

**ARTICLE 12 - OFFICERS****12.1 MANAGEMENT STRUCTURE****• General**

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

**• Chief Officers**

The full Council will engage persons for the following posts, who will be designated Chief Officer<sup>1</sup> and will have the functions responsibilities set out in the Officer Delegation Scheme (Council (non-executive) Functions at Part 3 Section 2C and the Officer Delegation Scheme (Executive Functions) at Part 3 Section 3E of this Constitution.

- Chief Executive
- Deputy Chief Executive
- Assistant Chief Executive (Citizens and Communities)
- Director of Adult Social Services<sup>2</sup>
- Director of Children's Services<sup>3</sup>
- Director of City Development
- Chief Planning Officer
- Director of Environment and Housing
- Director of Public Health<sup>4</sup>
- City Solicitor

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<sup>1</sup> Any reference to a Director within the constitution shall be deemed to include reference to all officers listed in this Article, except where the context requires otherwise.

<sup>2</sup> Appointed under Section 6 Local Authority Social Services Act 1970

<sup>3</sup> Appointed under Section 18 Children Act 2004

<sup>4</sup> Appointed under Section 73A National Health Service Act 2006

## Article 12 – Officers

- **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:

DESIGNATION	POST	DEPUTY
Head of Paid Service	Chief Executive	Deputy Chief Executive
Monitoring Officer	City Solicitor	Head of Governance Services
Chief Finance Officer	Deputy Chief Executive	Chief Officer (Financial Management)

By law, some functions of the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, or carried out by a deputy nominated by them in cases of absence or illness<sup>5</sup>.

Such posts will have the functions described in Article 12.2–12.4 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.

### 12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

- **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.

- **Politically restricted posts**

The Head of Paid Service will grant and supervise exemptions from political restriction<sup>6</sup>, in consultation with the Monitoring Officer.

- **Dispensations**

Following consultation with the Chair of the Standards and Conduct Committee, the Head of Paid Service will consider and determine written requests for dispensations.<sup>7</sup>

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<sup>5</sup> See further Section 5/5A Local Government and Housing Act 1989

<sup>6</sup> Section 3A Local Government and Housing Act 1989

<sup>7</sup> In accordance with Section 33 of the Localism Act 2011.

- **Chair of Leeds Safeguarding Children Board and Leeds Safeguarding Adults Board**

**Following consultation with appropriate partners, the Head of Paid Service will appoint or dismiss and hold to account the Chairs of the LSCB<sup>8</sup> and LSAB<sup>9</sup>**

- **Restrictions on functions**

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

### 12.3 FUNCTIONS OF THE MONITORING OFFICER

- **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.

- **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 he/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.

- **Reporting on maladministration or injustice**

The Monitoring Officer will prepare reports as required by the Local Government Act 1974 and the Local Government and Housing Act 1989 in relation to complaints which have been the subject of investigation by the Local Government Ombudsman and which have revealed maladministration, whether or not that maladministration has caused injustice.

- **Supporting the Standards and Conduct Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Conduct Committee<sup>10</sup>.

- **Functions relating to the Members' register of interests**

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<sup>8</sup> Regulation 4 LSCB Regulations 2006 and “Working Together to Safeguard Children” statutory guidance March 2015

<sup>9</sup> Care Act 2014 and “The Care and Support Statutory Guidance”

<sup>10</sup> Including any action under the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct

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The Monitoring Officer will establish, maintain and publish the register of Members' interests<sup>11</sup>.

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<sup>11</sup> In relation to Leeds City Councillors, voting co-opted Members of Leeds City Council, and Members of Parish and Town Councils in the Leeds area

- **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.

- **Advising whether executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework

- **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

- **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 Policy Framework issues to all Councillors and will support and advise Councillors in their respective roles. The Monitoring Officer will also advise Members on the interpretation of the Members' Code of Conduct.

- **Reporting on resources**

The Monitoring Officer will report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.

- **Receiving copies of certificates**

The Monitoring Officer will receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

- **Restrictions on posts**

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

## 12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- **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 or to the Executive in relation to an executive function and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or

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is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- **Administration of financial affairs**

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

- **Contributing to corporate management**

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

- **Providing 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.

- **Give financial information**

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

### **12.5 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER**

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

### **12.6 CONDUCT**

Officers will comply with the codes of conduct and protocols set out in Part 5 of this Constitution.

### **12.7 EMPLOYMENT**

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