

## 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.

<p>Chief Executive (Head of Paid Service)</p>	<p>Overall corporate management and operational responsibility (including overall management responsibility for all Officers).</p> <p>Ensure that the Council's organisation and structures remain fit for purpose and that the human, financial and physical resources are optimized and managed effectively.</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Compliance with Health and Safety legislation and the Council's Health and Safety Policy, and ensure that duties are pursued in a safe manner with due regard to the Health and Safety.</p> <p>Manage risk and to help formulate and comply with the council's Corporate Health, Safety and Welfare Plan, and to ensure that both systems and premises are maintained in an acceptable standard to ensure the risk management and health and safety of staff and the public.</p> <p>Adhere and promote all Council Policies, in particular Equal Opportunities.</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: Business Transformation (including digital strategy). Communications (including graphics). Human Resources.</p>
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	<p>           Organisation Development.            Project Management.            Performance.            Equalities.            Customer Services.            Emergency Planning.            Elections.            Electoral Registration.         </p>
<p>           Executive Director:            Resources and S151         </p>	<p>           Section 151 officer            Finance.           <ul style="list-style-type: none"> <li>• Strategic financial planning,</li> <li>• Budgetary process and budgetary control activity.</li> <li>• Closure of the council's accounts and the statement of accounts •</li> <li>• Investments and borrowings (in accordance with the council's Treasury Policy).</li> <li>• V.A.T. advice and prompt and accurate returns</li> <li>• Co-ordinate completion grant claims.</li> <li>• Probity of the council's income and bankings.</li> <li>• Responsible for the council's bank account;</li> <li>• Payment of creditors and invoice debtors.</li> <li>• Insurance</li> </ul>           Payroll.            Internal Audit.            Scrutiny.            Senior Information Risk Owner (SIRO)            Property Services (including Leisure Centre).            Procurement.            Information and Communications Technology (ICT).            Revenues and Benefits.            Client monitoring of Legal Services.            Member Support.            Committee Support.            Civic            Deputise for Chief Executive.            Deputise as Head of Paid Service.         </p>

**(c) Director of One Legal**

Director of One Legal	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.
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**(d) Head of Paid Service, Monitoring Officer and Chief Finance Officer (S151 Officer)**

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Principal Lawyer: One Legal	Monitoring Officer
Executive Director: Resources and S151	Chief Finance Officer (S151 Officer)

Such posts will have the functions described below.

**(e) 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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