

ARTICLE 7 – OFFICERS

Terminology

The use of the word “officers” means all employees and staff engaged by the council to carry out its functions.

7.1 Management Structure

(a) General

The full council may engage such officers as it considers necessary to carry out its functions. Appointment of officers cannot be the responsibility of the leader.

(b) Joint Managing Directors, Monitoring Officer and Chief Finance Officer

The council will be responsible for confirming the appointment of the managing directors, the monitoring officer and chief finance officer in accordance with the Officer Employment Standing Orders in part 3 of this constitution.

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

The council will designate the following posts as shown in the table below:

Post	Designation
Joint Managing Director (Resources)	Head of Paid Service
Assistant Director Governance and Policy	Monitoring Officer
Assistant Director Finance & IT	Chief Finance Officer

The duties of both the monitoring officer and chief finance officer (apart from the administration of the financial affairs of the council) must be carried out personally but can be carried out by a deputy nominated by them in cases of absence or illness.

7.2 Functions of the Head of Paid Service

(a) Corporate Management

The head of paid service will be responsible for the corporate management of the council, and for ensuring the co-ordination of services and the provision of appropriate professional advice.

(b) 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 in part 6 of this constitution and may be changed from time to time.

(c) Appointment of Staff

The appointment of officers below strategic director or chief officer level is the responsibility of the head of paid service or their nominee.

(d) Discharge of Functions by the Council

The head of paid service will report to the 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.

(e) 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.

7.3 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, staff 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 executive in relation to an executive function if he/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) Contributing to Corporate Management

The monitoring officer will contribute to the corporate management of the council, in particular through the provision of advice on legal, constitutional, procedural and probity issues.

(d) Advising whether Executive Decisions are within the Budget and Policy Framework

The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(e) Restrictions on Posts

The monitoring officer cannot be the chief finance officer or the head of paid service.

7.4 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 executive in relation to an executive function and the council's external auditor if he/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 financial matters, the budget framework and financial propriety.

7.5 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.

7.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relationships set out in part 4 of this constitution.

7.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Standing Orders set out in part 3 of this constitution.