

Article 13– Officers

A13.01

Management structure

(a) General

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

(b) Statutory Officers

The Full Council will designate the following posts as shown and each will nominate a deputy to act in their service. If no such deputy is identified then the Head of Paid Service will designate a nominated deputy.

Post	Designation
Head of Paid Service	Head of Paid Service Section 4 Local Government & Housing act 1989
Director of Democratic and Legal Services	Monitoring Officer Section 5 Local Government & Housing Act 1989
Director of Finance	Chief Finance Officer Section 114 Local Government Finance Act 1988
Executive Director for People	Director of Children's Services Section 18 Children Act 2004
Director Adult Social Care	Director of Adult Social Services Section 6 Local Authorities Social Services Act 1970 as amended
Head of Democratic Engagement	Scrutiny Officer 9FB Local Government Act 2000
Director of City Wellbeing, Resilience and City Partnerships	Director of Public Health Section 30 Health & Social Care Act 2012

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

The Full Council will approve these statutory posts.

Such posts will have the functions described in Article 13.02–13.04 below.

(d) 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 set out at part 7 **Management Structure** of this constitution.

A13.02

Functions of the Head of Paid Service

(a) The Head of Paid Service will have responsibility for:-

- (i) *Overall corporate management* – and operational responsibility (including overall responsibility for all officers and staffing issues)
- (ii) *Professional advice* – the provision of professional advice to all parties in the decision making process
- (iii) *Representing the authority* – on partnership and external bodies as required by law or the Council
- (iv) *Report to Council* – the Head of Paid Service will report to Council annually on the co-ordination of the discharge of the Council's functions, 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 Chief Finance Officer if a qualified accountant.

A13.03

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 Councillors, 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 Full Council or to the Mayor 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) Supporting Standards arrangements

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee and the Audit Value and Ethics sub-committee in delivering its responsibilities for standards.

(e) Conducting investigations

The Monitoring Officer will conduct investigations or take other action as he sees fit into alleged breaches of the **Members' Code of Conduct**.

(f) 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 publically available as soon as possible.

(g) 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.

(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) 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.

(j) Restrictions on functions

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

A13.04

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 Full Council or to the Mayor 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 the Council's financial affairs

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

(c) 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.

(d) Give financial information

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

A13.05

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.

A13.06

Employment

The recruitment, selection and dismissal of officers will comply with the **Officer Employment Rules (OER)** set out in part 4 of this constitution.