

ARTICLE 11 - EMPLOYEES

11.1. Management Structure

(1) **General**

The Full Council may engage such employees as it considers necessary to carry out its functions

(2) **Corporate Management Team**

The Corporate Management Team consists of the following posts:

- Chief Executive
- Deputy Chief Executive
- Head of Legal, Democracy and HR
- Head of Economy and Planning
- Head of Strategic Housing
- Head of Corporate Finance
- Head of Community Services
- Head of Major Projects and Commercial Services
- Head of Crawley Homes
- Head of Digital and Transformation

(3) **Chief Officers**

The Full Council will engage persons for the following posts who will be designated Chief Officers

Post	Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all employees)</p> <p>Overall responsibility for communications, legal and democratic services (such as elections, Committees, scrutiny and Member services), policy and performance improvement, planning, environmental health, housing strategy and finance (Head of Corporate Finance has Section 114 and 151 responsibilities).</p> <p>Provision of professional advice to all parties in the decision making process</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council)</p>

Post	Functions and Areas of Responsibility
Deputy Chief Executive	Overall responsibility for community services, major projects and commercial services, council housing, customer services, information and communications technology, procurement and human resources and development.

(4) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal, Democracy and HR	Monitoring Officer Data Protection Officer
Legal Services Manager	Deputy Monitoring Officer (It should be noted that it is the function of the Monitoring Officer to appoint a Deputy and not that of the Council).
Head of Corporate Finance	Chief Finance Officer (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972) (*with effect from 16.03.11)

(5) Structure

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of employees. This is set out in Part 7 of this Constitution.

11.2. Functions of the Head of Paid Service

(1) Discharge of Functions by the Council

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

(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.

11.3. **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, employees and the public.

(2) **Ensuring Lawfulness and Fairness of Decision Making**

After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Full Council (or to the Cabinet in relation to a Cabinet function) 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 stopping the proposal or decision being implemented until the report has been considered.

The Council (or the Cabinet in relation to a Cabinet function) must meet within 21 days of being sent copies to consider the report. As soon as practicable after their meeting, the Cabinet shall provide a report to the Council and the Monitoring Officer explaining what, if any, action is to be taken in consequence of the report, and when, and the reasons for that action or for not taking the action.

Where such a report is made by the Monitoring Officer, the Overview and Scrutiny Commission should consider whether it would be appropriate to hold a short enquiry into the matter which is the subject of that report prior to the Cabinet's consideration of it.

(3) **Code of Conduct Matters**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee, the Governance Committee and the Appointments and Investigating Committee.

(4) **Conducting Investigations**

The Monitoring Officer will appoint a suitably qualified person to conduct investigations where an allegation has been referred for investigation.

(5) **Proper Officer for Access to Information**

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

(6) **Advising Whether Cabinet Decisions 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.

(7) **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.

(8) **Restrictions on Posts**

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

(9) **Monitoring Officer Protocol**

The Monitoring Officer Protocol is set out in Part 5 of this Constitution.

11.4. 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 Finance Officer will report to the Full Council (or to the Cabinet in relation to a Cabinet function) and 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.

The Council (or the Cabinet in relation to a Cabinet function) must meet within 21 days of being sent copies to consider the report. As soon as practicable, the Council's external auditor shall be advised of the date, time and place of such a meeting. The course of conduct which led to the report being made shall not be pursued until after consideration has been given to the Chief Finance Officer's report. As soon as practicable after their meeting, the Cabinet shall provide a report to the Council, the Chief Finance Officer and the Council's external auditor explaining what, if any, action is to be taken in consequence of the report, and when, and the reasons for that action or for not taking the action.

Where such a report is made by the Chief Finance Officer, the Overview and Scrutiny Commission should consider whether it would be appropriate to hold a short enquiry into the matter which is the subject of that report prior to the Cabinet's consideration of it.

(2) **Administration of Financial Affairs**

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

(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.

(4) **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 employees in their respective roles.

(5) **Give Financial Information**

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

11.5. 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 employees, accommodation and other resources as are in those officers' opinions sufficient to allow their duties to be performed.

11.6. Functions of the Head of Legal, Democracy and HR

- (1) To conduct and appear on the Council's behalf in proceedings before any court, public inquiry or tribunal as far as a Right of Audience is available;
- (2) To obtain the opinion of Counsel and to instruct Counsel to represent the Council in any court proceedings, public inquiry or tribunal;
- (3) To instruct solicitors in any matter where the Head of Legal, Democracy and HR deems it in the best interest of the Council to instruct London or local agents;
- (4) To serve any notices being administrative acts consequently upon effecting the decisions of the Council or for the purpose of obtaining any information necessary to enable the Council to reach a decision;
- (5) To authorise an employee of the Council or other specified person to enter upon land or premises in accordance with any statutory provision providing for any such authorisation;
- (6) On behalf of the Council, to determine applications for formal registration or certification made in pursuance of any legislation imposing such a function upon the Council, in any cases where the power to register has not been formally delegated to a specific employee;
- (7) To be Monitoring Officer for the purpose of the Regulation of Investigatory Powers Act 2000.

11.7. Conduct

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

11.8. Employment

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