

Part One: Chapter 10 - The Council's Officers

Appointment

10.1 The Council, with the agreement of the Executive, will be responsible for appointing persons to the following posts, who will be designated Chief Officers. The functions and areas of responsibilities of such posts are as shown in Part Seven of the Constitution: -

- Chief Executive Officer
- Assistant Chief Executive Officer
- Director of Planning and Regeneration
- Director of Neighbourhoods
- Director of Housing

Note: Assistant Director posts as set out in Part Seven – Senior Management Structure, do not form part of the Chief Officer structure and are not included when reference is given to Directors within this Constitution.

10.2 At the appropriate time, on each occasion as it arises, a committee of the Council will be established for the appointment of these Chief Officers.

Statutory Roles - Head of Paid Service, Monitoring Officer and Chief Financial Officer

10.3 The Council has designated these statutory roles as follows:

Post	Designation
Chief Executive Officer	Head of Paid Service
Assistant Chief Executive Officer	Monitoring Officer
Assistant Director (Finance & ICT)	Chief Finance Officer (Section 151 Officer)

10.4 Such posts will have the functions described in paragraphs 10.6 to 10.8 below.

Structure

10.5 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 in Part Seven of this Constitution.

Functions of the Head of Paid Service

10.6 The Head of Paid Service will report to 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.

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- 10.7 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if appropriately qualified.

Functions of the Monitoring Officer

- 10.8 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, employees and the public.

- 10.9 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 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.

- 10.10 Supporting the Audit and Governance Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through his/her support to the Audit and Governance Committee.

- 10.11 Conducting investigations

The Monitoring Officer will conduct investigations into any complaints made against a member and make reports or recommendations in respect of them to the Audit and Governance Sub-Committee.

- 10.12 Proper Officer for access to information

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.

- 10.13 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.

- 10.14 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.

- 10.15 Restrictions on posts.

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

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Functions of the Chief Finance Officer

10.16 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 Executive in relation to an Executive function, and to 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.

10.17 Administration of financial affairs

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

10.18 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.

10.19 Providing advice

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

10.20 Giving financial information

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

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

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.

Standards of conduct

10.22 The Council's officers will at all times comply with the Officers' Code of Conduct and the Code of Practice on Officer/Member Relations set out in Part Five of this Constitution.

Employment procedures

10.23 Arrangements for the recruitment, selection and dismissal of officers will comply with the Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees set out in Part Four of this Constitution and with any other adopted policies and procedures relating to employment by Fareham Borough Council. The

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appointment, dismissal and discipline of employees, other than Chief Officers, will be the responsibility of the Head of Paid Service.

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