

City & County Of Swansea
Council Constitution, Part 2 – Articles of the Constitution

12 **Officers**

12.1 **Management Structure**

The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. (See also [Part 7 Management Structure](#)).

12.2 **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 & Areas of Responsibility
<p>Chief Executive</p>	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility including overall management responsibility of all Officers. • The provision of professional and impartial advice to all parties in the decision making process including the Cabinet, Scrutiny Committees, the Full Council and other Committees. • Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions • Representing the Authority on partnership and external bodies (as required by statute or the Council). • Service to the whole Council, on a politically neutral basis. • Acting as the Returning Officer / Electoral Registration Officer. • Variation of functions and areas of responsibility of the Deputy Chief Executive and Directors and any other directly managed staff.
<p>Deputy Chief Executive/Director of Corporate Services</p>	<ul style="list-style-type: none"> • To support the Chief Executive and overall Corporate, Operational and Strategic Management responsibility for Communications & Marketing, Human Resources & the Service Centre, Legal, Democratic Services & Business Intelligence and Transformation Service Units

	<p>together with Emergency Planning and civil contingencies.</p> <ul style="list-style-type: none"> • To deputise for the Chief Executive in his absence in respect of all directorate / service activities <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p>Communications & Marketing. Led by the Head of Communications & Marketing. Areas of work include Access to Services, Communications and Marketing, Health & Safety, the Lord Mayoralty, Corporate Planning and Performance and Policy and Transformation.</p> <p>Human Resources & the Service Centre. Led by the Head of Human Resources and Service Centre. Areas of work include employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers. Human resources, cultural change, Organisational Development and workforce strategy.</p> <p>Legal, Democratic Services and Business Intelligence. Led by the Chief Legal Officer. Areas of work include Legal Services, Democratic Services, Electoral Services, Coroner, Scrutiny, Member Support, Information Governance and the Welsh Translation Service. The Service Unit also has responsibility for liaising with Commissioners</p> <p>Digital and Customer Services. Led by the Head of Digital and Customer Services who also acts as the Senior Information Risk Owner (SIRO). Areas of work include, Customer Services, & Complaints, customer contact strategy development and implementation, Digital Strategy development, Digital Transformation and Technology Security.</p>
<p>Director of Finance</p>	<p>This is a statutory post. This Officer has responsibility for the Council's Chief Finance/Section 151 Officer function. The Director of Finance acts as the Chief Finance/Section 151 Officer.</p> <p>The Service Units deal with the following broad work areas:</p> <p>Finance. Broad work areas include Financial Services, Pensions Management, Administration and Investment, Provision of the Authority's Council Tax, Financial Planning &</p>

	<p>Management, Housing Benefits, Internal Tax and Accountancy services.</p> <p>Deputy Chief Finance Officer. Directly assists and deputises as S151 Officer for the Director of Finance. Acts as professional lead on pension administration and pension fund, treasury management and capital planning and funding.</p> <p>Head of Revenues & Benefits. Directly assists the Director of Finance and acts as professional lead on council tax, non-domestic rates, benefits and social care financial assessments.</p> <p>Head of Commercial Services. Directly assists the Director of Finance and acts as professional lead on procurement, commercial advice and activity, and compliance and implementation of the General Power of Competence for Welsh councils.</p> <p>Chief Internal Auditor. Independent operational management of the Internal Audit function and independent right of reporting and issuance of audit opinions but with professional oversight by the Director of Finance.</p> <p>Head of HR and Service Centre. Reports to the Deputy Chief Executive/Director of Corporate services but professional oversight on all financial matters is reserved to the Director of Finance as S151 Officer. Acts as professional lead on employee services, employee and pensioner payroll, accounts receivable, accounts payable and cashiers.</p>
<p>Director of Education</p>	<p>This is a statutory post. This Officer acts as the Chief Education Officer and has Corporate Management responsibility and must provide the Council's education services (including schools, school students, services to schools and strategic management of education across the City and County), subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p>Achievement & Partnership Service. Led by the Head of Achievement & Partnership Service. Areas of work include education partnerships across the system, school performance and links to the regional education partnership service. School and governor support, Welsh in Education, school monitoring, specialist curriculum support, stakeholder engagement, performance, data and systems. Swansea Music team and oversight of minority ethnic learners.</p>

	<p>Education Planning & Resources Service. Led by the Head of Education Planning & Resources. Areas of work include responsibility for Catering and Cleaning, stakeholder engagement, performance, data and systems, financial strategy, schools funding and information and capital planning and delivery.</p> <p>Vulnerable Learner Service. Led by the Head of the Vulnerable Learner Service. Areas of work include safeguarding and child protection in education, school admissions, additional learning needs, behaviour support, pupil referral unit, the co-ordination of Looked After Children in education and support and promotion of attendance and inclusion for all including those educated other than at school.</p>
<p>Director of Social Services</p>	<p>This is a statutory post. This Officer has Corporate Management responsibility and is the Lead Director for children and young people’s services under the Childrens Act 2004 and must provide the Council’s social services (including services for children, and families, people with mental health problems, people with disabilities and the elderly) subject to any variations determined by the Chief Executive.</p> <p>Responsibility for the Service Units which deal with the following broad work areas:</p> <p>Adult Services and Tackling Poverty. Led by the Head of Adult Services. Areas of work include responsibility for the provision of the Council’s Adult Social Services in the areas of learning disability, mental health, service provision, commissioning, safeguarding and tackling poverty</p> <p>Integrated Services. Led by the Head of Integrated Services. This is a joint post between the Authority and Swansea Bay University Health Board. It is accountable to both Organisations. Areas of work include responsibility for all functions delivered through or linked with the existing integrated hubs for Older People and Adults with a physical disability.</p> <p>Child & Family. Led by the Head of Child & Family. Areas of work include responsibility for the provision of the Council’s Child & Family Social Services.</p>
<p>Director of Place</p>	<ul style="list-style-type: none"> • Overall Corporate, Operational and Strategic Management responsibility for Building Services, Cultural Services, Highways & Transformation, Housing

& Public Health, Planning & City Regeneration, Property Services and Waste, Cleansing & Parks Service Units.

- Responsible for the delivery of front line operational services. In addition the Officer has the Section 123 Best Value responsibility, corporate management responsibility and must provide the Council's Building & Property Services, Facilities Management, Asset Management Service subject to any variations determined by the Chief Executive.

Responsibility for the Service Units which deal with the following broad work areas:

Building Services. Led by the Head of Building Services. Areas of work include responsibility for the provision of the Council's front line operational services.

Cultural Services. Led by the Head of Cultural Services. Areas of work include responsibility for the provision of cultural, sporting, arts and leisure facilities in the City and County. This includes tourism & destination management and the provision of Library and joint West Glamorgan Archive Service services.

Highways & Transportation. Led by the Head of Highways & Transportation. Areas of work include responsibility for the provision of the Council's Highway, Transportation, Streetscene, Drainage, Coastal Protection, Fleet and Marina Services.

Housing & Public Protection. Led by the Head of Housing & Public Protection. Areas of work include responsibility for the provision of the Council's Housing and Environment services (Building Control, Pollution, Housing & Public Health, Registrars, Burials, Cremations, Trading Standards, Licensing, Food & Safety, the Council's Housing Stock, Homelessness Services, Housing Advice, Disabled Facility Grants and improving the condition of Private Sector Housing subject to any variations determined by the Chief Executive.

Planning & City Regeneration. Led by the Head of Planning & City Regeneration. Areas of work include responsibility for the provision of the Council's services for the regeneration of the City and County, including economic & business development, physical regeneration, city centre management, development control design & conservation, planning policy & environment, This is subject to any variations determined by the Chief Executive.

	<p>Property Services. Led by the Head of Property Services. Areas of work include responsibility for the provision of the Council's Corporate Property and Facilities Management functions.</p> <p>Waste, Cleansing & Parks. Led by the Head of Waste, Cleansing & Parks. Areas of work include responsibility and provision of the Council's waste, cleansing, recycling and parks services.</p>
Monitoring Officer	<p>Responsibility for the provision of the Council's Monitoring Officer function.</p> <p>The Chief Legal Officer acts as the Monitoring Officer.</p>
Chief Finance / Section 151 Officer	<p>Responsibility for the provision of the Council's Chief Finance /Section 151 Office function.</p> <p>The Director of Finance acts as the Chief Finance Officer/ Section 151 Officer.</p>

12.3 **Council Designated Posts**

The Council will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Director of Education	Chief Education Officer
Director of Social Services	Director of Social Services.
Director of Finance	Chief Finance Officer (Section 151 Officer)
Chief Legal Officer	Monitoring Officer
Head of Democratic Services	Head of Democratic Services

The Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic services will have the statutory functions described below.

12.4 **Functions of the Chief Executive**

a) **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 Chief Executive. The Chief Executive will report to 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.

- b) The Chief Executive will keep the following 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:-
 - financial planning;
 - asset management, and
 - 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;
 - (vi) the arrangements for the management of the council's staff (including arrangements for training and development).
- c) Where appropriate, to make a report to the council setting out the Chief Executive's proposals in respect of any of the matters set out above. 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.
- d) **Consultation**
The Chief Executive is authorised to respond on the Council's behalf to any consultation received by the Council and also to authorise any other officer of the Council to respond to any consultation received by the Council.
- e) **Restrictions on Post**
The Chief Executive 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.

12.5 Proper Officer

- a) To act as the Proper Officer for the receipt of notices under [Articles 12.7c](#) and [12.7d](#).
- b) To be the Proper Officer for the purpose of the following sections of the Local Government Act 1972:
 - i) Witness and receipt of declarations of office (Section 83);
 - ii) Receipt of declaration of resignation of office (Section 84);
 - iii) Convening of meeting of council to fill casual vacancy in the office of Chairman (Section 88);
- c) Receipt of notice of casual vacancy from 2 local government electors (section 89)
- d) For the purposes of [Articles 12.5b](#) and [12.5c](#) the Proper Officer is assigned to the Chief Executive **and to the** Head of Democratic Services

12.6 Urgency or Absence of Responsible Officer

All the powers delegated to other officers shall, unless prevented by statute, also be delegated to the Chief Executive, for exercise in cases of urgency or in the absence of the responsible officer.

12.7 Functions of the Monitoring Officer

These are set out in section 5 of the Local Government and Housing Act 1989 as amended. The functions of the Monitoring Officer are:

- 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) **Ensuring Lawfulness and Fairness of Decision-Making**
After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to 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.
- c) **Supporting the Standards Committee**
The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.
- d) **Receiving Reports**
The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.
- e) **Conducting Investigations**
The Monitoring Officer will conduct investigations into matters referred by the Public Service Ombudsman for Wales and make reports or recommendations in respect of them to the Standards Committee.
- f) **Proper Officer for Access to Information**
The Monitoring Officer will be the Proper Officer for Access to Information and will ensure that Council, Cabinet and Committee decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g) **Proper Officer for receipt of Notices**
The Monitoring Officer will be the Proper Officer for receipt of all Notices save for those notices listed under the Chief Executive where the Monitoring Officer shall deputise for the Chief Executive.
- h) **Advising whether decisions of the Council's Constitutional Bodies are within the Budget and Policy Framework**
The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether proposed decisions are in accordance with the Budget and Policy Framework.
- i) **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 Officers.
- j) **Restrictions on Post**
The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

12.8 Functions of the Chief Finance Officer

These are set out in section 6 of the Local Government and Housing Act 1989. The functions of the Chief Finance Officer are:

- (a) **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 a Cabinet 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 or account unlawfully.
- (b) **Administration of Financial Affairs**
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **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
- (d) **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
- (e) **Give Financial Information**
The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **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
- (g) **Restriction on Post**
 - (i) The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.
 - (ii) The Chief Finance Officer must be a member of one or more of the following professional bodies:
 - The Institute of Chartered Accountants in England and Wales;
 - The Chartered Association of Certified Accountants;
 - The Chartered Institute of Public Finance and Accountancy;
 - The Chartered Institute of Management Accountants; or
 - Any other body of accountants established in the UK and for the time being approved by the Welsh Ministers for this purpose.

12.9 Functions of the Head of Democratic Services

These are set out in section 9 of the Local Government Measure 2011. The functions of the Head of Democratic Services are:

- (a) To provide support and advice to the authority in relation to its

- meetings;
- (b) To provide support and advice to committees of the authority and the members of those committees;
 - (c) To provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee;
 - (d) To provide support and advice to the authority's Democratic service Committee and the members of that Committee;
 - (e) To provide support and advice to the authority's Scrutiny Committee and the members of that Committee;
 - (f) To provide support and advice to each member of the authority in carrying out the role of member of the authority;
 - (g) To make reports and recommendations in respect of any of the following:
 - The number and grades of staff required to discharge democratic services functions;
 - The appointment of staff to discharge democratic services functions;
 - The organisation and proper management of staff discharging democratic services functions;
 - (h) Such other functions as may be prescribed by law
 - (i) Restrictions on Post

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

12.10. 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.

12.11 Conduct

Officers will comply with the Officers' Code of Conduct and Protocol on Officer/Member Relations set out in [Part 5](#) of this Constitution.

12.12 Employment

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