

Report To: COUNCIL

Date: 10 October 2017

Executive Member/Reporting Officer: Cllr Kieran Quinn - Executive Leader
Steven Pleasant – Head of Paid Service
Sandra Stewart - Borough Solicitor and Monitoring Officer

Subject: STATUTORY AND PROPER OFFICER APPOINTMENTS

Report Summary: The attached document details the Statutory and Proper Officer appointments that have been amended to reflect changes to the Council's Senior Management structure and explains changes within the leadership team to create additional capacity.

Recommendations: That the amended Part 3d - Appointment of Statutory and Proper Officers of the Constitution be adopted and the Monitoring Officer be authorised to amend the constitution accordingly which includes Part 7 of the Constitution – Management Structure <http://www.tameside.gov.uk/contactus> .

Links to Community Strategy: The Constitution provides an effective framework for implementing the Community Strategy.

Policy Implications: There are no policy implications.

**Financial Implications:
(Authorised by the Section 151 Officer)** Any cost implications are being met within existing budget arrangements.

**Legal Implications:
(Authorised by the Borough Solicitor)** The proposed amendments comply with the requirement to review the constitution and reflect the recent changes to the Council's Senior Management Team.

Risk Management: Having an effective Constitution minimises the risk of decisions being taken outside existing Council policy and budget framework.

Access to Information The background papers relating to this report can be inspected by contacting the report writer, Sandra Stewart Borough Solicitor and Monitoring Officer by:

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Introduction

1. Since 2010, the Council has reduced the cost of its Senior Leadership Team by over 50%, this reduction in capacity whilst the business has become more complex is starting to have a significant impact just as we need to lead on some far reaching transformational changes on a number of fronts, particularly finding ways to address the increasing demand for health and social care and children's services.
2. Tameside and Glossop Clinical Commissioning Group (T&G CCG), Tameside Metropolitan Council and Tameside and Glossop Integrated Care NHS Foundation Trust are working together to develop, introduce and operate an integrated system of health and social care to improve healthy life expectancy in Tameside and Glossop.
3. In September 2015, the three organisations agreed a set of principles to deliver significant improvements in health and care for the people of Tameside and Glossop. These improvements will be brought about by bringing together GPs, social care providers, hospital clinicians, the community and voluntary sector to deliver better connected services for people.

Need for Changes to Leadership Team

4. It has become clear that the challenges we face in bringing about significant public reform to tackle increasing demand within significantly reduced funding have become too broad and complex coupled with core capabilities are spread too thinly that we need to address this directly.
5. With the departure of Damien Bourke, Assistant Director (Asset & Investment), Clare Watson, Director of Commissioning (who is on a secondment until January 2019) and Dominic Tumelty, Assistant Director of Children's, it is necessary to make some changes to the leadership team to deliver the step change that we need and at the pace required.
6. There is a need to re-organise to focus on our strengths, which leads to a number of senior management changes as set out below:
7. Stephanie Butterworth will cease to hold both statutory roles of Director of Children's Services and Director of Adult Services. Ms Butterworth will remain the Director of Adult Services and will undertake the substantive task of the strategic commissioning lead for Ageing well with the following strategic priorities and deliverables:
 - ✓ Transfer of Adult Social Care to the newly integrated Care Organisation
 - ✓ Development of new models for residential/nursing care
 - ✓ Development of new models for supporting adults to live at home
 - ✓ Roll out GM Model for reducing malnutrition, dehydration & falls
 - ✓ Delivery of the Dementia (United Plan)
 - ✓ Expansion of support for carers
8. The Director of Adults will be supported in this role by Sandra Whitehead, the Assistant Director for Adults.
9. A new statutory role of Director of Children's will be created to focus on delivering great outcomes for children whilst ensuring it is financially sustainable and is best placed to tackle future challenges. James Thomas, was appointed the Interim Director of Children's Services with effect from the 9 October 2017. James has an excellent track record in delivering high quality children's services and has experience of working at a Director level in his previous post at Newham Council. James also has over a decade's experience of working at Westminster Council in a leadership role for children's services which was judged by Ofsted to be outstanding. James will provide us with the assured Leadership that we need as we embark on the next phase of our improvement journey and we offer him our full support as he takes on this challenging role.

10. The Director of Children's role will be supported by Bob Berry, Assistant Director of Education.
11. The role of Assistant Director of Children Services will be deleted to provide a single line of leadership and accountability.
12. Robin Monk's broad and complex role as the Director of Place will be refocused on the following strategic deliverables, which are key priorities to the Council and need to be delivered at pace:
 - ✓ Production of a 20 year investment and growth strategy
 - ✓ Lead on strategic planning/development management
 - ✓ Lead on prosperity board
 - ✓ Lead on Tameside investment partnership
 - ✓ Lead on PFI Contracts
 - ✓ Lead on the GMSF and GM Skills Strategy
 - ✓ Lead on the Developing Well agenda
 - ✓ Roll out the Work and Health Strategy in partnership with the Director of Commissioning
 - ✓ Review of assets for the Council, CCG and ICFT with a view to transfer responsibility and accountability and single leadership of assets to the Council.
 - ✓ Examine current working of the LEP and determine its future value to the Council.
 - ✓ Deliver assets to support the implementation of Integrated Neighbourhoods by 1 January 2018 or such other date as agreed.

and undertake day to day leadership and management of the economic growth and investment portfolio previously led by the Assistant Director for Growth & Investment.

13. The role of Director of Growth will therefore be deleted as Mr Monk will be assuming direct responsibility for this role and its duties and accountability, in order to ensure we provide more capacity to meet our strategic priorities.
14. The Assistant Director of Digital Tameside, whose functions had already been agreed in June 2017 to be transferred to the newly appointed s151 Officer, Kathy Roe who officially took up that role on the 1 October 2017 following appointment by Council, will transfer from the 1 October 2017 also.
15. Ian Saxon, the Assistant Director of Environmental Services will become the Director for Operations and Neighbourhoods on the 1 January 2018 and be supported by Emma Varnam who is the Assistant Director of Stronger Communities. Meanwhile, Ian and Emma will move to Hyde to develop wider corporate and strategic knowledge of Council Services generally in preparation for their new roles and to support the new Director of Children's with the benefit of their extensive organisational knowledge and experience.
16. Jess Williams, who is the Care Together Programme Director will also undertake the role of Interim Director of Commissioning (until Clare Watson's return from secondment in January 2019), and will enable us to bring some pace to the transformation required.
17. The aim of the leadership team is to provide singularity of leadership for the Tameside & Glossop Clinical Commissioning Group (CCG) and the Council with relentless focus to provide better outcomes within a sustainable budget. The current funding remains extremely challenging with a projected resource gap of £40 million for the period 2017 to 2020.
18. The leadership team need to create a culture of continuous improvement to drive our transformation programme and to concentrate skills, talent and leadership capacity to do this.

19. The changes set out in this report are an important first step towards achieving this objective. They focus our activities on our core strengths and create clear lines of accountability and transparency, with our leaders empowered to deliver within a clear governance framework.

Leadership Team

20. The Senior Leadership team together with the wider Senior Management team of the Single Commissioning team are set out below:

Senior Leadership Team

Council Chief Executive & CCG Accountable Officer	Steven Pleasant
Director of Governance & Pensions (Monitoring Officer)	Sandra Stewart
CCG Deputy Accountable Officer & Director of Finance (s151 Officer)	Kathy Roe
Director of Place	Robin Monk
Director of Children	James Thomas (interim)
Director of Adults	Stephanie Butterworth
Director of Population Health	Angela Hardman
Director of Nursing Quality & Safeguarding	Gill Gibson
Care Together Programme Director & Director of Commissioning (1)	Jess Williams
Director of Neighbourhoods & Operations (2)	Ian Saxon

Notes:

- (1) Substantive posts held by Clare Watson on secondment until 1.1.2019
- (2) Role comes into effect from 1.1.2018 and role of current holder Assistant director of Environmental Services will be deleted

Senior Management Team

Assistant Director People & Workforce Development	Tracy Brennand
Assistant Director Exchequer	Ilys Cookson
Assistant Director Policy, Performance & Communications	Sarah Dobson
Assistant Director of Finance (Deputy Chief Finance Officer/Deputy s151 Officer)	Tom Wilkinson
Deputy Chief Finance Officer	Tracey Simpson
Assistant Director Digital Tameside	Tim Rainey
Assistant Director Learning	Bob Berry
Assistant Director Adults	Sandra Whitehead
Assistant Director (Stronger Communities)	Emma Varnam
Interim Assistant Director of Population Health (1)	Debbie Watson
Consultant Public Health	Anna Maloney
Consultant Public Health	Gideon Smith
Interim Deputy Director of Quality & Safeguarding (2)	Michelle Walsh
Deputy Director of Commissioning	Ali Lewin

Notes:

- (1) To provide additional capacity whilst Angela Hardman takes on a broader role across GM
- (2) Leading on the transfer and integration of continuing healthcare

21. The Leadership team needs to accelerate efforts in order to ensure we create sustainable and affordable services for the future. In the meantime, it is important we stay focused on working effectively and delivering great service to our residents. The level of change required isn't something that will happen immediately, it will take time, effort and commitment from everyone putting local people and communities first at every stage. Much remains to be done in order to find the right balance between pride in our heritage and what we have achieved and embracing change, to build a better, stronger, healthier Tameside.

Council Constitution

Part 3d - Appointment of Statutory and Proper Officers

1. In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.
2. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his absence or in the alternative, the Executive Director (Governance and Resources), and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.
3. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

Statutory Officers

Legislation	Section	Statutory Officer	Allocated To
Local Authority Social Services Act 1970	S6	Director of Social Services (Adult Services only)	Director (Adult Services)
Local Government Act 1972	S151	Chief Finance Officer	Director (Finance)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Director (Governance & Pensions)
Education Act 1996	S532	Chief Education Officer	Director (Children's Services)
Children Act 2004	S18	Director of Children's Services	

Proper Officers

Legislation	Section	Provision	Proper Officer
Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
National Assistance Act 1948	All	Public Health (misc)	Director of Population Health
National Assistance (Amendment) Act	All	Public Health (misc)	Director of Population Health

1951			
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Director (Governance and Pensions)
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Director (Governance and Pensions)
Local Government Act 1972	S13(3)	Parish Trustee	Chief Executive
	S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S84	Receipt of declaration of resignation of office	Chief Executive
	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor	Chief Executive
	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive
	S96(1)	Receipt of notices of pecuniary interests	Monitoring Officer
	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Monitoring Officer
	S100(B)(2)	Circulation of reports and agendas	Chief Executive
	S100(B)(7)	Supply of papers to press	Chief Executive
	S100(C)(2)	Summary of minutes	Chief Executive
	S100(D)(1)(a)	Compilation of background papers	Chief Executive
	S100(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Director (Governance and Pensions)
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director (Governance and Pensions)
	S191	Functions in respect of Ordnance Survey	Director (Place)
	S204(3)	Receipt of application for licence under Licensing Act 1964	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Director (Governance and Pensions)

	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts - to be open for inspection	Director (Finance)
	S229(5)	Deposit of documents - certification	Director (Governance and Pensions)
	S234	Authentication of documents	Director (Governance and Pensions)
	S234(2)	Statutory Notices under various Public Health and associated legislation	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	S236(9) & (10)	Service of Byelaws on other Authorities	Director (Governance and Pensions)
	S238	Certification of Byelaws	Director (Governance and Pensions)
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Director (Governance and Pensions)
	S248 (2)	Keeping roll of Freeman	Chief Executive
	Schedule 12 Para 4(2)(b)	Signature of summons to Council	Chief Executive
	Schedule 12 Para 4 (3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Chief Executive
	Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Executive Director (Place)
	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Director (Finance)
	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Director (Finance)
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive

Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Director (Place)
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture Part IV accommodation	Director (Place)
Highways Act 1980	S37(5)	Deposit of Certificate of Dedication or copy order	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	S205(3)	Preparation of specification estimate and provisional appointment	
	S205(3)	Certification of copies of resolution and approved documents	
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	
	S211(1)	Making final appointment	
	S216(2) & (3)	Settlement of proportion of amount	
Greater Manchester Act 1981	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.	Director (Governance and Pensions)
Rates Act 1984	S7	Certification of rate	Director (Finance)
Building Act 1984	S61(2)	Repair etc., of drain	Director (Place)
	S78	To act as "the surveyor" empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc. To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council	Director (Place)
Public Health	S11(1)	Control of Diseases (various)	Director of Population

(Control of Diseases) Act 1984	S11(3) S18(1) S20(1) S21(1) S22(1) S23(2) S24(1) S26(2) S29(4) S30(2) S31(1) S32(1) S34(3), (5) S35(1) S36(1) S37(1) S38(1) S39(1), (3) S40 S41(1) S42(1) S43(1) S48(1) S50(2)(b) S51(1)		Health
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
Local Elections (Principal Areas) Rule 1986	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive
	Rule 46, 47	Receipt from Returning Officer of election documents	Chief Executive
	Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Chief Executive
Elections	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Tameside Metropolitan Borough	Chief Executive
	N/A	Returning Officer for the election of Councillors for the Tameside Metropolitan Borough	Chief Executive
	N/A	Officers who in the event of the Chief Executive being for any reason unable to act or in his absence authorised to undertake the full range of duties	Director (Governance and Pensions) and Head of Democratic Services

The Public Health (Infectious Diseases) Regulations 1988	Regs 6 Regs 8 Regs 9 Regs 10 Regs 11 Regs 12 Regs 13 Schedule 3 & 4	Infectious Diseases	Director of Population Health
Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Director of Population Health
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive
	S19	Members interests - notification	Chief Executive
	S15, 16, 17	Receipt of notices relating to Political Groups	Chief Executive
Environmental Protection Act 1990	S149	Stray dogs	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director (Governance and Pensions)
The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Regs 3 and 4	Recording of collective Executive Decisions Verification etc. of Mayoral Petitions	Chief Executive
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive