

## ARTICLE 12 - OFFICERS

### 12.1 Management Structure

(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 for the following posts, who will be designated chief officers:

- (i) Head of Paid Service (and Chief Executive);
- (ii) Executive Directors (x4);
- (iii) Corporate Director (Monitoring Officer) (x1) and
- (iv) Shared Director of Public Health.

Arrangements may be entered into for one or more of these posts to be shared with other councils.

(c) The process of selection and recruitment of the above chief officers shall be undertaken in accordance with provisions as set out in the Officer Employment and Dismissal Procedure Rules - Part 2 of the Constitution.

(d) The Council is required by statute to appoint the following statutory posts:

- (i) Head of Paid Service;
- (ii) Section 151 Officer; and
- (iii) Monitoring Officer.

Further details of these statutory posts are set out below and can also be found in the Financial Regulations – Part 2 of the Constitution.

(e) **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. That document shall form part of the Constitution.

### 12.2 Roles and Functions of the Head of Paid Service

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

The Head of Paid Service will where s/he considers it appropriate report to Full 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, the organisation of Officers and to such extent as relevant, the appointment and proper management of Officers.

(b) **Restrictions on functions.**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

### 12.3 **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 for consultation by Members, Officers and the public.

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

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council, or the Executive in relation to an executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

(c) **Standards.**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.

(d) **Conducting investigations.**

The Monitoring Officer will conduct or arrange for there to be conducted investigations into relevant complaints against Members and Town/Parish councillors and make reports or recommendations in respect of them in accordance with the Member Complaint Process which can be found in Codes and Protocols – Part 4 of the Constitution.

(e) **Proper officer for access to information.**

The Monitoring Officer will ensure that Member decisions (including decisions by Committee and individual Executive Member decisions), together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation.

(f) **Contributing to corporate management.**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

(g) **Providing advice.**

The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues and will support and advise Members and Officers in their respective roles.

(h) **Restrictions on posts.**

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

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

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

After consulting with the Monitoring Officer, the Section 151 Officer will report to the Full Council, to the Executive in relation to executive functions and to 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.

(b) **Administration of financial affairs.**

The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.**

The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.**

The Section 151 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 Members and will support and advise Members and Officers in their respective roles.

(e) **Give financial information.**

The Section 151 Officer will provide financial information to the media, members of the public and the community.

#### 12.5 **Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### 12.6 **Conduct**

Officers will comply with the Protocol on Officer and Member Relations and the Employee Code of Conduct – Codes and Protocols - Part 4 of this Constitution - and where applicable relevant professional codes of conduct.

## 12.7 **Employment**

The recruitment, selection and dismissal of posts below chief officer and deputy chief officer level will be made in accordance with arrangements prescribed by the Head of Paid Service to the extent not covered by the Officer Employment and Dismissal Procedure Rules – Part 2 of the Constitution.