

West Suffolk Shadow Council

Article 11 - Officers

11.1 Management Structure

11.1.1 Appointment of staff below Chief Officer level must be the responsibility of the Interim Head of Paid Service or his/her nominee.

- (a) **General** - The Shadow Council may appoint such Chief Officers or other staff (referred to as officers) as it considers necessary to carry out its functions prescribed in the Implementation Order. It shall ordinarily be expected that any officers appointed by the Shadow Council shall be employees of Forest Heath District Council and St Edmundsbury Borough Council.
- (b) **Interim Monitoring Officer, Interim Chief Finance Officer and Interim Head of Paid Service.** At its first meeting, the Shadow Council will designate the following posts as shown:

Post

Interim Monitoring Officer
Interim Chief Finance Officer
Interim Head of Paid Service

Such posts will have the functions described below. below. The duties of the Interim Monitoring Officer and the Interim Chief Finance Officer can be carried out by a deputy, nominated by them, in cases of absence or illness; and

- (c) **Head of Paid Service, Chief Finance Officer and Monitoring Officer** – The Shadow Council may appoint before 1 April 2019 the following posts to West Suffolk Council:

Post

Head of Paid Service
Chief Finance Officer
Monitoring Officer

11.2 Functions of the Interim Head of Paid Service

11.2.1 **Discharge of functions by the Shadow Council** - The Interim Head of Paid Service will report to the Shadow Council on the manner in which the discharge of the Shadow Council's functions is co-ordinated, the number and

grades of officers required for the discharge of functions and the organisation of these officers.

- 11.2.2 **Restriction on functions** - The Interim Head of Paid Service may not be the Interim Monitoring Officer but may hold the post of Interim Chief Finance Officer if a qualified accountant.

11.3 Functions of the Interim Monitoring Officer

- 11.3.1 **Monitoring the Constitution** - The Interim Monitoring Officer will monitor and evaluate the operation of the Constitution to ensure that its aims and principles are given full effect.
- 11.3.2 **Ensuring lawfulness and fairness of decision-making** - After consulting with the Interim Head of Paid Service and Interim Chief Finance Officer, the Interim Monitoring Officer will report to the Shadow Council, the Shadow Executive (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.
- 11.3.3 **Supporting the West Suffolk Joint Standards Committee** - The Interim Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the West Suffolk Joint Standards Committee.

(Note: The West Suffolk Shadow Council will not establish its own Standards Committee and has chosen to delegate responsibility of this function to the West Suffolk Joint Standards Committee, as set out in Article 9 and Section 2 - Responsibility for Council Functions, of the Forest Heath District Council/St Edmundsbury Borough Council Constitution)

- 11.3.4 **Access to Information** - The Interim Monitoring Officer will ensure that there are procedures in place for Shadow Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, to be made publicly available as soon as possible.
- 11.3.5 **Advising whether Shadow Executive decisions are within the budget and the policy framework** - The Interim Monitoring Officer will advise whether decisions of the Shadow Executive are in accordance with the budget and policy framework.

- 11.3.6 **Providing advice** - The Interim 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.
- 11.3.7 **Restriction on posts** - The Interim Monitoring Officer cannot be the Interim Chief Finance Officer or the Interim Head of Paid Service.
- 11.3.8 **Proper Officer** – the interim Monitoring Officer shall act as the general proper officer of the Shadow Council unless otherwise stated.

11.4 Functions of the Interim Chief Finance Officer

- 11.4.1 **Ensuring lawfulness and financial prudence of decision-making** - After consulting with the Interim Head of Paid Service and the Interim Monitoring Officer, the Interim Chief Finance Officer will report to the Shadow Council, or the Shadow Executive in relation to an executive function, 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 Shadow Council is about to enter an item of account unlawfully. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 11.4.2 **Administration of financial affairs** - The Interim Chief Finance Officer will have responsibility for the administration of the financial affairs of the Shadow Council.
- 11.4.3 **Contributing to corporate management** - The Interim Chief Finance Officer will contribute to the corporate management of the Shadow Council, in particular through the provision of professional financial advice.
- 11.4.4 **Providing advice** - The Interim 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.
- 11.4.5 **Give financial information** - The Interim Chief Finance Officer will ensure that financial information about the Shadow Council is provided to the media, members of the public and the community.

11.5 Duty to Provide Sufficient Resources to the Interim Monitoring Officer and Interim Chief Finance Officer

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

11.6 Conduct and Employment

11.6.1 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member relations of their respective employing Council's Constitution. Similarly, the officer employment rules of the officer's respective employing Council shall apply.