

# **CHAPTER 1 – THE CONSTITUTION**

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# **1. HOW THE COUNCIL OPERATES**

## **1.1. THE COUNCIL'S CONSTITUTION**

- (1) Westminster City Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- (2) The Constitution is divided into chapters which set out the basic rules governing the Council's business and also include more detailed procedures and codes of practice.

## **1.2. WHAT'S IN THE CONSTITUTION?**

- (1) The Constitution commits the Council to delivering its priorities providing clear leadership in partnership with local people, businesses and others with a stake in the well-being of the City of Westminster. It explains the rights of citizens and how the key parts of the Council operate. These are:
  1. Members of the Council
  2. Citizens and the Council
  3. The Council meeting
  4. The Leader and the Cabinet
  5. Committees
  6. Joint arrangements
  7. Officers and their Delegations
  8. Members Allowances
  9. Rules, Codes and Protocols
  10. Outside Bodies

## **1.3. HOW THE COUNCIL OPERATES**

- (1) The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

- (2) Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises them on the code of conduct.
- (3) All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council elects a Leader who in turn appoints and provides leadership to a Cabinet. The Leader determines the number of Members who may be appointed to the Cabinet subject to the Cabinet not exceeding 10 members of the Council (including the Leader) which is responsible for implementing the policies decided by the Council within the budget set. The Leader must appoint one of the members of the Cabinet to be his/her Deputy who shall, unless he/she resigns as Deputy, or is removed from office as Deputy or ceases to be a Member hold office until the end of the Leader's term of office. The functions of the Cabinet as a body and the functions of individual Cabinet members are determined by the Leader. The Leader's Terms of Reference are agreed by the Council. The Council also appoints Policy and Scrutiny Committees to help in policy formulation and to hold the Cabinet to account for its performance.
- (4) The procedure for Council meetings is set out in Chapter 2 of this constitution.

#### **1.4. HOW DECISIONS ARE MADE – THE EXECUTIVE**

- (1) The executive is the part of the Council which is responsible for most day-to-day decisions. The executive is made up of the Leader and the Cabinet. When major "key" decisions are to be discussed or made, these are published on the Executive List in so far as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend except where confidential matters are being discussed. The executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

#### **1.5. HOW DECISIONS AND MADE – COUNCIL FUNCTIONS**

- (1) Whilst most decisions are taken by the executive (i.e. by the Cabinet or individual Cabinet Members) a number of important decisions are also taken by the Full Council or by Committees or Sub Committees of the Council e.g. planning and licensing applications.

#### **1.6. POLICY AND SCRUTINY**

- (1) Policy and Scrutiny committees support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by scrutinising matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its

policies, budget and service delivery. Policy and Scrutiny committees also monitor the decisions of the executive. They can 'call-in' a decision which has been made by the executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

- (2) The work of the Policy and Scrutiny Committees is co-ordinated by the Westminster Scrutiny Commission which also scrutinises the work of the Leader of the Council.

### **1.7. THE COUNCIL'S STAFF**

- (1) The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the council.

### **1.8. CITIZENS' RIGHTS**

- (1) Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Chapter 1 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Service can advise on individuals' legal rights.
- (2) Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.
- (3) Citizens have the right to:
  - i. vote at local elections if they are registered;
  - ii. contact their local councillor about any matters of concern to them;
  - iii. obtain a copy of the Constitution;
  - iv. attend meetings of the Council and its committees except where confidential matters are being discussed;
  - v. petition to request a referendum on a mayoral form of executive;
  - vi. find out what major 'key' decisions are to be discussed by the executive or decided by the executive or officers, and when;
  - vii. attend meetings of the executive;
  - viii. see reports and background papers, and any record of decisions made by the Council and executive;
  - ix. complain to the Council about any aspect of the City Council's services; or if they think the Council has not followed its own procedures properly.

- x. complain to the Monitoring Officer if they have evidence which they
- xi. think shows that a councillor has not followed the Council's Code of Conduct;
- xii. speak at meetings of the Full Council in line with procedures and protocols set out in this Constitution; and
- xiii. inspect the Council's accounts and make their views known to the external auditor.

(4) The Council welcomes participation by its citizens in its work.

(5) A statement of the rights of citizens to inspect agendas and reports and attend meetings is set out in the Access to Information Procedure Rules in Chapter 8 of this constitution.

## **2. MANAGEMENT OF THE CONSTITUTION**

### **2.1. POWERS OF THE COUNCIL**

(1) The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **2.2. THE CONSTITUTION**

(1) This Constitution, and all its appendices, is the Constitution of the Westminster City Council.

### **2.3. PURPOSE OF THE CONSTITUTION**

(1) The purpose of the Constitution is to:

- i. provide a framework within which the City Council can deliver its agreed policy programme
- ii. provide a framework within which the City Council can provide clear leadership in the City of Westminster in partnership with local people, businesses and other organisations involved in the well-being of the City of Westminster
- iii. provide a means for the Council to innovatively deliver services, meet its performance plan targets and maintain a low tax environment
- iv. help Councillors to represent their constituents effectively
- v. enable decisions to be taken efficiently and effectively in line with the Council's agreed priorities
- vi. support the active involvement of local people in the process of developing and setting City Council and partnership priorities, as well as monitoring the Council and its functions
- vii. create an effective means of holding decision-makers to account and ensure that no-one reviews or scrutinises a decision in which they are directly involved
- viii. ensure that those responsible for decision making are clearly identified to local people and that they explain the reasons for decisions

### **2.4. INTERPRETATION AND REVIEW OF THE CONSTITUTION**

(1) Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Monitoring Officer will monitor and evaluate the operation of the Constitution.

(2) The General Purposes Committee, supported and advised by the Monitoring Officer, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## **2.5. CHANGES TO THE CONSTITUTION**

### **(1) Approval**

Changes to the Executive arrangements referred to in the constitution (other than minor drafting or other consequential amendments) will normally only be approved by the full Council after consideration of a proposal by the General Purposes Committee but may on the advice of the Monitoring Officer be referred by him/her directly to Full Council. Other changes will be approved by the General Purposes Committee or the Monitoring Officer acting under delegated powers.

### **(2) Delegated Powers of the Monitoring Officer**

The Monitoring Officer shall have power to amend the constitution:  
to correct errors or comply with any legal requirement;

to implement decisions of the Council, Committees, the Leader, Cabinet, Cabinet Member or Officers acting within the scope of their powers in relation to the Constitution.

### **(3) Change from a Leader and cabinet form of executive to alternative arrangements, or vice versa**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for such a change.

## **2.6. SUSPENSION OF THE CONSTITUTION**

### **(1) Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended to the extent permitted within those Rules and the law.

### **(2) Rules capable of suspension.**

The following Rules may be suspended in accordance with these provisions:

- Council Procedure Rules
- Contracts Procedure Rules
- Budget and Policy Framework Rules
- Overview and Scrutiny Procedure Rules

## **2.7. INTERPRETATION**

(1) The ruling of the Lord Mayor (or, as the case may be, person presiding) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution.



## **2.8. PUBLICATION**

- (1) The Chief Executive will provide make available a summary copy of this Constitution, which may form part of the Member Induction Programme, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council, make available a full copy on the Council's Website and provide a full printed copy to any Member upon request.
- (2) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

## **3. ROLES AND FUNCTIONS OF ELECTED MEMBERS**

### **3.1. COMPOSITION AND ELIGIBILITY**

#### (1) Composition.

The Council will comprise 54 Members, otherwise called Councillors. Three councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

#### (2) Eligibility.

In general terms, only registered voters of the City of Westminster or those living or working there, who have reached 18 years of age, will be eligible to hold the office of councillor. (The detailed rules for qualification are set out in Section 79 of the Local Government Act 1972).

### **3.2. ELECTION AND TERMS OF OFFICE OF COUNCILLORS**

(1) The regular election of councillors will be held on the first Thursday in May every four years. The next elections are due in May 2026. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### **3.3. ROLES AND FUNCTIONS OF ALL COUNCILLORS**

#### (1) Key roles

All councillors will:

- i. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- iii. effectively represent the interests of their ward and of individual constituents;
- iv. respond to constituents' enquiries and representations, fairly and impartially;
- v. participate in the governance and management of the Council; and
- vi. maintain the highest standards of conduct and ethics.

#### (2) Rights and duties

Councillors will, subject to statute and the Council's Constitution, have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

For these purposes, "confidential" and "exempt" information is defined in the Access to Information Rules in Chapter 8 of this Constitution.

### **3.4. CONDUCT**

- (1) Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Chapter 7 of this Constitution.

### **3.5. ALLOWANCES**

- (1) Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Chapter 11 of this Constitution.

## 4. MEMBERS OF THE COUNCIL

<b>Abbey Road</b>	Alan Mendoza	(Conservative)
	Caroline Sargent	(Conservative)
	Hannah Galley	(Conservative)
<b>Bayswater</b>	Maggie Carman	(Labour)
	James Small-Edwards	(Labour & Co-operative)
	Max Sullivan	(Labour)
<b>Church Street</b>	Aicha Less	(Labour)
	Matt Noble	(Labour)
	Aziz Toki	(Labour)
<b>Harrow Road</b>	Concia Albert	(Labour)
	Ruth Bush	(Labour)
	Regan Hook	(Labour)
<b>Hyde Park</b>	Md Shamsed Chowdhury	(Labour)
	Paul Dimoldenberg	(Labour)
	Judith Southern	(Labour)
<b>Knightsbridge and Belgravia</b>	Antony Devenish	(Conservative)
	Elizabeth Hitchcock	(Conservative)
	Rachael Robathan	(Conservative)
<b>Lancaster Gate</b>	Laila Cunningham	(Conservative)
	Ryan Jude	(Labour)
	Ellie Ormsby	(Labour & Co-operative)
<b>Little Venice</b>	Melvyn Caplan	(Conservative)
	Lorraine Dean	(Conservative)
	Sara Hassan	(Labour)
<b>Maida Vale</b>	Geoff Barraclough	(Labour)
	Nafsika Butler-Thalassis	(Labour)
	Iman Less	(Labour)
<b>Marylebone</b>	Barbara Arzymanow	(Conservative)
	Ian Rowley	(Conservative)
	Karen Scarborough	(Conservative)
<b>Pimlico North</b>	Ed Pitt Ford	(Conservative)
	Jim Glen	(Conservative)
	Jacqui Wilkinson	(Conservative)

**Pimlico South**

Liza Begum (Labour)  
Robert Eagleton (Labour)  
Jason Williams (Labour)

**Queen's Park**

Patricia McAllister (Labour)  
Cara Sanquest (Labour)  
Hamza Taouzzale (Labour)

**Regent's Park**

Ralu Oteh-Osoka (Conservative)  
Robert Rigby (Conservative)  
Paul Swaddle (Conservative)

**St James's**

Louise Hyams (Conservative)  
Tim Mitchell (Conservative)  
Mark Shearer (Conservative)

**Vincent Square**

Gillian Arrindell (Labour)  
David Harvey (Conservative)  
Selina Short (Conservative)

**West End**

Paul Fisher (Labour)  
Tim Barnes (Conservative)  
Patrick Lilley (Labour)

**Westbourne**

David Boothroyd (Labour)  
Adam Hug (Labour)  
Angela Piddock (Labour)

## 5. CONSTITUTIONAL RIGHTS OF RESIDENTS

### 5.1. CITIZENS' RIGHTS

- (1) Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Chapter 8 of this Constitution:
- (2) Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Governance. Petitions to the Council can also be submitted on any issues within the Council's responsibilities in accordance with the Council's Petition Scheme in Chapter 9 of this Constitution.
- (3) Citizens have the right to:
  - i. attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - ii. attend meetings of the executive subject to the same exceptions;
  - iii. find out what decisions will be taken by the executive and when;
  - iv. see reports and background papers (except exempt reports), and any records of decisions made by the Council and the executive; and
  - v. inspect the Council's accounts and make their views known to the external auditor.
- (4) Citizens have the right under the Standing Orders relating to Council meetings to:
  - i. request that a deputation address the Council on a matter which the Chairman considers is a matter of urgency and relates to an item of business on the agenda for that meeting (whether the request is acceded to is a matter for the Council to decide);
  - ii. Submit an e-petition via the Council's website or request a Councillor to present a petition to the Council raising a matter of concern or calling upon the Council to take certain action or refrain from doing so in relation to the matter in question (whether the petition is presented to the Council will be a matter for the Councillor concerned. The decision on what action to take, if any, will be a matter for the Council or the Executive);
  - iii. ask a question or present a petition with over 100 signatures to the Full Council and obtain a response from the responsible Cabinet Member or Committee Chair; and
  - iv. to request any member of the relevant Policy and Scrutiny Committee to raise an issue of concern for review by the Committee (whether the request is acceded to is a matter for the member concerned).
- (5) Citizens have the right to complain to:
  - i. the Council itself under its complaints scheme:

Stage 1 – When a complaint is initially received it is referred to the local office or service manager to investigate, as they are the staff with the in depth knowledge of the service.

Stage 2 – If the complainant is still not satisfied, they have the right to request a Chief Executive's review. This is undertaken by the Complaints and Customer Manager on behalf of the Chief Executive.

- ii. the Ombudsman after using the Council's own complaints scheme;
- iii. the Monitoring Officer about a breach of the Members' Code of Conduct.

## **5.2. CITIZENS' RESPONSIBILITIES**

- (1) Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.

## **6. DECISION MAKING**

### **6.1. RESPONSIBILITY FOR DECISION MAKING**

- (1) The Council will issue and keep up to date a detailed record of that part of the Council or individual which has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in this Constitution in particular in Chapters 2 (Council), 3 (The Executive), Chapter 5 (Committees) and Chapter 6 (Delegations to Officers).

### **6.2. PRINCIPLES OF DECISION MAKING**

- (2) All decisions of the Council will be made in accordance with the following principles:
- a. proportionality (i.e. the action must be proportionate to the desired outcome);
  - b. due consultation and the taking of professional advice from officers;
  - c. respect for human rights;
  - d. a presumption in favour of openness; and
  - e. clarity of aims and desired outcomes.
  - f. reasons for executive decisions will be given.

### **6.3. TYPES OF DECISION**

- (1) Decisions reserved to Full Council. Decisions relating to the functions listed in Chapter 2 will be made by the full Council and not delegated.
- (2) Key decisions. "Key decisions" are defined by law as follows:

*A "key decision" means an executive decision which, is likely:*

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or*
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.*

- (3) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Chapter 3 of this Constitution.

### **6.4. DECISION MAKING BY THE FULL COUNCIL**

- (1) The Council meeting will follow the Council Procedures Rules set out in Chapter 2 of this Constitution when considering any matter.



## **6.5. DECISION MAKING BY THE EXECUTIVE**

- (1) The executive will follow the Executive Procedures Rules set out in Chapter 3 of this Constitution when considering any matter.

## **6.6. DECISION MAKING BY POLICY AND SCRUTINY COMMITTEES**

- (1) The Policy and Scrutiny committees will follow the Policy and Scrutiny Procedures Rules set out in Chapter 4 of this Constitution when considering any matter.

## **6.7. DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL**

- (1) Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in this Constitution as apply to them.

## **7. GOVERNANCE, INCLUDING FINANCE, CONTRACTS AND LEGAL MATTERS**

### **7.1. OVERVIEW**

- (1) The Council recognises that effective local government relies upon maintaining the confidence of the public in both the elected Members and Officers of the Council. The Council continues to keep under review Governance arrangements and related procedures to ensure best practice so that the highest standards are maintained. This is the case both for the Council's own operations and in its Partnership arrangements with other organisations. Partnerships are playing an increasingly important role in the future of policy development and service delivery.
- (2) The Council's Code of Governance is regularly updated and sets the standards for the conduct of Officers and Members at the City Council. It is consistent with the principles of the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework. The CIPFA/SOLACE Framework introduced the requirement to produce an annual governance statement from 2007/08. The Annual Governance Statement is also available on the Council's website. The Statement is updated following the end of each financial year.
- (3) The Code of Governance is regarded as a particularly significant part of the Council's corporate framework that is included in Chapter 9 of the Constitution.
- (4) The Council's documents which relate to Governance are located on the City Council's website.
- (5) The Council has an Audit and Performance Committee, independent of both the Executive and the Policy and Scrutiny process as recommended by CIPFA. Its terms of reference include a wide range of responsibilities.
- (6) The Council's Standards Committee's main responsibility is to ensure that high standards of Member conduct are maintained. It does this by ensuring that Members attend training on the Code of Conduct, are briefed on relevant issues and receives an annual overview report on complaints about Member Conduct.

### **7.2. FINANCIAL MANAGEMENT**

- (1) The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in this Constitution.

### **7.3. CONTRACTS**

- (1) Every contract made by the Council will comply with the Contracts Procedure Rules set out in this Constitution.

### **7.4. LEGAL PROCEEDINGS**

- (1) The Director of Law is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law considers that such action is necessary to protect the Council's interests.

### **7.5. AUTHENTICATION OF DOCUMENTS**

- (1) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Law or other person so authorised, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (2) All contracts entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

### **7.6. COMMON SEAL OF THE COUNCIL**

- (1) The Common Seal of the Council will be kept in a safe place in the custody of the Director of Law. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Law should be sealed. The affixing of the Common Seal will be attested by the Director of Law or some other person authorised under the City Council's Contract Procedures.

## 8. OFFICERS

### 8.1. MANAGEMENT STRUCTURE

#### (1) General

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

#### (2) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers. Chief Officers are defined as Officers employed on the Council's Chief Officers' Terms and Conditions.

<b>Post</b>	<b>Functions and areas of responsibility</b>
Stuart Love Chief Executive (Head of Paid Service),	Overall corporate management and operational responsibility (including overall management responsibility for all officers)  Provision of professional advice to all parties in the decision making process.  Representing the Council on partnerships and external bodies (as required by statute or the Council).  Proper Officer for Local and referenda. Proper Officer for Constitutional matters.  Returning Officer for Local, Mayoral and GLA elections and Acting returning Officer for Parliamentary Elections.
Deputy Chief Executive and Executive Director for Adult Social Care and Health, Bernie Flaherty	Adult Social Care and relationships with Health, and Public Health functions.
Executive Director of Corporate Services (Monitoring Officer), Parveen Akhtar	Provision of legal and governance advice to the Council, Electoral Services, Monitoring Officer, People Services, Communications, Policy
Executive Director for Children's Services, Sarah Newman	Schools, Learning, Services for Children, Young People and Families
Executive Director for Regeneration,	

<b>Post</b>	<b>Functions and areas of responsibility</b>
Economy and Planning, Debbie Jackson	Planning, Place-Shaping, Regeneration, Economy and Skills, City Promotions, Events and Filming
Executive Director for Environment and Communities, Frances Martin	Climate Action, Street and Premises Management, Highways Parking, Communities, Sports and Leisure
Executive Director for Finance and Resources, Gerald Almeroth	Chief Financial Officer appointed for the purposes of Section 151 of the Local Government Act 1972, Corporate Property, Digital and Innovation, Strategy and Intelligence
Strategic Director for Commercial Partnerships and Housing, Sarah Warman	Housing Services, Commercial Partnerships inc. Procurement

(3) Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Law	Monitoring Officer
Executive Director for Finance and Resources	Chief Financial Officer appointed for the purposes of Section 151 of the Local Government Act 1972

Such posts will have the functions described in paragraphs 8.2, 8.3 and 8.4 below.

(4) Structure

The Head of Paid Service will publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

## **8.2. FUNCTIONS OF THE HEAD OF PAID SERVICE**

(1) Discharge of functions by the Council

The Head of Paid Service will report to the Council, and the Executive as necessary, 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) 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.

### **8.3. FUNCTIONS OF THE MONITORING OFFICER**

(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 consultation by members, staff and the public.

(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 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.

(3) Supporting the Standards Committee

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

(4) Conducting investigation

The Monitoring Officer will conduct investigations into complaints against Councillors and Co-opted Members.

(5) 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. Prior to determination by the relevant body to determine if reports should be deemed as exempt from public disclosure.

(6) 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.

(7) Providing advice

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

(8) Approval of external legal support

As the Council possesses an in-house legal service, external suppliers of legal services can only be used by Departments when the Director of Law confirms that the in-house team are unable to meet the requirements on that occasion due to insufficient resources, skills, experience or capacity. The Director will ensure that advice is obtained from the most appropriate source in terms of value for money, quality, and the necessary experience of the provider. The Council's in-house team will support the Department in the matter for which external legal support is approved. Departments will provide the Director with details to assist in helping understand the basis of the need for external advice, the background to the matter and the outcomes being sought.

(9) Restrictions on posts

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

#### **8.4. FUNCTIONS OF THE CHIEF FINANCE OFFICER**

(1) Ensuring lawfulness and financial prudence of decision making

After consulting with the head of paid service and the monitoring officer, the chief financial officer will report to the full Council, or to the executive 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.

(2) Administration of financial affairs

The chief financial officer will have responsibility for the administration of the financial affairs of the Council.

(3) Contributing to corporate management

The chief financial officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(4) Providing advice

The chief finance officer will provide advice on the lawfulness of expenditure, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(5) Give financial information

The chief financial officer will provide financial information to the media, members of the public and the community.

#### **8.5. DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER**

- (1) The Council will provide the monitoring officer and chief financial officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **8.6. OTHER STATUTORY OFFICERS**

- (1) The Director of Public Health shall act as the Statutory Officer under section 73A of the National Health Service Act 2006, as amended by the Health and Social Care Act 2012. Fatima Zohra is the Council's Data Protection Officer and Clare O'Keefe is the Council's Statutory Scrutiny Officer.

#### **8.7. CONDUCT**

- (1) Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in this Constitution.

#### **8.8. EMPLOYMENT**

- (1) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in this Constitution.