

Article 12 – Officers

12.1 Management Structure

12.1.1 The authority may appoint and employ staff under Section 112 of the Local Government Act 1972. Staff are employed by the authority. Appointment of staff below **deputy** chief officer level must be the responsibility of the Head of Paid Service or his/her nominee.

12.1.2 Councils must include a standing order on the appointment of chief officers, the people who can or must be involved in the appointment of officers and disciplinary action against the Head of Paid Service, Chief Financial Officer and Monitoring Officer.

(a) **General.**

The authority may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The Council will confirm the appointment of the Chief Executive (Head of Paid Service) and the Personnel (Appointments) Committee will make appointments to the following posts (or such other similar posts as it may decide from time to time), who will be designated chief officers:

- Deputy Chief Executive
- Director of Adult Care and Health Services
- Director of Children's Services
- Director of Economic Growth & Neighbourhood Services

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

The Council has designated the following posts as shown:

- Chief Executive - Head of Paid Service
- Director of Finance - Chief Finance Officer and Section 151 Officer
- Assistant Director of Legal and Democratic Services - Monitoring Officer

The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 prescribe that the dismissal of the Head of Paid Service, Monitoring Officer and the Chief Finance Officer must be confirmed by Council.

The Council has designated the following Deputy posts as shown:

- Deputy Chief Executive **or Executive Director for Resources (as appropriate)** – Deputy Head of Paid Service
- Financial Planning and Strategy Manager – Deputy Chief Finance Officer and Deputy Section 151 Officer

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

(d) **Structure**

The senior management of the Council is set out at Part 7 of this Constitution.

(e) **Delegations**

A considerable number of decisions are made by designated officers under approved delegated powers and a register of these is published on the Council's website and is available for inspection by Councillors and citizens on request. An officer may not take a key decision under the exercise of a delegated function, and all key decisions must be taken by full Council or a Committee. This process is described in Article 13.

In certain circumstances where there is no existing officer delegation, Directors and Statutory Officers may take decisions which are not key decisions in consultation with the relevant Lead Councillor, and subject to these decisions being recorded by using the Decision Book process. This process is described in Standing Order 42 (See the Rules of Procedure – Part 4 below)

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 or the Policy Committee 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.

12.3 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 inspection by Members, staff and the public; and will advise on the application of the Constitution.
- (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 a Committee if s/he considers that any proposal, decision or omission by that body 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) **Promoting and maintaining high standards of conduct by Members**
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through promoting the local Member Code of Conduct; providing advice and support to Members of the authority and to the Standards Committee on the Code; and operating the authority's procedure for dealing with complaints about Members. The Local Member Code of Conduct is in Part 5 of the Constitution. The terms of reference of the Standards Committee, and the procedure for dealing with complaints about Members, are in Article 9.
- (d) **Proper officer for access to information**
The Monitoring Officer will ensure that the decisions of the Council and its Committees, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as required by the Access to Information Rules in part 4 of the Constitution.
- (e) **Advising whether decisions are within the policy framework.**
The Monitoring Officer will advise whether decisions of full Council and Committees are not contrary to the policy framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- (f) **Contributing to corporate management**
The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.
- (g) **Providing advice**
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.
- (h) **Restrictions on posts**
The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 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 Council or Policy Committee, and the Council's external auditor, if s/he 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) **Advising whether decisions are within the budget framework.**
The Chief Finance Officer will advise whether decisions of Council and its Committees are not contrary to, or not in accordance with the budget framework of the authority, under the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- (d) **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.
- (e) **Providing advice**
The Chief Finance 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 and will support and advise Councillors and officers in their respective roles.
- (f) **Give financial information**
The Chief Finance Officer will 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 Chief Finance Officer

The Council will provide Head of Paid Service, 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.

12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations 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 Part 4 of this Constitution.