

ARTICLE 21 – OFFICERS

1 General

1.1 The Council may engage/employ such Officers as it considers necessary to carry out its functions. All Officers (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. Employees 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 Operating Officer
- b) Section 151 Officer - Chief Finance Officer
- c) Monitoring Officer - Director of Governance
- d) Head of Internal Audit – Chief Executive of Veritau – (a company part owned by the council)

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

1.3 The Council will provide 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.

2 Proper Officer Functions

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 in Appendix 1 of this Constitution.

3 Structure

3.1 The Chief Operating Officer and 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 in Appendix 25 of this Constitution.

3.2 Appointment of Officers below the Chief Officer level will be the responsibility of the Head of Paid Service but is delegated by them to other Chief Officers as set out in Appendix 1 of 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 Officers, and co-ordinating the work of the Council's Directorates. The Head of Paid Service is responsible for deploying the Council's resources in accordance with the strategic objectives as set by the Executive and Council.
- (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 Officers and the number and grade of Officers 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, Officers 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 they consider 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 on the scope of powers and authority to take decisions
- (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 they consider that any proposal, decision or omission would give rise to unlawfulness or maladministration or otherwise contravene the corporate governance interests of the authority;
- (h) to ensure that executive decisions are required under this constitution, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

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 they 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. This involves providing effective financial management arrangements and systems, an effective internal audit function and internal controls arrangements, effective treasury management arrangements, safeguarding assets and probity.
- (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 Officers 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 they consider 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 Head of Internal Audit

6.1 The functions and responsibilities of the Head of Internal Audit are:

- (a) to undertake a programme of internal audit and to provide an opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control;
- (b) to provide advice on the council's internal control arrangements and management of risks;
- (c) to help promote high ethical standards and good governance across the council;
- (d) to keep the council's Audit Charter under review and to propose changes as required to comply with proper practice for internal audit;
- (e) to report directly and independently to Members, the Chief Finance Officer, the Monitoring Officer and/or the Head of Paid Service on any matter that in their professional judgement must be reported outside normal line management and decision making arrangements;
- (f) to investigate all instances of suspected fraud and corruption in which the council has an interest and to refer cases for further investigation by the Police or other law enforcement agencies as necessary;
- (g) where fraud or corruption is identified, to make recommendations for prosecution to the Chief Finance Officer

And in doing so the Head of Internal Audit and members of their Officers will have rights of access to all information and assets held by the council and be able to obtain explanations from all council employees and Members at all reasonable times for the purposes of audit.

Applicable to all Officers

8 Conduct

8.1 Officers will comply with the Employee Code of Conduct referred to in Appendix 15 of this Constitution.

9 Employment

- 9.1 The recruitment, selection and dismissal of officers will comply with the policies of the Council and the Officer Employment Procedure Rules set out in Appendix 12 of this Constitution.