

Article 12 - Officers

TERMINOLOGY

The use of the word “officers” means 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.

12.01 Management Structure

Appointment of officers cannot be the responsibility of the Cabinet. Appointment of officers below Deputy Chief Officer level must be the responsibility of the Head of Paid Service or their nominee.

Councils must include a Standing Order on the appointment of Chief Officers, the people who can or must be involved in the appointment of officers and disciplinary action against the Head of Paid Service, Chief Financial Officer and Monitoring Officer by virtue of Government Regulations.

- (a) **General.** The full Council may engage such officers as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall strategic and corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer and Head of Democratic Services responsibility for a system of record keeping for all the Council’s decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).
Policy Directors	<ol style="list-style-type: none">1. Form Senior Officer Management Team2. Assist Members to formulate the corporate strategic direction of the Council3. Lead on Corporate initiatives4. Liaise with portfolio Service Units

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

The Chief Executive should always be the Head of Paid Service and cannot also be the Monitoring Officer. The Monitoring Officer and Chief Finance Officer may not necessarily be Chief Officers but regardless of their status, Councils will need to ensure they have access, as necessary, to meetings and that members consult them regularly.

The duties of both the Monitoring Officer and Chief Finance 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.

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal Services	Monitoring Officer
Head of Financial Services	Chief Finance Officer

Such posts will have the functions described in Article 12.02 – 12.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall Service Unit structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 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 are 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 Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer in association with Head of Democratic Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet 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) **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 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 in association with Head of Democratic Services will ensure that 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 Cabinet decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy 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) **Contributing to corporate Management.** The Monitoring Officer will contribute to the Corporate Management of the Council, in particular through the provision of professional advice.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council 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.
- (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 issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

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