

Section 9

Officers

9.1 MANAGEMENT STRUCTURE

- (a) **General** – the Council may engage such employees (called ‘Officers’) as it considers necessary to carry out its functions.
- (b) **Statutory Officers** – the Council will engage persons for the following posts:
 - Managing Director (and Head of Paid Service);
 - Monitoring Officer; and
 - Chief Finance Officer (also referred to as the ‘S.151 Officer’).
- (c) **Management Structure** – the Head of Paid Service will publicise a description of the overall management structure of the Council. This is set out in the Annex to this Section.

9.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) 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) The Head of Paid Service may not be the Monitoring Officer. For the purposes of Good Governance the Head of Paid Service is preferably not the Chief Finance Officer.
- (c) Overall corporate management and operational responsibility (including overall management responsibility for all Officers).
- (d) Provision of professional advice to all parties in the decision making process.
- (e) Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions.

9.3 FUNCTIONS OF THE MONITORING OFFICER

In addition to the statutory functions listed in the Monitoring Officer Protocol set out in Section 38 of this Constitution, the Monitoring Officer has the following functions:

- (a) **Maintaining the Constitution** – the Monitoring Officer will ensure that an up-to-date version of the Constitution is maintained and will ensure that it is widely available for consultation by Members, Officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making** – after consulting only with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to full Council, or to the Cabinet in relation to an executive function, if he/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 Standards Committee** – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support and services to the Standards Committee.
- (d) **Proper Officer for Access to Information** – the Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- (e) **Advising whether Cabinet decisions are within the Budget and Policy Framework** – the Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (f) **Restrictions on posts** – the Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

9.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- (a) **Ensuring lawfulness and financial prudence of decision making** – after consulting only with the Head of Paid Service and Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Cabinet in relation to an executive function and the Council's external auditors, if he/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 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 Councillors and will support and advise Councillors 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 community.

9.5 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 sufficient in the Monitoring Officer's and the Chief Finance Officer's opinions respectively to allow them to perform their duties.

9.6 CONDUCT

Officers will comply with such protocol that is specific to their role, the Protocol for Member/Officer Relations and the Officers' Code of Conduct set out in Part 5 of this Constitution.

Annex 1 – Management Structure

EFFECTIVE FROM 8 APRIL, 2019

