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## **Part 2**

# **ARTICLES OF THE CONSTITUTION**

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2/1



## ARTICLE 9 – OFFICERS

### 9.01 Engagement of Staff

#### (a) **General**

The Council through its Head of Paid Service may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

The recruitment selection and dismissal of employees will comply with the Officer Employment Procedure Rules, Officer Employment Protocol and Councillor Role in Part 4 of this Constitution.

The Council will from time to time determine and publicise a description of the overall departmental structure of the Council showing the management structure. This is set out at Part 7 of this Constitution.

#### (b) **Chief Officers.**

All Chief Officers will:

- contribute to the corporate management of the County Council;
- represent and promote the County Council as a Local Authority concerned to secure high quality services in line with the Council's Business Plan for the people of Lincolnshire;
- develop partnership working.

The persons engaged to fill the following posts will be designated Chief Officers:

<b><i>Post</i></b>	<b><i>Functions and areas of responsibility</i></b>
Chief Executive	<ul style="list-style-type: none"> <li>• Overall corporate management</li> <li>• Overall operational responsibility (including overall management responsibility for all Officers)</li> <li>• Strategic development and performance of the organisation</li> <li>• Provision of professional advice to all parties in the decision making process</li> <li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council)</li> </ul>
Executive Director of Children's Services	<ul style="list-style-type: none"> <li>• Education</li> <li>• Children's Safeguarding</li> <li>• Early years</li> <li>• Children with Disabilities</li> <li>• Families</li> <li>• Support for Children with SEN</li> <li>• School Support Services</li> <li>• Regulated Services (Children Looked After, secure unit, residential homes, respite homes. adoption and fostering)</li> <li>• People Services (HR)</li> <li>• Youth Offending Services</li> </ul>

<p>Executive Director for Environment &amp; Economy</p>	<ul style="list-style-type: none"> <li>• Economy (including commissioning of heritage services)</li> <li>• Lead Local Flood Authority</li> <li>• Environmental Protection and Wellbeing</li> <li>• Transport, Highways &amp; Traffic Management</li> <li>• Waste Management</li> <li>• Spatial Planning</li> <li>• Legal Services Lincolnshire</li> <li>• Democratic Services</li> <li>• Community Development</li> <li>• Libraries and Heritage</li> <li>• Information Management and Technology</li> <li>• Communications</li> <li>• Senior Information Risk Owner</li> </ul>
<p>Executive Director of Finance and Public Protection</p>	<ul style="list-style-type: none"> <li>• Fire &amp; Rescue</li> <li>• Safer Communities (Including Civil Protection and Trading Standards)</li> <li>• Business Support</li> <li>• Emergency Planning</li> <li>• Corporate Audit &amp; Risk Assurance</li> <li>• Property</li> <li>• Finance</li> <li>• Registrar and Coroners</li> <li>• Business planning and equalities</li> <li>• Procurement and Commissioning Support</li> <li>• Management and development of the Council's strategic contract with Serco</li> </ul>
<p>Executive Director of Adult Care and Community Wellbeing</p>	<ul style="list-style-type: none"> <li>• Support to Hospitals</li> <li>• Independent Living</li> <li>• Learning Disabilities</li> <li>• Mental Health</li> <li>• Carers</li> <li>• Adults Safeguarding</li> <li>• Older People/Physical Disability</li> <li>• Health and Wellbeing</li> </ul>

- (c) **Statutory Officers** - Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council will designate the following posts as Statutory Officers:

<i>Post</i>	<i>Designation</i>
Chief Executive	<del>Head of Paid Service under section 4 of the Local Government and Housing Act 1989</del>
Chief Legal Officer	Monitoring Officer under section 5 of the Local Government and Housing Act 1989
Executive Director Finance and Public Protection	Chief Finance Officer with responsibility for the administration of the financial affairs of the Council under section 151 of the Local Government Act 1972
Executive Director of Children's Services	Director of Children's Services under section 18 of the Children Act 2004 <u>Head of Paid Service under section 4 of the Local Government and Housing Act 1989</u>
Executive Director of Adult Care and Community Wellbeing	Director of Adult Social Services under Section 6 of the Local Authorities and Social Services Act 1970
Executive Director for Environment & Economy	Traffic Manager under section 17 of the Traffic Management Act 2004
Head of Democratic Services	Scrutiny Officer under section 9FB of the Local Government Act 2000

The statutory post of Director of Public Health under Section 73A of the National Health Service Act 2006 shall be fulfilled by the Director of Public Health, being a post line managed by the Executive Director of Adult Care and Community Wellbeing with direct responsibility to the Head of Paid Service in relation to fulfilment of the statutory role of Director of Public Health.

The Head of Paid Service, Monitoring Officer and Chief Finance Officer have functions set out in 9.02 – 9.04 below.

- (d) **Structure**

The Council will publicise a description of the overall departmental structure of the Council showing the management structure and

2/6

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 full 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 s151 Officer, if a qualified accountant.

## **9.03 Functions of the Monitoring Officer**

### **(a) 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 Councillors, Officers and the public.

### **(b) Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to 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 have the effect of stopping the proposal or decision being implemented until the report has been considered.

### **(c) Standards**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee. The Monitoring Officer will process complaints about breaches of the code of conduct in accordance with the local arrangements. The Monitoring Officer will consider applications in relating to the granting of dispensations in relation to disclosable pecuniary interests

### **(d) Proper Officer for access to information**

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and

2/7

background papers are made publicly available as soon as possible.

(e) **Advising whether Executive decisions are within the Budget and Policy Framework**

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

(f) **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.

(g) **Restrictions on posts**

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

**9.04 Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive 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.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council and ensure maintenance of an efficient and effective internal audit function.

(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, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective

2/8

roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**9.05 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with the provisions of the Local Government and Housing Act 1989 and the Local Government Finance Act 1988.

**9.06 Other Statutory Posts**

The Council is also required to appoint a Statutory Scrutiny Officer. This enables the Council to comply with its obligation under Section 9FB of the Local Government Act 2000 as inserted by Section 21 of the Localism Act 2011.

The Council is also required under Section 17 of the Traffic Management Act 2004 to appoint a Traffic Manager.

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