

ARTICLE 12 – OFFICER ROLES AND STATUTORY CHIEF OFFICER FUNCTIONS

1 Chief Officers

Post
Head of Paid Service (and Chief Executive)
Executive Director of Finance and Commercial
Executive Director of Housing, Planning and Property
Executive Director of People (Adults)
Executive Director of People (Children)
Executive Director of Place and Communities
Executive Director of Strategy and Improvement
Monitoring Officer

Statutory Chief Officers

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Monitoring Officer	Monitoring Officer
Executive Director of Finance and Commercial	Chief Finance Officer – S151 Officer
Executive Director of People – Children	Director of Children’s Services
Executive Director of People - Adults	Director of Adult Social Services
Joint Director of Public Health – East Berkshire Council	Director of Public Health

Such posts will have the functions described below.

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 7 of this Constitution.

2 Functions of the Head of Paid Service

1. Duty to grant and supervise exemptions from political restriction from the authority's staff	Section 3 Local Government and Housing Act 1989
2. Duty to report on the following matters: a. the manner in which the discharge by the authority of their different functions is co-ordinated; b. the number and grades of staff required by the authority for the discharge of their functions; c. the organisation of the authority's staff; d. the appointment and proper management of the authority's staff	Section 4 Local Government and Housing Act 1989
3. To be the principal advisor on staffing matters to the council (except where there would be a conflict of interest in respect of his or her own pay and conditions of service)	Part 1 Local Government and Housing Act 1989
4. To ensure the appointment and proper management of the authority's staff and that all staff are appointed on merit.	Part 1 Local Government and Housing Act 1989

- (a) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

3 Functions of the Monitoring Officer

1. Report on contravention or likely contravention of any enactment or rule of law.	Section 5 & 5A Local Government and Housing Act 1989.
2. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
4. Report on resources needed to undertake Monitoring Officer functions.	Section 5 Local Government and Housing Act 1989.
5. Establish and maintain registers of member's interests and gifts and hospitality.	Sections 29 and 30 Localism Act 2011 The Relevant authorities (Disclosable Pecuniary Interests) Regulations 2012
6. Advice to Members on interpretation of the Code.	Members' Code of Conduct
7. Advice and determination of process for complaints under the Code of Conduct in accordance with the agreed complaints procedure.	Sections 28 – 34 Localism Act 2011
8. Advice to Members on Compensation or remedy for maladministration.	Section 92 Local Government Act 2000.

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

- (b) **Affixing the seal.** The Monitoring Officer will authorise in writing another officer, including legal staff within the London Borough of Harrow, to affix the common seal and execute under seal any deed or document

- (b) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer – S151 Officer or the Head of Paid Service.

4 **Functions of Chief Finance Officer (S151 Officer)**

1. Oversight of proper administration of financial affairs.	Section 151 Local Government Act 1972
2. Duty to nominate a member of his/her staff as chief financial officer.	Section 114 Local Government Finance Act (LGFA)1988
3. Duty to report on a Council decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114 LGFA 1988
4. Duty to report if the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.	Section 114 LGFA 1988
5. Duty to report on an Executive decision or likely decision which would lead to the authority incurring unlawful expenditure or would cause a loss or deficiency to the authority or entry of an unlawful item of account.	Section 114A LGFA 1988
6. Duty to report on the robustness of the authority's budget calculations.	Section 25 Local Government Act 2003
7. Duty to report on the adequacy of the authority's proposed financial reserves.	Section 25 Local Government Act 2003
8. Duty to report on previous years' financial reserves if it appears that controlled reserves is or likely to be inadequate, including recommendations for appropriate actions to rectify.	Section 27 Local Government Act 2003
9. Duty to assist the Council in carrying out regular budget monitoring.	Section 28 Local Government Act 2003

(a) **Restrictions on posts.** The s.151 Officer cannot be the Monitoring Officer.

5. Functions of the Director of Children's Services

1. Responsible for functions conferred on or exercisable by the authority in their capacity as a local education authority	Section 18 Children Act 2004
2. Responsible for functions conferred on or exercisable by the authority, which are social services functions, so far as those functions relate to children.	Section 18 Children Act 2004
3. Responsible for functions under section 23C to 24D of the Children Act 1989, relating to looked after children.	Section 18 Children Act 2004
4. Improving well-being of children in the authority's area.	Sections 10 and 18 Children Act 2004
5. Safeguarding and promoting the welfare of children.	Sections 11 and 18 Children Act 2004
6. Responsible for any function under section 75 of the National Health Service Act 2006 on behalf of an NHS body so far as those relate to children.	Section 18 Children Act 2004

6 Functions of the Director of Adult Social Services

<p>1. Responsibility for all social services functions (other than those for which the Director of Children's Services is responsible under section 18 of the Children Act 2004).</p>	<p>Section.6 and Schedule 1 of the Local Authority Social Services Act 1970</p>
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7. Functions of the Director of Public Health

Director of Public Health	Statutory Source of Function.
1. Responsibility for the functions under S2B National Health Service Act – taking steps to improve Health.	Ss 2B and 73A National Health Service Act 2006.
2. Responsibility for the functions under S111 National Health Service Act – dental public health.	Ss 111 and 73A National Health Service Act 2006.
3. Responsibility for the functions under S249 National Health Service Act – joint working in respect of prison health.	Ss249 and 73A National Health Service Act 2006.
4. Responsibility for compliance with regulations made under s6C(1) or (3) National Health Service Act 2006 –requirement to undertake functions of the Secretary of State	Ss 6C(1) and (3) National Health Service Act 2006
5. Responsibility for the functions under S7A National Health Service Act – arrangements to undertake Secretary of State’s functions.	Ss 7A and 73A National Health Service Act 2006.
6. Responsibility for the exercise by the authority of its functions under Schedule 1 National Health Service Act 2006 - inspection of school pupils.	Schedule 1 National Health Service Act 2006
7. Responsibility for any functions that relate to planning for or responding to emergencies involving a risk to public health.	S73A National Health Service Act 2006.
8. Responsibility for the functions under S325 Criminal Justice Act 2003 – arrangements for assessing risk of certain offenders.	S325 Criminal Justice Act 2003
9. To prepare an annual report on the health of the people in Slough	S73B(5) National Health Service Act 2006
10. To be a member of the Health and Wellbeing Board	S194(2)(d) National Health Service Act
11. Responsibility for the exercise of all other Local Authority’s public health functions specified in S73A(1) National Health Service Act 2006.	S73A National Health Service Act 2006.

8 Conduct

Officers will comply with the Officers' Code of Conduct for Employees in Part 5.3 and the Local Code Governing Relations Between Elected Members and Council Employees in Part 5.4 of this Constitution.

9 Employment

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