PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 10 - EMPLOYEES

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1. GENERAL

1.1 The Council may engage such employees (referred to as Officers) as it considers necessary to carry out its functions. Charts showing the Senior Leadership Team structure of the Council are at Part 7 of this Constitution.

2. CORPORATE LEADERSHIP

2.1 The Council will employ Chief Officers (in accordance with an organisational structure approved by the Council) to take operational responsibility for management and delivery of its services and functions. Currently the Chief Officers are the Chief Executive, Director of Finance, Director of Legal and Governance, Director of Neighbourhood Services and Communities, Director of Strategy and Improvement and Director of Place, Planning and Growth.
The Council will also appoint the following statutory positions ("Statutory Officers"):

- Head of Paid Service
- Monitoring Officer
- Section 151 Officer

3. FUNCTIONS AND AREAS OF RESPONSIBILITY OF THE CHIEF AND STATUTORY OFFICERS

3.1 The Chief Officers shall work with Councillors to develop and manage the Council's strategic direction and to ensure the delivery of agreed targets. The Statutory Officer posts shall have the following functions:

(a) Functions of the Head of Paid Service

(i) Overall Responsibilities

Overall corporate management and operational responsibility for the Council (including overall management responsibility for all employees). The provision of professional advice to all parties in the decision-making process and 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 either as required by statute or by the Council.

(ii) Discharge of Functions by the Council

The Head of Paid Service will report to the Council, whenever they consider it appropriate, on how the Council's functions are discharged, the number and grade of Officers required to discharge the functions and how Officers are organised into an overall Officer structure.

(iii) Restrictions on Position

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if appropriately qualified.

(iv) Structure

The Head of Paid Service will determine and publicise a description of the overall Officer structure of the Council showing the management structure and deployment of Officers.

(b) Functions of the Monitoring Officer

(i) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council, if they consider 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 placing a stop on the proposal or decision being implemented until the report has been considered.

(ii) Supporting the Joint Standards Committee

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

(iii) Receiving Reports

The Monitoring Officer will receive and act on reports into investigations of allegations of breach of the Members Code of Conduct.

(iv) Receiving complaints, conducting investigations and undertaking other action

The Monitoring Officer will carry out an initial assessment of conduct complaints received, conduct investigations or undertake other action in respect of matters referred to them by the Joint Standard Committee (within the provisions set out in Part 3 of this Constitution). This includes conduct complaints against Parish and Town Councillors in the Maldon District.

(v) Advising whether decisions are within the budget and policy framework

In association with the Section 151 Officer the Monitoring Officer may advise whether decisions are in accordance with the budget and policy framework.

(vi) Providing Advice

The Monitoring Officer will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues. The Section 151 Officer has similar responsibilities.

(vii) Restrictions on Position

Neither the Head of Paid Service or the Section 151 Officer can be the Monitoring Officer.

(c) Functions of the Section 151 Officer

(i) Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Council and to the Council's external auditor if they consider 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.

(ii) Administration of Financial Affairs

They will have responsibility for the administration of all the financial affairs of the Council, including those contained in Schedule 4 of Part 3 of this Constitution.

(iii) Internal Audit

They will have responsibility for the provision of an effective internal audit function.

(iv) Providing Advice

They will provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues, and will support and advise Councillors and Officers in their respective roles. The Monitoring Officer has similar responsibilities.

(v) Give Financial Information

They will be responsible for the provision of financial information to the media, members of the public and the community.

(d) Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council will provide the Head of Paid Service, Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources sufficient to allow their duties to be performed.

(e) Conduct

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

(f) Employment

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