

Section 9C - Delegations to Specific Officers

Chief Executive

1. The Chief Executive is the Council's designated 'Head of Paid Service' for the purposes of s4 of the Local Government and Housing Act 1989 and shall fulfil all the statutory duties of that post.
2. The Chief Executive is authorised to discharge any function of the Council and of the Executive, including civic and ceremonial functions of the Council, executive functions and such functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) not otherwise remitted to the Council or a Council Committee or Sub-Committee or to the Leader of the Council.
3. The Chief Executive (or any officer appointed as Interim Chief Executive) is the Electoral Registration Officer for any constituency or part of a constituency co-terminus with or contained in Oldham Metropolitan Borough under section 8 of the Representation of the People Act 1983 and The Chief Executive (or any officer appointed as Interim Chief Executive) is the Returning Officer for the election of councillors for Oldham Metropolitan Borough and parish council elections within the Metropolitan Borough under section 35 of the Representation of the People Act 1983.
4. The Chief Executive is authorised to take any emergency decisions in respect of Council functions (in consultation, where appropriate, with the Mayor or the Chair of the relevant Committee) which cannot be delayed until the next meeting of the Council or the relevant Committee, as the case may be.
5. The Chief Executive is authorised to take any emergency decisions in respect of the Council's executive functions (in consultation with the Leader of the Council or, in absence of the Leader, the Deputy Leader of the Council) which cannot be delayed until the next Cabinet Meeting.
6. The Chief Executive is authorised to take any action remitted to the Chief Executive within any Part of the Council's Constitution and under corporate policies and procedures.
7. The Chief Executive is authorised to take any act as the Council's "Proper Officer" for the purpose of any function not otherwise delegated under these arrangements.

Deputy Chief Executive

1. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, and the statutory duties of the Director of Public Health, the Director of Children's Services and the Director of Adult Social Services, the Deputy Chief Executive is authorised to discharge any functions of the Executive in relation to the following functions within the People Service portfolio:
 - Children's Services
 - Adult Social Care Services
 - MioCare
 - Education
 - Public Health Functions
 - Community Safety and Community Cohesion
 - Customer, Digital, Technology and Transformation
 - Procurement

2. The Deputy Chief Executive will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Deputy Chief Executive and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer or which are statutory duties of the Director of Public Health, the Director of Children's Services and the Director of Adult Social Services.

Executive Director Place and Economic Growth

1. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, the Executive Director Place and Economic Growth is authorised to discharge any functions of the Executive in relation to the following functions within the Place and Economic Growth portfolio:
 - Director of Economy functions
 - Planning
 - Economic Growth
 - Housing
 - Business Growth/Support
 - Transport

- Get Oldham Working
 - Director of Environment functions
 - Building Control
 - Licensing
 - Environmental Health
 - Public Protection
 - Health and Safety
 - Parks and Street Cleaning
 - Waste
 - Highways
 - Street Lighting
2. The Executive Director of Place and Economic Growth will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) ('the Regulations') as are pertinent to the role of the Executive Director of Place and Economic Growth and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer, specifically including –
- Town and country planning and development control functions - the Executive Director of Place and Economic Growth is authorised to undertake all actions in respect of Council (or 'non-executive') functions, 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

Apart from matters reserved to the Planning Committee, all those Council functions set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 which relate to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Executive Director of Place and Economic Growth.

Development control functions include decisions regarding- □ planning applications

 - permitted development
 - certificates of lawful use and development,
 - enforcement
 - listed buildings and conservation areas.

The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town and Country Planning Act 1990 will include powers governing environmental impact assessments under the various Town and Country Planning

(Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme shall be construed to apply to those new provisions.

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 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 or 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 Director of Legal Services 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 Chair and/or Vice Chair of the Planning Committee; or
 - ii. 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 Solicitor to the Council to issue and service breach of condition notices under the Town and Country Planning Act 1990, and appropriate consequential action as 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 Act 1990 and 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.
- I. Authority to instruct the Director of Legal Services to issue and serve notices under Section 215 of the 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 Place and Economic Growth 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.
- Licensing and registration functions - the Executive Director of Place and Economic Growth is authorised to undertake all Council (or 'non-executive') functions as defined in Section B Schedule 1 of the Regulations with the exception of those matters reserved by the Council to the Licensing Committee or are referred to the Licensing Committee or to a Sub-Committee or Panel of the Licensing Committee by either the Licensing Act 2003 or the Gambling Act 2005.
 - Public rights of way - the Executive Director of Place and Economic Growth is authorised to undertake all Council (or 'non-executive') functions as defined in Section I, Part 1 Schedule 1 of the Regulations with the exception of those matters reserved by the Council to the Traffic Regulation Order Panel.
3. The Executive Director of Place and Economic Growth will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Executive Director of Place and Economic Growth and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer.

Assistant Chief Executive

1. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, the Assistant Chief Executive is authorised to discharge any functions of the Executive in relation to:-
 - Workforce and Organisational Development
 - Strategy and Performance
 - Communications and Research

2. The Assistant Chief Executive will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Assistant Chief Executive and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer.

Director of Adult Social Care (DASS)

1. The Director of Adult Social Care (DASS) is the Council's designated Director of Adult Social Services in accordance with s6 of the Local Authorities Social Services Act 1970 and is responsible for the undertaking of all statutory duties associated to that post.

2. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, the Director of Adult Social Care (DASS) is authorised to discharge any functions of the Executive in relation to:-
 - Adult Social Care Function
 - Safeguarding
 - Care Homes
 - Community Enablement
 - Learning Disabilities
 - MioCare

3. The Director of Adult Social Care (DASS) will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and

Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Director of Adult Social Care (DASS) and have not otherwise been remitted to the Council, a Council Committee or SubCommittee or other Officer.

Managing Director of Children and Young People (DCS)

1. The Managing Director of Children and Young People (DCS) is the Council's designated Director of Children's Services in accordance with s18 of the Children Act 2004 and is responsible for the undertaking of all statutory duties associated to that post.
2. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, the Managing Director of Children and Young People is authorised to discharge any functions of the Executive in relation to:-
 - Director of Children's Social Care function
 - o Children's Social Care
 - o Safeguarding
 - o Mash
 - o Early Help
 - o Adoption and Fostering
 - Director of Education function
 - o Education and Early Years
 - o Skills / Lifelong Learning
 - o SEND
 - o School Improvement
 - o School Admissions
 - o Post-16 Education
3. The Managing Director of Children and Young People (DCS) will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Managing Director of Children and Young People (DCS) and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer.

Director of Legal

1. The Director of Legal is the Council's designated 'Monitoring Officer' for the purposes of s5 of the Local Government and Housing Act 1989 and shall fulfil all the statutory duties of that post.
2. The Director of Legal authorised to act and to take any action intended to give effect to any decision of
 - the Council;
 - a Council Committee or Sub-Committee acting under delegated powers;
 - the Leader of the Council where the Leader of the Council has determined that they shall be personally responsible for a particular executive decision;
 - the Cabinet or any other executive body or individual acting under delegated executive powers;
 - an Overview and Scrutiny Committee in pursuance of their statutory powers; or
 - an Officer discharging any delegated Council or executive function; in relation to: -
 - a) the making or issuing of orders and notices;
 - b) the commencement, defence, withdrawal or settlement of legal or other proceedings up to a figure of £250k;
 - c) the authorisation of Council employees to conduct legal matters in court and other matters relating to the courts and legal proceedings;
 - d) contractual elements of procurement and land transactions;
 - e) electoral matters;
 - f) land charges;
 - g) commons registration;
 - h) the recording of decisions of Council, the Executive and all relevant committees;
 - i) Registration Service;
 - j) Civic and Political Support;
 - k) taking any action remitted to the Director of Legal under corporate policies and procedures
3. Further to Paragraph 2 above, the Director of Legal will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Director of Legal and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer.
4. The Director of Legal is authorised to act and to take any action as might be referred to the Director of Legal by the Council's Financial Procedure Rules and Contract Procedure Rules as contained within Parts 4F and 4G respectively of the Council's Constitution and within any further

Constitutional provision applying and can grant dispensations under section 33(1) (a), (b) and (d) of the Localism Act (Standards Committee have power to grant dispensations under section 33 (1) (c) and (e) of the Act.)

Director of Finance

1. The Director of Finance is the Council's designated 'Chief Finance Officer' for the purposes of s114 of the Local Government Finance Act 1988 and shall fulfil all the statutory duties of that post.
2. The Director of Finance is authorised to act and to take any action intended to give effect to any decision of
 - the Council;
 - a Council Committee or Sub-Committee acting under delegated powers;
 - the Leader of the Council where the Leader of the Council has determined that they shall be personally responsible for a particular executive decision;
 - the Cabinet or any other executive body acting under delegated executive powers;
 - an Overview and Scrutiny Committee in pursuance of their statutory powers;
 - or
 - an Officer discharging any delegated Council or executive function; in relation to: -
 - 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 management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land) subject to the limits reserved to the Executive
 - k) the writing off of debts up to £5,000 and to review in detail all debtors to support the closure of final accounts
 - l) the administration of payroll function
 - m) to decide on the appropriate arrangements for Performance Bonding for all contracts in excess of £75,000 contract sum
 - n) to take any action remitted to the Director of Finance under corporate policies and procedures.
3. The Director of Finance is authorised to act and to take any action as might be referred to the Director of Finance by the Council's Financial Procedure Rules and Contract Procedure Rules as contained within Parts

4F and 4G respectively of the Council's Constitution and within any further Constitutional provision applying.

Director of Public Health

1. The Director of Public Health is the Council's designated 'Director of Public Health' for the purposes of s73A of the National Health Service Act 2006 and shall fulfil all the statutory duties of that post.
2. With the exception of matters specifically referred to the Council or to the Cabinet, an individual Cabinet Member or other executive body, as shown at Sections 3, 4, 6 and 7 above, the Director of Public Health is authorised to discharge any functions of the Executive in relation to:-
 - Health Improvement
 - Health Protection
 - Commissioning Healthcare Services
 - Reducing Health Inequalities
 - Culture and Heritage
 - Leisure
 - Arts and Libraries
3. The Director of Public Health will undertake such Council (or 'non-executive') functions as defined in the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as are pertinent to the role of the Director of Public Health and have not otherwise been remitted to the Council, a Council Committee or Sub-Committee or other Officer.