

PART 2

Article 12 - Officers

12.1 Management structure

- (i) **General** - The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (ii) **Chief Officers** - The full Council will engage persons for the following posts, who will be designated chief officers:

Chief Executive
Corporate Director for Business Management
Corporate Director for Delivery Services (Assistant Chief Executive)
Corporate Director for Children's Services (DCS)
Corporate Director for Strategy and Partnerships
Corporate Director for Economic and Housing Growth
Director for Adult Care and Health (DASS)

The role of the Council's Statutory Scrutiny Officer shall be undertaken by the Head of Intelligence or as otherwise decided by Council.

- (iii) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:-

Post	Designation
Chief Executive	Head of Paid Service
Director: Governance and Assurance	Monitoring Officer
Director: Finance and Investment	Chief Finance Officer (also known as Section 151 Officer)

Such posts will have the functions described in Article 12.2-12.4 below.

Protocols will be developed to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained. In addition a protocol relating to the role of the Monitoring Officer will also be developed.

- (iv) **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 will be published on the Council's website.

12.2 Functions of the Head of Paid Service

- (i) **Discharge of functions by the Council** - The Head of Paid Service where he/she considers it appropriate to do so in respect of any proposals of his/her 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.
- (ii) **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.

12.3 Functions of the Monitoring Officer

The Monitoring Officer will:

- (i) 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;
- (ii) make such minor changes to the Constitution as are necessary to give effect to organisational changes from time to time provided the same are reported to the Standards and Constitutional Oversight Committee at the first available opportunity;
- (iii) 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 Cabinet 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 of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (iv) contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Constitutional Oversight Committee;
- (v) ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible;
- (vi) advise whether decisions of the Cabinet are in accordance with the budget and policy framework;

- (vii) 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;

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

- (viii) The Monitoring Officer be responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance).

12.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:

- (i) after consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council, or to the Cabinet in relation to a Cabinet 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 which is unlawful;
- (ii) have responsibility for the administration of the financial affairs of the Council;
- (iii) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- (iv) 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 the elected Leader and will support and advise Councillors and officers in their respective roles;
- (v) provide financial information to the media, members of the public, relevant third parties and the community.

12.5 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.

12.6 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.

12.7 **Employment**

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