

## **ARTICLE 13 – STAFF**

### **1 General**

1.1 The Council may engage such staff as it considers necessary to carry out its functions. All staff (other than political assistants) will work on the basis of political neutrality in the delivery of the Council's services in accordance with Council policy. Staff, who advise on and/or implement Council decisions, are known as officers.

1.2 The Council designates the following posts as shown:

- |                           |   |
|---------------------------|---|
| a) Head of Paid Service   | Chief Executive                         |
| b) Chief Finance Officer  | Director Customer & Corporate Services  |
| c) Monitoring Officer     | Assistant Director Legal and Governance |
| d) Chief Internal Auditor | Audit & Fraud Manager                   |

Such posts will have the functions described in the section 'Structure' below.

### **2 Proper Officer**

2.1 Certain legislation requires the Council to designate a particular Officer as "Proper Officer" for the performance of certain functions. These designations are set out below.

### **3 Structure**

3.1 The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is referred to at Part 7 of this Constitution.

3.2 Appointment of staff below the Chief Officer level will be the responsibility of the Head of Paid Service but is delegated by him/her to other Chief Officers as set out in this Constitution.

3.3 The functions of the Head of Paid Service are:

- (a) overall corporate management and operational responsibility including overall management responsibility for all staff, and co-ordinating the work of the Council's Directorates.
- (b) the provision of professional advice to all parties in the decision making process.
- (c) together with the Monitoring Officer, responsibility for a system of record keeping for all decisions made by or on behalf of the Council.
- (d) representing the Council on partnership and external bodies as required.
- (e) the Head of Paid Service or other nominated Chief Officer will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the organisation of staff and the number and grade of staff required for the discharge of functions (other than minor restructuring and regrading)
- (f) the Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

**4 Monitoring Officer**

4.1 The powers and functions of the Monitoring Officer are:

- (a) to maintain an up to date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public.
- (b) to report to Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and Chief Finance Officer, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) to contribute to the corporate management of the Council, in particular by providing professional legal advice.

- (d) to contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Joint Standards Committee.
- (e) to jointly advise with the Chief Finance Officer whether the decisions of the Executive are in accordance with the budget and policy framework.
- (f) in conjunction, where necessary, with the Chief Finance Officer, to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.
- (g) where necessary, in conjunction, with the Chief Finance Officer, to exercise powers of sanction and intervention where he or she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration or otherwise contravene the corporate governance interests of the authority.

4.2 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## **5 Chief Finance Officer**

5.1 The functions of the Chief Finance Officer are:

- (a) to report to the Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and the Monitoring Officer and send a copy of the report to all Members of the Council and to the Council's external auditor 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 (or the Executive) is about to enter an item of account unlawfully.
- (b) to be responsible for the administration of the financial affairs of the Council.
- (c) to contribute to the corporate management of the Council, in particular by providing professional financial advice.
- (d) to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration in relation

to financial matters, financial impropriety, probity and budget and policy framework issues and to support and advise Councillors and staff in their respective roles (in liaison, as necessary, with the Monitoring Officer).

- (e) where required by law or authorised by the Council, to provide financial information to the media, members of the public and the community.
- (f) where necessary, and in conjunction with the Monitoring Officer as appropriate, to exercise powers of sanction and intervention when he or she considers that any proposal, decision, omission or course of action is likely to incur unlawful expenditure or otherwise contravene the corporate governance interests of the Council.

## **6 Chief Internal Auditor**

6.1 The functions and responsibilities of the Chief Internal Auditor are:

- (a) to investigate any matter referred to him/her in accordance with the Council policies and procedures and to refer cases for further investigation by the Police or to the Courts for prosecution as necessary and appropriate;
- (b) to report directly and independently to Members, the Chief Finance Officer, the Monitoring Officer and/or the Head of Paid Service or Corporate Management Team on any matter that in his/her professional judgement must be reported outside normal line management and decision making arrangements;

and in doing so the Chief Internal Auditor and members of his/her staff will have rights of access to all information held by the authority at all reasonable times.

## **7 Proper Officer Functions**

7.1 The following officers are designated to perform the functions of Proper Officer in relation to the matters set out below in the following tables:

**Local Government Act 1972**

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	42	To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor.	Chief Executive
2	83 (1)	To receive the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
3	83 (3)	To witness the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
4	84	To receive written notice of resignation from any officer under the Local Government Act 1972.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
5	88 (2)	To convene a meeting of the Council for the election of Chairman of the Council on a casual vacancy occurring.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
6	89 (1) (b)	To receive written notice of a casual vacancy in the office of a Councillor from two local government electors.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
7	146 (1)(a) (re: transfer of securities of a company in the name of a local authority)	To make statutory declarations as to the securities and the change of name and identity of an authority on the transfer of those securities into the new name of the authority	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
8	146(1)(b) (re: transfer of securities of a company in the name of a local authority)	To give a certificate confirming that a local authority has become entitled to securities, dividends or interest standing in the name of the name of another local authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
9	151	Officer responsible for the proper administration of financial affairs.	Director Customer & Corporate Services
10	191 (2)	To receive applications concerning surveying under section 1 of the Ordnance Survey Act 1841.	Corporate Director Economy and Place
11	210 (6) and (7)	Duties relating to charities.	Head of Finance

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
12	225 (1)	To receive and retain such documents as are specified by the Standing Orders of the House of Commons, or any enactment or instrument, in the manner and for the purpose directed and to make such notes and endorsements thereon and to give such acknowledgments and receipts in respect thereof as may be so directed.	The Monitoring Officer
13	229 (5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or any part of a document which is in the custody of, or has been destroyed while in the custody of a Local Authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
14	234 (1)	To sign on behalf of the Authority any notice, order or other document which the Authority is authorised or required to authorise or required to give, make or issue.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
15	238	To sign a certificate endorsed on a printed copy of any byelaws (relating to the authenticity of the byelaws).	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
16	Schedule 12 Para 4 (3)	To receive written notice from a Member that the summons to a meeting of the Council shall be sent to some other address other than his/her place of residence.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
17	Schedule 14	To certify resolutions of the Council under Public Health Acts 1875-1925.	The Monitoring Officer
18	Schedule 16 (28)	To receive on deposit lists of buildings of special architectural or historic interest under section 54 (4) of the Town & Country Planning Act.	Corporate Director Economy and Place
19	Schedule 29 Para 41 (3)	Substitution of Proper Officer for Clerk of Council in section 9 (1) of Registration Services Act 1953- the determination of a Deputy to become Interim Superintendent Registrar or Interim Registrar of births and deaths if the latter ceases to hold office.	Assistant Director Customer Services and Digital



No.	Section	Duties	Proper Officer
20	Schedule 29 Para 41 (4)	<p>Substitution of Proper Officer for Clerk of Council.</p> <ol style="list-style-type: none"> <li>1. In section 9 (2) of Registration Service Act 1953- appointment of Interim Superintendent Registrar or Registrar of births and death were no Deputy.</li> <li>2. In section 13 (2) (h) details of running of service hours in business Superintendent Registrars.</li> <li>3. In section 13 (3) (b) general supervisory powers over administration of Registration Service Act.</li> </ol>	Assistant Director Customer Services and Digital
21	Schedule 29 Para 41 (5)	Substitution of Proper Officer for Clerk of Council in section 20 (b) of Registration Service Act 1953-prescription of duties in regulation of Clerks of Council under Registration Acts.	Assistant Director Customer Services and Digital

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
22	Section 100 b (2)	Excluding from inspection by Members of the public, the whole or part of any report which in his/her opinion is likely to be excluded from consideration in public at a Council, Executive, Committee or sub Committee meeting.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
23	Section 100 B (7)	Deciding whether or not a newspaper should be supplied with copies of any documents supplied to a Member of the Council other than the agenda, report and statement, or particulars indicating the nature of the agenda items.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.
24	Section 100 C (2)	Making (without disclosing exempt information) a written summary to provide Members of the public with a reasonable fair and coherent record of the whole or part of the proceedings where part of the minutes of the meeting are not open to the public because they disclose exempt information.	The Monitoring Officer or in his/ her absence the Head of Civic and Democratic Services.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
25	Section 100 d (1) a & 5 (a)	Compilation of lists of background papers and identification of background papers.	Chief Executive & Corporate Directors (each Corporate Director for their service reports)
26	Section 100 d	Papers not open to inspection by Members.	Chief Executive & The Monitoring Officer

### **The Highways Act 1980**

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	Section 205 (5) (re: private street works)	To certify a copy of the resolution of the Local Authority approving the specifications, estimates and apportionment and a copy of those documents for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
2	Section 210 (2) (re: private street works)	To certify a document giving details of the amendment of any estimate and consequential amendment of any apportionment for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

### **Representation of the People Act 1983**

<b>Para</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	Section 35	To be the Returning Officer for elections of Councillors of the City	Chief Executive