

# Article 11 – Officers

## 11.01 Management structure

- (a) **General.** The full Council may engage such employees (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers)  Provision of professional advice to all parties in the decision making process.  Together with the monitoring officer, responsibility for a system of record keeping for all the Council’s decisions.  Representing the Council on partnership and external bodies (as required by statute or the Council).
Directors, Director Finance, Director Corporate Services and Corporate Managers	To develop and implement the Core, Values and Corporate Strategy of Exeter City Council through working with members, staff, customers and external partners and to ensure that the Council operates in an innovative, progressive, customer-driven and externally-focussed way in providing cost effective, high quality outcomes in all areas of service.

- (c) **Head of Paid Service, Monitoring Officer and Director Finance.** The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service Returning Officer, Electoral Registration Officer
Director Corporate Services	Monitoring Officer
Director Finance	Chief Finance Officer

Such posts will have the functions described in Article 11.02–11.04 below.

- (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 and deployment of officers. This is set out at Part 7 of this Constitution.

## 11.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Director Finance if a qualified accountant.

## 11.03 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, officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Director Finance, 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 Audit and Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee.
- (d) **Grant dispensations.** The Monitoring Officer will determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare and, where there is conflict to consult with the independent person appointed by the Council.
- (e) **Conducting investigations.** In consultation with the independent person appointed by the Council, the Monitoring Officer will deal with any complaint received, alleging a breach of the Members' Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.
- (f) **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.

- (g) **Providing advice.** The Monitoring 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.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Director Finance or the Head of Paid Service.

#### **11.04 Functions of the Director Finance**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Director Finance 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 Director Finance will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Director Finance will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Director Finance 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 Director Finance will provide financial information to the media, members of the public and the community.

#### **11.05 Duty to provide sufficient resources to the Monitoring Officer and Director Finance**

- (a) The Council will provide the Monitoring Officer and Director Finance with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
- (b) In accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.

#### **11.06 Conduct**

All officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

## **11.07 Employment**

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