

# Part 1: Chapter 13

## Officers

### 1. Officers

#### 1.1. Appointment

Appointment of staff at Chief Officer and Deputy Chief Officer level is the County Council's responsibility (County Council appointments). These County Council appointments will be made in line with the County Council's Standing Orders, set out in Part 3 Chapter 1 of this Constitution. Appointment of all staff below Deputy Chief Officer level is the responsibility of the Head of Paid Service, or his or her nominee.

#### 1.2. Management arrangements

1.2.1. The County Council may engage such staff as it considers necessary to carry out its functions;

1.2.2. Chief Officers – the County Council's current management structure at Chief Officer level is set out in the table below. A more detailed explanation of responsibilities is set out in Part 2, Chapter 4.

Post	Function and Areas of Responsibility
Chief Executive and Head of Paid Service	Overall corporate management and operational responsibility (including overall management responsibility for all officers) and all services.
Deputy Chief Executive	To deputise for the Chief Executive in respect of the functions of overall corporate management and operational responsibility and all services, in the absence of the Chief Executive.
Director of Corporate Resources - Corporate Services (Statutory Chief Officer)	Overall management of the County Council's financial affairs. IT Services, The Integrated Business Centre and Human Resources.
Director of Culture, Communities and Business Services	Arts, countryside, rights of way, community support, sports

	development, outdoor activities service, libraries, museums, archives and records, rural affairs.
	Property services, regulatory services including Trading Standards registration and Scientific Services, direct service trading units, Regulatory Services.
Director of Children's Services (Statutory Chief Officer)	Children's Services
Director of Adults' Health and Care (Statutory Chief Officer)	Adults, Health and Care Services
Director of Public Health (Statutory Chief Officer)	Public Health Services
Director of Economy, Transport and Environment	Highways, transportation, waste, planning, development and conservation.  Economic Development
Director of Transformation and Governance – Corporate Services	Transformation, strategic procurement, governance and legal services.

1.2.3. Head of Paid Service, Monitoring Officer, Data Protection Officer, Chief Finance Officer and Scrutiny Officer – the Council has designated the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Corporate Resources - Corporate Services	Chief Finance Officer
Head of Law and Governance	Monitoring Officer Data Protection Officer
Director of Transformation and Governance – Corporate Services	Scrutiny Officer

Such posts will have the functions described in sections 1.3 -1.5 and 1.7 below.

- 1.2.4. Structure – the Head of Paid Service will determine and publicise a description of the overall departmental structure of the County Council, showing the management structure and deployment of officers.

### **1.3. Functions of the Head of Paid Service**

- 1.3.1. Implements and co-ordinates policies in accordance with member determined strategy and the County Council functions. It is the Head of Paid Service's duty (under Section 4 of the Local Government and Housing Act 1989) to report to the County Council when he or she considers it appropriate to do so, about:
  - 1.3.1.1. how the performance by the County Council of its different functions is co-ordinated;
  - 1.3.1.2. the number of grades of staff required by the County Council to perform its functions;
  - 1.3.1.3. the organisation of the County Council's staff;
  - 1.3.1.4. the appointment and proper management of the County Council's staff.
- 1.3.2. The Head of Paid Service cannot be the Monitoring Officer or the Scrutiny Officer, but may hold the post of Chief Finance Officer if he or she is a qualified accountant.

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

#### **1.4.1. Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution (including financial regulations and contract standing orders) and will ensure that it is widely available for consultation by members, staff and the public;

The Monitoring Officer will provide a copy of this Constitution to each Councillor, soon after he or she has provided a declaration of acceptance of office on first being elected to the County Council;

#### **1.4.2. Ensuring lawful and fair decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the County Council – or to the Executive concerning an executive function – 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 stop the proposal or decision being implemented, until the report has been

considered. This is a statutory duty under Section 5 of the Local Government Housing Act 1989;

#### **1.4.3. Supporting the Conduct Advisory Panel**

The Monitoring Officer will contribute to promoting and maintaining high standards of conduct by supporting the Conduct Advisory Panel;

##### **1.4.3.1. Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred by the Conduct Advisory Panel and make reports or recommendations about them to the Conduct Advisory Panel;

#### **1.4.4. Proper Officer for Access to Information**

The Monitoring Officer is the Proper Officer for Access to Information for the purpose of the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014 and successor statutory provisions as may be amended and/or revised, and will ensure that records of decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publically available as soon as possible;

#### **1.4.5. Data Protection Officer**

The Monitoring Officer is the Data Protection Officer for the purpose of the General Data Protection Regulation (EU) 2016/679;

#### **1.4.6. Checking whether executive decisions are within the budget and policy framework**

The Monitoring Officer will confirm whether decisions made by the Executive are in line with the budget and policy framework;

#### **1.4.7. Providing advice**

The Monitoring Officer will advise all Councillors on their scope of powers and authority to take decisions; deal with maladministration; financial impropriety; probity; and budget and policy framework issues;

#### **1.4.8. Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Scrutiny Officer or the Head of Paid Service;

#### **1.4.9. Corporate Complaints Procedure**

The Monitoring Officer will supervise arrangements for the effective administration of the Council's Corporate Complaints Procedure;

#### **1.4.10. Supporting the Audit Committee**

The Monitoring Officer will give guidance to the Audit Committee on matters appertaining to the governance of the County Council's affairs.

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

#### **1.5.1. Ensuring lawful and financially prudent decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the County Council – or to the Executive concerning an Executive function – and to the County Council's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring any unlawful expenditure; or is likely to cause a loss or deficiency; or if the County Council is about to enter an item of account unlawfully. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989;

#### **1.5.2. Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the County Council's financial affairs. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989;

The Chief Finance Officer will also be responsible for the County Council's financial regulations.

#### **1.5.3. Providing advice**

The Chief Finance Officer will advise Councillors on their scope of powers and authorities to take decisions; deal with financial impropriety; probity; and budget and policy framework issues. the Chief Finance Officer will also support and advise Councillors and Officers in their respective roles;

#### **1.5.4. Give financial information**

The Chief Finance Officer will provide financial information to members of the public and the community at large; and to such external agencies, bodies or organisations as appropriate.

### **1.6. Chief Finance Officer and Monitoring Officer**

The County Council will provide the Chief Finance Officer and the Monitoring Officer with such officers, accommodation and other resources as they need to perform their duties. This is a requirement under Sections 5 and 6 of the Local Government and Housing Act 1989;

## **1.7. Functions of the Scrutiny Officer**

1.7.1. Promote the role of the County Council's Select (Overview and Scrutiny) Committees

1.7.2. Provide support to the County Council's Select (Overview and Scrutiny) Committees and the members of those committees

1.7.3. Provide support and guidance to:

1.7.3.1. Members of the County Council;

1.7.3.2. Members of the Executive, and;

1.7.3.3. Officers of the County Council.

in relation to the functions of the County Council's Select (Overview and Scrutiny) Committees.

1.7.4. Restriction on functions. The County Council may not designate the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer as the Scrutiny Officer.

## **1.8. Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 4 Appendix C and Part 4 Appendix D of this Constitution;

## **1.9. Employment**

The recruitment, selection and dismissal of officers will comply with the County Council's adopted Standing Orders and adopted policies and procedures relating to Employment in Hampshire County Council.