

## **Officers of the Council.**

The employees of the Council are known as officers. It is the role of officers to provide advice and assistance to all Councillors and to implement the decisions which Councillors make.

Certain officers have additional roles and the most important of these are set out below.

### **Statutory officers and proper officer.**

The Council is required to appoint a number of officers to undertake specific duties by statute. These are known as “statutory officers”.

In addition the council has a number of important duties which it designates to certain officers. These are called “proper officer” roles.

### **Statutory Officers**

The appointments of the statutory officers derive from two statutes.

The head of paid service, monitoring officer and chief finance officer’s (locally known as the S151 officer) appointments arise out of sections 4 to 6 of the Local government and Housing Act 1989. The appointments are personal to the officers and once appointed by Council they have personal responsibilities to the Council as a whole. Their prime responsibility individually and jointly is to ensure the good governance of the council. Normally the head of paid service is held by the chief executive, the monitoring officer and s151 officer post are normally held by the Council’s most senior legal and financial officers.

The director of children’s services appointment arises from the Children’s Act 2004. The director of children’s services reports direct to the chief executive and has a close working relationship with the lead member for children’s services.

Further detail on each of these statutory officer’s roles is set out below.

## **Monitoring officer**

The role of the monitoring officer is held at Portsmouth by the City Solicitor. The monitoring officer may deputise his duties to another officer, it may not however be to the head of paid service or the S151 officer who are not allowed to hold the monitoring officer role.

## **Duties of the monitoring officer**

It is the role of the monitoring officer to ensure that the Council at all times acts lawfully and within its own rules and procedures as set down in the Council's constitution. In fulfilling this role the monitoring officer undertakes to discharge his responsibilities in a manner which will enhance the reputation of the Council.

## **Discharge of the monitoring officer function**

The ability of the monitoring officer to discharge these duties relies upon the cultivation of good working relations with all members and other officers but also having access to information and to debate, particularly at early stages.

The following arrangements and understandings between the monitoring officer and members and officers are designed to help ensure the effective discharge of his functions:

- (a) Advance notice of meetings whether formal or informal between the chief executive and S151 officer and members of the Cabinet or committee chairmen will be given to the monitoring officer where any procedural, vires or other constitutional issues are likely to arise.
- (b) Officers will alert the monitoring officer to all emerging issues of concern involving legality, probity, vires and constitutional issues as soon as reasonably practicable. The monitoring officer will ensure that the chief executive and S151 officer have up-to-date information regarding any emerging issues of which the monitoring officer is aware or has concerns.
- (c) The monitoring officer will have copies of all reports to members.
- (d) The monitoring officer is expected to develop good liaison and working relations with the Information Commissioner, District Auditor, the Police and the Local Government Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- (e) The monitoring officer will maintain a close working relationship with the Lord Mayor, the Chairman of the Standards Committee and the Chairman of the Scrutiny Management Panel and Chairman of the Governance and Audit Committee.

(g) The monitoring officer is expected to make enquiries into allegations of misconduct by members when requested to do so by the Standards Committee and if appropriate will make a written report to the Standards Committee.

(h) In carrying out any investigation (whether under the Standards regime or otherwise) the monitoring officer will have unqualified access to any information held by the council and any employee, contractor or member who can assist in the discharge of his function.

(i) The chief executive, S151 officer and monitoring officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding proper conduct of the Council.

(j) The monitoring officer will have access to sufficient resources to enable him to seek external legal advice where he considers it to be appropriate on any matter concerning the monitoring officer's functions.

(k) The monitoring officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.

(l) The monitoring officer will report to the Standards Committee from time to time on the Constitution and on any necessary or desirable changes following consultation in particular with the Constitution Working Party the chief executive and S151 officer.

(m) The monitoring officer has the right to address Council when he considers it appropriate in the fulfilment of his duties.

### **Chief Finance Officer (S151 officer)**

The role of the chief finance officer (known as the S151 officer) is undertaken at Portsmouth by the head of financial services. The S151 officer may deputise his duties to another officer, it may not, however, be to the head of paid service or the monitoring officer who are not allowed to hold the S151 officer role.

### **Duties of the S151 Officer**

It is the role of S151 officer to ensure that the Council makes arrangements for the "Proper administration" of the council financial affairs namely

This includes:-

- Responsibility for managing the financial affairs of the authority in all its dealings
- Ensuring the Authority's responsibility for securing proper administration of its financial affairs

- Proper exercise of delegated powers for managing the financial affairs of the local authority in all its dealings
- Recognition of the fiduciary responsibility owed to local taxpayers (This means that the S151 officer is not merely a servant of the Authority, but holds a fiduciary responsibility to the local taxpayers and therefore must act in the public interest, even if necessary against a perceived organisational interest)
- In consultation with the monitoring officer and the head of paid service, a duty to report to all members if there is or is likely to be unlawful expenditure or an unbalanced budget
- Responsibility to the Council, at the time the budget is considered and the council tax set, to report on the robustness of the budget estimates and the adequacy of financial reserves
- To keep the authority's finances under review during the year and take action if there is evidence that financial pressures will result in a budget overspend or if there is a shortfall in income.
- To certify the Annual Statement of Accounts

#### **Discharge of the S151 Officer's functions**

1. The S151 officer reports directly to the chief executive in relation to his role.
2. The S151 officer must be involved in and be able to bring influence to bear on all material business decisions.
3. Advance notice of meetings, whether formal or informal, between the chief executive and directors, members of the Cabinet or committee chairmen, will be given to the S151 officer where any material financial issues are likely to arise.
4. The S151 officer has the right to address Council when he considers it appropriate in the fulfilment of his duties.
5. The S151 officer has direct and unfettered access to all elected members individually and also all member decision making forums in order to inform their decision making. The S151 officer also has direct and unfettered access to all officers of the Council but in particular to the chief executive, monitoring officer and the chief internal auditor as well as to external audit.

6. The chief executive, S151 officer and monitoring officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding proper conduct of the Council.
7. The S151 officer will provide impartial advice, in the wider public interest, at all times to all elected members, officers, partners, the media and the public at large.
8. The S151 officer will ensure that objective, relevant and reliable financial analysis and advice is provided to the decision making process setting out the financial implications and risks.
9. The S151 officer must ensure that the members of the Strategic Directors Board have the financial capabilities necessary to perform their roles effectively.
10. To safeguard public money, the S151 officer will lead the implementation and maintenance of a framework of financial controls and procedures for managing financial risks. This necessarily means ensuring robust systems of risk management and internal control in order to protect the Council's assets from fraud and loss.
11. To fulfil the probity role, the S151 officer will remind members and officers of the Council of the need to alert the S151 officer to all emerging issues of concern involving unlawful or potential unlawful expenditure as soon as reasonably practicable. The S151 officer will ensure that the chief executive and monitoring officer have up-to-date information regarding any such issues, which the S151 officer is aware of or has concerns about.
12. The S151 officer will support the authority's internal audit arrangements and ensure that the Audit Committee (or its equivalent) receives the necessary advice and information.
13. The S151 officer must ensure that the Head of Profession role for accountants and finance specialists authority-wide is discharged in order to ensure compliance with regulatory and professional standards.
14. The statutory role of the S151 officer extends into its partnerships, devolved arrangements, joint ventures and companies in which the authority has an interest.