

## ARTICLE 12 - OFFICERS

The use of the word "officers" means all employees and staff engaged by the council to carry out its functions including those engaged under short term, agency or other non employed situations.

**12.1 Management Structure General:** The full Council will make arrangements for the engagement of such Officers as it considers necessary to carry out its functions. The management structure of the Council is set out at Part 8 of this constitution and may be amended from time to time.

### **12.2 Head of Paid Service, Monitoring Officer and Chief Financial Officer.**

The Council will designate the following posts as shown:

*The duties of both the Monitoring Officer and Chief Financial Officer (apart from the administration of the financial affairs of the council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness.*

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Finance	Chief Financial Officer
Director - Legal & Democratic Services	Monitoring Officer

**12.3** Such posts will have the functions described below.

The Head of Paid Service may, by notice in writing to the Monitoring Officer, authorise such officer as he/she sees fit to undertake his or her duties for such period and on such terms as he/she sees fit.

### **12.4 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 Chief Executive (and Head of Paid Service) will have overall corporate management and operational responsibility (including overall management responsibility for and authority over all officers); will provide professional advice to all parties in the decision making process; will, together with the Monitoring Officer, be responsible for a system of record keeping for all the Council's decisions and will represent the Council on partnership and external bodies (as required by statute or by the Council).

(b) Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if s/he is a qualified accountant.

- (c) The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at part 8 of this Constitution.

### **12.5 Functions of the Chief Financial Officer**

- (a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if s/he 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 Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) Contributing to corporate management. The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) Providing advice. The Chief Financial 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 the elected Mayor if there is one) and will support and advise councillors and officers in their respective roles.
- (e) Giving financial information. The Chief Financial Officer will provide financial information to the media, members of the public and the community.

### **12.6 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, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to mal-administration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) Receiving reports. The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

- (e) Conducting investigations. The Monitoring Officer will conduct (or make arrangements to conduct) investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) 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 background papers are made publicly available as soon as possible.
- (g) Advising whether executive decisions are within the Policy and Budget Framework. The Monitoring Officer will advise the Cabinet whether decisions of the Cabinet are in accordance with the Policy and Budget Framework.
- (h) 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.
- (i) Restrictions on posts. The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

### **12.7 Duty to provide sufficient resources to the Monitoring Officer and the Chief Financial Officer**

The Council will provide the Monitoring Officer and Chief Financial Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

### **12.8 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in this Constitution.

### **12.9 Employment**

The recruitment selection and dismissal of Officers will comply with the Officer Employment Rules set out in Part 4K of this Constitution.