

Article 9 – Chief Officers

9.1 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. Apart from those officers referred to in (b) immediately below, all officers are appointed by the Chief Executive.
- (b) **Chief Officers.** Members will appoint staff for the following posts, who will be designated Chief Officers:

Chief Executive (Head of Paid Service)
Deputy Chief Executive
Assistant Chief Executive
Strategic Director, Children and Young People
Strategic Director, Adults, Communities and Health
Strategic Director, Environment
Director of Resources (Chief Finance Officer / Section 151 Officer)
Director of Public Health

Delegated Authority to Chief Executive and Chief Officers

(i) Chief Officers (Deputy Chief Executive, Assistant Chief Executive, Strategic Directors for Adults, Children and Environment, Director of Resources) have the following delegated powers in respect of all matters which are not key decisions (as defined in Article 2) and not reserved for decision by the Council or by a Committee of the Council:

(a) to make decisions and approve expenditure relating to their functions and the functions of their Department, where necessary in accordance with (b) and (c) below, and providing (1) that the sum expended is within the approved budget for the Department and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £181,302.

(b) to determine employment matters relating to staff including all changes to staffing structures. This power will not include changes to terms and conditions of employment or additional payments to any individual member of staff above £100K.

(c) to approve tender strategies and award contracts in accordance with the Council's Contract Procedure Rules within Part 2 of the Constitution.

(d) the Chief Executive has all the above delegated authority and as may be necessary, determine which Department discharges any particular Council function if this is not clear.

(ii) These powers may be delegated further under a Scheme of Delegation and powers are also delegated to all officers in accordance with their job description and department budget.

(iii) Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and all decisions with a value of £50,000 or more made by officers under delegated powers should be listed in writing and a copy of the list for each Department produced to the Chief Executive and the Leader on the 30th September and 31st March of each year.

(iv) The Chief Executive and Chief Officers may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.

(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Chief Legal Advisor	Monitoring Officer
Director of Resources	Chief Finance Officer / Section 151 Officer
Strategic Director, Children and Young People	Director of Children's Services
Strategic Director, Adults Communities and Health	Director for Adult Social Services
Director of Public Health	Director of Public Health
<u>Data Protection Officer</u>	<u>Data Protection Officer</u>

9.2 Functions of Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full 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) **Restriction of functions.** The Head of Paid Service may not be the Monitoring Officer or the Data Protection Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

- (c) The Head of Paid Service has authority over all other chief officers so far as is necessary for efficient management and for carrying out the Council's functions.

9.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer, in consultation with the Head of Governance, will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and the Assistant Chief Executive, the Monitoring Officer will report to the full council if s/he considers that any proposal, decision or omission which is referred by Harrow and Barnet Public Law or which is otherwise notified to him/her, would give rise to unlawfulness or if any decision or omission so referred would give 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) **Ensuring lawfulness and fairness of council operating procedures.** After consulting with the Head of Governance and the relevant senior line manager the Monitoring Officer will report to the Head of Paid Service and the Assistant Chief Executive any council process or procedure which s/he considers would give rise to unlawfulness or if any such process or procedure would give rise to maladministration.
- (d) **Managing the relationship with Harrow & Barnet Public Law.** As Chief Legal Advisor within the council, responsibility to manage the strategic relationship with Harrow & Barnet Public Law to ensure the council continues to be provided with a legal service which meets its needs and to advise the Head of Paid Service and Assistant Chief Executive where any risks are identified.
- (e) **Supporting the Constitution, Ethics and Probity Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution, Ethics and Probity Committee.
- (f) **Conducting investigations.** The Monitoring Officer will conduct or appoint Officers or others to conduct investigations into allegations of breach of the Member Code of Conduct. Then s/he or they will make reports and recommendations in respect of such allegations in accordance with the procedure for handling complaints against Members.
- (g) **Providing legal 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.
- (h) **Register of Members Interests.** The Monitoring Officer will keep and maintain the Register of Members Interests and ensure its availability to the public.
- (i) **Restriction of functions.** The Monitoring Officer may not hold the post of Data Protection Officer.

9.4 Functions of the Chief Finance Officer / Section 151 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 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) **Estimates and resources.** In accordance with the Local Government Act 2003 to advise on robustness of estimates and level of resources.
- (c) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.
- (d) **Providing financial 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.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

9.5 Functions of the Director of Children's Services

- (a) The Council as a children's services authority is required by the Children Act 2004 to appoint an officer to be known as the Director of Children's Services. The Strategic Director, Children and Young People will fulfil the role of the Director of Children's Services.
- (b) The Director of Children's Services is responsible for the delivery of the Council's education and social services functions for children, and any health functions for children delegated to the Council by an NHS body and as required by the Children Act 2004.

9.6 Functions of the Director of Adult Social Services

- (a) The Strategic Director, Adults Communities and Health will fulfil the role of the Director for Adult Social Services as required by the Local Authority Health Social Services Act 1970, as amended by the Children Act 2004.
- (b) The Strategic Director, Adults Communities and Health is responsible for the delivery of the Council's social services functions, other than those for which the Council's Director of Children's Services is responsible under the Children Act 2004.

9.7 Functions of the Director of Public Health (DPH)

- (a) The DPH is responsible for writing the Annual Report on the health of the local population.
- (b) The DPH is responsible for all of the local authority's duties to take steps to improve public health.
- (c) The DPH is responsible for exercising the local authority's functions in planning for, and responding to, emergencies that present a risk to public health.
- (d) The DPH is responsible for exercising the local authority's role in co-operating with the Police, the Probation Service and the Prison Service to assess the risks posed by violent or sexual offenders.
- (e) The DPH is responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.
- (f) The DPH is responsible for exercising the local authority's duties to ensure plans are in place to protect their population including through screening and immunisation.

9.8 Functions of the Data Protection Officer (DPO)

(a) Ensuring lawfulness and fairness of personal data processing. The Data Protection Officer must be independently involved, properly and in a timely manner, in all issues which relate to the protection of personal data and seek to ensure compliance with all legislative provisions and council policies.

(b) Ensuring protection of personal data. The Data Protection Officer, after consultation with the Head of Paid Service, may report to the supervisory authority any matters that the Data Protection Officer considers puts at risk the protection of personal data and data subjects' rights.

(c) Conducting data protection incident investigations. The Data Protection Officer will conduct, or appoint officers or others to conduct, investigations into suspected or actual breaches of legislation related to the processing of personal data. The Data Protection Officer will independently decide whether an incident will be reported to the supervisory authority.

(d) Notification to the supervisory authority. The Data Protection Officer will follow all requirements set by the supervisory authority in relation to notification or registration with the supervisory authority.

(a)(e) Record of Processing Activity. The Data Protection Officer will keep and maintain the Record of Processing Activity for the council and provide such to the supervisory authority on request.

(b)(f) Support data subjects. The Data Protection Officer shall be available to data subjects with regard to all issues related to the processing of their personal data and to the exercise of their rights.

(g) Acting in an independent manner. The Data Protection Officer shall perform their tasks in an independent manner without receiving instruction from the council on how to exercise those tasks. The council must ensure that the Data Protection Officer does not perform a task or fulfil a duty where such task or duty would result in a conflict of interests.

9.9 Duty to provide sufficient resources to the Monitoring Officer, ~~and~~ Chief Finance Officer and Data Protection Officer

The Council will provide the Monitoring Officer, ~~and~~ Chief Finance Officer and Data Protection Officer with such officers, accommodation and other resources as are in their reasonable opinion sufficient to allow their duties to be performed.

9.10 Conduct

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

9.11 Employment

The recruitment, selection and dismissal of officers will comply with the Human Resources (HR) Regulations.