

## Article 12 – Officers

### 1. Management structure

#### General

1.1 The Council may engage such Officers as it considers necessary to carry out its functions, on such reasonable terms and conditions of employment as it thinks fit.

1.2 The Council has determined a staffing structure, and has determined that the following posts shall be established:

- (a) Chief Executive
- (b) Corporate Director Adults, Housing and Health
- (c) Corporate Director Children's Services
- (d) Corporate Director Resources and Place Delivery
- (e) Director of Human Resources, Organisational Development and Transformation
- (f) Director of Strategy, Engagement and Growth
- (g) Director of Public Health
- (h) Director of Public Realm

Assistant Directors:

- (a) Assistant Director of Customer Services
- (b) Assistant Director of Housing
- (c) Assistant Director of Law and Governance and Monitoring Officer
- (d) Assistant Director of Regeneration and Place Delivery
- (e) Assistant Director of Learning and Education
- (f) Assistant Director and Consultant in Public Health
- (g) Assistant Director of Finance
- (h) Assistant Director of Street Scene and Leisure
- (i) Assistant Director of Highways, Fleet and Logistics
- (j) Assistant Director of Economic Growth and Partnerships
- (k) Assistant Director of Counter Fraud and Investigations
- (l) Assistant Director of Planning, Transport and Public Protection
- (m) Assistant Director Transformation
- (n) Assistant Director Property and Development
- (o) Assistant Director Children's Social Care and Early Help
- (p) Assistant Director Adult Social Care and Community Development

1.3 Where the Cabinet has agreed to vary these roles, Council has agreed that the Monitoring Officer shall be authorised to make the necessary consequential amendments to this Article.

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## **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

1.4 The Council will designate the posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer. Currently the following Officers set out below are designated to these posts:

- Head of Paid Service – Chief Executive
- Monitoring Officer – Assistant Director of Law and Governance
- Chief Finance Officer – Corporate Director Resources and Place Delivery

### **Structure**

1.5 The Chief Executive 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 in Rule 1.2 of this Chapter of the Constitution.

## **2. Functions of the Chief Executive / Head of Paid Service**

- 2.1 Overall corporate management and operational responsibility (including overall management responsibility for all Officers).
- 2.2 Provision of professional advice to all parties in the decision-making process.
- 2.3 Together with the Monitoring Officer responsibility for a system of record-keeping for all the Council's decisions and boards.
- 2.4 Represents the Council on partnership and other external bodies (as required by statute or the Council).
- 2.5 In the absence of the Monitoring Officer to carry out the functions of the qualified person for the purposes of section 36 of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs).
- 2.6 To act as the Returning Officer for the Local Government Elections.

## **3. Functions of the Monitoring Officer**

### **Maintaining the Constitution**

3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

### **Ensuring lawfulness and fairness of decision-making**

3.2 After consulting with the Chief Executive and Chief Finance Officer where practicable, the Monitoring Officer will report to the full Council in respect of a non-Executive Function or to the Cabinet in relation to an Executive Function if he or she considers that any proposal, decision or omission has given rise to or would give rise to unlawfulness or if any decision or omission has given rise to maladministration, under sections 5 and 5A of the Local Government and Housing Act 1989. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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### **Supporting the Standards and Audit Committee**

- 3.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Audit Committee as principal policy adviser and in reporting allegations of failure to comply with the Members' Code of Conduct or a Protocol approved by Council.

### **Receiving reports**

- 3.4 The Monitoring Officer will receive and act on reports and decisions of case tribunals.

### **Conducting investigations and taking other actions**

- 3.5 The Monitoring Officer may arrange the conduct of investigations into matters referred and shall take such other actions as the Standards and Audit Committee may direct within its terms of reference.

### **Maintaining the Register of Members' Interests**

- 3.6 The Monitoring Officer shall maintain the register of Members' interests and shall report annually to the Standards and Audit Committee on the performance of this function.

### **Proper Officer**

- 3.7 Act as the Proper Officer as required. References to the Proper Officer in this Constitution are defined in Chapter 6.

### **Advising whether Executive decisions are within the Budget and Policy Framework**

- 3.8 The Monitoring Officer will advise whether decisions of the Executive / Cabinet are in accordance with the Budget and Policy Framework.

### **Providing advice**

- 3.9 The Monitoring Officer will be responsible for providing advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework to all Councillors.

### **Restrictions on posts**

- 3.10 The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

## **4. Functions of the Chief Finance Officer**

### **Ensuring lawfulness and financial prudence of decision-making**

- 4.1 After consulting with the Chief Executive and the Monitoring Officer where practicable, the Chief Finance Officer will report to the full Council in respect of a non-Executive Function or to the Cabinet 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.

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### **Administration of financial affairs**

- 4.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council as required by section 151 of the Local Government Act 1972 or (so far as relevant) section 112 of the Local Government Finance Act 1988, including the provision of financial information both internally and externally as required. [Section 112, LGFA 1988 refers to functions of police authorities, combined police authorities and economic prosperity boards].

### **Advising whether Executive decisions are within the Budget and Policy Framework**

- 4.3 The Chief Finance Officer will advise whether decisions of the Executive are in accordance with the Budget framework.

### **Providing advice**

- 4.4 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

### **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. Other statutory officers**

- 6.1 The Council must employ a Director of Children's Services, a Director of Adult Social Services and a Director of Public Health.
- 6.2 The Director of Children's Services shall be appointed for the purposes of section 18 of the Children Act 2004. The Council is required to provide adequate staff to assist the Director in the exercise of those functions.
- 6.3 The Director of Public Health shall act as the statutory officer under section 73A of the National Health Service Act 2006, as amended by the Health and Social Care Act 2012, and in particular will act as Lead for the delivery of public health services within Thurrock.

### **7. Delegation to Officers**

- 7.1 The delegation of powers to Chief Officer/Directors is set out in Chapter 6.

### **8. Conduct**

- 8.1 Officers will comply with the Officer Code of Conduct and Member/Officer Relations' Protocol set out in Chapter 7 of this Constitution (Parts 4 and 5 respectively).

**9. Appointment and dismissal of staff**

- 9.1 The appointment and dismissal of staff shall be governed by the provisions of the Officer Employment Procedure Rules contained in Chapter 10 of this Constitution as supplemented, where appropriate, by the Council's personnel policies and procedures.