

## **ARTICLE 11 - Officers**

11.01 The Council will engage such staff as it considers necessary to carry out its functions. Persons will be appointed for the following posts in accordance with Article 4 and the Officers Employment Procedure Rules below:

- (a) Chief Executive and Head of Paid Service
- (b) Monitoring Officer
- (c) Chief Finance Officer
- (d) Such other posts as are referred to in legislation as "Chief Officer" posts
- (e) Other posts as agreed between the Chief Executive and the Chairman of the Council.

### **11.02 Functions of the Chief Executive and Head of Paid Service**

- (a) Overall corporate management and operational responsibility, including overall management responsibility for all officers.
- (b) Principal adviser to Members.
- (c) Ensuring the proper conduct of the Council's affairs and the maintenance of a record of Council's decisions.
- (d) Representing the Council with other agencies and externally.
- (e) Determining and publicising the overall management structure for the Council and where appropriate reporting to the Council on these matters.
- (f) Supporting the Council's civic role through the work of the Chairman of the County Council, the High Sheriff of Surrey and the Lord Lieutenant of Surrey.
- (g) In consultation with the Monitoring Officer, considering applications from members of staff for exemption from political restriction in respect of a post they hold with the Council.
- (h) In consultation with the Monitoring Officer, considering applications that the Council be directed to include any post in the list of politically restricted posts.

### **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, 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 Council or to the Leader/Cabinet 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) **Maintaining high standards of conduct.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Receiving and dealing with allegations of misconduct.** The Monitoring Officer will receive and deal with allegations of misconduct in accordance with the Monitoring Officer Protocol set out in Part 6 of the Constitution.
- (f) **Access to information.** The Monitoring Officer will ensure that executive decisions and delegated non-executive (Cabinet) decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions on executive functions are in accordance with the budget and policy framework.
- (h) **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.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 11.04 Functions of the Chief Finance Officer

- (a) **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 Leader/Cabinet 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **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.
- (d) **Providing advice.** 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) **Give financial information.** The Chief Finance Officer 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 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.

#### **11.06 Functions of the Designated Scrutiny Officer**

- (a) Promote the role of the authority's overview and scrutiny committees.
- (b) Provide support to the authority's overview and scrutiny committees.
- (c) Provide support and guidance to:
  - i. Members of the authority
  - ii. Members of the Cabinet and
  - iii. Officers of the authorityin relation to the functions of the authority's overview and scrutiny committees.

#### **11.07 Conduct**

Officers will comply with the Staff Code of Conduct and the Member/Officer Protocol set out in Part 6 of this Constitution.

## 11.08 Officer Employment Procedure Rules

- (a) The appointment and dismissal of staff will comply with Part 5 of Standing Orders.
- (b) The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.
- (c) The Council will establish a People, Performance and Development Committee of between four and six Members. The committee will be proportionate, but must include at least one member of the Cabinet. Except for the appointment and dismissal of the Chief Executive, which is dealt with below, the following shall be a function of the committee:
  - (i) the appointment of Chief Officers as defined in the Local Government and Housing Act 1989 and such other posts as are defined in paragraph 81 (a) to (e) of Part 5 of Standing Orders;
  - (ii) the dismissal of and taking disciplinary action against Chief Officers;
  - (iii) appointing a designated independent person in accordance with paragraph 86 of Part 5 of Standing Orders.

Any appointments and dismissals made under (i) and (ii) above will only take effect where no well-founded objection has been received from any member of the Cabinet.

- (d) For such appointments the Chief Executive will be responsible for ensuring the preparation of a proper job description, statement of job accountabilities and a person specification, prior to advertising posts in such a manner as to attract the best possible candidates. Arrangements will be made for details to be sent to any person on request. The Chief Executive will then be responsible for drawing up a short list of candidates which he/she considers capable of performing the job satisfactorily from which the People, Performance and Development Committee will make a final appointment. Where no suitable person has applied for a post, further arrangements for advertising the post will be made. In relation to the appointment of a Chief Executive such arrangements will be made by the People, Performance and Development Committee with advice from specialist personnel staff.
- (e) Determination of the conditions of employment (including variations to fixed term contracts) of the Chief Executive, Chief Officers and such other posts as are defined in paragraph 81(a) to

(e) of Part 5 of Standing Orders will be made by the People, Performance and Development Committee.

- (f) All employees of the Council, other than those referred to in paragraph (c) above, will be formally appointed by the Chief Executive or other designated officers under authority delegated by the Council.

### 1. Appointment of Chief Executive

- (a) The Council will approve the appointment of the Chief Executive/Head of Paid Service following the recommendation of such an appointment by the People, Performance and Development Committee.
- (b) The Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

### 2. Other appointments

- (a) **Other officers.** Appointment of officers other than those referred to in paragraphs 11.08 (c) apart from assistants to political groups, is the responsibility of the Chief Executive or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and the law.

### 3. Recruitment and appointment

- (a) Declarations
- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether he/she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.
- (b) Seeking support for appointment.
- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the

Council. The content of this paragraph will be included in any recruitment information.

- (ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

#### 4. Disciplinary action

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

#### 5. Dismissal

Councillors will not be involved in the dismissal of any officer other than a Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.