

ARTICLE 11- OFFICERS

11.1 Management Structure

(a) General

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

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated Chief Officers, with the responsibilities as set out below.

Chief Executive (Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all Officers).</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Services including: Internal Audit. Scrutiny. Business Transformation (including digital strategy). Communications (including graphics). Information and Communications Technology (ICT). Human Resources. Organisation Development. Project Management. Performance. Equalities. Customer Services. Revenues and Benefits.</p>
Chief Executive	<p>Finance. Payroll. Procurement. Property Services (including Leisure Centre). Car Parking. Cemeteries. Play Areas. Environmental Health (including Health and Safety). Waste and Recycling – Client.</p>

	<p>Street Cleansing and Grounds Maintenance – Client. Land Drainage. Emergency Planning. Licensing (including Road Closures). Environmental Policy. Housing Strategy. Housing Enabling. Housing Options. Homelessness. Community Safety. Safeguarding. Development Control. Planning Enforcement. Design and Conservation. Landscape. Land Charges. Planning Policy. Economic Development. Community Development (including Health, Leisure and Events). Transport Policy. Building Control – Client. Regeneration. Tourism.</p>
Corporate Director (Monitoring Officer)	<p>Client monitoring of Legal Services. Member Support. Committee Support. Elections. Electoral Registration. Civic.</p>
Director of One Legal	<p>Legal Services including those for Cheltenham Borough Council, Gloucester City Council and Stroud District Council following the delegation of the legal services functions to Tewkesbury Borough Council in exercise of their powers under sections 101, 102, 111 and 113 of the Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and any other enabling legislation.</p>

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer (S151 Officer)**

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Corporate Director	Monitoring Officer
Head of Finance and Asset Management	Chief Finance Officer (S151 Officer)

Such posts will have the functions described 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 in Part 7 of this Constitution.

11.2 Functions of the Head of Paid Service

(a) Discharge of Functions by the Council

The Head of Paid Service will report to 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 Chief Finance Officer (S151 Officer), if a qualified accountant.

11.3 Functions of the Monitoring Officer

(a) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Council 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.

(b) Supporting the Standards Committee

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

(c) Conducting investigations

The Monitoring Officer, with the two Independent Persons, will conduct investigations into complaints about breaches of the Code of Conduct and make reports or recommendations in respect of them to the Standards Committee.

(d) Proper Officer for access to information

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

(e) Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors.

(f) Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer (S151 Officer) or the Head of Paid Service.

11.4 Functions of the Chief Finance Officer (S151 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 (S151 Officer) will report to the Council 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 financial affairs

The Chief Finance Officer (S151 Officer) will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to corporate management

The Chief Finance Officer (S151 Officer) will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice

The Chief Finance Officer (S151 Officer) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) Give financial information

The Chief Finance Officer (S151 Officer) will provide financial information to the media, members of the public and the community.

(f) Restrictions on posts

The Chief Finance Officer (S151 Officer) cannot be the Monitoring Officer.

11.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer (S151 Officer)

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

11.6 Conduct

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

11.7 Employment

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

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