

ARTICLE 11 - OFFICERS

Amendments in red were proposed by the Joint Constitution Working Group on 5 March 2015

11.1 Management Structure

11.1.1 ~~Appointment of staff cannot be the responsibility of the Executive.~~ Appointment of staff below Chief Officer level must be the responsibility of the Head of Paid Service or his/her nominee.

(a) **General** - The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers** - The Council will engage persons who will be designated Chief Officers as described in the Officer Employment Procedure Rules in Part 4 of this Constitution. The appointment of Chief Officers, other than the Head of Paid Service, will be undertaken on the Council's behalf by the Joint Officer Appointments Committee.

(c) **Head of Paid Service, Chief Finance Officer (s151 Officer) and Monitoring Officer** – the Council will in the Scheme of Delegation to Officers in Part 3 of this constitution designate officers to these posts.

Such posts will have the functions described in Article 11.2 - 11.4 below. The duties of the Monitoring Officer and the Chief Finance Officer can be carried out by a deputy, nominated by them, in cases of absence or illness; and

(d) **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 the deployment of officers. This is set out as Part 7 of this Constitution.

11.2 Functions of the Head of Paid Service

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

11.2.2 **Restriction 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.

11.3 Functions of the Monitoring Officer

11.3.1 **Monitoring the Constitution** - The 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 Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, the Cabinet (in relation to an executive function) or the relevant committee 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 Joint Standards Committee - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Joint Standards Committee.

11.3.4 Conducting investigations - The Monitoring Officer will conduct investigations into complaints referred by the Monitoring Officer and Independent Person and make reports or recommendations in respect of them to the Joint Standards Committee.

11.3.5 Access to Information - The Monitoring Officer will ensure that there are procedures in place for Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers, to be made publicly available as soon as possible.

11.3.6 Advising whether Executive decisions are within the budget and the policy framework - The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

11.3.7 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.

11.3.8 Restriction on posts - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.4 Functions of the Chief Finance Officer

11.4.1 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, or the Cabinet 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 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

11.4.3 **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.

11.4.4 **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.

11.4.5 **Give financial information** - The Chief Finance Officer will ensure that financial information about the Council is provided to the media, members of the public and the community.

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

11.5.1 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.

11.6 Conduct

11.6.1 Officers will comply with the Officers' Code of Conduct and the protocol on officer/Member relations set out in Part 5 of this Constitution.

11.7 Employment

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