

## **Part F – Officers**

### **Section F1:- Officers**

#### **In Part F:-**

**This Section (F1)** of the Constitution explains the role of the authority’s Officers in general and the role of certain key and “statutory” or “proper” officers. It sets out the Officer management structure and explains how the authority’s functions are grouped together under Services and Directorates.

**Section F2** contains the Officer Scheme of Delegation which sets out how Council has delegated powers to officers and how officers are to use those powers. In summary, with the exception of matters that are specifically reserved to Members by law or in this Constitution, such as adopting strategic policy and taking certain types of regulatory decisions, all of the other functions are delegated to officers. Officers may enter into contracts and incur expenditure but must do so within financial limits and procedures set out in the Finance and Contract Procedure Rules (Section G4).

**Section F3** contains the Officer Employment Procedure Rules.

## **Part F – Officers**

### **Section F1:- Officers**

**In this Section:-**

- 1. Introduction**
- 2. Officer Management Structure**
- 3. Statutory Officers**
- 4. Proper Officers**

## **1. Introduction**

- 1.1 “Officers” is the term used to refer to the people employed, retained or appointed by the authority to advise and support Members and implement their decisions. The term “officers” in this constitution includes all the people who operate in this capacity under an agreement with the authority whether or not they are directly employed by the Council. This may include contractors, consultants, agency staff and volunteers.
- 1.2 Section A2 explains the core objective of this authority’s approach to decision making and how it operates a “Cascade of Powers” system of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected by the decision in question. Under this system of delegation the vast majority of the authority’s decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 1.3 In order to ensure the smooth functioning of the authority and the efficient delivery of services, Council and the Cabinet have delegated to officers all of the powers that they need to do what their role requires of them from time to time. More information on the powers of officers can be found at Section F2.
- 1.4 Some officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles. A summary of who these officers are and what they are responsible for can be found at Parts 3 and 4 of this Section (below).
- 1.5 The relationship between officers and Members is governed by a Protocol on Member/Officer relations which can be found at Section G. Members and Officers are also bound by Codes of Conduct. These can also be found at Section G.

## **2. Officer Management Structure**

- 2.1 The council’s services are delivered through different departments, known as “Services” each under the control of an officer who is known as Director.

Services are grouped together to form Directorates under the control of a Strategic Director. Each Director reports to their relevant Strategic Director.

- 2.2 Strategic Directors are responsible for all of the Services within their Directorate and they report to the Chief Executive. The Chief Executive is ultimately responsible for the operational management of the Council, its officers, and for the delivery of all of the authority's services within the budget and policy framework set by Members.
- 2.3 The Chief Executive and Strategic Directors are known as the "Chief Officers" and together they form the council's Corporate Management Team.
- 2.4 The way the council structures its Services and Directorates changes from time to time to reflect changes in service delivery and best practice. The council's website contains the most up to date information and also sets out more details about who does what and how they can be contacted.

### **3. Statutory Officers**

- 3.1 The authority is required to appoint certain officers to undertake the "Statutory Officer" roles which require them to discharge specific legal duties to ensure that the Council acts within the law and uses its resources wisely. Those roles are the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer or S151 Officer), and the Monitoring Officer.
- 3.2 The Council is responsible for ensuring that these officers have the resources they require to discharge their roles effectively.

#### **The Head of Paid Service**

- 3.3 The Chief Executive is the authority's Head of Paid Service. The Head of Paid Service reports to Council on the manner in which the discharge of the authority's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

#### **The Chief Finance (Section 151 or S151) Officer**

- 3.4 The Director of Corporate Services is the authority's Chief Finance Officer and is responsible for the proper administration of the financial affairs of the authority.
- 3.5 The Chief Finance Officer will contribute to the corporate management of the authority by providing professional advice and assistance to officers and

Members in respect of matters of financial propriety, compliance, and due process in the formation and implementation of the budget and policy framework.

- 3.6 The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Cabinet or the external auditor.

#### **The Monitoring Officer**

- 3.7 Unless otherwise agreed the Director of Governance is the authority's Monitoring Officer and is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of elected Members.
- 3.8 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.
- 3.9 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance Officer, report any proposal, decision or omission considered to be unlawful or to amount to maladministration to the Council or the Cabinet. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 3.10 The Monitoring Officer will contribute to the promotion and maintenance of high standards of Member conduct and will discharge functions in respect of breaches of the Member Code of Conduct.
- 3.11 The Monitoring Officer shall determine matters relating to the interpretation of the Constitution and will be responsible for ensuring that it is kept up to date
- 3.12 The Monitoring Officer is authorised to make minor and/or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the intentions of the Council.

#### **4. Proper Officers**

- 4.1 There are various laws which require certain functions to be undertaken by the "Proper Officer" of the council. The following is a list of designated proper officers in Cheshire West and Chester. In the event that a proper officer is not

listed then the proper officer shall be the Chief Officer with responsibility for the subject matter in question or in the alternative the Chief Executive.

4.2 “Proper Officer” functions may be discharged by other officers duly authorised to act in the name of the “Proper Officer” concerned.

### **Local Government Act 1972**

<b>Section</b>	<b>Subject Matter</b>	<b>Proper Officer</b>
83	Declaration of acceptance of office by chairman, vice-chairman or councillor	Chief Executive
84	Receipt of resignation of office by person elected	Chief Executive
88(2)	Convening of meeting of Council to fill casual vacancy in office of chairman	Director of Governance
89(1)(b)	Receipt of notice of casual vacancy of councillor from two local government electors	Chief Executive
96(1) & (2)	Receipt of notice of interests in contracts	Director of Governance
100B(7)(c)	Supply of documents to press	Director of Governance
100C(2)	Written summary of exempt proceedings	Director of Governance
100D(1)(a)	Compilation of list of and inspection of background papers	Chief Executive and Director(s) in whose name report is written
100F(2)	Exclusion of document containing exempt information	Director of Governance
115(2)	Receipt of money due from officers	Director of Corporate Services
146(1)(a) and (b)	Declarations and certificates with regard to securities	Director of Corporate Services
151	Arrangements for proper administration of Council's financial affairs	Director of Corporate Services
191	Functions with respect to ordnance survey	Strategic Director
204(3)	Receipt of notice of application for justices' licence under Schedule 2 Licensing Act 1964	Strategic Director of Area and Community Services

210	Charity functions of predecessor authorities transferred to the Council	Director of Governance
223(1)	Appearance of Council in legal Proceedings	Director of Governance
225	Deposit of documents	Director of Governance
228(3)	Accounts to be open to inspection	Director of Corporate Services
229(5)	Certification of photographic copies of documents	Director of Governance
234(1) and (2)	Authentication of documents	Chief Executive and all Strategic Directors and Director of Governance
236(10) and (9)	To send copies of byelaws to Parish Councils	Director of Governance
238	Certification of byelaws	Director of Governance
248(2)	Keeping of Roll of Freemen	Chief Executive
Schedule 12 para 4(2)(b)	Signature of summons to council Meeting	Director of Governance
Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Director of Governance
Schedule 14 para 25(7)	Certification of resolutions under Para 25	Director of Governance

### **Representation of the People Act 1983**

8(1) and (2) (a)	Appointment of electoral registration Officer	Chief Executive
35(1)	Appointment of returning officer	Chief Executive

### **Local Government Finance Act 1988**

114	Officer responsible as regards Reports	Director Resources
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**Local Government and Housing Act 1989**

2(4)	Deposit of list of politically restricted posts	Director of Resources
4	Head of Paid Service	Chief Executive
5	Monitoring Officer	Director of Governance or as otherwise agreed
15-17	Receipt of various notices relating to political groups under relevant Regulations	Director of Governance
19(1) and (4)	Receipt of notice of direct and indirect pecuniary interests	Director of Governance

**Local Government Act 2000**

21ZA	To discharge certain scrutiny Functions	Senior Manager – Civic, Scrutiny and Member Support
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**Countryside and Rights of Way Act 2000**

1	Access to the Countryside (Maps in Draft Form)(England) Regulations	Strategic Director of Environment
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**The Local Authorities (Standing Orders) (England) Regulations 2001**

All sections	Giving notice to Cabinet in respect of chief officer appointments	Director of Resources
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