 9 - Officers

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9.01 Management structure

- (a) The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) The Council will engage persons for the posts as outlined in Part 7 (Management Structure). All of these officers are shared appointments with South Hams District Council.
- (c) The Council designates the following posts as shown:

Post	Designation
Executive Director of Strategy & Commissioning	Head of Paid Service Electoral Registration Officer Returning Officer
Executive Director of Service Delivery & Commercial Development	Deputy Electoral Registration Officer
Community of Practice Lead (Finance)	Section 151 Officer / Chief Finance Officer
Community of Practice Lead (Legal)	Monitoring Officer
Group Managers	Deputy Chief Officers

(d) Group Managers

The Council has **3 Group Managers** (shared with South Hams District Council) responsible for the following (further details of which are set out in Part 3 below):

- Business Development Group Manager
- Commercial Services Group Manager
- Support Services Group Manager

- (e) **Structure.** The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

9.02 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to 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 Chief Finance Officer (if a qualified accountant).

9.03 **Functions of the Chief Finance Officer (s151 Officer)**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council 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) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **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.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to Councillors, the media, members of the public and the community.

9.04 **Functions of the Monitoring Officer**

- (a) **Maintain the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure it is widely available to Members, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting the Head of Paid Service and Chief Finance Officer, the

Monitoring Officer will report to the Council 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. The Monitoring Officer will make decisions on standards complaints in accordance with the 'Dealing with Complaints' procedure and Hearing Procedure.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred for investigation by the Standards Committee or the Monitoring Officer.
- (e) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.
- (f) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

9.05 **Provision of sufficient resources to the Head of Paid Service, Chief Finance Officer and Monitoring Officer**

The Council will provide the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer with such staff, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

9.06 **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.

9.07 **Employment**

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

9.08 **Senior Leadership Team**

The responsibilities of the **Senior Leadership Team** shall be:

- (a) to keep under constant review the work of the Council and to advise the Council thereon;

- (b) to assist the Council in the formulation and periodic review of the Policy Framework and other policies based on assessed needs and defined objectives through the project management process;
- (c) to co-ordinate the efficient implementation of the programmes and policies determined by the Council;
- (d) to provide the Council and its Committees with the views of the Senior Leadership Team on all matters of importance affecting the Council.
- (a) to request advice as appropriate from the Monitoring Officer and Section 151 Officer
- (b) The Senior Leadership Team Comprises:
 - Executive Director of Strategy & Commissioning
 - Executive Director Service Delivery & Commercial Development
 - Group Managers

Each member of the Senior Leadership Team shall be entitled to give or be called upon to give individual advice to the Council or its Committees on any matter involving his/her own professional knowledge or opinion and on any matter which materially affects the control or administration of any Service, employee, property or equipment under his/her jurisdiction.

9.09 Professional Indemnity to Officers

The Council will indemnify all its employees accordance with the resolution by Council and in accordance with and subject to section 111 Local Government Act 1972 and the Local Authorities (Indemnities for Members and Officers) Order 2004 (SI 2004/3082 (or as amended form time to time).