

COUNCIL CONSTITUTION COMMITTEE**Minutes of a meeting of the Council Constitution Committee held on Tuesday, 8th November, 2011 at 5.30 p.m. in the Civic Offices, Telford, Shropshire**

PRESENT: Councillors K.S. Sahota (Chairman), R.C. Evans, G.M. Green, F.R. Picken and R.J. Sloan

CCC-5 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 15th June, 2011 be confirmed and signed by the Chairman.

CCC-6 APOLOGIES FOR ABSENCE

Councillors A.J. Eade and I.T.W. Fletcher.

CCC-7 DECLARATIONS OF INTEREST

None.

CCC-8 UPDATE ON DEVELOPING THE NEW CONSTITUTION

The Head of Governance provided Members with a PowerPoint presentation on the new constitution. He outlined the proposed structure of the Constitution, which would be formatted and available in an electronic format. In doing so he stressed the need for transparency, allowing users to clearly understand the Council's decision making processes. The Committee welcomed the proposal to simplify the Constitution and to make it more easily accessible by users.

The Head of Governance told Members that he hoped that new electronic constitution would be available for the next Civic year. Members commended the work and asked that further updates be brought to future meetings of the committee.

RESOLVED – that the Head of Governance continue work on the new constitution and that further updates be reported to the committee.

CCC-9 TERMS OF REFERENCE: BOUNDARY REVIEW COMMITTEE

The Democratic Services Manager presented the report of the Head of Governance which identified Terms of Reference for the Boundary Review Committee. The Committee had been appointed at the Annual Council meeting in May. A proposed Terms of Reference was attached to the report at Annex 1. The proposed Terms of Reference included delegated matters that the report suggested would more suitably be dealt with by Boundary Review Committee but were currently with Licensing Committee. These included: dealing with all matters relating to Community Governance Reviews, grouping, dissolving and separating parishes and dividing the constituency and electoral divisions in to polling districts. Members agreed that these matters should be transferred to the Boundary Review Committee and that they should remain as delegated matters.

Non- delegated matters for the Committee were also identified at Annex 1 of the report and included a duty to prepare information on and to recommend consultation responses to council on the following:

- Parliamentary Boundary Reviews
- Periodic and further Electoral Reviews
- European Parliamentary Electoral Region Reviews
- All other Electoral Arrangement Reviews

With regard to the Terms of Reference, Councillor I.T.W. Fletcher, who was unable to attend the meeting, had suggested that it be confirmed that the Committee would recommend consultation responses to Full Council. Members agreed that the Boundary Review Committee would recommend consultation responses on to Full Council as per the Terms of Reference at Annex 1 of the report.

Members agreed that the Terms of Reference were suitable for the Committee and it was:

RESOLVED:- that the following recommendations be made to Council:-

- a) **The Terms of Reference of the Boundary Review Committee as set out in Annex 1 of the report be approved and reflected in the Constitution**

- b) **The Terms of Reference of Licensing Committee be amended and the Constitution amended to reflect the delegated powers being transferred to the Boundary Review Committee as shown at paragraph 3.4 of the report.**

The meeting ended at 5.43 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 21 FEBRUARY, 2012

REVISION OF COUNCIL CONSTITUTION

REPORT OF THE ASSISTANT DIRECTOR LAW, DEMOCRACY & PUBLIC PROTECTION

1.0 PURPOSE

- 1.1 To request the Committee to agree the proposed changes to the Constitution, as set out in the report, and recommend their approval to full Council.

2.0 RECOMMENDATIONS

That the Committee recommend to Council:

- 2.1 **The changes to Article 12 of the Constitution, designations of statutory officers, as shown in annex A of the report;**
- 2.2 **The changes to Part 4 – Rules of Procedure – Section 1 Officer Employment Procedure Rules, as shown within Annex B of the report;**
- 2.3 **The minor change to Part 11c – Responsibility for Functions List of Powers Exercisable by Officers, as shown in Annex C of the report.**
- 2.4 **The Assistant Director, Law, Democracy and Public Protection as Monitoring Officer be delegated authority to update the constitution, deleting references to Heads of Service and replacing with Assistant Directors and to make any other minor administrative changes as required.**

2.0 SUMMARY

- 3.1 Following recent completion of the senior management restructure, changes to the Constitution are required to reflect the new organisational structure and the roles within that structure.

The senior management team structure will comprise of:

- Managing Director
- 2 Directors
- 9 Assistant Directors
- 2 Part time Assistant Director specialists

B

- 3.2 The main changes to Article 12 are required to incorporate designations of statutory officers following the senior management restructure.
- 3.3 The changes to Part 4 – Rules of Procedure, Section 1 Officer Employment Procedure Rules, not only incorporate the change in designations but also make some administrative changes to ensure clarity and consistency in relation to the role of the Proper Officer and Personnel Board.
- 3.4 The change to Part 11c deals with Constitutional revisions of delegations following a significant restructure, replacing the title of Head of Service with Assistant Director.
- 3.5 The current constitution contains references to job titles of the senior management group requiring amendment following the senior management restructure. ‘Heads of Service’ titles being replaced with the title ‘Assistant Director’.

4.0 **PREVIOUS MINUTES**

5.0 **ARTICLE 12 – STATUTORY OFFICERS**

As shown in Appendix A of the report, this section is updated to confirm the roles and designations of statutory officers.

6.0 **PART 4 – OFFICER EMPLOYMENT PROCEDURE RULES**

As shown in Appendix B, this section incorporates changes to designations and makes some administrative changes.

7.0 **PART 11C – RESPONSIBILITY FOR FUNCTIONS LIST**

As shown in Appendix C of the report, updating references to senior management titles in the section dealing with updates to the delegation scheme following a restructure.

8.0 **REVISION OF JOB TITLES FOLLOWING SENIOR MANAGEMENT RESTRUCTURE**

The Constitution contains references throughout to senior management job titles that no longer exist or have been changed. The Monitoring Officer has a duty to maintain and update the Constitution by revising and updating the current references throughout the Constitution and by making any minor administrative changes as required.

9.0 OTHER INFORMATION

Equality & Diversity	The business of the Committee considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes. In relation to recommendation 2.2, the provisions in the Constitution must be compliant with The Local Authorities (Standing Orders) (England) Regulations 2001 and associated statutes and regulations.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	There are no financial implications arising from the proposed changes to the constitution
Ward Implications	Borough wide

10.0 BACKGROUND PAPERS

Council Constitution
 Local Government Act 2000
 The Local Authorities (Standing Orders) (England) Regulations 2001

Report prepared by Phil Griffiths (Democratic Services Manager) – 01952-383210).

Article 12 – Officers

Explanatory Comment

12.00 This Article describes the structure of the Council and the roles of the Statutory Officers - Head of Paid Service (Managing director), Monitoring Officer (MO), Chief Financial Officer (CFO), Director for Children's Services (DCS), Director of Adult Social Services (DASS) and Scrutiny Officer.

12.01 Management structure

- (a) **Structure:** The Head of Paid Service will determine and publicise a description of the senior officer structure of the Council.
- (b) The Corporate Management Team is made up of the Managing director, Corporate Directors, ~~Assistant Managing director~~ and any other officer as determined by the Managing director. The duties of the Corporate Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council's vision, priorities and core values. Each Corporate Director has responsibility for at least one Council priority, corporate themes, projects and strategies, and where applicable statutory responsibilities.
- (c) The Council is required to designate statutory officers (as per paragraph 12.00) who will act in accordance with their professional standards and best practice guidance.

12.02 Functions of the Head of Paid Service

The Managing Director will be designated as the Head of Paid Service.

The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Managing director he/she may delegate other functions which are not included in Section 4.

- (a) **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.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

The Head of Law, Democracy and Public Protection will be designated as the Monitoring Officer.

- (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 inspection by members, employees and the public.
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report

Annex A

to the full Council [or to the Leader and Cabinet Executive in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a 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 provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **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.
- (g) **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy to act in his/her absence and when the Monitoring Officer is unable to act as defined in **Section 5 of the Local Government and Housing Act 1989.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

12.04 Functions of the Chief Financial Officer

The Head of Finance, Audit & Information Governance will be designated as the Chief Financial Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or to the Leader and Cabinet Executive 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 of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

Annex A

- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Supporting the Audit Committee:** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

12.05 **Functions of the Director of Children's Services (DCS)**

The Director of Children & Family Services will be designated as the Director of Children's Services

The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being of all children and young people in the local area across all five *Every Child Matters* outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.

- (a) The functions of the Director of Children's Services are specified in Section 18(2):
 - functions conferred on or exercisable by the LA in its capacity as a local education authority¹ ;
 - social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
 - functions relating to persons leaving care² ;
 - functions in respect to the co-operation to improve well-being with partner agencies ;multi agency arrangements to safeguard and promote welfare; information databases ;children and young people's plans³;
 - functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
 - functions in respect to the improvement of young children's well-being; provision of child care; information ,advice and assistance, and training to child care providers⁴ and
 - such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations
- (b) Key roles:
 - leadership –
 - to promote the importance of improving outcomes for all children and young people,

¹ Subject to exceptions set out in Section 18(3)

² Sections 23C to 24 D Children Act 2004

³ Sections 10 to 12 and 17 Children Act 2004

⁴ Part 1 of the Childcare Act 2006

Annex A

- to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
 - working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
- championing children and young people and their families within the local area;
 - management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
 - safeguarding and promoting the welfare of children
 - supporting looked after children
 - ensuring there are effective arrangements for school improvement in the area;
 - ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
 - promoting early intervention and prevention in delivering services for children, young people and families; and
 - emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

12.06 **Functions of the Director of Adult Social Services (DASS)**

The Director of Adults, Community and Customer Services will be designated as the Director of Adult Social Services

The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

- (a) The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the DCS is responsible, in respect of adults.
- (b) The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:
 - accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - professional leadership, including workforce planning;
 - leading the implementation of standards;
 - safeguarding vulnerable adults;
 - managing cultural change;
 - promoting local access and ownership and driving partnership working;
 - delivering an integrated whole systems approach to supporting communities; and
 - promoting social inclusion and wellbeing.

12.07 **Functions of the Scrutiny Officer (SO)**

The Scrutiny Specialist will be designated as the Scrutiny Officer

The Scrutiny Officer shall undertake the following functions, including:

- a) **Promoting Scrutiny** - the SO will promote the role of the authority's scrutiny committee(s) and sub committee(s)
- b) **Provide Support** - the SO will provide support to the scrutiny committee(s), sub committee(s) and members of those committees or sub committee(s).

Annex A

- c) **Provide Support and Guidance** - the SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

12.08 **Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer**

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

12.09 **Conduct**

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

12.10 **Employment**

- (a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.
- (b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

Annex A

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Annex A

Part 4 – Rules of Procedure

Section 1 – Officer Employment Procedure Rules

Explanatory Comment

These rules take account of the **Local Authorities (Standing Orders) (England) Regulations 2001**.

1. Appointments

1.1 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 partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.
- ii) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate ~~Head of Service~~Assistant Director, except where the ~~Head of Service~~Assistant Director is the officer to whom the candidate has declared a relationship, in which case the appropriate Corporate Director will approve any proposed offer of employment or, in the event that the Managing director is the officer to whom the candidate has declared a relationship, in which case the ~~Head of Human Resources~~Assistant Director: Customer & People Services will approve any proposed offer of employment.

1.2 Seeking support for appointment

- i) The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

2. Appointment of ~~Head of Paid Service and~~ Chief Officers

[For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the **Local Government and Housing Act 1989**, and is referred to as a ~~Corporate Director~~the Managing Director. The term Deputy Chief Officer in that Act means an ~~Head of Service~~Assistant Director.]

2.1 Where the Council proposes to appoint a Corporate Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

2.1.1 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

Annex B

- iii) 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.

3. Appointment of Head of Paid Service

3.1 ~~The Managing Director will be designated as the Head of Paid Service.~~ The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by ~~a politically balanced Panel of Members Personnel Board set up for that purpose in accordance with the Council's Selection and Recruitment policy.~~ That Panel must include ~~the at least one member of the Leader or at least one member of the Cabinet and Cabinet Executive.~~

3.2 The offer of appointment as Head of Paid Service must not be made until the ~~Panel of Members~~ Personnel Board:-

- a) notify the Proper Officer or, ~~if~~ ~~the event that the~~ offer is to an Acting Head of Paid Service, the Assistant Director: Customer & People Services Head of Human Resources shall take the place of the Proper Officer, of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

- ~~—~~ i) the name of the proposed appointee

- ~~—~~ ii) any other relevant particulars as notified to him/her

- iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and

- c) either

- i) the Leader, within the specified time period, notifies the ~~Proper Officer~~ anel that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

- ii) the Proper Officer has notified the Panel no objection has been received; or

- iii) the Personnel Board ~~anel~~ is satisfied that any objection received from the Leader is not material or is not well founded.

Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the appointment/dismissal relates to of the Head of Paid Service is concerned, whenin which case the Proper Officer shall be the Assistant Director Customer & People ServicesHead of Human Resources.

Annex B

4. Appointment of Corporate Directors

4.1 The appointment of a Corporate Director or Statutory Officer will be made by a ~~politically balanced Panel of Members~~Personnel Board ~~set up for that purpose in accordance with the Council's Selection and Recruitment policy. That which Panel~~ must include ~~at least one member of~~ the Leader or at least one member of the and Cabinet ~~Executive~~Executive.

4.2 The offer of appointment as Corporate Director must not be made until the ~~Panel of Members~~Personnel Board:-

- a) notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;
- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

- i) the name of the proposed appointee

- ii) ~~any other relevant particulars as notified to him/her;~~

- ~~iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer~~

and

- c) either

- i) the Leader, within the specified time period, notifies the ~~Panel~~ Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

- ii) the Proper Officer has notified the Panel no objection has been received; or

- iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

5. Other Appointments

5.1 Appointments of officers below the level of Corporate Director are the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.

6. Disciplinary action in respect of Head of Paid Service, Monitoring Officer and Chief Finance Officer.~~Statutory Chief Officers~~

6.1 Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended on full pay while an investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.

Annex B

Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

6.2 Independent Person

No disciplinary action may be taken in respect of those officers except in accordance with a recommendation in a report made by a designated Independent Person.

(Explanatory Note: an independent person is a person appointed in accordance with **Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001**. His/her role is to prepare a report before any conclusion on disciplinary action is reached. He/she may direct that no further steps should be taken or recommend the disciplinary action, if any, that should be taken.)

6.3 Members will not be involved in disciplinary action against any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

7. Dismissal

7.1 The Full Council will approve the dismissal of the Head of Paid Service following a recommendation of such a dismissal by ~~a politically balanced Panel of Members~~ a Personnel Board set up for that purpose ~~which~~ ~~That Panel~~ must include at least one member of the Leader and Cabinet Executive.

7.2 The dismissal of a Corporate Director or Statutory Officer will be made by a politically balanced ~~Panel of Members~~ Personnel Board. That Panel must include at least one member of the Leader and Cabinet Executive.

7.3 The dismissal of Head of Paid Service must not be made until the ~~Panel of Members~~ Personnel Board:-

- a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;
- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-
 - i) the name of the proposed dismissee;
 - ii) any other relevant particulars as notified to him/her;
 - iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officerand
- c) either
 - i) the Leader, within the specified time period, notifies the Panel that neither he or any other member of the Leader and Cabinet Executive has any objection to the dismissal;

Annex B

- ii) the Proper Officer has notified the Panel no objection has been received;
or
- iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

7.4 The dismissal of Corporate Directors and or Statutory Officer must not be made until the ~~Panel of Members~~Personnel Board:-

- a) notify the Proper Officer of the name of the proposed dismissee and any other particulars which are considered relevant to the dismissal;
- b) the Proper Officer has notified every member of the Leader and Cabinet Executive of:-
 - i) the name of the proposed dismissee;
 - ii) any other relevant particulars as notified to him/her;
 - iii) the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer.

and

- c) either
 - i) the Leader, within the specified time period, notifies the ~~Proper Officer~~Panel that neither he nor any other member of the Leader and Cabinet Executive has any objection to the dismissal;
 - ii) the Proper Officer has notified the Panel no objection has been received;
or
 - iii) the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

Annex C

Part 1 – Responsibility for Functions List of Powers Exercisable by Officers – Council and its Committees Functions and Cabinet Functions

BOROUGH OF TELFORD & WREKIN

LOCAL GOVERNMENT ACT 2000, LOCAL GOVERNMENT ACT 1972, SECTION 100g(2)

Responsibility for Functions List of Powers Exercisable by Officers of the
Borough of Telford & Wrekin Council

- (a) **General Power of Delegation:** A delegation granted to a specific post may be delegated onwards to an appropriately qualified officer as required for the operational efficiency of the service
- (b) This issue of the 100g(2) List was approved by Council on 28 June, 2007 on the basis that post titles be amended in respect of organisational changes and consolidated legislation
- (c) As a result of a significant re-structure, the delegations rest with the Managing director and the responsible Corporate Director and **Assistant Director/Head-of-Service** rather than as necessarily identified in the Scheme.
- (d) In circumstances where the decision making body for the function is named as the Cabinet it is confirmed that the functions rests with the Leader and Cabinet Executive and may be delegated as identified in Part 3 – Responsibility for Functions

Functions	Decision Making body	Delegation of Functions
Adult Social Care		
Community Care		
Community Care Services National Health Service and Community Care Act 1990, S.46	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care, Head of Prevention & Protection Head of Development; Head of Performance & Standards
Assessment of persons who may require community care services and the provision of such a service, if and as appropriate National Health Service & Community Care Act 1990, S.47	Cabinet	Corporate Director: Adult & Consumer Care Head of Housing Needs & Community Care; Head of Prevention & Protection; Head of Service Development; Head of Performance & Standards
To administer central government specific grants for community care services.	Cabinet	

Annex C