

## PART 2 | ARTICLE 11 - OFFICERS

### 11. ARTICLE 11 - OFFICERS

#### 11.1 General

The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

#### 11.2 Chief Officers

11.2.1 The Council will engage persons for the following posts, who will be designated "Chief Officers".

11.2.2 The Head of Paid Service shall have responsibility and power to amend the functions and areas of responsibility of the Chief Officers as they consider necessary to deliver the Council's functions, vision and objectives. Such changes will be carried out in accordance with any relevant HR policies and the law.

#### 11.3 Post Functions and Areas of Responsibility

| Post                   | Duties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chief Executive</b> | <ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility (including overall management and responsibility for all Officers and relationships with Councillors);</li><li>• Business transformation;</li><li>• Reputation management;</li><li>• Provision of professional advice to all parties in the decision-making process;</li><li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions and maintaining the Constitution;</li><li>• Representing the Council on partnership and external bodies (as required by statute or the Council); and</li><li>• To act as Head of Paid Service.</li></ul> |

#### 11.4 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

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| Designation           | Post                                |
|-----------------------|-------------------------------------|
| Head of Paid Service  | Chief Executive                     |
| Monitoring Officer    | Legal & Democratic Services Manager |
| Chief Finance Officer | Chief Finance Officer               |

Such posts will have the functions described in Article 11.5 to 11.7 below.

### 11.5 Management and Departmental Structure

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.

### 11.6 Functions of the Head of Paid Service

#### 11.6.1 Discharge of Functions by the Council

The Head of Paid Service will keep under review the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

#### 11.6.2 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.

### 11.7 Functions of the Monitoring Officer

#### 11.7.1 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 Members, Officers and the public.

#### 11.7.2 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 Council if he 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.

**11.7.3 Supporting the Policy, Finance and Development Committee in respect of the Code of Conduct**

- (i) The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Policy, Finance and Development.
- (ii) Notwithstanding the duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Policy, Finance and Development for the purposes of assessment, review, investigation or determination of a complaint against a Member.
- (iii) The Monitoring Officer will maintain the Register of Interests for Councillors and the Register of Gifts and Hospitality.

**11.7.4 Conducting Investigations**

The Monitoring Officer will conduct investigations into matters and carry out any other actions as directed by the Policy, Finance and Development Committee and make reports or recommendations in respect of them to the Policy, Finance and Development Committee.

**11.7.5 Proper Officer for Access to Information**

The Monitoring Officer 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.

**11.7.6 Providing Advice**

11.7.7 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. Where the Monitoring Officer considers that a Member(s) has acted contrary to their advice, it is open to them to issue a report to the Council under section 5 of the Local Government and Housing Act 1989, or seek judicial review, as they consider appropriate in the circumstances.

**11.7.8 Restrictions on Posts**

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

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### **11.7.9 Deputy Monitoring Officer**

The Monitoring Officer may appoint a Deputy who will deputise for the Monitoring Officer whenever the Monitoring Officer is otherwise unavailable or unable to act or in particular function areas of and which the Monitoring Officer may so direct.

## **11.8 Functions of the Chief Finance Officer**

### **11.8.1 Ensuring Lawfulness and Financial Prudence of Decision-Making**

- (i) After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council and the Council's external auditor if 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.
- (ii) When the report is completed the Chief Finance Officer shall send a copy:
  - (a) to the current auditor of the Council's accounts; and
  - (b) to each Member of the Council.

### **11.1.2 Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

### **11.1.3 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.

### **11.1.4 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 and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

### **11.1.5 Give Financial Information**

The Chief Finance Officer will provide financial information to the media, Members of the public and the community.

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### **11.1.6 Restrictions on Posts**

The Chief Finance Officer cannot be the Monitoring Officer.

### **11.9 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.

### **11.10 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer / Member Relations set out in Part 4 of this Constitution.

### **11.11 Employment**

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