

# Constitution

## Part 2: Articles of the Constitution

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### Article 12: Officers

#### 12.1 Officers

All officers will be subject to the Code of Conduct set out in Part 5 of the Constitution and forming part of their conditions of service.

The use of the word "officers" in the Constitution means all employees and staff engaged by the Council to carry out its functions, including those engaged under short term, agency or other non-employed situations.

Contracts of employment and service contracts will continue to be with the Authority rather than with the Executive.

#### 12.2 Management Structure

##### 12.2.1 General

The full Council may engage such staff (referred to in this Constitution as officers), as it considers necessary to carry out its functions.

##### 12.2.2 Chief Officers

The full Council will engage persons for the following posts, who will be designated chief officers, as defined in Section 2 of the Local Government and Housing Act 1989. The Council may appoint a special sub-committee to make appointments of Corporate Directors or Heads of Service. Proportionality shall apply to any such sub-committee. The Head of Paid Service shall be appointed by the full Council.

Post	Primary responsibility
Chief Executive and Head of Paid Service	<p>To be the Council's Head of Paid Service and act as the primary policy advisor to the Council.</p> <p>To work with elected members and lead the Council's strategic management team, to ensure that direct services to the public and support services to the Council are managed effectively and economically and provide best value</p> <p>To take a lead role in ensuring support for all aspects of the Council's political management process.</p> <p>To have responsibility for the corporate direction and management of the Council and its overall objectives and ensure that there is forward planning of objectives and services.</p> <p>To allocate responsibility for service groupings to Strategic directors to ensure corporate work is effectively prioritised and efficiently conducted.</p>

Post	Primary responsibility
	<p>To provide overall leadership for service groupings.</p> <p>To ensure optimum performance of the organisation as a whole and the primacy of corporate objectives over service interests.</p>
Corporate Directors	<p>To provide strategic development and oversight in the achievement of corporate aims and performance.</p> <p>To work with elected members, as part of the Council's Strategic Management Team, to ensure that direct services to the public and support services to the Council provide best value.</p> <p>To ensure support for all aspects of the Council's performance management arrangements.</p> <p>To have a strong corporate focus in order to facilitate the development of a single corporate culture throughout the authority.</p> <p>To be the lead officer for the Council in key areas of activity, including service groupings as allocated and to have responsibility for the corporate direction and service performance of the Council in conjunction with members and as part of the Strategic Management Team.</p> <p>To deliver key results as part of the Strategic Directors' team</p>
Heads of Service (see Management Structure Part 7 of the Constitution)	<p>Responsibility for a specific service area covering the strategy, management and resource allocation.</p> <p>To advise the Strategic Management Team on all matters relating to the service areas.</p> <p>To contribute towards the management team of service groupings on strategic and corporate issues.</p> <p>To ensure that statutory obligations are met and complied with and that performance targets are continually monitored and reviewed with agreed targets being met.</p> <p>To contribute towards the delivery of the Council's vision, goals and core values. To be responsible for developing monitoring and reviewing a strategy for Best Value/Wales Improvement Programme.</p> <p>To develop effective working relationships with other officers, employees, trade unions and external organisations to maximise the efficiency of the service. To develop and implement service plans in line with the overall strategic objectives.</p> <p>To be accountable for the budget allocated to the service area.</p> <p>To exercise the delegated powers in relation to specific service areas as set out in Part 3 Appendix 3 of the Constitution.</p>

### **12.2.3 Head of Paid Service, Monitoring Officer, Chief Financial Officer and Head of Democratic Services**

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Head of Law and Standards	Monitoring Officer
Head of Finance	Chief Finance Officer/Section 151 Officer
Chief Democratic Services Officer	Head of Democratic Services

### **12.2.4 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.

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

### **2.3.1 Discharge of functions by the Council**

The Head of Paid Service will report to full Council, where he considers it appropriate to do so, 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.

### **2.3.2 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.

## **2.4 Functions of the Monitoring Officer**

### **2.4.1 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 inspection by members, staff and the public.

### **2.4.2 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 a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

### **2.4.3 Supporting the Standards Committee**

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

### **2.4.4 Receiving reports**

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

### **2.4.5 Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

### **2.4.6 Proper Officer for access to information**

The Monitoring Officer will ensure that Cabinet and individual Cabinet Member decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

### **2.4.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

### **2.4.8 Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, and financial impropriety, probity and Budget and Policy Framework issues to all councillors

### **2.4.9 Restrictions on posts**

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

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

### **2.5.1 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 full Council or to the Cabinet in relation to an Cabinet 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.

### **2.5.2 Administration of financial affairs**

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

### **2.5.3 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.

### **2.5.4 Providing advice**

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

### **2.5.5 Giving financial information**

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

## **2.6 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

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

## **2.7 Conduct**

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

## **2.8 Employment**

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