

Article 11 – Officers

11.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The Council's staff structures and designated posts will be varied from time to time to meet changing organisational needs of the Council.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated Chief Officers:
- Managing Director
 - Directors
- (c) **Head of Paid Service, Monitoring Officer and Section 151 Officer.** The Council will designate the following posts as shown:

Post	Functions and areas of responsibility
Managing Director	Head of Paid Service
Director of Policy & Resources	S151 Officer
Monitoring Officer	Monitoring Officer

- (d) **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 officers. This is set out at Part 7 of this Constitution.

11.02 Functions of the Head of Paid Service

- (a) **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 officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of S151 Officer if a qualified accountant.
- (c) **Advising whether Executive decisions are within the Budget and Policy Framework.** The Head of Paid Service will advise whether decisions of the Leader and Cabinet are in accordance with the Budget and Policy Framework.
- (d) **Providing advice.** The Head of Paid Service, in consultation with the Council Solicitor and S151 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.

11.03 Functions of the Monitoring Officer

- (a) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and S151 Officer, the Monitoring Officer will prepare a report to the full Council or to the Leader or 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 is likely to result in a finding by the Local Government Ombudsman of maladministration. Such a report must be considered by the Authority within 21 days after its preparation and distribution and will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (b) **Supporting the Audit and Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee.
- (c) **Receiving complaints.** The Monitoring Officer will receive and act on complaints that the Council's Code of Conduct has been breached, in accordance with the Council's standards arrangements.
- (d) **Conducting investigations.** The Monitoring Officer may conduct investigations in accordance with the Council's standards arrangements, including investigations into matters referred by the Audit and Governance Committee and may make recommendations in respect of such investigations to the Audit and Governance Committee.
- (e) **Deputy Monitoring Officer.** The Monitoring Officer shall designate one or more Deputies to assist in the work of the Monitoring Officer who shall have the same rights and duties of the Monitoring Officer in his/her absence, or when the matter is delegated to them by the Monitoring Officer.
- (f) **Restrictions on posts.** The Monitoring Officer cannot be the Head of Paid Service or the S151 Officer.

11.04 Functions of the S151 Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the S151 Officer will report to the full Council, or to the Leader or Cabinet in relation to any Leader or Cabinet function, and the Council's external auditor if he/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 S151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The S151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The S151 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 S151 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 S151 Officer

The Council will provide the Monitoring Officer and S151 Officer with such officers, accommodation and other resources as are in the opinion of those Officers sufficient to allow their duties to be performed.

11.06 Conduct

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

11.07 Employment

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