

PART 2

Articles of the Constitution

Article 12 - Officers

12.1 ORGANISATIONAL STRUCTURE

(a) General

The Authority may engage such Officers as it considers necessary to carry out its functions.

(b) Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)

The Council has designated the following statutory posts as shown:

Designation	Person appointed
Head of Paid Service	Chief Executive
Monitoring Officer	Borough Solicitor
Section 151 Officer	Chief Finance Officer

In CBC, the statutory roles are held by different Officers of the Council.

Such posts include the functions set out below.

(c) Structure

The Head of Paid Service will prepare and publicise a description of the overall structure of the Authority showing the management structure and services provided. The current Management Structure of the Council is appended to this Article.

(d) Delegation

The functions delegated to Officers are set out in [Part 3E](#) of this Constitution (Officer Delegation Scheme).

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

12.2.1 Discharge of functions by the Authority

The Head of Paid Service will report to the Council on the overall manner in which the discharge of the Authority's functions is co-ordinated and organised, including the organisation and grades of Chief Officers.

12.2.2 Advising whether Executive Decisions are within the Budget and the Policy Framework

In relation to policy related matters, the Head of Paid Service will advise whether executive decisions are in accordance with the Budget and the Policy Framework.

12.2.3 Call-in

The Head of Paid Service will determine if a call-in request falls within Article 13.2.

12.2.4 **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer.

12.3 **FUNCTIONS OF THE MONITORING OFFICER**

12.3.1 **Updating the Constitution**

The Monitoring Officer will, as appropriate, advise Council on amendments to the Constitution normally through the Constitution Working Group which has the role of making recommendations to the Council on it. He/she may also make such amendments to the Constitution as are necessary to take account of any decisions of Full Council, a Committee, the Cabinet or the Leader and changes of law or fact, and shall notify Councillors, the Head of Paid Service and such other Officers as he/she considers appropriate of any such changes.

12.3.2 **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and the Section 151 Officer, the Monitoring Officer will report to the 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.

12.3.3 **Supporting the Standards Committee**

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

12.3.4 **Dealing with allegations of Breach of Code of Members' Conduct**

The Monitoring Officer deals with all written complaints about breaches by Borough Councillors or any Parish Councillor within the Council's administrative area, of the Code of Members' Conduct. The Monitoring Officer will seek local resolution to any complaints where this is possible

or will determine complaints in accordance with the authority delegated by the Council in [Part 3D](#) of this Constitution.

12.3.5 Restrictions on posts

The Monitoring Officer cannot be the Head of Paid Service or the Section 151 Officer.

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER (SECTION 151 OFFICER)

12.4.1 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 Council, or to the Cabinet in relation to an Executive Function, and 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 is about to enter an item of account unlawfully.

12.4.2 Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council and will ensure that an adequate and effective internal audit system is maintained.

12.4.3 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.

12.4.4 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 Employees in their respective roles.

12.4.5 Give financial information

The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.4.6 Advising whether Executive Decisions are within the Budget and the Policy Framework

In relation to financial matters, the Chief Finance Officer will advise whether Executive decisions are in accordance with the Budget and Policy Framework.

12.5 RESTRICTION ON POSTS

The Chief Finance Officer cannot be the Monitoring Officer.

12.6 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND THE CHIEF FINANCE OFFICER

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

12.7 CONDUCT

Employees will comply with the Code of Conduct for Employees and the Protocol on Member/Employee relations set out in [Part 5B](#) of this Constitution.

12.8 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in [Part 4F](#) of this Constitution.