

#### 4. FUNCTIONS OF STATUTORY OFFICERS:

The Council has designated the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Director of Central Services and Deputy Chief Executive	Monitoring Officer
<del>Director-Head</del> of Finance and <del>Transformations</del> <sup>151</sup> Officer	Chief Finance Officer
Such posts will have the functions described below. These are the 'statutory officers' referred to throughout this Constitution.	

##### **Functions of the Head of Paid Service**

The Head of Paid Service shall undertake all duties designated under section 4 of the Local Government and Housing Act 1989.

(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 the Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

##### **Functions of the Monitoring Officer:**

The Monitoring Officer shall undertake all duties designated under section 5 of the Local Government and Housing Act 1989.

(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 Cabinet in relation to an executive function if it is considered 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)	<b>Supporting the Joint Standards Committee:</b>
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Joint Standards Committee.	
(d)	<b>Conducting Investigations:</b>
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.	
(e)	<b>Proper Officer for Access to Information:</b>
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.	
(f)	<b>Advising whether Executive Decisions are within the Budget and Policy Framework:</b>
The Monitoring officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.	
(g)	<b>Providing Advice:</b>
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)	<b>Keeping Registers:</b>
<p>The Monitoring Officer will keep the following registers for members of the Council:</p> <ul style="list-style-type: none"> <li>- declarations of acceptance of office;</li> <li>- declarations of disclosable pecuniary and other interests;</li> <li>- declarations of gifts and hospitality received;</li> <li>- notifications made to the Chief Executive of the constitution, change of membership or cessation of a political group; and</li> </ul> <p>the following registers for members of town and parish councils:</p> <ul style="list-style-type: none"> <li>- declarations of disclosable pecuniary and other interests</li> </ul>	
(i)	<b>Restrictions on Posts:</b>
The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.	

### **Functions of the Chief Finance Officer**

(a)	<b>Ensuring Lawfulness and Financial Prudence of Decision Making:</b>
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 Cabinet in relation to an executive function and the Council's external auditor if it is considered 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)	<b>Administration of Financial Affairs:</b>
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.	
(c)	<b>Contributing to Corporate Management:</b>
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.	
(d)	<b>Providing Advice:</b>
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)	<b>Give Financial Information:</b>
The Chief Finance Officer will provide financial information to the media, members of the public and the community.	
(f)	<b>Restrictions on Posts:</b>
The Chief Finance Officer cannot be the Monitoring Officer.	

### **Duty to provide sufficient resources to the Head of the Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will provide the Head of the Paid Service, Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in its opinion sufficient to allow their duties in such designated roles to be performed.

### **Conduct**

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

<b>Employment</b>	
(a)	The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
(b)	All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.