

Article 12 - Officers

12.01 Management Structure

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Statutory Officers.** Head of paid service, Monitoring Officer and Chief Finance Officer. The Council will designate the officers to hold these posts: Head of Paid Service, Monitoring Officer, Chief Finance Officer which will have the functions described in Article 12.02-12.04 below.
- (c) **Executive Directors.** The Council will designate the officers to hold these posts: Executive Director Corporate Services; Executive Director Place Services; Executive Director People (Adult Social Care, Children & Young People and Public Health).
- (d) **Structure.** The head of paid service will determine and publicise a description of the overall staff structure of the Council and amend it as necessary.

12.02 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 Chief Finance Officer if a qualified accountant.

12.03 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 members, staff and the public;

- (b) after consulting with the head of paid service and Chief Finance Officer, report to the full Council, or to the Cabinet 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 through provision of support to the Standards Committee;
- (d) to filter complaints between those which do and do not require investigation;
- (e) conduct investigations into allegations of breaches of the Code of Conduct and make reports or recommendations in respect of them to the Standards Committee;
- (f) 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;
- (g) advise whether decisions of the Cabinet are in accordance with the budget and policy framework;
- (h) 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.
- (i) deal with requests for dispensations from members to enable them to take part in a matter where the member has a disclosable pecuniary interest.

The Monitoring Officer cannot be the Chief Finance Officer or the head of paid service.

12.04 **Functions of the Chief Finance Officer (Section 151 Officer)**

The Chief Finance Officer (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 Cabinet 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 the Cabinet, 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.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer (Section 151 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.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules.

12.08 Conflicts of Interest

- (a) If, having regard to the particular circumstances, it appears that the Chief Executive has a clear and substantial conflict of interest, any reference to the Chief Executive in any guidance, protocol or procedure approved by the Council shall be substituted by references to the Monitoring Officer.
- (b) If, having regard to the particular circumstances, it appears that the Monitoring Officer has a clear and substantial conflict of interest, any reference to the Monitoring Officer in any guidance, protocol or procedure approved by the Council shall be substituted by references to the Chief Finance Officer.
- (c) If, having regard to the particular circumstances, it appears that the Chief Finance Officer has a clear and substantial conflict of interest, any reference to the Chief Finance Officer in any guidance, protocol or procedure approved by the Council shall be substituted by references to the Monitoring Officer.