

Article 12 – Officers

12.01 Management Structure

(a) **General**

The full Council may appoint such staff (referred to as “Officers”) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The full Council, through the Chief Officers’ Appointments Committee, will appoint persons for the following posts, who together with all Heads of Service, will be designated Chief Officers:

Post	Functions and areas of responsibility
(i) Chief Executive	Overall corporate management and operational responsibility (including overall management responsibility for all Officers)
(ii) Strategic Directors (2)	Overall management responsibility for Strategy development and Service provision

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

The Council will designate the following posts as shown:

Post	Designation
(i) Chief Executive	Head of Paid Service
(ii) Head of Financial Services	Chief Finance Officer (S151 Officer)
(iii) Head of Legal and Support Services	Monitoring Officer

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

(d) **Proper Officer**

Certain legislation requires the Council to designate particular officers as “Proper Officers” for the performance of certain functions. These designations are set out in Part 3, Schedule 4.

(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. This is set out at Part 7 of this Constitution.

12.02 **Functions of the Head of Paid Service**

(a) **Management**

Overall corporate management and operational responsibility, including overall management responsibility for all staff, and co-ordinating the work of the Council's Directorates.

(b) **Professional advice**

The provision of professional advice to all parties in the decision making process.

(c) **Record Keeping**

Together with the Monitoring Officer, responsibility for a system of record keeping for all decisions made by or on behalf of the Council.

(d) **Representation**

Representing the Council on partnership and external bodies as required.

(e) **Appointment of Staff**

Responsibility for appointment of staff below Chief Officer level, but may be delegated by him/her to other staff.

(f) **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 grade of Officers required for the discharge of functions and the organisation of Officers.

(g) **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.

12.03 **Functions of the Monitoring Officer**

(a) **Maintaining the Constitution**

The Monitoring Officer through the Head of Paid Service 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 Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet 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 and the Local Commissioner (Ombudsman) has conducted an investigation. 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.

(d) **Receiving Reports**

The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of case tribunals.

(e) **Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper Officer for disclosure and registration of Members' interests.** The Monitoring Officer is responsible for maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality.

(g) **Proper Officer for access to information**

The Monitoring Officer through the Head of Paid Service will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

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

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(i) **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.

- (j) **Qualified officer for the purpose of s35 of the Freedom of Information Act** to determine whether information is exempt from disclosure because it:
 - (i) would, or would be likely to, inhibit the free and frank provision of advice or exchange of views, or
 - (ii) would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.

- (k) **Restrictions on Posts**

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

12.04 **Functions of the Chief Finance Officer**

- (a) **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 to 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.

- (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 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) **Give financial information**

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

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

The Council will provide the Head of Paid Service, 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 Procedure Rules set out in Part 4 of this Constitution.