

ARTICLE 12 - OFFICERS

12.01

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Officers.** The Council will engage persons for the following posts.
- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council has designated the following posts as shown:

| Post | Designation |
|---------------------------------------|-----------------------|
| Chief Executive | Head of Paid Service |
| Head of Legal and Commercial Services | Monitoring Officer |
| Head of Finance | Chief Finance Officer |

These posts have the functions described in Article 12.02 - 12.04 below.

- (d) **Structure.** The Head of Paid Service will determine as appropriate and publicise a description of the overall departmental structure of the Council showing the management structure. This is set out at Part 8 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 as required on the manner in which the discharge of the Council's functions is coordinated, 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 the Chief Finance Officer if he or she is a qualified accountant.

12.03 Functions of the Monitoring Officer

(See in addition Monitoring Officer Protocol set out at Part 5 of this Constitution)

- (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 members, staff and the public. The Monitoring Officer is given

delegated authority to make changes to the Constitution to reflect changes of fact and law, and decisions of the Council and of the Cabinet:

Whilst changes to the “executive arrangements” within the Constitution may only be changed by resolution of the full Council after consideration of the proposal by the Monitoring Officer, save that the Monitoring Officer is given delegated authority to make changes to the Constitution to reflect changes of fact and law, and decisions of the Council and of the Cabinet.

- (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. Unless the report relates to a finding of maladministration such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. The Monitoring Officer may advise scrutiny of the circumstances to enable scrutiny to consider whether it wishes to conduct a short enquiry.
- (c) **Supporting the Audit and Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Audit and Governance Committee (and its Sub-Committees).
- (d) **Receiving Reports.** The Monitoring Officer will receive and act on reports made by Investigation Officers and decisions of the Audit and Governance Committee (and its Sub-Committees)
- (e) **Conducting Investigations.** The Monitoring Officer will conduct investigations into matters referred by Investigation Officers and make reports or recommendations about them to the Audit and Governance Committee (and its Sub-Committees).
- (f) **Advising Whether Executive 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.
- (g) **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. The Monitoring Officer will be responsible for ensuring that the Access to Information Rules are complied with.
- (h) **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 Council (or to the Cabinet about an executive function) and the Authority'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 proper 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 and policy framework 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.
- (f) **Restrictions of Functions.** The Chief Finance Officer may not be the Monitoring Officer.

12.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide 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.

12.06 Conduct

Officers will comply with the Employees' 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 Procedure Rules set out in Part 4 of this Constitution.

12.08 Functions and Delegation

The officers shall be responsible for exercising those delegated functions and responsibilities set out in the Scheme of Delegation in Part 3 of this Constitution.

Unless a decision is specifically reserved in this Constitution to the Council, a Board or Committee of members it shall be deemed to have been delegated to the relevant officer in accordance with the scheme.