Meeting:	Full Council
Date:	3 December 2026
Title:	Amending Section 11 Officers' Standing Orders.
Author:	Iwan G D Evans – Head of Legal Services – Monitoring Officer
Cabinet Member	Councillor Llio Elenid Aelod Cabinet Corporate and Legal
Purpose:	To add detailed procedures for Chief Officers processes, establishing a Chief Officers Appeals Committee and making subsequent adjustments.

1. Background

1. As noted in previous reports a process of reviewing and updating the Constitution has been underway and reporting to the Council. As part of that process a need was highlighted to add detailed Standing Orders within Section 11 to support the Council's delegated arrangements for dealing with certain employment matters.

2. Rationale

Section 11 Procedures

2. In accordance with the requirements of the Local Authorities (Standing Orders) (Wales) Regulations 2006 "the Regulations") the Council is required to have Standing Orders to deal with the employment matters of Officers. This requirement is addressed in Section 11 of the Constitution. Based on this the employment conditions of Chief Officers on the one hand and Chief Executives on the other hand are also based on these provisions.

3. In reviewing the Constitution, the Authority's Employment Policies and employment conditions it was concluded that it was necessary to add specific provisions to Section 11 for these provisions and to make changes based on the Delegation Scheme to ensure that the arrangements are current and that they coincide.

4. There are four officers who have statutory employment protection:

   (a) Chief Executive
   (b) Monitoring Officer
   (c) Head of Finance (S151 Officer)
   (d) [Head of Democratic Services.

The arrangements for the disciplinary processes of these four officers are laid out by statute. It is a specific procedure which is set out in Part A of the Annex to Section 11. With the exception of a decision to dismiss the Chief Executive which is a Full Council matter, these actions are in the hands of the Chief Officer Appointments Committee. This will not be changed as a result of these decisions.

5. Corporate Directors and Heads of Department are appointed by the Chief Officer Appointment Committee and disciplinary decisions are also in its hands. However, the statutory procedure does not apply to these posts. These processes are set out in Part B of the Annex to Section 11. This will not be changed as a result of these decisions.

6. As a result of the addition of the Annex to Section 11 the following changes to Section 11 are highlighted in Annex 1 to ensure consistency across the procedures and the Delegation Scheme.

7. At present, although Section 11 fulfils the statutory requirements, it is considered necessary to be clear about the exact procedures that would be followed if an issue came before the Committee, specifically for the positions listed above.

Appeal Arrangements.

8. The Regulations require a Committee exercising the duties of the Chief Officers Appointment Committee to consist of a minimum of one Cabinet member.

> 4 (2) Where the committee or sub-committee of the relevant authority performs, on behalf of the relevant authority, the function of appointing or dismissing any officer referred to in sub-paragraphs (a), (b), (c) [F40, (d), (f), or (i) of paragraph 3(1) or the function of dismissing any officer referred to in paragraph 3(2)] –
>
> > (a)at least one member of the executive body must be a member of that committee or sub-committee; and
> >
> > (b)more than half of the members of that committee or sub-committee must not be members of the executive of the relevant authority."

9. The requirement to have an appeals procedure for any disciplinary process is reflected in these specific arrangements. However, given the above requirement, an Appeals Committee should include this cross-section of membership. Although the Council has an Employment Appeals Committee, its constitution does not satisfy this requirement. Therefore, for the purposes of the appeals of the above positions it is recommended to establish a Chief Officers Appeals Committee. In terms of the number of members it would consist of 7 members in the same way as the current Appeals Committee.

However, it would be necessary to ensure that at least 1 Cabinet member is a member of the Committee. Members would be appointed on the basis of political balance and in accordance with usual committee appointment arrangements. It is expected that members sitting on the Committee would receive training prior to taking action.

3. Conclusion

These recommendations are considered to ensure that the Council's procedures around the matters of Chief Officers are clear and establish the current arrangements within the Constitution in relation to the process and role of Committees and Members.

4. Recommendation

1. That the Council adopts Annex 1 to Section 11 of the Constitution and the resulting modifications within Section 11.

2. That the Council agrees to establish a Chief Officers Appeals Committee adopting the model in Appendix 3 and the amendments to the Constitution.

3. That the Council authorises the Monitoring Officer to make necessary consequential amendments to the Constitution.

Monitoring Officer

Joint Author of the Report

Head of Finance
"No comments to add from the perspective of financial propriety"

5. Background documents

JNC Chief Officers
JNC Chief Executives