

## **Article 10**

### **Officers**

#### **10.01 Management structure**

(a) **General**

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

(b) **Chief Officers**

The Council will from time to time appoint such chief officers as it may consider necessary to carry out its functions.

(c) **Appointment of Chief Officers**

Where the Council proposes to appoint a chief officer the Standing Orders Relating to Staff set out in Part 4 of this Constitution shall apply.

(d) **Chief Executive, Monitoring Officer and Chief Financial Officer**

The Council will designate officers to perform the functions of Chief Executive, Monitoring Officer and Section 151 Officer (hereinafter referred to as "Chief Financial Officer") as appropriate.

Such posts will have the functions described in Article 10.02–10.04 below.

#### **10.02 Functions of the Chief Executive**

(a) **Discharge of functions by the Council**

The Chief Executive will report to the Council as necessary 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.

#### **10.03 Functions of the Monitoring Officer**

The functions of the Monitoring Officer shall include the following:

(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.

(a) **Ensuring lawfulness and fairness of decision making**

After consulting with the Chief Executive and Chief Financial Officer, the Monitoring Officer will report to the full Council, and 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.

(b) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(c) **Receiving reports**

The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(d) **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 Standards Committee.

(e) **Proper officer for access to information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible in accordance with the requirements in that regard contained in the Local Government Act 1972, the Local Government Act 2000 and Regulations made thereunder or any statutory provisions replacing or re-enacting the said Acts and Regulations.

(f) **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.

(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.

**10.04 Functions of the Chief Financial Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Chief Executive and the Monitoring Officer, the Chief Financial Officer will report to the full Council, and 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 Financial Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Financial Officer will provide advice on financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.

(e) **Give financial information**

The Chief Financial Officer will provide financial information to the media, members of the public and the community.

**10.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

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

**10.06 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.

**10.07 Employment**

The recruitment, selection and dismissal of officers will comply with the

Standing Orders Relating to Staff set out in Part 4 of this Constitution.