

ARTICLE 12 - OFFICERS

[Statutory References: Section 112 and 151 Local Government Act 1972, Sections 4 and 5 Local Government and Housing Act 1989, Chapter 8 DETR Guidance]

1. MANAGEMENT STRUCTURE

- 1.1 The Council may engage such Officers as it considers necessary to carry out its functions.
- 1.2 The Council will engage persons for the following posts, who will be designated chief officers:

<u>Post</u>	<u>Main Functions and Areas of Responsibility</u>
Chief Executive (Head of Paid Service)	<p>Supports the political leadership of the Council to provide strategic direction for the Council.</p> <p>As Head of Paid Service within the meaning of Section 4 of the Local Government and Housing Act 1989 has, overall corporate management and operational responsibility involving securing and managing the professional body of Officers needed to deliver modern, effective, well focused services.</p> <p>Facilitates the operation of the Council's decision making structure both executive and non-executive by providing appropriate support and advice.</p> <p>Represents the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Acts as the Electoral Registration Officer and Returning Officer for elections.</p> <p>Emergency Plan and Business Continuity Plans implementation (shared).</p>
Executive Director (Place)	<p>Deputises for the Chief Executive as necessary.</p> <p>Regeneration and economic development, planning, leisure, community and cultural services.</p>
Executive Director (Finance and Transformation)	<p>Deputises for the Chief Executive as necessary.</p> <p>Legal and governance, human resources, customer services and transformation, finance, ICT and digital services, and cemetery and cremation services.</p>
Service Director (Property Maintenance and Climate Change)	<p>Deputises for the Chief Executive as necessary.</p> <p>Property maintenance and climate change.</p>
Service Director (Resident and Neighbourhood)	<p>Deputises for the Chief Executive as necessary.</p> <p>Public health, hackney carriages, licensing, independent living, neighbourhood and enforcement, community safety, street wardens, CCTV, environment services, landscape and ecology and private sector housing.</p>

1.3 Statutory Officers – These are:

- Head of Paid Service as defined by Section 4 of the Local Government and Housing Act 1989
- Monitoring Officer as defined by Section 5 of the Local Government and Housing Act 1989
- Chief Finance Officer as defined by Section 151 of the Local Government Act 1972 (also referred to as the ‘Section 151 Officer’).

The Council has designated the following Officer posts to these statutory posts.

<u>Post</u>	<u>Designation</u>
Chief Executive	Head of Paid Service
Assistant Director (Legal and Governance)	Monitoring Officer
Legal Services Manager	Deputy Monitoring Officers
Executive Director (Finance and Transformation)	Chief Finance Officer
Assistant Director (Finance)	Deputy Chief Finance Officer (also referred to as the ‘Deputy Section 151 Officer’)

1.4 The Head of Paid service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant. The Monitoring Officer cannot be the Chief Finance Officer or Head of Paid Service. The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) will be carried out personally. The deputies nominated by the Monitoring Officer and Chief Finance Officer will act in their absence.

1.5 The Service Director (Resident and Neighbourhood), Governance Services Manager and Licensing Team Leader are Authorising Officers for the purpose of using covert intelligence under the Regulation of Investigatory Powers Act 2000.

1.6 A description of the overall departmental structure of the Council showing the

management structure and responsibility for functions is set out in part 7 of this Constitution.

2. FUNCTIONS OF THE HEAD OF PAID SERVICES

- 2.1 Discharge of functions by the Council - The Head of Paid Service will be responsible and when considered appropriate, report to full Council regarding the manner in which the discharge of the Council's functions are co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

3. FUNCTIONS OF THE MONITORING OFFICER

- 3.1 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, Officers and the public.
- 3.2 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 the full Council 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 Monitoring Officers report has been considered.
- 3.3 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 which will include advising and training Members and co-opted Members about their responsibilities.
- 3.4 Receiving reports - The Monitoring Officer will receive and act on reports of complaints about breaches under the Councillor Code of Conduct.
- 3.5 Conducting investigations - The Monitoring Officer will conduct investigations into complaints and make reports or recommendations in respect of them to the Standards Sub-Committee (Hearings Panel).
- 3.6 Proper Officer for access to information - The Monitoring Officer will ensure that the statutory requirements relating to decisions of the Council and the Cabinet, including publication of agendas, public access to meetings, recording decisions and providing relevant Officers reports and inspection of background papers are complied with at all times.
- 3.7 Advising whether executive decisions are within the budget and policy

framework - The Monitoring Officer will provide determinations as to whether decisions of the Cabinet are in accordance with the budget and policy framework.

- 3.8 Contributing to corporate management - The Monitoring Officer will contribute to the corporate management of the Council, which will include the provision of professional legal advice.
- 3.9 Providing advice - The Monitoring Officer will provide advice in respect of the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles.

4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- 4.1 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 the full Council and the Council's external auditor if he or she considers that any proposals, 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.
- 4.2 Administration of financial affairs - The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 4.3 Contributing to corporate management - The Chief Finance Officer will contribute to the corporate management of the Council, which will include the provision of professional financial advice.
- 4.4 Providing advice - The Chief Finance Officer will provide advice in respect of the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles.
- 4.5 Give financial information - The Chief Finance Officer will provide financial information to Members of the public in accordance with his or her statutory obligations in this respect.

5. DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER

- 5.1 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.

6. CONDUCT

- 6.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

7. EMPLOYMENT

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

8. EMERGENCY PLANNING

- 8.1 In connection with the Council's duties to plan for and respond to emergencies of incidents, whether under the Civil Contingencies Act 2004 or other legislation, Risk and Resilience is a function that sits under the Service Director (Property Maintenance and Climate Change).

- 8.2 The Function is responsible for delivering and maintaining plans and procedures to facilitate the Council's response to incidents and emergencies.

- 8.3 The Service Director (Property Maintenance and Climate Change) is hereby appointed and authorised to represent the interests of and make decisions on behalf of Welwyn Hatfield Borough Council at any:

- Command team
- Incident management team
- Multi-agency meeting

which may be set up either in response to any incident or in order to plan for any identified threat or hazard. This function will be approved by the Senior Leadership Team.

- 8.4 The Chief Executive may also appoint and authorise any person, whether a Welwyn Hatfield Borough Council employee or otherwise, to act in support of the Council's response to any incident, including the powers referred to in the above paragraph. Such authorisation shall be in writing and will be valid until such time it is revoked.

- 8.5 The Risk and Resilience Function will maintain a register of appointed individuals showing the date of their appointment, the scope of their authorisation and records of training received.

- 8.6 The Chief Executive may request or respond to requests for mutual aid assistance arising out of any incident