

**Article 12 – Officers**

**TERMINOLOGY**

**12.01 Management structure**

- (a) **General.** The full Council may engage staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage people for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Functions and areas of responsibility</b>
1. Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Undertake the duties associated with the statutory role of Head of Paid Service (see 12.02 below)</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council’s decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Oversee the activities of the following Service Unit or Team:</p> <ul style="list-style-type: none"> <li>• <u>Economy and Growth Development</u></li> <li>• <u>Housing &amp; Development Control</u></li> <li>• Policy and Engagement</li> </ul>
<b>Post</b>	<b>Functions and areas of responsibility</b>
2. Chief Operating Officer	<p>Provision of professional advice to all parties in the decision making process.</p> <p>Contribute to the overall corporate management and operational responsibility and offer corporate advice and personal leadership to specific tasks and projects</p> <p>Representing the Council on partnership and</p>

	<p>external bodies (as required by statute or the Council).</p> <p>Oversee the activities of the following Service Units:</p> <ul style="list-style-type: none"> <li>• Green Space &amp; Amenities</li> <li>• Streetscene</li> <li>• <del>Housing &amp; Development Control</del></li> <li>• Revenues and Benefits (Liberata)</li> <li>• Finance and Property</li> <li>• Legal and Democratic Services</li> <li>• People &amp; Development</li> <li>• Customer and IT Services (Liberata)</li> </ul>
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(c) **Head of paid service, monitoring officer and chief financial officer.** The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Head of Legal & Democratic Services	Monitoring Officer
Director of Resources	Chief Finance Officer - Undertake the duties associated with the statutory role of Chief Finance Officer (see 12.04 below)

These posts will have the functions described in Article 12.02–12.04 below.

(d) **Structure.** The head of paid service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 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, and the appointment and proper management of Officers
- (b) **Protocols.** The head of paid service's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this constitution consistent with that legislation
- (c) **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

- (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 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) **Supporting the Audit and Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Audit and Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will 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) **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.
- (h) **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.

- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service
- (j) **Protocols.** The monitoring officer's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this Constitution consistent with that legislation

#### 12.04 **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 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) **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 the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.
- (f) **Protocols.** The chief finance officer's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this Constitution consistent with that legislation

#### 12.05 **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 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 included in the Code of Conduct for Members set out in Part 5 of this Constitution.

#### 12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.