

## ARTICLE 12 - OFFICERS

### 12.1 Management structure

#### (a) General

The Council may engage such staff as it considers necessary to carry out its functions.

#### (b) Chief Officers

The Council will engage persons for the following posts:

Post	Functions and areas of responsibility
Chief Executive	<ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers)</li><li>• Provision of professional advice to all parties in the decision making process.</li><li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</li><li>• Representing the Council on partnership and external bodies (as required by statute or the Council), governance support, public relations.</li></ul>
Strategic Directors and Heads of Service	<p>In addition to the service areas identified in the Management Structure at Part 7 of this Constitution, to have the following over-arching functions and responsibilities:</p> <ul style="list-style-type: none"><li>• To support elected Members of the Council and the Chief Executive to ensure corporate working across services and to help lead the Council so that it is able to meet its immediate and long-term future.</li><li>• To promote a culture of continuous improvement and develop the capacity and ability of the organisation to learn.</li><li>• To maintain effective partnerships to assist the Council in delivering the needs and role of the community it serves.</li><li>• To ensure the operation of robust governance in relation to operational decision making and delivery of services.</li></ul>

**(c) Head of Paid Service, Monitoring Officer and Section 151 Officer**

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Strategic Director (Section 151 Officer)	Section 151 Officer (Chief Finance Officer under the Local Government Act 1972.)

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

**(d) Deputy Monitoring Officer**

A Deputy Monitoring Officer will be appointed from the Council's staff to perform the functions of the Monitoring Officer, where the Monitoring Officer is unable to act.

**(e) Deputy Section 151 Officer**

A Deputy Section 151 Officer will be appointed from the Council's staff to perform the functions of the Section 151 Officer, where the Section 151 Officer is unable to act.

**12.2 Functions of the Head of Paid Service**

**(a) 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.

**(b) Restrictions on functions.**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

**12.3 Functions of the Monitoring Officer**

The Monitoring Officer will:-

- (a) maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by councillors, staff and the public;
- (b) after consulting with the Head of Paid Service and Section 151 Officer, report to the full Council or to the Leader/Executive 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (c) contribute to the promotion and maintenance of high standards of conduct by Councillors;
- (d) as Proper Officer for access to information, to 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;
- (e) advise whether decisions of the Executive are in accordance with the budget and policy framework;
- (f) 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 Section 151 Officer or the Head of Paid Service.

#### **12.4 Functions of the Section 151 Officer**

The Section 151 Officer will:-

- (a) after consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council or to the Leader/Executive 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) have responsibility for the administration of the financial affairs of the Council;
- (c) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;

- (d) 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) provide financial information to the media, members of the public and the community.

#### **12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

#### **12.6 Conduct**

Officers will comply with the Code of Conduct for Employees included within Staff Terms and Conditions of Employment and the Member and Officer Protocol 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 4 of this Constitution.