

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

The council will be responsible for confirming the appointment of the head of paid service, 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
Chief Executive	Head of Paid Service
Assistant Director Governance and Policy	Monitoring Officer
Strategic Director for Resources	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 or where necessary for the efficient or effective conclusion of any matter requiring the input of either statutory officer.

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(s).

The statutory “chief officers” are the:

- Head of Paid Service (LGHA 1989, s 4)
- Monitoring Officer (LGHA 1989, s 5)
- Chief Finance Officer (LGA 1972, s 151)
- Director of Children’s Services (Children Act 2004, s 18)
- Director of Public Health (National Health Service Act 2006, s 73A(1)); and
- Director of Adult Social Services (Local Authority Social Services Act 1970, s 6(A1))

Non-statutory “chief officer” includes:

- a person for whom the head of the authority's paid service is directly responsible
- a person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to the head of the authority's paid service; and
- any person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority; but

excludes any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

(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. This will be by means of an up-to-date electronic version available on the council’s website. The Monitoring Officer shall have delegated authority to make minor amendments and updates to the constitution as may be necessary from time to time due to changes in legislation and/or organisational structures etc.

(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 they consider 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. The monitoring officer will also be the Compliance Officer for the purposes of anti-money laundering legislation.

(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) Dealing with Complaints about Members and enforcing the Code of Conduct

The monitoring officer will receive any complaints about the conduct or behaviour of members and will deal with them in accordance with the Members' Code of Conduct. The monitoring officer will ensure members are made aware of their obligations under the Members' Code of Conduct.

(f) 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 they consider 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.

The chief finance officer shall hold or shall delegate to a nominee the role of Money Laundering Reporting Officer.

(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.