**Constitution**

**Article Five: Officers**

* 1. The term officers refers to all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non-employed situations. The Council has over 5000 officers responsible for specific areas of Council business.
  2. The Council’s Senior Management Structure is summarised in the table below and further detail can be found in the Governance Framework Document D – Senior Management Structure. In addition to the information in this Article, further information on the responsibilities of specific officers can be found in Article 9 – Non-Executive Functions and Committees, Article 10 – Executive Arrangements and in Governance Framework Document E – Proper Officers and F – Statutory Officers.

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| Chief Executive |
| Corporate Directors |
| Directors and Director of Public Health |
| Heads of Service |

* 1. **Officer Roles**

Officers (with the exception of political assistants who are officers appointed specifically to provide political support to the political groups) are required to be politically impartial. They serve the whole Council as a corporate entity and not individual departments, political groups or Councillors. Some officers are appointed to politically restricted posts which restrict the political activities they can take part in outside of work.

* 1. Officers are responsible for:
* ensuring the Council acts lawfully and with financial propriety
* the day to day management of Council services and officers
* initiating, implementing and managing policy in accordance with the overall framework set by Councillors
* giving professional advice to all Councillors.
  1. All officers must ensure that they act within the law when carrying out the Council’s work and abide by the Employee Code of Conduct. This Code of Conduct can be found in Article 16 of this Constitution. They must also work in accordance with the Councillor/ Officer Protocol which can be found in Article 6 of this Constitution. Officers are also expected to act in accordance with the Nolan Principles of Public Life as outlined in Article 4 – Councillors, must be suitably qualified and must engage in any necessary training relevant to their roles.
  2. **Employment**

The recruitment, selection and dismissal of officers shall comply with the Council’s Officer Employment Procedure Rules outlined in Article 14. The appointment of staff is a non-executive matter and therefore cannot be the responsibility of Executive Councillors. Appointment of staff other than the Chief Executive, Corporate Directors and other officers identified in the Officer Employment Procedure Rules is the responsibility of the Chief Executive or his/ her nominee.

* 1. **Statutory Chief Governance Officers - Head of Paid Service, Monitoring Officer and Chief Financial Officer**

The Council has designated these three key roles as follows:

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| **Post** |  | **Designation** |
| Head of Paid Service  (S4 Local Government and Housing Act 1989) | - | Chief Executive  This role is responsible for the overall management and organisation of the Council’s officers. |
| Monitoring Officer  (S5 Local Government and Housing Act 1989) | - | Director of Legal and Governance  This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards and Governance Committee. |
| Chief Finance Officer  (S151 Local Government Act 1972) | - | Corporate Director of Finance and Resources This role is responsible for ensuring the sound financial administration of the Council. |

* 1. Together the three statutory chief governance officers have a key role to play in ensuring the good governance of the Council through providing ongoing advice and through specific statutory responsibilities to report to Full Council. The Council is required to provide the Head of Paid Service, Monitoring Officer and Chief Financial Officer with officers, accommodation and other resources those officers consider sufficient to allow their duties to be performed.
  2. 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 the Head of Paid Service. Nottingham City Council has decided the three roles should be held by three separate officers.
  3. Further detail on these roles can be found in the role descriptions at the end of this Article and in Governance Framework Document F – Statutory Officers. For the avoidance of doubt these three officers are the Statutory Chief Governance Officers identified in Article 14 – Officer Employment Procedure Rules.
  4. **Statutory Officers**

In addition to the three roles outlined in paragraphs 5.7 to 5.10, legislation requires local authorities to appoint certain officers with statutory responsibilities. These appointments and the officer to whom the Council has allocated responsibility are listed below. A table of functions held by each Statutory Officer can be found in Governance Framework Document F – Statutory Officers.

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| **Title and Statutory Derivation** |  | **Officer Appointed** |
| Director of Children’s Services  (S18 Children’s Act 2004) | - | Corporate Director for Children and Education |
| Director of Adult Social Services  (S6 Local Authority Social Services Act 1970) | - | Corporate Director for Adult Social Care and Health |
| Officer responsible for financial administration (S151 Local Government Act 1972) | - | Corporate Director of Finance and Resources |
| Head of Paid Service (S4 Local Government and Housing Act 1989) | - | Chief Executive |
| Monitoring Officer  (S5 Local Government and Housing Act 1989) | - | Director of Legal and Governance |
| Electoral Registration Officer and Returning Officer  (S8, 28 and 35 Representation of the People Act 1983) | - | Chief Executive |
| Scrutiny Officer  S31(2) Local Democracy, Economic Development and Construction Act 2009 | - | Head of Governance |
| Director of Public Health  (S73A National Health Service Act 2006) | - | Director for Public Health |
| Data Protection Officer  (S69 Data Protection Act 2018) | - | Information Compliance Team Leader |
| Chief Inspector of Weights & Measures  (S72 of the Weights & Measures Act 1985) | - | Principal Trading Standards Officer |
| Traffic Manager  (S17(2) Traffic Management Act 2004) | - | Head of Traffic |

* 1. **Proper Officers**

The Council is required to designate individual officers to hold specified statutory responsibilities. These officers are known as Proper Officers. A list of Proper Officer appointments and responsibilities can be found in Governance Framework Document E – Proper Officers. This list is not necessarily exhaustive and any omission shall not affect the validity of any action or decision taken by the Proper Officer.

* 1. Where the designated Proper Officer is unable to act, the following can act as the Proper Officer:
* For the Chief Executive Any Corporate Director
* For any Corporate Director A Director of the same department
  1. If no Proper Officer has been specifically designated, the Chief Executive is Proper Officer. If neither the Proper Officer nor the Deputy Proper Officer is able to act the Chief Executive may designate an appropriate officer to act as Proper Officer or Deputy Proper Officer. If the Chief Executive is unable to exercise this power then it shall be exercised by the Corporate Director within whose responsibilities the duties of the proper officer falls (or the largest proportion of duties if these fall within the remits of more than one Corporate Director).
  2. The Monitoring Officer and the Section 151 officer designate their own deputies directly and are not covered by the above.

**Remit of the Chief Executive**

The remit of the Chief Executive includes:

1. Improvement and Transformation
2. Corporate Communications
3. Strategic Partnerships
4. Corporate policy and project implementation, and performance monitoring and management
5. Corporate management and operational responsibility (including overall management responsibility for all officers).

**Remit of the Corporate Director, Finance and Resources**

The Finance and Resources Directorate provides specialist finance, legal and governance support to the Council to ensure appropriate corporate financial management, governance, and support to provide for safe, assured decision making and most effective deployment of the council’s workforce. In addition, it is responsible for the central co-ordination and steering of strategy, performance, and communications

The remit of the Corporate Director, Finance and Resources includes:

1. Finance comprising:

* Finance
* Internal Audit and Risk
* Revenues and Benefits
* Shareholder Executive function.

1. Legal and Governance comprising:

* Legal and Governance
* Democratic Services.

1. Human Resources, Equalities, Diversity and Inclusion comprising:

* Human Resources
* Organisational Development, including workforce development and cultural change
* Equalities, Diversity and Inclusion (internal and external practice lead)
* Administrative support to senior officers and Executive Councillors.

1. Customer Services
2. Strategy, Performance, Marketing and Communications comprising:

* Strategy, policy and performance
* Marketing and communications
* ICT.

1. Procurement and Commissioning comprising:

* Commissioning
* Contracting and Procurement.

**Remit of the Corporate Director, Growth and City Development**

The Growth and City Development Directorate has responsibility for the Council’s major growth and development programme. The directorate also has responsibility for delivering growth, which is sustainable, driving our carbon reduction programme, ensuring our growth is ‘good growth’ and leveraging partnerships locally and nationally to improve outcomes for the city. This directorate also covers a number of key functions including housing and major projects.

The remit of the Corporate Director, Growth and City Development includes:

1. Planning and Transport comprising:

* Planning Policy and Building Control
* Area Planning and Urban Design
* Traffic
* Parking services
* Transport Projects and Public Transport
* Transport Strategy

1. Economic Development comprising:

* Business Growth and Economic Recovery
* Employment, Skills and Inclusion
* Economic Development Partnerships

1. Major Projects
2. Property comprising:

* Corporate Landlord
* Asset Review and Disposal
* Corporate Property Management
* Investment Property Management
* Facilities and Building Management

1. Housing comprising

* Housing Management and Maintenance Services
* Housing Aid
* Rough Sleeping
* Housing Strategy and Regeneration.

**Remit of the Corporate Director, Children and Education**

The directorate is responsible for children’s services and education, providing timely support for children and young people when they need it and improving educational standards so that they have the best possible start in life.

The remit of the Corporate Director, Children and Education includes:

1. Children’s’ Integrated Services comprising:

* Safeguarding, Quality and Children in Care
* Children’s Strategy and Improvement
* Early Help Services
* Children’s Social Work
* Extensive and Specialist Services.

1. Education Services comprising:

* Special Educational Needs and Disabilities and Vulnerable Pupils
* Virtual Schools
* Access to Learning.

**Remit of the Corporate Director, Adult Social Care and Health**

The directorate is responsible for Public Health and Adult Social Care Services, driving the efforts to reduce health inequalities and ensuring that those who are elderly or vulnerable can access the support they need to live well and safely in their communities for as long as possible.

The remit of the Corporate Director, Adult Social Care and Health includes:

1. Public Health
2. Adult Social Care comprising:

* Social Care Provision
* Adults Integration
* Quality Assurance and Safeguarding
* Mental Health and Whole Life Disability
* Adaptions Agency.

**Remit of the Corporate Director, Communities, Environment and Resident Services**

The Communities, Environment and Resident Services Directorate comprises those front-line services which provide universal services to all of our residents, the effective delivery of which positively contributes to the quality of life for our residents and the liveability of the city.

The remit of the Corporate Director, Resident Services includes:

1. Neighbourhood Services comprising:

* Waste Collection and Disposal
* Public Realm
* Parking, Fleet and Transport Operations
* Highways
* Nottingham Catering
* Facilities and Building Services.

1. Community Protection comprising:

* Operations
* Community Partnerships
* Regulation.

1. Sport & Culture comprising:

* Sport and Leisure Centres
* Theatre Royal Concert Hall
* Culture and Libraries
* Markets
* Events.

1. Carbon Reduction, Sustainability and Energy Services comprising:

* Energy Services
* Enviroenergy, Waste and Recycling Strategy

**Role of the Head of Paid Service**

The duties of the Head of Paid Service are:

1. Where she/ he considers it appropriate to do so, to prepare a report to the authority setting out his/ her proposals in relation to:

* the way in which the Council will co-ordinate the discharge of its functions
* the number and grades of staff required by the Council
* the organisation of the Council’s staff
* the appointment and management of the Council’s staff.

**Restrictions on the role of the Head of Paid Service.** The Head of Paid Service may not be the Monitoring Officer. He/ she may hold the post of Chief Finance Officer if they are a qualified accountant but Nottingham City Council has decided the roles should be held by two separate individuals.

**Role of the Chief Finance Officer**

The Chief Finance Officer must be a professionally qualified accountant.

The Functions of the Chief Financial Officer are:

* Reporting to the Council or Executive if there is, or is likely to be, unlawful expenditure or an unbalanced budget under section 114 of the Local Government Finance Act 1988
* Ensuring Lawfulness and Financial Prudence of Decision Making
* Administration of Financial Affairs
* Contributing to Corporate Management
* Providing Advice
* Provision of Financial Information

**Restrictions on the role of the Chief Finance Officer**. The Chief Finance Officer cannot hold the role of Monitoring Officer. He/she can hold the role of Head of Paid Service but Nottingham City Council has decided the roles should be held by two separate individuals.

**Role of the Monitoring Officer**

The functions of the Monitoring Officer are:

* Reporting to the Council and to the Executive where s/he is of the opinion that any proposal or decision of the Council has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989
* Investigating any matter which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the Local Government and Housing Act 1989
* Maintaining the Constitution
* Ensuring Lawfulness and Fairness of Decision Making
* Supporting the Standards Committee
* Conducting Investigations in relation to the Councillors’ Code of Conduct
* Proper Officer for Access to Information
* Advising Whether Cabinet Decisions are Within the Budget and Policy Framework
* Providing Advice
* Maintaining and updating the register of Councillors’ interests

**Restrictions on the role of the Monitoring Officer.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.