

Article 13 – Officers

13.1 Management Structure

General

13.1.1 The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions

Managing Director (Head of Paid Service), Monitoring Officer and Chief Finance Officer

13.1.2 The Council will designate the following statutory posts as shown:

- i. Managing Director (Head of Paid Service) (under Section 4 of the Local Government and Housing Act 1989)
- ii. Chief Finance Officer (under Section 151 of the Local Government Act 1972)
- iii. Monitoring Officer (under Section 5 of the Local Government and Housing Act 1989)

13.1.3 Such posts will have the functions described in Articles 13.2 – 13.4 below.

Structure

13.1.4 The Managing Director will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers.

13.2 Functions of the Managing Director

Discharge of Functions by the Council

13.2.1 The Managing Director will be responsible for 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.

Restrictions on Functions

13.2.2 The Managing Director may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.3 Functions of the Monitoring Officer

Maintaining the Constitution

13.3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public

Ensuring Lawfulness and Fairness of Decision Making

13.3.2 After consulting with the Managing Director and Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Executive decision maker 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 to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

13.3.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Conducting Investigations on Alleged Breaches of the Member Code of Conduct

13.3.4 The Monitoring Officer will conduct investigations in accordance with the adopted arrangements and make reports in respect of them as appropriate to the Standards Committee.

Proper Officer for Access to Information

13.3.5 The Monitoring Officer 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.

Advising whether Executive Decisions are within the Policy Framework and Budget

13.3.6 The Monitoring Officer after consultation with the Chief Finance Officer, as appropriate, will advise whether Executive decisions are in accordance with the budget and policy framework.

Providing Advice

13.3.7 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.

Restrictions on Posts

13.3.8 The Monitoring Officer cannot be the Chief Finance Officer or the Managing Director

Complaints

13.3.9 The Monitoring Officer will act as the Corporate Complaints Officer

Deputy Monitoring Officers

13.3.10 The Monitoring Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence,

13.4 Functions of the Chief Finance Officer

Ensuring Lawfulness and Financial Prudence of Decision Making

13.4.1 After consulting with the Managing Director and the Monitoring Officer, the Chief Finance Officer will report to the full Council (or to the Leader 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

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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.

Administration of Financial Affairs

13.4.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Providing Advice

13.4.3 The Chief Finance Officer, in consultation with the Monitoring Officer, as appropriate, 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.

Provision of Financial Information

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

Deputy Chief Finance Officer

13.4.5 The Chief Finance Officer may appoint one or more Deputies to undertake their responsibilities in his/her absence

13.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

13.5.1 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.

13.6 Conduct

13.6.1 Officers will comply with the contract of employment, associated employment policies and Protocol 1 – Officer/Member Relations, adopted by the Council

13.7 Employment

13.7.1 The recruitment, selection and dismissal of Officers will comply with the Procedure Rule 9 – Officer Employment, set out in Part 4 of this Constitution.