

SECTION 11**11. OFFICERS****11.1 Management Structure****11.1.1 General**

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

11.1.2 Statutory Officers

Certain posts are required under either the Local Government Finance Act 1988 or the Local Government and Housing Act 1989 and the Local Government (Wales) Measure 2011.

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive Head of Paid Service
Head of Legal HR and Democratic Services	Monitoring Officer
Head of Finance and Property	Chief Finance Officer (s.151)
Democratic Services Manager	Head of Democratic Services
Statutory Director of Education	Head of Education and Children's Services.
Statutory Director of Social Services	Corporate Director: Communities

Such posts will have the functions described in Sections 11.2 to 11.

11.2 Constitutional Functions of the ~~Chief Executive~~ ~~Head of Paid Service~~**11.2.1 Discharge of Functions by the Council**

~~Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Head of Paid Service. 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 Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.~~

The Chief Executive must keep the following matters under review:

(i) the manner in which the discharge of the Council's functions is co-ordinated;

(ii) , the Council's arrangements in relation to financial planning, asset management and risk management;

(iii) the number and grade of staff required for the discharge of functions; and

(iv) the organisation, appointment and arrangements for management of the Council's staff (including arrangements for training and development).

Where the Chief Executive considers it appropriate to do so, he/she must make a report to the Council setting out his/her proposals in respect of any of the above matters; which must be considered by a meeting of the full Council held within 3 months from receipt of the report.

11.2.2 Restrictions on Functions

The ~~Chief Executive~~Head of Paid Service may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer (s.151 Officer) if a qualified accountant as per s6 of the Local Government and Housing Act 1989.

11.3 Functions of the Monitoring Officer

These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

11.3.1 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.

11.3.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the ~~Chief Executive~~Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any Function 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.

11.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer, the [Chief ExecutiveHead of Paid Service](#) or the Head of Democratic Services.

11.4 Functions of the s.151 Officer

These are set out in section 6 of the Local Government and Housing Act 1989.

11.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the [Chief ExecutiveHead of Paid Service](#) and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function 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.

11.4.7 Restrictions on Posts

The Chief Finance Officer cannot be the [Monitoring Officer](#) or the Head of Democratic Services.

11.6 Duty to Provide Sufficient Resources to the [Chief ExecutiveHead of Paid Service](#), Monitoring Officer, Chief Finance Officer and Head of Democratic Services

The Council will provide the [Chief ExecutiveHead of Paid Service](#), the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.9.2 Recruitment of Chief Officers

Where the Council proposes to appoint a [Chief ExecutiveHead of Paid Service](#), a Corporate Director, Monitoring Officer, Chief Finance Officer or other statutory or non statutory Chief Officer as defined in Section 2(6) and (7) of the Local Government Act 1989 (Chief Officers) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the Officer concerned; and

- (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (c) where the post has been advertised as provided in paragraph (b):-
 - (i) interview all qualified applicants for the post or
 - (ii) select a short list of such qualified applicants and interview those included on the short list
- (e) where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council will make further arrangements for advertisement in accordance with paragraph (b)

11.9.3 Appointment of ~~Chief Executive~~~~Head of Paid Service~~, Corporate Directors, Monitoring Officer and Chief Finance officer

11.9.4 Other Appointments

- (a) Subject to paragraph 3 and sub-paragraph (c), appointment of statutory and non-statutory chief officers as defined in Section 2(6) and (7) of the Local Government and Housing Act 1989 shall be made by an appointments panel consisting of not more than 5 councillors (at least one of, but not more than two of whom shall be Cabinet members), the ~~Chief Executive~~~~Head of Paid Service~~ (or his/her nominee) and the relevant Corporate Director.

11.9.6 Disciplinary Action

The ~~Chief Executive~~~~Head of Paid Service~~ or an officer nominated by him will, subject to paragraphs 7 and 8 below, discharge the Council's functions in respect of dismissal of, and taking disciplinary action (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006) against a member of staff other than a Chief Officer, an assistant for a political group or person to whom regulations made under Section 35(4) and (5) of the Education Act 2002 apply. Subject to this, the Council's disciplinary, capability,

redundancy and grievance procedures, as adopted from time to time, set out councillors' and officers' involvement in such procedures, and may allow a right of appeal or representation in respect of action which has been taken.

11.9.7 Disciplinary Action – ~~Chief ExecutiveHead of Paid Service~~,
Monitoring Officer, Chief Finance Officer and Head of Democratic Services

- (a) No disciplinary action (other than action to which para (2) below applies) in respect of the Council's ~~Chief ExecutiveHead of Paid Service~~, its Monitoring Officer, its Chief Finance Officer or Head of Democratic Services, may be taken by the Council, or by a Committee, a Sub-Committee, a Joint Committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct), as amended by The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2014. The detailed rules appear in Section 8 below.
- (b) The action to which this paragraph applies is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

11.9.8 Investigation of alleged misconduct – ~~Chief ExecutiveHead of Paid Service~~,
Chief Finance Officer, Monitoring Officer and Head of Democratic Services

- (1) Where it appears to the Council that an allegation of misconduct which may lead to disciplinary action has been made against –
 - (a) the ~~Chief ExecutiveHead of the Council's Paid Service~~;
 - (b) its Monitoring Officer;
 - (c) its Chief Finance Officeror
 - (d) The Head of Democratic Services.

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