

ARTICLE 12 – EMPLOYEES

12. Employees

12.1 Management Structure

General

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

12.1.2 Delegations to officers are set out in Appendix 8 of this constitution.

Structure

12.1.3 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 set out at Appendix 17 of this constitution and includes the makeup of the council's corporate leadership team.

Proper officers

12.1.4 The council will designate proper officers to carry out functions allocated to proper officers by law. These are set out in Appendix 9.

Head of Paid Service, Monitoring Officer and Chief Financial Officer

12.1.5 The council will designate the following posts as shown:

Head of Paid Service	Chief executive
Monitoring Officer	Senior solicitor from nplaw and nominated deputies
Chief Finance Officer (S151 Officer)	Chief finance officer

12.2 Functions of the Head of Paid Service

Discharge of functions by the council

12.2.1 The Head of Paid Service, where it is appropriate to do so, shall report to council on the manner in which the discharge of the council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on functions.

12.2.2 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

Ensuring lawfulness and fairness of decision making.

12.3.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the council or to the cabinet 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.

12.3.3 Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the standards committee

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

Receiving reports

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

Conducting investigations.

12.3.6 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.

Advising whether executive decisions are not within the policy and budget framework

12.3.7 The Monitoring Officer will advise whether decisions of the cabinet are not in accordance with the policy and budget framework.

Providing advice

12.3.8 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy and budget framework issues to all councillors.

Restrictions on posts.

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

12.4 Functions of the Chief Finance Officer

Ensuring lawfulness and financial prudence of decision making.

12.4.1 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 and the council's external auditor in relation to an executive function 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. Similarly, the chief finance officer will report where the council's expenditure is likely to exceed available resources.

12.4.2 The Chief Finance Officer will report to the council at its annual budget meeting on the robustness of the estimates and the adequacy of the reserves.

Administration of Financial Affairs.

12.4.3 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

Contributing to Corporate Management

12.4.4 The Chief Finance Officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.

Providing Advice

12.4.5 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy and budget framework issues to all councillors and will support and advise councillors and officers in their respective roles.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

12.5.1 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.

12.6 Conduct

12.6.1 Employees will comply with the Officers' code of conduct.

12.7 Employment

12.7.1 The recruitment, selection and dismissal of employees will comply with the Officer employment procedure rules set out in Appendix 12 of this constitution.

12.8 Maintaining the constitution

12.8.1 The executive head of business relationship management and democracy 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.