

Statutory Officers of the Council

This section sets out that the Council will have a Head of Paid Service who, alongside the other Directors, is in charge of the Council's staff (called Officers) and works with Councillors, especially the Leader of the Council to carry out the aims and objectives of the Council.

This section also sets out the other senior staff positions namely, the Monitoring Officer and the Section 151 Officer (Chief Finance Officer) who have formal roles and responsibilities established under law. All three roles exist in every District, County and Unitary Council. Collectively, these posts are known as the 'Statutory Officers'

The Head of Paid Service (carried out by the Managing Director) is responsible for reporting to the Council on how staff are organised and deployed in the Council.

The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Cabinet and for dealing with complaints of alleged breaches of the Code of Conduct by Councillors.

The Section 151 Officer (carried out by the – Director of Finance and Resources) is responsible for reporting the actual or potential misspending of money to the Council Meeting or Cabinet.

1.1 Management structure

(a) General

The Council may employ such Officers as it considers necessary to carry out its functions.

(b) Senior Officers and Directors

The Council will employ persons in the following posts,

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)

- (i) The Managing Director will be the Head of Paid Service.
- (ii) The Director of Finance and Resources will be the Chief Finance Officer (also referred to as the Section 151 Officer).
- (iii) The Assistant Director of Governance will be the Monitoring Officer.
- (iv) The Head of Paid Service, Chief Finance Officer and Monitoring Officer will have the functions set out in the Functions Scheme.
- (v) The Head of Paid Service cannot be the Monitoring Officer, but may be the Chief Finance Officer if a qualified accountant.

- (vi) The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

1.2 Conduct

Officers will comply with the Officer Code of Conduct and the Code for Councillor Officer Relations set out at Appendix 7 to this Constitution.

1.3 Employment

The recruitment, selections and dismissal of Officers will comply with the Officer Employment Rules.

1.4 Employment and Appeals Committee (the EAC)

- (a) There will be an Employment and Appeals Committee of four Councillors.
- (b) The membership shall comprise the Leader of the Council, the Deputy Leader, a Cabinet Member and the Leader of the Largest Minority Group or their appointed substitute. Substitutes if called upon will replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed. The Members shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.
- (c) The Employment and Appeals Committee will meet as a Committee in relation to all appointments of the Management Team and make a recommendation to Council with regard to the appointment of the Statutory Officers.
- (d) The Employment and Appeals Committee will have the roles and functions as set out in the Functions Scheme.
- (e) Provision will be made for a Joint Employment and Appeals Committee in relation to Joint Posts, serving North East Derbyshire District Council and other local authorities.