

Chapter 12

Officers

12.1. Appointment

Appointment of staff at chief officer and on management grades of CO4 and above on the JNC grade for chief officers is the responsibility of the Council (Council appointments). Council appointments will be made in accordance with the Council procedure rules, set out in Part 3 of this Constitution. Except for those staff who are Council appointments, the appointment of all other staff is the responsibility of the Head of Paid Service, or their nominee, in accordance with the Council procedure rules set out in Part 3 of this Constitution.

12.2. Management arrangements

12.2.1. General

The City Council may engage such staff as it considers necessary to carry out its functions.

12.2.2. Chief officers

The Council's current senior management and statutory designations are listed below.

A more detailed explanation of operational responsibilities of directors are set out in Part 2.

- Chief Executive (**Head of Paid Service**)
- City Solicitor (**Monitoring Officer**)
- Director of the Port
- Director of Finance & Resources (**Section 151 Officer**)
- Director of Corporate Services
- Director of Regeneration
- Director of Children, Families and Education (**Statutory Director of Children's Service**)
- Director of Adults Services
- Director of Public Health (Statutory Director of Public Health)
- Director of Housing, Neighbourhood and Building Services
- Director of Culture, Leisure & Regulatory Services

12.2.3. Head of paid service, monitoring officer and chief financial officer

The Council has designated the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
City Solicitor	Monitoring Officer
Director of Finance & Resources	Chief finance officer - S. 151 Officer

Such posts will have the functions described below at paragraphs 12.3 through to 12.5.

12.2.4. 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 6 of this Constitution.

12.3. Functions of the Head of Paid Service (the Chief Executive)

12.3.1. Discharge of functions by the Council

It is the duty (pursuant to Section 4 of the Local Government & Housing Act 1989) of the Head of Paid Service to report to the City Council when they consider it appropriate to do so on –

- the manner in which the discharge by the authority of their different functions is co-ordinated.
- the number and grades of staff required by the authority for the discharge of their functions.
- the organisation of the authority's staff
- the appointment and proper management of the authority's staff.

12.3.2. Restrictions on functions

The head of paid service may not be the Monitoring Officer but may hold the post of Chief finance officer if they are a qualified accountant.

12.4. Functions of the Monitoring Officer

12.4.1. Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available.

12.4.2. 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 Cabinet in relation to a cabinet 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. This is a statutory duty under Section 5 of the Local Government & Housing Act 1989.

12.4.3. Supporting the Governance and Audit and Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance and Audit and Standards committee.

12.4.4. Receiving reports

The Monitoring Officer will receive and act on reports made by ethical standards officers, and decisions of the case tribunals.

12.4.5. Conducting investigations

The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Governance and Audit and Standards Committee.

12.4.6. Proper officer for access to information

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

12.4.7. 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.

12.4.8. 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

12.4.9. Restrictions on posts

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

12.5. Functions of the Chief Finance Officer and S. 151 Officer (the Director for Finance & Resources)

12.5.1. 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. This is a statutory duty under Section 6 of the Local Government & Housing Act 1989.

12.5.2. Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council. This is a statutory duty under Section 6 of the Local Government & Housing Act 1989.

12.5.3. 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.

12.5.4. 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 officers in their respective roles.

12.5.5. Give financial information

The Chief Finance Officer will provide financial information to the media, members of the public and the community, and such external agencies, bodies or organisations as appropriate.

12.5.6. Restrictions on posts

The Chief Finance Officer cannot be the Monitoring Officer.

12.6. 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. This is a statutory requirement under Section 5 & 6 of the Local Government & Housing Act 1989.

12.7. Conduct

Officers will comply with the officers' code of conduct and the protocol on officer/member relations set out in Part 4 of this Constitution.

12.8. Employment

The recruitment, selection and dismissal of officers will comply with the Council's adopted policies and procedures set out in Part 4 of this Constitution.