

## Article 7

### Officers

#### 7.1 Introduction

7.1.1 This Article describes the management structure of the Authority and the responsibilities of the Statutory and Chief Officers.

7.1.2 ‘Officers’ means all employees and staff engaged by the council to carry out its functions. Those engaged under short term, agency or other non-employed situations as well as those employed on a permanent basis are covered.

#### 7.2 Management Structure

##### 7.2.1 General

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

#### 7.3 Chief Officers

The Council will engage persons for the following posts, who will be designated Chief Officers.

Post	Functions and areas of responsibility
Chief Executive (Head of Paid Service)	<ul style="list-style-type: none"> <li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers).</li> <li>• Provision of professional advice to all parties in the decision-making process.</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council).</li> <li>• Promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council’s officers in the performance of their duties in accordance with the requirements of the Officers Code of Conduct set out in this Constitution.</li> </ul>
Deputy Chief Executive	
Executive Director Strategy and Innovation	<ul style="list-style-type: none"> <li>• Transformation</li> <li>• Commercial and Procurement Services</li> <li>• Resident Experience and Digital Services including Registrars</li> <li>• Programmes, Performance and Risk</li> <li>• Strategy and Communications</li> <li>• Sustainability and Culture</li> </ul>
Executive Director of Environment	<ul style="list-style-type: none"> <li>• Street Scene</li> <li>• Parking</li> <li>• Transport</li> <li>• Highways</li> </ul>

Post	Functions and areas of responsibility
Executive Director of Growth	<ul style="list-style-type: none"> <li>• Capital Delivery</li> <li>• Estates and Decarbonisation</li> <li>• Planning and Building Control</li> <li>• Housing, Economy and Placemaking</li> <li>• Brent Cross Cricklewood Regeneration</li> <li>• Development Partnerships and Regeneration</li> </ul>
Executive Director of Children and Young People	<ul style="list-style-type: none"> <li>• Children’s Social Care (Help and Protection &amp; Corporate Parenting and Disability)</li> <li>• Education and Skills</li> <li>• Strategy and Partnerships relating to Children and Young People</li> <li>• Libraries</li> </ul>
Executive Director of Resources	<ul style="list-style-type: none"> <li>• Finance, including Pensions and Treasury</li> <li>• Revenues &amp; Benefits</li> <li>• HR and Organisational Development</li> <li>• Exchequer</li> <li>• Equalities Diversity and Inclusion (EDI)</li> <li>• Health and Safety and Workforce Wellbeing</li> <li>• Insurance</li> </ul>
Executive Director Adult, Communities and Health	<ul style="list-style-type: none"> <li>• Adult Social Care</li> <li>• Integrated Commissioning</li> <li>• Greenspaces and Leisure,</li> <li>• Communities and Performance</li> <li>• Mortuary and Cemetery &amp; Crematorium</li> <li>• Public Health</li> <li>• Response to public health emergencies and health protection incidents</li> </ul>
Executive Director of Assurance and Public Protection	<ul style="list-style-type: none"> <li>• Organisational Resilience (Emergency Planning and Business Continuity)</li> <li>• Audit and Anti-Fraud</li> <li>• Community Safety, CCTV and Enforcement</li> <li>• Corporate Complaints</li> <li>• Electoral Services</li> <li>• Records and Information Management</li> <li>• Consumer and Public Protection including:               <ul style="list-style-type: none"> <li>○ Noise, Nuisance and Scientific Services</li> <li>○ Food, Safety and Pest Control</li> <li>○ Trading Standards and Licensing</li> </ul> </li> <li>• Governance Service and Mayor’s Office</li> <li>• Legal Services Contract Management</li> </ul>

## 7.4 Statutory Officers and Statutory Chief Officers

7.4.1 The Council will designate the following posts as shown:

Post	Designation
Head of Paid Service	Head of Paid Service (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director of Resources	Chief Financial Officer (Section 151 Officer) (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director Children and Young People	Director of Children’s Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Executive Director Adult, Communities and Health	Director of Adult Social Services (Statutory Chief Officer s2.6 Local Government Housing Act 1989)
Monitoring Officer	Monitoring Officer (Statutory Chief Officer Section 43 Localism Act 2011)
Head of Governance	Scrutiny Officer (Statutory Officer)
Director of Public Health	Director of Public Health (Statutory Chief Officer) s2.6 Local Government Housing Act 1989)
Chief Executive and Director of Education and Learning	Chief Education Officer (Statutory Chief Officer s2.6 Local Government Housing Act 1989)

## 7.5 Departmental Structure

7.5.1 The Head of Paid Service will determine and publish a description of the overall departmental structure for the Council. This will outline the management structure and the deployment of officers.

## 7.6 Delegations

7.6.1 Some decisions are made by officers under approved delegated powers. A list of all the functions delegated to chief officers is included in Part 2G of this Constitution.

## 7.7 Functions of the Head of Paid Service

### 7.7.1 Discharge of functions by the Council

The Head of Paid Service will report to the 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.

### 7.7.2 Discharge of functions by the Council

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## **7.8 Functions of Monitoring Officer**

### **7.8.1 Maintaining the Constitution**

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

### **7.8.2 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 Executive in relation to an executive function, if they consider that any proposal, decision or omission in the course of the discharge of functions of the authority by or on behalf of the authority constitutes, has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law or statutory code of practice or maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

### **7.8.3 Ensuring the lawfulness of council operating procedures**

After consulting with the Head of Governance and the relevant senior manager the Monitoring Officer will report to the Head of Paid Service any council process or procedure which they consider could give rise to unlawfulness or if any such process or procedure would give rise to maladministration.

### **7.8.4 Supporting the Governance, Audit, Risk Management and Standards Committee in respect of standards and advising on the Code of Conduct**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance, Audit and Standards Committee. They will also provide advice to Members of the Council and act as the proper officer to receive complaints of failure to comply with the Members Code of Conduct. They will also make decisions about member complaints as set out in the Procedure for Dealing With Complaints Against Members.

### **7.8.5 Advising whether Executive decisions are within the budget and policy framework**

Where necessary, the Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

### **7.8.6 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 framework issues to all Councillors.

### **7.8.7 Register of Member's financial and other interests**

The Monitoring Officer assisted by the Head of Governance will establish and maintain a register of Members' interests and gifts and hospitality. These registers will be open to public inspection at all reasonable times.

### **7.8.8 Restrictions on posts**

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

## **7.9 Functions of the Chief Finance Officer**

### **7.9.1 Ensuring lawfulness and financial prudence in decision making**

7.9.1.1 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 Executive in relation to an Executive function; and
- to Council's external auditor

7.9.1.2 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.

## **7.10 Estimates and resources**

7.11 In accordance with the Local Government Act 2003 to advise on the robustness of estimates and level of resources.

## **7.12 Administration of financial affairs**

7.13 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council including Pensions Governance.

## **7.14 Contributing to corporate management**

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

## **7.16 Providing financial advice**

7.17 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

## **7.18 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

## **7.19 Functions of the Director of Children's Services**

### **7.19.1 Local Education Authority**

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a Local Education Authority.

### **7.19.2 Social Services (relating to children)**

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.

**7.19.3 Improving well-being**

The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.

**7.19.4 Safeguarding and welfare**

The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.

**7.19.5 Establishing Information Databases**

The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.

**7.19.6 Preparation and publication of the Children's and Young People's Plan**

The Director of Children's Services will prepare and publish a Children's and Young People's Plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

**7.19.7 Function on behalf of an NHS Body**

The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

**7.19.8 Any other function**

7.19.9 The Director of Children's Services will have responsibility any additional functions, as the authority considers appropriate.

**7.20 Functions of the Director of Adult Social Services**

**7.20.1 Discharge of Functions by the Council**

The Director of Adult Social Services will have responsibility for all functions social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

**7.21 Functions of the Director of Public Health (DPH)**

7.21.1 The DPH is responsible for writing the Annual Report on the health of the local population.

7.21.2 The DPH is responsible for all of the local authority's duties to take steps to improve public health.

7.21.3 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.

7.21.4 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.

7.21.5 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.

7.21.6 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.

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7.21.7 The DPH is responsible for any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations. These include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act;

7.21.8 The DPH is responsible for such other public health functions as the Secretary of State specifies in regulations, including services prescribed under Section 6C of the 2006 Act and under dental public health powers under in 111 of the 2006 Act, as amended by the 2012 Act.

### **7.22 Functions of the Scrutiny Officer**

#### **7.22.1 Promotion of Overview and Scrutiny**

The Scrutiny Officer will promote the role of the Overview and Scrutiny Committee and its sub-committees.

#### **7.22.2 Support to the Overview and Scrutiny Committee**

The Scrutiny Officer will provide support to the Overview and Scrutiny committee and sub-committees and their members.

#### **7.22.3 Support and guidance to Members and officers**

The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committee and its sub-committees.

### **7.23 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Councillor - Officer Relations set out in Part 4G of this Constitution.

### **7.24 Employment**

The recruitment, selection and dismissal of officers will comply with the HR Regulations set out in Part 4C of this Constitution.