

## Article 12 – Officers

### 12.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Corporate Leadership Team.** The Council will engage persons for the following posts:
- Chief Executive and three Corporate Director's post (one of which will be designated Lead Director for Children under the Children Act 2004).*
- (c) **Head of paid services, the monitoring officer and chief financial officer.** The Council will be designating the following posts as shown :

Post	Designation.
Chief Executive	Head of Paid Service
Head of Administration and Public Protection	Monitoring Officer.
Head of Finance	Chief Financial Officer.

Such posts will have the functions described in Article 12.02–12.04 below.

- (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 deployment of officers. This is set out as Part 7 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 to the 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 Paid Service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

#### *References:*

*Sections 4 and 5, Local Government and Housing Act 1989*

### 12.03 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 for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Council 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.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (ch) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.
- (dd) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.
- (e) **Advising whether decisions of the Board are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Board are in accordance with the budget and policy framework.
- (f) **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 and will support and advise councillors and officers in their respective roles.
- (ff) **Restrictions on posts.** The Monitoring Officer cannot be the chief finance officer or the head of paid service.

*References: Section 5, Local Government and Housing Act 1989*

*Sections 68 – 73; 78 - 80, Local Government Act 2000*

*Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

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

- (a) **Reporting and advising on the lawfulness and financial prudence of decision making which has financial obligations.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council 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.
- (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.
- (ch) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take financial decisions, financial maladministration, financial impropriety, probity and budget issues to all councillors and will support and advise councillors and officers in their respective roles.
- (d) **Give financial information.** The Chief Finance Officer will be responsible for the provision of financial information to the media, members of the public and the community.

## **12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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.

## **12.06 Conduct**

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

### *References:*

*Section 151, Local Government Act 1972*

*Sections 112-115, Local Government Finance Act 1988*

*Chapter 2 and 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*