

9. Roles of Officers

9.1 Senior management structure

9.2 Head of Paid Service, Monitoring Officer and Chief Finance Officer

9.3 Role of Head of Paid Service

9.4 Role of Monitoring Officer

9.5 Monitoring Officer's right to information

9.6 Role of Chief Finance Officer

9.7 Duty to give Monitoring and Chief Finance Officers the resources they need

9.8 Duty to tell Monitoring and Chief Finance Officers about procedural, constitutional or vires issues

9.9 Restrictions on holding other posts

9.1 Senior management structure

The responsibilities of all senior managers are shown in the senior management structure in Annex 1.

9.2 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer are the Statutory Officers of the Council.

The Chief Executive is the Head of Paid Service;

The Director of Law, Governance and Strategy is the Monitoring Officer; and the Group Finance Director is the Chief Finance Officer.

9.3 Role of Head of Paid Service

(a) The Head of Paid Service (Chief Executive), may amend the senior management structure of the Council to deliver the Council's objectives in the most effective and efficient manner, subject to the following conditions:

- (i) That the Chief Executive can make interim appointments, of up to twelve months in total, to the senior management structure in order to facilitate projects or to fill a skills gap;
- (ii) That the Chief Executive shall consult with all political group leaders prior to the implementation of any changes to the senior management structure;
- (iii) That the Chief Executive will report to the Appointments Committee within six months of any change to the senior management arrangements being implemented by the Chief Executive;

- (iv) That the Chief Executive will maintain on the Council's website an up to date senior management structure chart showing post titles and the broad functional responsibilities of each post; and
 - (v) The references to the senior management structure throughout the Constitution shall be a reference to the structure chart published by the Chief Executive under 9.1 above.
- (b) The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.

The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the individual or body which would otherwise have been required to give the necessary authority to act.

In exceptional circumstances, where the Chief Executive has a conflict of interest which would preclude them from making the decision, the Chief Executive may delegate the decision to a Deputy Chief Executive. Where the decision is delegated, the Deputy Chief Executive will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the individual or body which would otherwise have been required to give the necessary authority to act.

Key decision procedures and call in procedures (Parts 15 & 17) will apply to any key decisions taken under this authorisation.

- (c) The Head of Paid Service may authorise any emergency action required on any matter which shall include incurring expenditure, including those falling within the jurisdiction of a Committee or the Cabinet.

The Head of Paid Service, in so acting, will be guided by the budget and policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

Key decision procedures and call in procedures (Parts 15 & 17) will apply to any key decisions taken under this authorisation.

- (d) The Head of Paid Service may discharge executive functions where there is no lead officer after consultation with the Leader or Deputy Leader of each political group
- (e) The Head of Paid Service must approve any staffing change which could give rise to a severance payment, early retirement, redundancy or a pay re-grading for an officer.
- (f) The Head of Paid Service must approve any contracts other than a contract of employment when an officer is appointed
- (g) Decisions relating to salary packages for new posts added to the senior management structure where the salary package per annum is above £100k are to be made subject to full Council approval. In addition, any severance arrangements agreed in line with the relevant policies that exceed £100k must be subject to full Council approval.

- (h) The Chief Executive can authorise Council officers to carry out work for or on behalf of other local authorities when a delegation from a local authority has been accepted (Part 3.9). Any such authorisation should be recorded when given. The Chief Executive will report to the Appointments Committee if any authorisations are given to officers to carry out such work on behalf of another authority (Part 7.8(g)).
- (i) In consultation with the Monitoring Officer, to consider applications from post holders in roles deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts”.
- (j) The Head of Paid Service can approve amendments to any HR policies, which are otherwise reserved to Full Council, to the extent required from to reflect legislative changes without the requirement to have such changes approved by Full Council where they are required due to the change in law.

9.4 Role of Monitoring Officer

- (a) Making sure Council decisions are lawful and fair

If a proposal or decision would result in unlawful action or maladministration, the Monitoring Officer will consult the Head of Paid Service and Chief Finance Officer and report to Council (or the Cabinet for an executive responsibility).

The proposal or decision will not be acted on until the report has been considered.

If another body is also investigating a proposal or decision that could result in unlawful action or maladministration, the Monitoring Officer can delay reporting to Council or the Cabinet until that body has investigated.

- (b) Leading on ethical issues

The Monitoring Officer will support the Standards Committee. This will include advising the Standards Committee on the need for training for councillors on ethical issues.

The Monitoring Officer will meet regularly with the Head of Paid Service and the Chief Finance Officer to consider issues of governance and probity and will facilitate periodic meetings between the Chair of the Standards Committee, the Leader and the Head of Paid Service.

- (c) Carrying out investigations

The Monitoring Officer may investigate

- issues of governance and maladministration
- complaints of breaches of the code of conduct for members
- questions about the Council’s power to act.

- (d) Being proper officer for access to information

The Monitoring Officer will be the proper officer for access to information. This will include making sure that the Council publishes Council, Cabinet, committee, and officer decisions as soon as possible, along with the reasons for the decisions and the officer reports.

(e) Giving advice

The Monitoring Officer will advise on the Council's powers to take decisions, maladministration, ethics and governance and the budget and policy framework.

(f) Liaising within and outside the Council

The Monitoring Officer will:

- Be a member of all management boards
- Keep close links with the Lord Mayor, the Leader, the Chair of the Standards Committee, the Head of Paid Service and the Chief Finance Officer
- Appoint a deputy and keep them briefed
- Keep in contact with the clerks of any parish councils in Oxford, the Council's auditors and the ombudsman and may give them relevant information even if it is confidential.

(g) Dispensations under the Localism Act 2011

The Monitoring Officer will consider applications for and grant dispensations to individual members under section 33 of the Localism Act 2011 to allow them to take part in a meeting from which they would otherwise be precluded.

(h) Protection of Freedoms Act 2012

The Monitoring Officer will perform the role of the Senior Responsible Officer for the Council.

(i) General Data Protection Regulation 2015 (EU 2016/679) and Data Protection Act 2018.

The Monitoring Officer will perform the role of Data Protection Officer for the Council.

9.5 Monitoring Officer's right to information

(a) Information for investigations

In any investigation the Monitoring Officer will have unqualified access to information from the Council and its officers.

(b) Reports to councillors

The Monitoring Officer has the right to see all reports to councillors.

(c) Barristers' opinions

Monitoring Officer will have an adequate budget for getting barristers' opinions.

9.6 Role of Chief Finance Officer (Section 151 Officer)

(a) Making sure decisions are lawful and financially sensible

If a proposal or decision would result in unlawful spending or a loss to the Council, or if the Council is about to enter an unlawful item of account, the Chief Finance Officer will consult the Head of Paid Service and the Monitoring Officer and report to the Council's auditors and to Council (or the Cabinet if it is an executive responsibility).

(b) Managing the Council's finances

The Chief Finance Officer will manage the Council's finances.

(c) Contributing to the management of the Council as a whole

The Chief Finance Officer will contribute to the management of the Council as a whole, especially by giving financial advice. The Chief Finance Officer will be a member of all management boards and has the right to see all reports to councillors.

(d) Giving advice

The Chief Finance Officer will advise on maladministration, probity, financial impropriety and the budget and policy framework.

(e) Giving financial information

The Chief Finance Officer will make information about the Council's finances available to the media and the public.

(f) Carry forwards

The Chief Finance Officer can approve single budgetary carry forwards up to £10,000

9.7 Duty to give Monitoring and Chief Finance Officers the resources they need

The Council will give the Monitoring Officer and Chief Finance Officer the accommodation, officers and resources they believe they need to do their jobs. The Monitoring Officer and Chief Finance Officer will report to Council when necessary on the accommodation, officers and resources they need.

9.8 Duty to tell Monitoring and Chief Finance Officers about procedural, constitutional or vires issues

All employees, including the Deputy Chief Executives and Service Directors must alert the Monitoring Officer and Chief Finance Officer to issues of concern as soon as they come up. These will include legality, probity, vires and constitutional issues.

If the finance or contract rules have been broken, or if decisions have been taken by people who are not allowed to take them, the Monitoring Officer and Chief Finance Officer must be told in writing.

9.9 Restrictions on holding other posts

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

The Head of Paid Service and the Chief Finance Officer can be the same person but the Chief Finance Officer must be a qualified accountant.

