

Appendix A

DELEGATIONS TO SPECIFIC OFFICERS

THE CHIEF EXECUTIVE

The Chief Executive¹ is authorised to discharge any function² of the Council not otherwise delegated to an Executive Director, including civic and ceremonial functions of the Council, to take any action remitted to her/him under corporate policies or this Officer Delegation Scheme, to take any emergency decisions (in consultation with the Leader of the Council or in absence the Deputy Leader of the Council) which cannot be delayed until the next Cabinet Meeting and to act as the Council's "Proper Officer" for the purpose of any function not otherwise delegated under these arrangements and also discharge any function of the Council in relation to:-

- Policy
- Marketing and Communications
- Partnership Support (Borough and Greater Manchester)
- Place Marketing
- Business Intelligence
- Strategic Customer Services
- Executive Support
- iON

with the exception of:

- (i) those matters reserved to the Council,
- (ii) those matters reserved to an Individual Executive Member or the Cabinet,
- (iii) those matters remitted to any Regulatory Committee,³ and
- (iv) those matters where a Cabinet Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

¹ The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter his/her personal attention and he/she may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However, the Chief Executive remains responsible for any decision taken pursuant to such arrangements.

² "Function" for these purposes is to be construed in a broad and inclusive fashion, and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

³ A Regulatory Committee may from time to time delegate functions to the Chief Executive. A Regulatory Committee means the Council's Planning, Licensing, Appeals or Selection Committees.

⁴ The Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Cabinet for consideration.

EXECUTIVE DIRECTOR, CORPORATE AND COMMERCIAL SERVICES

1. The Executive Director¹, Corporate and Commercial Service is authorised to discharge any functions² of the Council in relation to:-

(a) **Commercial Services**

- Corporate Services
- Strategic Sourcing (including Procurement)
- Strategic Commercial Relationship Management (including Unity Contractual arrangements) (except where any conflict of interest when the decision will be determined by the Director of Commercial and Transformational Services in consultation with the Chief Executive, and Director of Legal Services and Director of Finance)
- Programme Management Office
- ICT

(b) **Director of Finance**

- Finance Services
- Revenue and Benefits
- Business Support
- Section 151 responsibilities
- Customer Services
- Audit

(c) **Director of Legal Services**

- Legal Services
- Elections
- Constitutional Services
- Civic and Political Support
- Registrars
- Land Charges Service

(d) **People Services**

- People Strategy
- Development Academy
- People Management
- Organisational Development

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² "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

With the exception of:-

- (i) those matters reserved to the Council;
- (ii) those matters reserved to an Individual Executive Member or the Cabinet;
- (iii) those matters remitted to any Regulatory Committee;¹
- (iv) those matters where an Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes;²

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EXECUTIVE DIRECTOR, HEALTH AND WELL BEING

1. The Executive Director, (who will also have responsibility for the statutory posts of Director of Children's Services (and education accountability) and Director of Adult Services¹) is authorised to discharge any of the functions² of the Council in relation to:

(a) **Director of Adult Social Care**

- All age disability
- Client Services for Oldham Care and Support
- Preventative Services
- Care Management

(b) **Director of Safeguarding**

- All age safeguarding
- Looked After Children
- Adoption and Fostering
- Child Protection

(c) **Director of Public Health**

- Public Health (Client and Delivery)
- Client arrangements for Leisure Functions

With the exception of:-

- (i) those matters reserved to the Council,
- (ii) those matters reserved to an Individual Executive Member or the Cabinet
- (iii) those matters remitted to any Regulatory Committee,³
- (iv) those matters where an Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

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³ A Regulatory Committee may from time to time delegate functions to the Director. A Regulatory Committee means the Council's Planning, Licensing, Appeals or Selection Committees.

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EXECUTIVE DIRECTOR, CO-OPERATIVES AND NEIGHBOURHOODS

The Executive Director¹, Co-operatives and Neighbourhoods, is authorised to discharge any functions² of the Council relating to:-

- Waste, Fleet and Highways Operational Services
- Streetscene and Parks Services and functions
- Strategic Transportation functions
- Client Services for Highways
- Client Services for Parking and Street Lighting
- Public protection legislation and functions (including Pest Control and First Response)
- Strategic planning functions
- Development Control and Building Control functions
- Community Safety Services
- Community Cohesion
- Heritage, Libraries and Arts Services
- District Partnership functions
- Early Help Services
- Targeted Youth Services
- Homelessness functions
- Family Services (CAF)
- Community Welfare Support and Advice
- MASH

With the exception of:-

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- (ii) those matters reserved to an Individual Executive Member or the Cabinet
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- (iv) those matters where an Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

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EXECUTIVE DIRECTOR, ECONOMY AND SKILLS

1. The Executive Director¹, Economy and Skills is authorised to discharge any functions² of the Council relating to:

- Physical Regeneration Development function
- Strategic Housing and Development
- Corporate Landlord functions
- Client services for Asset Management
- Skills and Enterprise including Get Oldham Working
- Enterprise Development and Inward Investment including tourism
- Economic Strategy
- Business Engagement
- Community / Adult Learning
- Town Centre
- Special Educational Needs and Disabilities (SEND)
- Home to School Transport
- School Admission
- School attendance and behaviour
- The Educational needs of vulnerable people
- School Improvement
- School Places Planning
- Early Years
- Education Strategy including Attainment

With the exception of:-

- (i) those matters reserved to the Council,
- (ii) those matters reserved to an Individual Executive Member or the Cabinet
- (iii) those matters remitted to any Regulatory Committee,³
- (iv) those matters where an Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

The Director of Economic Development has responsibility for and is appointed as Corporate Property Officer.

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DIRECTOR OF LEGAL SERVICES

1. The Director of Legal Services¹ is authorised to act and to take any action intended to give effect to a decision of the Council, the Cabinet or Overview and Scrutiny Committee, Regulatory Committees or an officer, to discharge any function² of the Council in relation to:-

- (a) the duties of the Monitoring Officer
- (b) the making or issuing of orders and notices
- (c) the commencement, defence, withdrawal or settlement of legal or other proceedings up to a figure of £250k
- (d) the authorisation of Council employees to conduct legal matters in court and other matters relating to the courts and legal proceedings
- (e) contractual elements of procurement
- (f) electoral matters
- (g) land charges
- (h) the recording of decisions of Council, the Executive and all relevant committees
- (i) Registration Service
- (j) Civic and Political Support Services
- (k) taking any action remitted to him/her under corporate policies and procedures with the exception of:-

- (i) those matters reserved to the Council,
- (ii) those matters reserved to an Individual Executive Member or the Cabinet
- (iii) those matters remitted to any Regulatory Committee³
- (iv) those matters where a Cabinet Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

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DIRECTOR OF FINANCE

1. The Director of Finance¹ is authorised to discharge any of the Council's functions² in relation to financial matters including:-

- (a) the administration of benefits
- (b) the collection of revenue (including debt recovery)
- (c) the administration of Council tax and national non-domestic rates including Discretionary and Hardship rate relief up to and including £50,000, in consultation with the Leader and the relevant Executive Member.
- (d) Internal Audit
- (e) Pensions
- (f) Creditor Payments
- (g) Accountancy
- (h) the Council's insurance arrangements and risk management
- (i) information technology
- (j) the writing off of debts up to £5,000 and to review in detail all debtors to support the closure of final accounts
- (k) the administration of payroll function
- (l) to decide on the appropriate arrangements for Performance Bonding for all contracts in excess of £75,000 contract sum
- (m) to take any action remitted to him/her under corporate policies and procedures, with the exception of:-
 - (i) those matters reserved to the Council
 - (ii) those matters reserved for the Cabinet
 - (iii) those matters remitted to any Regulatory Committee³, and
 - (iv) those matters where a Cabinet Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes⁴

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DIRECTOR OF PUBLIC HEALTH

The Director of Public Health is authorised to discharge any function of the Council in relation to:-

- Health Improvement
- Health protection
- Commissioning healthcare services
- Reducing Health inequalities
- Functions under section 73A(1) of the National Health Service Act 2006 and regulations made under the Act

With the exception of:-

- (i) those matters reserved to the Council
- (ii) those matters reserved for the Cabinet
- (iii) those matters remitted to any Regulatory Committee¹, and
- (iv) those matters where the appropriate Executive Member has directed that the delegated authority should not be exercised and that the matter should be referred in accordance with the procedure outlined in paragraph 8.2 of the Guidance Notes.²

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PLANNING AND OTHER APPLICATIONS – EXECUTIVE DIRECTOR **CO-OPERATIVES AND NEIGHBOURHOODS**

The following matters may be determined by the Executive Director, Co-operatives and Neighbourhoods (and in accordance with the departmental scheme of delegation), but are subject to referral to the Planning Committee in accordance with the protocol set out in Appendix 3 of this Constitution.

1. Planning and Other Applications

- (a) Local authority or statutory undertakers' applications involving alterations or additions to an existing building or the erection of buildings not more than 100 square meters in area; car parks, walls, fences and other means of enclosure; signs and advertisements; applications for listed building consent; and other minor developments.
- (b) Applications for listed building consent and conservation area consent.
- (c) Advertisement applications.
- (d) Householder applications including extension, alterations, and private garages both within dwelling curtilages and on recognized garage sites.
- (e) The erection of or conversion of building to no more than 9 dwellings in residential areas.
- (f) Amendments to house types on a previous planning permission where there is no increase in the number of dwelling units.
- (g) Alteration or construction of shop fronts.
- (h) Change of use applications.
- (i) Hybrid applications (i.e. part residential/retail/commercial – Not Major applications)
- (j) Walls, fences or other means of enclosure.
- (k) Applications to remove or vary conditions where the relevant decision was previously made under delegated powers by the Executive Director.
- (l) Refusal of any application on the grounds of failure to supply sufficient information on which to make a decision (this would be exercised only where the information had been requested and not received within a reasonable time)
- (m) Executive Director, Cooperatives and Neighbourhoods Directorate be delegated the power to make representations and comments to the relevant bodies. However, the Executive Director may not make supportive representations or comments where the matter is likely to involve prejudice to Council-approved planning policies.
- (n) Approval of any other applications for planning permission under Part III of the Town and Country Planning Act 1990 EXCEPT:

- (i) any application involving development not in accordance with current Government Guidance, the Unitary Development Plan and/or other council approved planning policies;
- (ii) any application specifically delegated to the Planning Committee.
- (iii) any application materially affecting a principal traffic route;
- (iv) any application by any person who to the Executive Director's knowledge is employed by the Council;
- (v) any application which the Executive Director, Co-operatives and Neighbourhoods would be minded to refuse (apart from those listed in (a) to (l) inclusive).

2. **Other Matters**

These matters are not subject to the referral system:

- a. Declining to accept repeat applications which have previously been dismissed on appeal and raise no significant new issues.
- b. Determination of Minor Material and Non Material Amendment applications.
- c. Determination of Discharge of Conditions applications.
- d. Determination of any application for a certificate of lawful existing or proposed use of development under Section 191 and Section 192 of the 1990 Act.
- e. Authority to determine whether prior approval is required, and subsequent determination of applications (whether or not objections are received) for agriculture and forestry buildings, operations for telecommunications equipment and demolition of buildings under the Town and Country Planning (General Permitted Development) Order 1995).
- f. Authority to issue and service Planning Contravention Notices under the Town and Country Planning Act 1990, and consider and determine representations made thereto.
- g. All matters relating to Tree Preservation Orders.
- h. Authority to instruct the Solicitor to the Council to institute proceedings for the grant of injunctive relief under powers contained in the Town and Country Planning Act 1990, subject to:
 - i. prior consultation with the Chairman and/or Vice-Chairman of the Planning Committee;
 - ii. or without such consultation if the matter is one of extreme urgency.
- i. Authority to instruct the Director of Legal Services to issue and serve discontinuance notices for removal of any advertisement displays erected without express or deemed consent which do not comply with Council's policy on outdoor advertising and in the interests of amenity and public safety.
- j. Authority to instruction the Director of Legal Services to issue and service breach of condition notices under the Town and Country Planning Act 1990, and appropriate consequential actions required.
- k. Determination of applications, on behalf of the Council for the modification or discharge of any planning obligations in accordance with Section 106A and 106B of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, and to continue to deal with any agreed amendments or discharges which are not covered by the above legislation.

- l. Authority to instruct the Director of Legal Services to issue and serve notices under Section 215 Town and Country Planning Act 1990 (power to require the proper maintenance of land adversely affecting neighbourhood amenity).
- m. Authority to instruct the Director of Legal Services to issue and serve enforcement and stop notices under the Town and Country Planning Act 1990.
- n. Authority to institute legal proceedings and statutory procedures in relation to the Council's planning functions, both by the Executive Director of Co-operatives and Neighbourhoods Directorate and the Director of Legal Services.
- o. The issuing of screen opinions with regard to the need or otherwise for Environmental Impact Assessments and scoping opinions with regard to the matters to be included in Environmental Statements.
- p. Authority to authorise officers to carry out statutory duties and functions in relation to the Town and Country Planning Act 1990 and other current planning related legislation.

STATUTORY APPOINTMENTS AND RESPONSIBILITIES

Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities. The principal appointments are detailed below:-

Statutory Requirements

Officer Appointed

Section 4 Local Government and Housing Act 1989

Head of Paid Service

The Chief Executive

Section 151 Local Government Act 1972

Responsibility for financial Administration

Director of Finance

Section 5 Local Government and Housing Act 1989

Monitoring Officer

Director of Legal Services

Section 18 Children Act 2004

Director of Children's Services

Executive Director, Health and Well-Being

Section 6 Local Authority Social Services Act 1970

Act 1970

Director of Adult Services

Executive Director, Health and Well-Being

Section 30 Health and Social Care Act 2012

Director of Public Health

Director of Public Health