Article 10 – Officers

(References: Sections 112 and 151, Local Government Act 1972
Sections 4, 5 and 5A, Local Government and Housing Act 1989
Paragraph 5, Schedule A1, Local Government Act 2000)

10.01 Management Structure

(a) General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. Officers have a responsibility to the Council as a whole rather than to any one part of the Authority.

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

The recruitment, selection and dismissal of officers will comply with Human Resources Policy and relevant Standing Orders set out in Part 4 of this Constitution.

(b) Chief Officers

The Council has posts of Chief Executive and Directors. These persons are designated chief officers.

All chief officers will participate fully in the corporate leadership and management of the Council as a whole and in the determination of the Council's strategic vision. In addition they will oversee and manage such Business Units as determined from time to time by the Chief Executive.

One of the chief officers will be designated by the Chief Executive as Deputy Chief Executive to act in his/her absence.

The Chief Executive is appointed as the Head of the Paid Service and will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

(c) Head of the Paid Service, Monitoring Officer and Chief Financial Officer

The Council will appoint the Head of Paid Service, Monitoring Officer and Section 151 Officer (Chief Finance Officer).

The Chief Executive shall always be the Head of the Paid Service and cannot be the Monitoring Officer. The Monitoring Officer and Chief Finance Officer may not necessarily be chief officers but, regardless of their status, it is necessary that they have access, as required; to meetings and that members consult them regularly.

The duties of 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. It is the function of the Monitoring Officer and Chief Finance Officer, not the Council nor any other officer, to appoint their deputies.

These posts will have the functions described in Article 10.02-10.04 below.

(d) **Group Assistants**

The Council may engage one Group Assistant for each qualifying political group (up to a maximum of three qualifying political groups) where the budget is allocated for such appointments. Any Group Assistants appointed to the qualifying political groups will be appointed in accordance with the provisions of Section 9 of the Local Government and Housing Act 1989.

The role of the Group Assistants is to provide assistance to the members of their respective political groups rather than to the Authority as a whole, and they will comply with the Local Protocol on Group Assistants set out in Part 5 of this Constitution.

10.02 Functions of the Head of the Paid Service

(a) **Discharge of functions by the Council**

The Head of the Paid Service will report to Council on 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.

(b) **Restrictions on functions**

The Head of the Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if he/she is a qualified accountant.

10.03 Functions of the Monitoring Officer

(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 to members, officers and the public.

(b) **Ensuring lawfulness and fairness of decision-making**

After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council (or to the Cabinet in relation to an executive function) if he/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 the provision of support to the Standards Committee and its sub-committees.

(d) **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework in consultation with the Chief Finance Officer.

(e) **Providing advice**

The Monitoring Officer will, with the Head of Paid service and the Chief Finance Officer, 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.

(f) **Restrictions on posts**

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

10.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision-making**

After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council (or the Cabinet in relation to an executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action:

(i) will involve incurring unlawful expenditure; or

(ii) is unlawful and is likely to cause a loss or deficiency; or

(iii) 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, with the Head of Paid service and 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 and will support and advise councillors and officers in their respective roles.

(e) **Giving financial information**

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

10.05 Duty to provide sufficient resources to the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer

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