

Article 13 - Employees

13.01

(a) General

The full Council may engage such staff as it considers necessary to carry out its functions.

(b) Chief Officers

The full Council will engage persons for posts which will be designated Chief Officers, in accordance with a Management structure as set out in Part 7 of this Constitution.

(c) Head of paid service, monitoring officer and chief finance officer

The Council will designate the following posts as shown.

Post:	Designation:
Chief Executive	Head of Paid Service
Head of Law & Governance	Monitoring Officer
Executive Director of Commercial and Corporate Services	Chief Finance Officer

(d) Structure

The head of paid service will determine and publicise a description of the overall departmental structure of the Council showing the management structure. This is set out at Part 7 of this Constitution.

13.02 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The head of paid service where he/she considers it appropriate to do so will report on proposals on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

(b) 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.

13.03 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 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.

- (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 or the Standards Committee and make reports or recommendations in respect of them to the 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, 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.

13.04 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 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 the community.

13.05 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 such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

13.06 Conduct

Employees will comply with the Employees' Code of Conduct the Protocol on Member/Employee Relations and the Protocol for Members in Relation to Development Control matters.

13.07 Employment

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