SECTION 12

12. OFFICERS

12.1 Management Structure

12.1.1 General

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

12.1.2 Chief Officers

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive	Overall responsibility for the management of the Council's functions and services and works with all Directors to provide strategic direction and leadership to the organisation. The post also requires close working arrangements with the political leadership, Cabinet and all Councillors as well as a range of national, regional and local partner organisations. The Chief Executive is the Council's lead officer on the Cardiff Capital Region City Deal and associated arrangements. The Chief Executive is also the Designated Returning Officer and Statutory Electoral Registration Officer and responsible for administering all election matters including any national, regional and local elections as well as referenda. The Chief Executive's powers extend to reporting to the Council on the co-ordination of the Council's different functions, the Council's arrangements in respect of financial planning, risk management and asset management, and the Council's staffing arrangements.
Director of Environment and Housing	Responsible for managing and delivering a range of Environmental and Visible Services, including cleansing and waste management, managing the highway network, our parks and public spaces and

Post	Functions and Areas of Responsibility
	ensuring the provision of public transport as well as new highway and transport schemes. As well having overall responsibility for managing and maintaining the Council's housing stock, the position also oversees a range of Environmental Health services in partnership with Cardiff and Bridgend Councils through the Shared Regulatory Services project.
Director of Learning and Skills	Responsible for working with schools and partners to provide citizens of the Vale of Glamorgan with opportunities for quality education and learning, with a particular emphasis on planning future provision and ensuring that quality of provision and standards are maintained and improved. The post also includes management of the youth and library service.
Director of Place	Responsible for statutory land use planning, transport strategy and planning, economic development, and regeneration alongside the management of strategic and major projects, Countryside and Country parks, tourism and leading and responding to the Council's response to the Climate and Nature emergency.
Director of Resources	This role has overall responsibility for all of the Council's professional and support services and platforms (e.g. customer services), performance improvement, programme delivery, performance and financial management, assurance and governance arrangements and leads and directs the strategic delivery of a range of professional and advisory activities for the council ensuring they fully support the delivery of the Corporate Plan and support the effective operational delivery of services. The remit leads on the effective governance of the authority through development of corporate governance arrangements, risk management, reporting frameworks and corporate decision making arrangements. This includes the development of a medium-term financial strategy and the annual budgeting process to ensure financial balance and monitoring process. The postholder also provides

Post	Functions and Areas of Responsibility
	leadership, management and direction to corporate transformation and change programmes.
Director of Social Services	Responsible for providing a range of Social Services through working with and supporting people in the community who need care or protection. This involves working closely with the Local Health Board and other partners to provide support for children and their families, older people and adults/children with an illness or disability. (Sections 27(1)(a) and 25 of the Children Act 2004 (as amended); Section 144 of and Schedule 2 to the Social Services and Wellbeing (Wales) Act 2014.

12.1.3 Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive
Head of Legal and Democratic Services	Monitoring Officer
Head of Finance	Chief Finance Officer (Section 151 Officer)
Operational Manager (Democratic Services)	Head of Democratic Services

Such posts will have the functions described in **Sections 12.2 to 12.5.**

12.2 Functions of the Chief Executive

12.2.1 Discharge of Functions by the Council

(a) Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their Officers as Chief Executive. The Chief Executive 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, the organisation of the Authority's staff and the appointment and proper management of the Authority's staff.

(b) The Chief Executive must keep the following matters under review:

(i) the manner in which the exercise by the Council of its different functions is co-ordinated;

(ii) the council's arrangements in relation to—

(A) financial planning,

(B) asset management, and

(C) risk management;

(iii) the number and grades of staff required by the Council for the exercise of its functions;

(iv) the organisation of the Council's staff;

(v) the appointment of the Council's staff; and

(vi) the arrangements for the management of the Council's staff (including arrangements for training and development).

12.2.2 Restrictions on Functions

The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services, but may hold the post of Chief Finance Officer if a qualified accountant.

12.2.3 If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.

12.2.4 The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.

12.3 Functions of the Monitoring Officer

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

12.3.1 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.

12.3.2 Ensuring Lawfulness and Fairness of Decision-Making

After consulting with the Chief Executive 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.

12.3.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

12.3.4 Receiving Reports

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the Appeals Tribunals.

12.3.5 Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

12.3.6 Proper Officer for Access to Information

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

12.3.7 Advising Whether Decisions of the Cabinet are within the Budget and Policy Framework

The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

12.3.8 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 the Councillors.

12.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

12.4 **Functions of the Chief Finance Officer**

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

12.4.1 Ensuring Lawfulness and Financial Prudence of Decision-Making

After consulting with the Chief Executive 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.

12.4.2 Administration of Financial Affairs

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

12.4.3 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.

12.4.4 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.

12.4.5 Give Financial Information

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

12.4.6 Advising whether Decisions of the Cabinet are within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

12.4.7 Restrictions on Posts

The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

12.4.8 Requirements for Chief Finance Officer

The Chief Finance Officer must be a member of one or more of the following professional bodies:

(a) The Institute of Chartered Accounts in England and Wales;

(b) The Chartered Association of Certified Accountants;

(c) The Chartered Institute of Public Finance and Accountancy;

(d) The Chartered Institute of Management Accountants; or

(e) Any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

12.5 Functions of the Head of Democratic Services

These are set out in Section 9 of the Measure. The functions of the Head of Democratic Services are:

12.5.1 to provide support and advice to the Authority in relation to its meetings, subject to paragraphs 12.5.10 and 12.5.11 below;

12.5.2 to provide support and advice to Committees of the Authority, subject to paragraphs 12.5.10 and 12.5.11;

12.5.3 to provide support and advice to any Joint Committee which a Local Authority is responsible for organising and the members of that Committee, subject to paragraphs 12.5.10 and 12.5.11;

12.5.4 to promote the role of the Authority's Scrutiny Committees ;

12.5.5 to provide support and advice to:

(a) the Authority's Scrutiny Committees and the members of those Committees; and

(b) the Authority's Democratic Services Committee and the members of that Committee;

(c) to provide support and advice in relation to the functions of the Authority's Scrutiny Committees to each of the following:

(i) Members of the Authority;

(ii) Members of the Cabinet of the Authority;

(iii) Officers of the Authority;

12.5.6 to provide support and advice to each Member of the Authority in carrying out the role of Member of the Authority, subject to paragraphs 12.5.10 and 12.5.11;

12.5.7 to make reports and recommendations in respect of any of the following:

(a) the number and grades of staff required to discharge Democratic Services functions;

(b) the appointment of staff to discharge Democratic Services functions;

(c) the organisation and proper management of staff discharging Democratic Services functions;

12.5.8 such other functions as may be prescribed by law.

12.5.9 Restrictions on Posts

The Head of Democratic Services cannot be the Chief Executive or the Chief Finance Officer.

12.5.10 The function of providing advice about whether or how the Authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Scrutiny Committees and Democratic Services Committee.

12.5.11 Advice to a Member does not include advice in connection with their role as a Cabinet Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of a Scrutiny Committee or Democratic Services Committee.

12.6 Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services

The Council will provide the Chief Executive, 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.

12.7 Conduct

Officers will comply with the Employees' Code of Conduct and the Protocol on Officer/Member Relations set out in **Sections 21 and 22** of this Constitution.

12.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

12.9 **Officer Employment Procedure Rules**

12.9.1 Recruitment and Appointment

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, co-habitee, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a Councillor will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her. No candidate so related to an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her and also after consultation with the Group Leaders.

(b) Seeking support for appointment.

(i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.

(iii) Nothing in paragraphs (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

(c) Restrictions on the Appointment of Members as Officers

A Member of the Council is disqualified from being appointed to any Officer position at the Council while they remain a Member.

12.9.2 Recruitment of Chief Executive and Chief Officers

12.9.2.1 Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and Amendment Regulations 2014 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

(c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.

12.9.2.2 Where the proposed remuneration for the post is £100,000 or above (and the contract is for longer than twelve months) arrangements should be made for the post to be subject to public advertisement.

12.9.2.3 Where a post has been advertised as provided for in paragraphs 12.9.2.1 and 12.9.2.2 the Authority must:

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

12.9.2.4 Where no qualified person has applied, or if the relevant authority decides to re-advertise the appointment, further arrangements for advertisement may be made in accordance with 12.9.2.1 above.

12.9.2.5 Any decision to determine or vary the remuneration of the Chief Executive or Chief Officers (or those to be appointed for the purposes of this section) will be determined by Full Council unless part of a nationally agreed pay award

12.9.2.6 Changes to the remuneration of the Chief Executive should only be determined following consultation with the Democracy and Boundary Commission Cymru.

12.9.3 Appointment of Chief Executive

The Full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a Committee or sub-committee of the Council. That Committee or sub-committee must include at least one member of the Cabinet.

12.9.4 Appointment of Chief Officers (other than Operational Managers)

(a) A Committee or sub-committee of the Council will appoint Chief Officers. That Committee or sub-committee must include at least one member of the Cabinet and not more than half of the members of that Committee or sub-committee are to be members of the Cabinet.

(b) In accordance with legislation [sub-paragraphs 3(1)(h) and (j) of Part 1

of Schedule 3 to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as amended by Regulation 10 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 and Local Authorities (Standing Orders) (Wales) Regulations 2006/1275 Schedule 3 Provisions] the Chief Executive, or an officer nominated by the Chief Executive, is prohibited to appoint or dismiss, or the taking of disciplinary action against, a Monitoring Officer or a Head of Democratic Services.

12.9.5 Other Appointments

(a) **Officers Below Chief Officer**. Appointment of Officers below Chief Officer (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee, and may not be made by Councillors.

(b) **Assistants to Political Groups**. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Any appointment in pursuance of Section 9 of the Local Government and Housing Act 1989 (assistance for political groups) may be excluded from the requirements set out in 12.9.2 above.

12.9.6 Disciplinary Action

(a) **Suspension**. The Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(b) **Independent Person**. No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any Officer below Chief Officer (unless provided for in the employment contract of that Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

(d) In accordance with legislation [sub-paragraph 3(2) of part 1 of the Schedule 3 to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as amended by Regulation 10 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014] the Proper Officer is prohibited from dismissing any officer in relation to whom disciplinary action is proposed and who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in the Regulations.

12.9.7 Dismissal

Councillors will not be involved in the dismissal of any Officer below Chief Officer (unless provided for in the employment contract of that Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

Where in the case of the dismissal of:

- the Chief Executive;

- a Chief Officer;

- other officers as referred to above;

a Committee or sub-committee is discharging the function of the dismissal, at least one Member and not more than half of the members of that Committee or sub-committee are to be members of the Cabinet.

The Council will be responsible for a decision to dismiss the Chief Executive.

12.9.8 Procedure for Dealing with Allegations of Misconduct which may Lead to Disciplinary Action Against the Chief Executive, Monitoring Officer, Chief Finance Officer or Head of Democratic Services

12.9.8.1 An investigation committee be appointed to consider the alleged misconduct which must:

(a) consist of a minimum of three Members of the Authority;

(b) be politically balanced;

and which must, within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

12.9.8.2 For the purpose of considering the allegation of misconduct, the investigation committee:

(a) may make such enquiries of the relevant officer or any other person it considers appropriate;

(b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit;

(c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

12.9.8.3 Where it appears to the investigation committee that an allegation of misconduct should be further investigated, it must appoint an independent person by agreement with the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or, where there is no such agreement, must be such person as is nominated for the purpose by the Senedd Cymru.

12.9.8.4 The designated independent person:

(a) may direct:

(i) that the Authority terminate any suspension of the relevant officer;

(ii) that any such suspension is to continue after the expiry of the period referred to provided such suspension terminates no later than the expiry of two months beginning on the day on which the suspension takes effect;

(iii) that the terms on which the suspension has taken place are to be varied in accordance with the direction; or

(iv) that no steps by way of disciplinary action or further disciplinary action against the relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made to the Authority under (d) below;

(b) may inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Authority, or which the Authority has power to authorise the designated person to inspect;

(c) may require any Member or member of staff of the Authority to answer questions concerning the conduct of the relevant Officer;

(d) must make a report to the Authority:

(i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant Officer; and

(ii) recommending any disciplinary action which appears appropriate for the Authority to take against the Officer;

(e) must no later than the time at which the report is made under (d) above send a copy of the report to the relevant Officer.

12.9.8.5 The Officer subject to the disciplinary proceedings and the Authority must, after consulting the designated independent person, attempt to agree a timetable within which the independent person is to undertake the investigation. Where no such agreement is made, the independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

12.9.8.6 The Authority must consider the report of the independent person within one month of receipt of that report.