

Article 12 – Officers

12.01 Management Structure

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The division of responsibilities are set out in Section 6 of Part 3 as set out.

12.02 Head of Paid Service, Monitoring Officer and Section 151 Officer

The Full Council must by law, appoint certain statutory officers. These are: the Head of Paid Service, the Section 151 Officer (the Chief Finance Officer), and the Monitoring Officer.

The Chief Executive is designated the Head of Paid Service.

Full Council, with regard to the advice of the Head of Paid Service, will designate suitably experienced and qualified members of staff to undertake the following two statutory posts:

- a) Section 151 Officer (under Section 151 of the Local Government Act 1972); and
- b) Monitoring Officer (under Section 5 of the Local Government and Housing Act 1989)

Such posts will have the functions described below. The duties of the Section 151 Officer and Monitoring Officer can be carried out by any deputies appointed by them or the Chief Executive.

12.03 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is maintained and set out on the Councils website.

12.04 Functions of the Head of Paid Service

The functions of the Head of Paid Service are as follows:

- 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 Section 151 Officer if a suitably qualified accountant.

12.05 Functions of the Monitoring Officer

The functions of the Monitoring Officer are as follows:

- 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 Members, staff and the public.
- b) Ensuring lawfulness and fairness of decision making – after consulting with the Head of Paid Service and the Section 151 Officer, the Monitoring Officer will report to Full Council (or to Cabinet in relation to an executive 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.
- c) 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 on matters within the Monitoring Officer's remit.
- d) Conducting investigations, the Monitoring Officer will conduct investigations into matters under the arrangements made in relation to the Code of Conduct.
- e) **The Monitoring Officer will make relevant reports or recommendations in respect of the Code of Conduct to the Audit and Governance Committee's Sub-Committee relating to Standards.**
- f) Proper Officer for Access to Information, the Monitoring Officer will ensure that the Cabinet's decisions, together with reason for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.
- g) Advising whether Cabinet decisions are within the policy and budget framework, the Monitoring Officer, **in consultation with the S151 Officer in respect of the Budget**, will advise whether decisions of the Cabinet are in accordance with the framework.
- h) Contributing to corporate management, the Monitoring Officer will contribute to the corporate management of the Council in particular through the provision of professional legal advice.
- i) **Providing advice**, the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy and budget framework issues to all

Councillors. Where in respect of financial impropriety and budget, this will be in consultation with the Section 151 Officer.

- j) Restrictions on post, the Monitoring Officer may not also hold the post of Section 151 Officer or the Head of Paid Service.

12.06 Functions of the Section 151 Officer

The functions of the Section 151 Officer are as follows:

- a) Ensuring lawfulness and financial prudence in decision making, – after consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to Full Council, or to Cabinet in relation to an executive function, and the Council’s external audit 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.
- b) Administration of financial affairs, the Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c) Contributing to corporate management and the Executive Leadership Board, the Section 151 Officer will contribute to the corporate management of the Council in particular through the provision of professional financial advice.
- d) Providing advice – the Section 151 Officer will provide advice on the scope of powers and authority to take decisions with regard to the financial affairs of the Council, 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. Where in respect of policy matters, this will be in consultation with the Monitoring Officer.
- e) Give financial information - the Councils Section 151 Officer will provide its financial information to the media, members of the public and the community.

12.07 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinions sufficient to allow their duties to be performed.

12.08 Conduct

Officers will comply with the Employees Code of Conduct and the protocol on officer/member relations set out in this Constitution.

12.09 Employment

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