

Report to ANNUAL MEETING OF THE COUNCIL

Council Constitution

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Reason for Decision

To invite the Annual Meeting of the Council to consider amendments to the constitution and to re-affirm the Council Constitution as a matter of good governance

Recommendations

That the Council re-affirms the Council Constitution, subject to the inclusion of revisions to the Council Procedure Rules, the Officer Scheme of Delegation, Responsibility for functions in respect of Employment Appeals, Scrutiny functions, the Planning Committee, Audit Committee and Charitable Trust Committee and Petitions Protocol as identified in this report or any further matters that might be agreed at this Annual Meeting.

Council Constitution**1 Background**

- 1.1 While the Council's Constitution can be amended by the Council during the course of the Municipal Year, it is suggested that as a matter of good governance the Council should re-affirm the Council Constitution on an annual basis and revise where appropriate if there are organisational or legislative changes.
- 1.2 In considering the Council's Constitution, the Annual Meeting is asked to give consideration to the following matters –

(a) Part 4A – Council Procedure Rules**1. Motions to Council**

At each Council meeting, members submit and debate Notices of Motions. This section of the agenda has for a number of years been separated into two items Administration Motions and Opposition Motions – each with a time limit of 30 minutes per item. The Opposition section was amended last year to reflect the fact that both main opposition groups had the same number of members. For this municipal year it is proposed that the rule 2.1.3 (j) should be amended to state “ The order of consideration of opposition motions would be in accordance with group size with one motion considered from each group sequentially and then from any non -grouped member but within the permitted period of 30 minutes “

Also, for the avoidance of any doubt, the rule in Part 8 of the constitution which states that public questions must be received before 12 noon two working days before the date of the meeting for meetings other than full Council should be referred in Rule 24 of the Council Procedure Rules.

(b) Part 3 – Responsibility for Functions**1) Planning Committee (4.2 of Part 3)**

The wording of the terms of reference have been clarified as attached in Appendix 1 including a reference to minor applications involving the Council as applicant or land owner

2) Employment Committee (4.8 of Part 3) and Appointments Committee (4.9 of Part 3)

The terms of reference have been amended to provide clarity that recruitment and appointments of Chief Officers are within the scope of the Appointments Committee. The terms of reference are attached at Appendix 1

3) Employment Appeals

Historically, elected Members have dealt with employment appeals, including against dismissal of staff. It is proposed that , further to consultation, this practice remains the same and that employment appeals are determined by the Appeals Committee.

4) Scrutiny Committees

Following a review of Scrutiny there is a proposal to change the structure in Oldham to ensure scrutiny has a clear role and focus within the organisation, an influential scrutiny function which is held in high regard by its many stakeholders, and which achieves measurable service improvements and adds value for the people of Oldham through a member led process of examination and review. Attached to this report in Appendix 1 are the proposed new Scrutiny Boards and proposed Terms of Reference: Four new Boards are proposed in line with the Council's Priorities:

- The Children and Young People Scrutiny Board
- The Adults Social Care and Health Scrutiny Board
- Place, Economic Growth and Environment Scrutiny Board
- The Governance, Strategy and Resources Scrutiny Board

5) Charitable Trust Committee

It is recommended for consistency that the Bishop's Park Trust and Failsworth Trust functions should be within the Charitable Trust Committee functions.

6) Audit Committee (4.4 of Part 3)

Revised terms of reference for the Committee are attached at Appendix 1 with a recommendation that it includes up to 3 independent members.

7) Officer Scheme of Delegation

The officer scheme of delegation has been reviewed and the delegations from the executive leader for inclusion in the constitution and those relating to non executive functions are included at Appendix 3.

(b) Part 5 f Petitions Protocol

The Petitions Protocol has been revised to reflect organisational changes and a revised protocol is attached at Appendix 2

2. Options/Alternatives

- 2.1 Option 1 – To re-affirm the Council Constitution with amendments as outlined.
Option 2 – Not to agree to re-affirm the Council Constitution.

3. Preferred Option

- 3.1 Option 1 is the preferred option to ensure that the Council's governance framework remains valid.

4. Consultation

- 4.1.1 Discussions have taken place with members and officers .

5. Financial Implications

5.1 N/A

6. Legal Services Comments

6.1 Legal comments are provided in the body of the report.

7. Co-operative Agenda

7.1 N/A

8. Human Resources Comments

8.1 N/A

9 Risk Assessments

9.1 N/A

10 IT Implications

10.1 N/A

11 Property Implications

11.1 N/A

12 Procurement Implications

12.1 N/A

13 Environmental and Health & Safety Implications

13.1 N/A

14 Equality, community cohesion and crime implications

14.1 N/A

15 Equality Impact Assessment Completed?

15.1 No

16 Key Decision

16.1 No

17 Key Decision Reference

17.1 N/A

18 Background Papers

18.1 None.

19 Appendices

19.1 Appendix 1 – Terms of Reference
Appendix 2 – Petitions Protocol
Appendix 3 - Officer scheme of delegation

Appendix 1

Planning Committee

The Planning Committee will undertake Council (or 'non-executive') functions as defined in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) in respect of planning applications and related matters as follows:

1.
 - a) Applications for minerals or waste development.
 - b) The provision of (i) 20 or more dwellings; or (ii) residential development on a site area of 1 hectare or more.
 - c) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more.
 - d) Retail, commercial, industrial, or other development on a site having an area of 1 hectare or more.
2. Applications which require an environmental statement.
3. Applications which are notifiable departures from the Council's Development Plan, other than applications which the Executive Director for Place and Economic Growth is minded to refuse.
4. Applications to be considered under the referral procedure or referred at the discretion of the Head of Planning –
5. Applications submitted by a Councillor, senior Council Officer (Officers on senior manager pay grade and above) or a member of staff employed within the Planning and Development Management service area, or by an immediate family member or partner of these persons, which would otherwise be delegated to the Executive Director, Place and Economic Growth.
6. Applications to remove or vary conditions where the relevant planning condition was agreed by the Planning Committee in addition to those recommended in the Officer's report.
7. Consultations from adjoining local authorities, including the Peak District National Park Authority, which fall into the categories 1 (a-d) above, where an objection is raised to the proposed development.
8. The nomination of a Member of the Committee to represent the Council at any subsequent hearing or inquiry where the decision was made contrary to Officer advice.
9. Major applications involving the Council either as applicant or land owner
10. Minor applications involving the Council either as applicant or land owner where that application does not accord with the adopted Development Plan or there has been objection received to the application."

Employment Committee

- 4.8.1 The Employment Committee will, in pursuance of the Council or 'non-executive' function relating to the power to appoint staff, (except Chief and Deputy Chief Officers which is reserved to the Appointments Committee) and terms on which they hold office (including procedures for their dismissal) as defined in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended), with reference to s112 of the Local Government Act 1972 –
- (a) Determine all local terms and conditions matters which are referred to them by the Chief Executive after consideration by the Local Negotiating Joint Consultative Committee.
 - (b) Determine all matters related to the Council's Reward Strategy.
- 4.8.2 The Employment Committee shall be consulted on the Council's Workforce Strategy.
- 4.8.3 The Employment Committee will establish a Sub-Committee to consider Stage 1 hearings under the Chief Executive Grievance Procedure.
- 4.8.4 The Employment Committee will establish a Sub-Committee (the 'Disputes Committee') with full delegated powers of the Council and the Executive (through a delegation from the Leader of the Council to the Executive Member(s) of the Disputes Committee) to resolve declared collective disputes.
- 4.8.5 The Employment Committee will establish a Sub-Committee (the 'Investigation and Disciplinary Committee with full delegated powers of the Council to, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 2001 and subject to the requirements of the Council's Employment Procedure Rule, –
- (a) Make recommendations to Council as to the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
 - (b) Take disciplinary action short of dismissal against the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
 - (c) To suspend and keep under review the suspension of the Head of Paid Service, Monitoring Officer and Chief Finance Officer (other than in emergency situations requiring immediate suspension);
 - (d) To take disciplinary action up to and including dismissal against Chief Officers (as defined by the Local Government and Housing Act 1989 but with the exception of the Monitoring Officer and Chief Finance Officer);
 - (e) To take disciplinary action up to and including dismissal against such Deputy Chief Officers (as defined by the Local Government and Housing Act 1989) as determined by the Appointments Committee.

4.8.6 Employment Committee Sub-Committees

- (a) The Sub-Committee established to consider Stage 1 hearings under the Chief Executive Grievance Procedure shall comprise three or five Members on a politically balanced basis, it being noted that involvement at this stage might exclude those Members from involvement in later stages or processes should the matter progress.
- (b) The Sub-Committee established to act as the Dispute Committee shall comprise five members, one of whom must be an executive member with powers to act, on a politically balanced basis.
- (c) The Sub-Committee established to act as the Investigation and Disciplinary Committee shall comprise three members, one of who must be an executive member, on a politically balanced basis.

4.9 Appointments Committee

- 4.9.1 The Appointments Committee shall, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 2001 and subject to the requirements of the Council's Employment Procedure Rules –
- 4.9.2 Agree to the recruitment to posts of Chief Officer and the statement specifying the duties of the post, any qualifications, or qualities to be sought in the person to be appointed, and arrangements for the post to be advertised.
- 4.9.3 Determine whether recruitment to individual posts of Deputy Chief Officer or the discipline of individual Deputy Chief Officer postholders is to be undertaken either by elected Members or by or on behalf of the Head of Paid Service;
- 4.9.4 Agree to the recruitment to such posts of Deputy Chief Officer as being subject to recruitment by elected Members, the statement specifying the duties of the post, any qualifications or qualities to be sought in the person to be appointed, and arrangements for the post to be advertised;
- 4.9.5
 - (a) Longlist, shortlist and interview for the post of Head of Paid Service/Chief Executive and recommend an appointment to Council;
 - (b) Longlist, shortlist, interview and appoint to the posts of Chief Officer (as defined by s2 of the Local Government and Housing Act 1989);
 - (c) Longlist, shortlist, interview and appoint to such posts of Deputy Chief Officer (as defined by s2 of the Local Government and Housing Act 1989)
 - (d) Power to appoint Chief Officers and Deputy Chief Officers staff, and to determine the terms and conditions
- 4.9.6 The Appointments Committee will be the 'deciding committee' for the purposes of JNC Chief Officers and the making of representations prior to any potential redundancy situation.

OVERVIEW AND SCRUTINY COMMITTEES

5.1 Committees and Memberships

5.1.1 The Council has established the following Overview and Scrutiny Committees with memberships and quoracy arrangements as follows -

Committee	Membership	Quorum
The Children and Young People Scrutiny Board	8 Non-Executive Council Members	3 Members
The Adults Social Care and Health Board	8 Non-Executive Council Members	3 Members
The Place, Economic Growth and Environment Board	8 Non-Executive Council Members	3 Members
The Governance, Strategy and Resources Board	8 Non-Executive Council Members	3 Members

5.1.2 There are four co-opted members comprising two Church representative and two parent governor representatives who may speak and vote at an Overview and Scrutiny Board only when education matters are being considered.

5.1.3 The Terms of Reference for each of the above Committees are as follows.

The Children and Young People Scrutiny Board

The Children and Young People Scrutiny Board will look at the how the Council fulfils its strategic priority of A great start and skills for life:

This strategic outcome aims to:

- increasing the number of quality school and college places for Oldham's young people,
- expanding youth activities outside of school,
- improving post-16 education and training, so everyone has options to help them increase their skills and knowledge.

Areas covered by the Children and Young People Scrutiny Board in scrutinising how the Council meets this strategic outcome could include:

- Educational achievement
- School performance
- Healthy lifestyles
- Youth service
- Looked after children
- Early Help
- Children's Social Care

- Child Protection
- School Attendance and Exclusions
- School leavers' progression to further education and training
- Healthy schools
- Take-up of sporting and cultural opportunities
- Increased involvement of young people in developing services
- Education, employment and training for care leavers
- Children's Centres
- Young people's fear of crime
- Youth Offending
- Freedom from poverty
- Youth Justice Plan
- Children's and Young People Strategic Plan
- HE provision including Oldham College and UCO

The Board will also include Co-opted Members Voting and representation from The Youth Council.

Co-opted Members (Voting):

Roman Catholic representative

Church of England representative

Parent Governor representative (Primary)

Parent Governor representative (Special) Parent Governor representative (Secondary)

Co-opted Members non-voting

Teacher representatives

Early Years Development and Childcare representative

Youth Work representative

The Adult Social Care and Health Scrutiny Board

The Adult Social Care and Health Board will look at the how the Council fulfils its strategic priority of Healthy, safe and well supported residents Looking after our most vulnerable residents, keeping people safe and healthy are crucial responsibilities of any local authority focusing on services for adults and public health services to monitor progress towards improving health, lifestyles and quality of care across the Borough; and providing oversight of integration and partnership working within and between the council and health bodies. The Board will also oversee the active lifestyle related functions and activity across the Borough. The Board will review and scrutinise the commissioning and delivery of local health and social care services in Oldham to ensure reduced health inequalities, access to services and the best outcomes for local people.

The Board will discharge its statutory duties to:

- the review and scrutiny of any matter relating to the planning, provision and operation of the health service in the Council's area.
- the making of reports and recommendations to relevant NHS bodies and health service providers.

- responding to proposals and consultations from NHS bodies in respect of substantial variations in service provision and any other major consultation exercises.
- referral of comments and recommendations on proposals referred to the Committee by a relevant NHS body or relevant service provider to the Secretary of State if considered necessary; and
- all matters relating to Healthwatch.

Areas covered by the Adults Social Care and Health Scrutiny Board in scrutinising how the Council meets this strategic outcome could include:

- Adult Social Care
- Adult Safeguarding
- Public Health
- Integrated Care
- All Health related matters including Children's Health
- Scrutiny of NHS and NHS providers including NCA
- S.75 arrangements
- GP services
- Health and Wellbeing Board, including the development, implementation, review and monitoring of the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy.
- Adult and Health Services Budget Outturn
- Review of provision of Health Services
- Leisure Offer
- Place Based Working
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities

The Place, Economic Growth and Environment Scrutiny Board

The Place, Economic Growth and Environment Board will look at how the Council fulfils 3 strategic priorities and is also responsible for reviewing and scrutinising the exercise by risk management authorities of flood risk management functions which may affect the Borough of Oldham and to exercise the functions of a crime and disorder committee including the following:

- a) To review or scrutinise the exercise of crime and disorder functions by responsible authorities and
- b) To review or scrutinise any local crime or disorder matter raised by a Member.

Better jobs and dynamic businesses

The strategic outcomes are:

Providing the infrastructure to make Oldham a great place to spend time, and somewhere to open and grow a successful business.

Investments in the next three years include:

- the redevelopment of Spindles, a new performance space and a town centre park
- support for residents to help them into good jobs through Get Oldham Working
- increasing the amount the council spends with local companies, to maximise the impact of the Oldham pound.

Quality homes for everyone

The strategic outcomes are:

To work with developers and housing associations to deliver the affordable homes that our residents need, and support renters to defend their rights. Over the next three years we will

- increase the number of high-quality homes that are affordable and meet residents' needs,
- support tenants to fight back against rogue landlords,
- enable improvement to home insulation to help protect residents from rising energy prices.

A clean and green future

The strategic outcomes are:

Responding to the climate emergency and keep Oldham clean and tidy.

- support the borough's growing green industry, as part of making the borough carbon neutral by 2030,
- improve our green spaces, including Northern Roots,
- continue our Don't Trash Oldham campaign, so our residents have neighbourhoods to be proud

Areas covered by the Place, Economic Growth and Environment Scrutiny Board in scrutinising how the Council meets this strategic outcome could include:

- Spindles Development
- Planning
- Housing
- Housing Strategy
- Don't Trash Oldham Campaign
- Northern Roots
- New Performance Space
- Get Oldham Working
- Town Centre Park
- Local procurement and value for money
- Social
- Solar Farm
- Green energy
- Climate Emergency
- Community Safety
- Crime and Disorder
- Licensing and Gambling Policies (respective 2003 and 2005 Acts);

- Plans and Strategies which together comprise the Local Plan – Core Strategy;
- Community Safety and Cohesion Partnership Strategy;

The Governance, Strategy and Resources Scrutiny Board

The Governance, Strategy and Resources Board role includes the scrutiny of key policy items, the annual budget proposals, proposals with significant service and or budgetary implications, risk and performance. The Board will also scrutinise particular proposals being developed at the Greater Manchester level and by the Council's strategic partners, considering the implications for the Borough and for the Council.

The Board will also monitor and hold to account the performance of service delivery within Oldham Council and of strategic partners etc with particular reference to the Corporate Plan and all other strategic plans and monitor organisational risk.

Areas covered by the Governance, Strategy and Resources Board in scrutinising how the Council meets the required outcomes could include:

- Oldham Plan (sustainable community strategy);
- The Council's Corporate Plan;
- Fair Employment Charter;
- Integrated Commissioning Framework; and
- Pay Policy Statement.
- Performance monitoring including performance reports
- Risk reports – Governance
- Annual Budget Setting
- To scrutinise the financial performance of the Council against the approved budget and efficiency savings identified
- To scrutinise issues identified as requiring improvement by external assessors (with the exception of social care matters) ensuring that there is appropriate statutory representation of co-opted members in respect of education matters.
- In reviewing the performance of Council and other services, to scrutinise plans for improvement where performance is weak and to maintain oversight until performance improves.
- The Scrutiny Board (Governance, Strategy and Resources) is the allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.

4.4 Audit Committee

4.4.1 The Audit Committee will undertake the following Council (or 'non-executive') function as defined in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) –

- a) Duty to approve the authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).

4.4.2 The Audit Committee shall, having regard to the CIPFA 'audit committee' guidance. In this regard it will:–

- a) be responsible for oversight of the Council's Internal Audit arrangements and will;
 - (i) approve the Internal Audit Charter, the Annual Audit Plan and performance criteria for the Internal Audit Service;
 - (ii) review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary;
 - (iii) review and agree any improvements to the effectiveness of the anti-fraud and corruption arrangements throughout the authority;
 - (iv) consider the annual report from the Chief Internal Auditor;
 - (v) review the activities, processes and procedures of the Council having regard to the demonstration of an economic, efficient and effective use of resources and the delivery of Value for Money to Council Tax payers; and
 - (vi) review the effectiveness of the system of Internal Audit on an annual basis as per statutory requirements and the outcome of the review of compliance with Public Sector Internal Audit Standards.
 - (vii) Oversee the implementation of any recommended improvements where appropriate
- a) be responsible for oversight of the Council's relationship with the External Auditor, including consideration of
 - (i) the External Audit Plan of Work;
 - (ii) the external auditor's Audit Completion Report;
 - (iii) relevant reports issued by the External Auditor (with the exception of Public Interest reports and Statutory Recommendation reports made under Section 24 Schedule 7 of the Local Audit and Accountability Act 2014); and
 - (iv) issues arising from the audit of the Annual Statement of Accounts.
 - (v) Independent reviews undertaken by the Financial Reporting Council
- b) review Financial Procedure Rules and Contract Procedure Rules and make recommendations to the Council as to any changes considered necessary to those documents and procedures.

- c) undertake the following activities in respect of corporate governance –
 - (i) approve the local code of corporate governance;
 - (ii) assess the effectiveness of the authority's corporate governance arrangements;
 - (iii) review the Annual Governance Statement and the progress made by the Council to address issues identified as risks when the financial statements are prepared;
 - (iv) liaise, as necessary, with the Standards Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers;
 - (v) review Partnership and Project Governance within the Council;
 - (vi) monitor compliance with data protection legislation;
 - (vii) review the annual Treasury Management Strategy and policies and procedures and make recommendations to the responsible body; and
 - (viii) review Treasury Management reports and make recommendations to the responsible body including update/changes to procedures.

4.4.3 The Audit Committee shall undertake the following activities in respect of Risk Management –

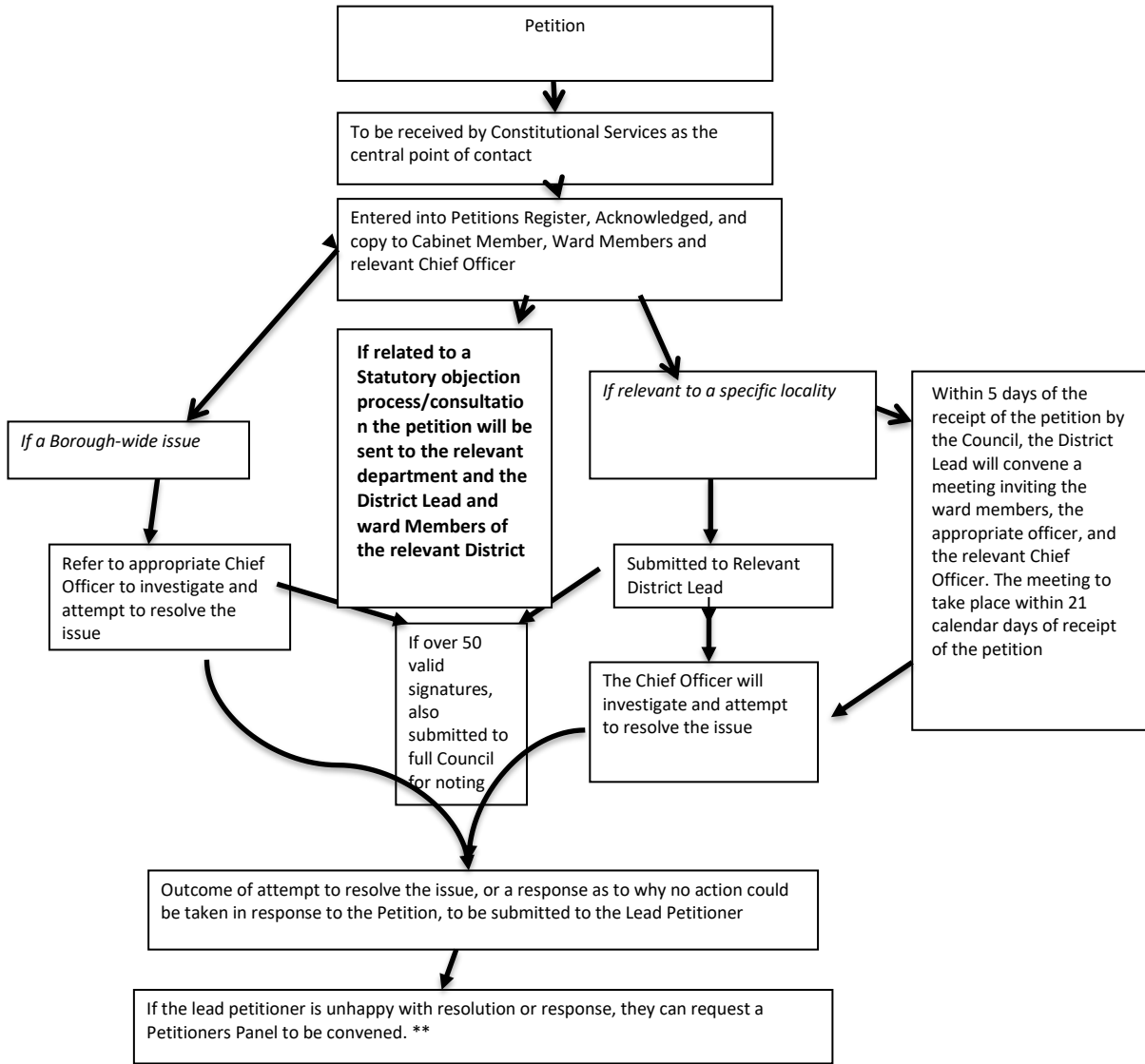
- a) assess the effectiveness of the Authority's Risk Management arrangements;
- b) review progress on the implementation of Risk Management arrangements throughout the authority; and
- c) consider the Corporate Risk Register on a regular basis to review the level of risk being faced by the Authority, review the progress made by the Council to address the risks identified to minimize the financial, operational and reputational impact to the Council
- d) consider the adequacy of resources available to manage the financial impact of a failure in risk management.

4.4.4 The Audit Committee shall undertake the following activities in respect of Information Governance.

- a) Assess the effectiveness of Information Governance policies and procedures
- b) Receive updates on key issues from the Council's Senior Information Risk Owner

Appendix 2

PART 5F – PETITIONS PROTOCOL



** - In order to resolve / respond appropriately, informal Petitioners Meetings could take place between officers and the Lead Petitioner if needed to clarify issues.
 ** - Action agreed by a Petitioners Panel is to be processed by the relevant if it is an executive decision which has not been agreed, the Cabinet Member may invoke section 8.2 of the Scheme of Delegation.

Note: Outcome of decisions to be entered into the Council's decision recording system.

Full Council will debate a petition of more than 4,000 valid signatures

No petition will be considered twice in a six month period

Appendix 3

9. OFFICER SCHEME OF DELEGATION

Section 9A – Introduction and principles

1. Introduction

- 1.1 Non-executive functions of the Council may be delegated to Officers by the Council, Committees and Sub-Committees under Section 101 of the Local Government Act 1972.
- 1.2 Executive functions of the Council may be delegated to Officers by the Leader of the Council ("the Leader") and, unless directed otherwise by the Leader, by the Cabinet, Cabinet Committees and Individual Cabinet Members under s9E of the Local Government Act 2000.
- 1.1 "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 within the confines of the law or the Constitution.
- 1.2 This Scheme of Delegation is set out as far as possible in terms of broad areas of responsibility rather than in specific statutory terms, other than the allocation of non-executive functions as defined by the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended. As a principle, all functions that are not reserved to the Council or a Council Committee, or to the Cabinet or a Cabinet Committee or an individual Cabinet Member are delegated to the Chief Executive, the Deputy Chief Executive, the Executive Director and/or other specified senior Officer.

2. Principles of Officer delegated decision making

- 2.1 The fact that a function has been delegated to the Chief Executive, the Deputy Chief Executive, the Executive Director, the Assistant Chief Executive, the Managing Director or the Directors of Adult Social Services, Legal, Finance or Public Health, does not necessarily require that Officer to give the matter their personal attention and they may generally arrange for such delegation to be exercised by an Officer of suitable experience and seniority. Proper officer functions may be exercised by officers duly authorised acting in the name of the Proper Officer. Exceptions to this are
 - if the law or the Constitution specifically requires a particular Officer to take the decision; or
 - key decisions must be taken personally by the Chief Officer they are delegated to.

- 2.2 Where the Chief Executive or a Chief Officer has arranged for a delegation to be exercised by another Officer, the Chief Executive or that Chief Officer remains responsible for any decision taken pursuant to such arrangements.
- 2.3 A Council Committee or Sub-Committee may from time to time delegate functions to the Chief Executive. A Council Committee means any Committee or Panel established by the Council. A Council Sub-Committee means any Sub-Committee or Panel established by a Council Committee.
- 2.4 The Chief Executive, the Deputy Chief Executive, the Executive Director, the Managing Director or the Directors of Adult Social Services, Legal, Finance or Public Health may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Council, a relevant Council Committee, or the Cabinet for consideration.
- 2.5 Where a function has been delegated to an Officer by the Council, a Council Committee or Sub-Committee, or the Leader of the Council or other executive body, the body or person that made the delegation may take back the power at any time.
- 2.6 A Cabinet Member may direct that a delegated executive authority should not be exercised by the Officer and that the matter should be referred to the Cabinet or an appropriate Cabinet Committee, Sub-Committee or Board for consideration.
- 2.7 Where a decision is delegated to an Officer in consultation with an elected Member, the law requires that the discretion of the Officer is not fettered.
- 2.8 In exercising their delegated authority, Officers must consult with Members and other Officers, as appropriate. This must include the Monitoring Officer (Director of Legal) and Chief Finance Officer (Director of Finance), and Officers must have regard to any advice given.
- 2.9 Officers should be aware of the requirements to publish a record of certain decisions and supporting papers in accordance with Access to Information Procedure Rules at Part 4B of the Council's Constitution.
- 2.10 The principals and processes for individual decision making are considered further at Section 11 to this Part.

Section 9B - General Delegations to Officers

1. General delegations to Officers

1.1 The Chief Executive, the Deputy Chief Executive, the Executive Director, the Assistant Chief Executive, the Managing Director, the Directors of Adult Social Services, Legal, Finance or Public Health or other named Officer shall have power to carry into effect without reference to the Council or the Executive, matters of day to day management and administration of the services for which they are responsible and incurring expenditure for such purpose and taking such action as is necessary within corporate policies.

1.1.1 Financial

To comply with all the requirements of Financial Procedure Rules at Part 4F of the Council Constitution, to ensure that the proper financial controls are maintained, and to act in accordance with the following matters specifically delegated therein –

- General responsibilities of Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Service Managing Directors, Directors and Heads of Service. (1.16-19);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors, Directors and Heads of Service to draft service plans and budgets (2.12);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors, Directors and Heads of Service to control income and expenditure (2.17);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to managing budgets, delegate authority and review budgets (2.19 – 21);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to establish sound arrangements for their operations and achieving financial performance targets (2.34);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to assist in the closure of their Directorate accounts (2.37);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to approve virement within prescribed limits and circumstances and to notify the relevant Portfolio Holder(s) and the Director of Finance accordingly (3.5);
- Heads of Service to undertake duties to manage capital programmes and projects in consultation with/as specified by the Director of Finance and in accordance with Financial and Contract Procedure Rules (4.13-14, 16-19, 21);
- Heads of Service to comply and adhere to the Council's financial systems and procedures as set by the Director of Finance (5.2-6, 8-9);

- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to ensure systems are registered in accordance with data protection legislation and staff are aware of responsibilities under freedom of information legislation (5.7);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors must respond to Internal Audit and Counter fraud requests for progress and status updates (6.6);
- Chief Executive, Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to ensure members and Officers are aware of the Council's Anti-Fraud and Anti-Corruption Strategy and of the Whistleblowing Policy, operate in a way that maximises internal check against inappropriate behaviour; and are able to undertake training on preventing fraud (6.10);
- Heads of Service to notify Director of Finance concerning loss or irregularity concerning cash, stores or other property or any suspected financial irregularity (6.11);
- Heads of Service responsibilities concerning risk and insurance, including in the event of an insurance claim or occurrence (7.2-4);
- Head of Service responsibilities for the care and custody of assets and contingency plans for those assets in the event of disaster, significant event or system failure (8.1-2);
- Heads of Service responsibilities for recording and checking of stock (8.5-7);
- Heads of Service responsibilities for the maintenance of inventories (8.8-12);
- Heads of Service responsibilities for advising Director of Finance of matters concerning the Asset Register (8.14-16);
- Heads of Service responsibilities ensuring that all staff are aware of and comply with responsibilities under the law and Council procedures concerning the security of information (9.4);
- Heads of Service responsibilities concerning customer/client property and lost property (9.5-7);
- Heads of Service responsibilities relating to imprest accounts (11.7-10);
- Heads of Service responsibilities for the collection and banking income, the recording and investigating of discrepancies, determination of satisfactory credit status if credit is given (12.5-15);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors to identify employees to act on their behalf, within limits, in respect of income collection, raising orders (12.16, 13.8);
- Write-off of debts (within the remit of this Part) –
 - Individual debts £60 up to £2,500 by the Head of Service
 - Individual debts up to £5,000 by the Director of Finance. (12.17);
- Heads of Service to identify Officers authorised to raise requisitions etc to set limits and to notify the Director of Finance (13.9);

- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director, Managing Directors and Directors responsible for ensuring payment of undisputed invoices within 30 days from receipt of invoice (13.18); and
- Heads of Service responsibilities regarding the appointment of staff and the maintenance of related records (15.1-4).

1.1.2 **Contractual**

To comply with all the requirements of Contract Procedure Rules at Part 4G of the Council Constitution to ensure that the proper contractual procedures are maintained in entering contracts, and to act in accordance with the following matters specifically delegated therein –

- Deputy Chief Executive or the Assistant Chief Executive, the Executive Director, Managing Directors to be satisfied as to adequate budget provision and necessary consents before entering into contracts (1.6);
- Deputy Chief Executive or the Assistant Chief Executive, the Executive Director, Managing Directors to ensure that the Directors of Legal and Finance are consulted throughout the procurement process where contract is a key decision (1.7);
- Deputy Chief Executive or the Assistant Chief Executive, the Executive Director, Managing Directors, in consultation with the Director of Legal, to determine exemptions from Contract Procedure Rules (1.10.2, 21);
- Deputy Chief Executive or a the Assistant Chief Executive, the Executive Director, Managing Directors to take immediate action in the event of a failure to comply with Contract Procedure Rules and inform and consult the Director of Legal (1.12);
- Deputy Chief Executive, the Assistant Chief Executive, the Executive Director and Managing Directors to comply with delegations relating to Award of Contracts (14); and
- Deputy Chief Executive or the Assistant Chief Executive, the Executive Director or Managing Directors to comply with requirements relating to claims arising from contracts and provide mandatory information for the Contracts Register (19)

1.1.3 **General Management**

- a) Media
 - To produce statements (or appoint a nominee to approve statements) to the communications team dealing with the work of the Department within the policy framework of the Council.
- b) Miscellaneous
 - To authorise and appoint employees possessing such qualifications as may be required by law or in accordance with the Council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised Officer of the Council (however described)

and to issue any necessary certificates of authority or issuing of notices or orders.

- To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
- To sign and serve documents and notices on behalf of the Council.

1.1.4 Personnel

a) Personnel Policies

- The Assistant Chief Executive (or such Officer who is senior Officer with responsibility for HR) shall have authority to determine all policy matters in relation to staffing, including consultation and industrial relations arrangements (but excluding appeals and individual disciplinary matters).

b) Dispute Resolution

- In the event that the Deputy Chief Executive or the Executive Director Place and Economic Growth or other Chief Officer or nominee is unable to reach agreement following required consultation on any matter, the matter will be referred to the Chief Executive/Head of Paid Service for advice or recommendation for resolution of the issue, including referral to the Disputes Committee.

c) Suspension

- The Assistant Chief Executive (or such Officer, other than the Head of Paid Service, Monitoring Officer or Chief Finance Officer, who is most senior Officer with responsibility for HR), in consultation with the Leader of the Council has power to suspend the Head of Paid Service, Monitoring Officer or Chief Finance Officer with immediate effect in an emergency situation.
- The Assistant Chief Executive (or such Officer, other than the Head of Paid Service, Monitoring Officer or Chief Finance Officer, who is most senior Officer with responsibility for HR), has authority to take all actions to progress any investigations into the conduct of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, as the case may be, or other actions as may be required, following the suspension of one or more of those Officers.
- The Chief Executive has the power to suspend Chief Officers.

d) Early Release

- Applications for early release are to be authorised by the Assistant Chief Executive or nominee with responsibility for HR and the Director of Finance.

The following are delegated to the respective Chief Executive, Deputy Chief Executive, Executive Director, Assistant Chief Executive, Managing Director or other Directorate Chief Officer who must ensure that any action is managed within the Directorate's bottom line budget.

e) Appointments

- To appoint employees unless the appointment falls within the responsibility of the Appointments Committee (i.e. Chief Officers and such Deputy Chief Officers as might be determined by the Appointments Committee).
- To appoint employees or contractors on a temporary basis to provide cover for absences of employees or to cater for peaks in workload. Such employees should be employed on terms set out in guidelines issued by the Assistant Chief Executive or nominee.
- To approve removal expenses for an employee taking up employment with the Council in accordance with the Council's Removal and Relocation Scheme.

Each Directorate Scheme of Delegation should specify the level of Officers with powers to appoint and dismiss.

f) Departmental Structure

- To deploy existing employees within the overall structure of the Directorate.
- To agree changes to staffing structures except where either
 - the restructure is deemed to be 'significant' where the Chief Executive will make decisions in consultation with Director of Finance and Assistant Chief Executive; or
 - the restructure involves the re-grading of posts and/or the creation and grading of new posts in which case the decision must be taken subject to prior consultation with the Assistant Chief Executive or nominee (as lead Officer for HR matters) and the Director of Finance or nominee.
- To undertake prior consultation with all appropriate parties affected by a staffing structure proposal, notably the Trades Unions, prior to a decision being made.
- To authorise the filling of the vacant half of a job share post following the resignation of one of the job-share partners.
- To authorise career grade progression for relevant employees in line with previously agreed criteria.

g) Discipline and Dismissal

- To discipline and dismiss employees with the exception of Chief Officers and such Deputy Chief Officers as might be determined by the Appointments Committee.

Each Directorate Scheme of Delegation should specify the level of Officers with powers to discipline and dismiss.

h) Additional Payments

- To approve acting up payments, e.g. honoraria in line with guidelines issued by the Assistant Chief Executive or nominee.
- To authorise merit increments and ex-gratia payments in line with guidelines issued by the Assistant Chief Executive or nominee.
- To approve non-contractual overtime payments to employees.

- To request the Director of Finance to approve the making of loans for car purchase to employees who are approved as essential car users.
 - To enter into compromise agreements with employees subject to approval of the Assistant Chief Executive and Director of Finance.
- i) Allowances
- To approve eligibility for essential and casual car allowances within an overall car allowance scheme approved by Council.
 - To approve the payment of a telephone allowance to applicable employees.
- j) Special Leave
- To authorise time off for public duties in line with guidelines issued by the Assistant Chief Executive under the Directorate Scheme of Delegation.
 - To authorise carer's leave for sick dependents in excess of 5 days subject to such decisions being notified to the Assistant Chief Executive or representative.
 - To authorise a leave of absence without pay for a maximum of 30 working days per year. This can be extended up to 3 months in consultation with the Assistant Chief Executive or nominee.
 - To authorise all other requests for special leave in line with the guidelines issued by Assistant Chief Executive or nominee.
- k) Miscellaneous
- To authorise employees to attend courses.
 - To approve claims for damages to employees' personal effects, clothing and motor vehicles in accordance with guidelines issues by the Director of Finance.
 - To authorise employees taking up additional employment outside the Council in line with National Terms and Conditions of Service and the provisions of the Council's Code of Conduct.
 - The authorisation of secondments

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 or individual Cabinet member.
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.
8. The Chief Executive is authorised on matters relating to staffing, employment, terms and conditions for Council's workforce including the workforce strategy except for those matters specified elsewhere in Part 3 of the Constitution and to approve all significant departmental restructures in consultation with relevant chief officers, the Assistant Chief Executive and Director of Finance.

9. The Deputy Chief Executive is entitled to act as Chief Executive in the absence of the Chief Executive

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 Strategic coordination as line manager of the functions in relation to the following functions within the people and resident services.
 - Children's Services
 - Adult Social Care Services
 - MioCare
 - Education
 - Neighbourhood and district functions
 - Public Health Functions
 - Community Safety and Community Cohesion
 - Customer, Digital, Technology and Transformation
 - Procurement and Commissioning
 - Including responsibility for ensuring that the Procurement Service delivers value for money for the Council and complies with the Contract Procedure Rules
 - Interface with NHS Place Lead in supporting integrated care system for the Oldham locality
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.
3. To act on behalf of Chief Executive in the absence of the Chief Executive

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
 - Economic Growth/Property – including management of land and buildings including acquisition, disposal or letting of land and action under compulsory purchase orders legislation – including serving notices, proposing orders and advertising orders under legislation within those functions
 - Housing- including
 - Any statutory powers of the Council as a local housing authority.
 - To develop and submit application for grants as appropriate in support of the delivery of relevant Council strategies
 - Business Growth/Support
 - Transport – including undertaking action within legislation giving the Council duties and powers and including the submission of bids for funding for transport related programmes and projects
 - Get Oldham Working
 - Planning – undertake planning functions which are an executive function

Director of Environment functions

- Building Control
 - including determining all building regulation applications
- Environmental Health – including trading standards, fly tipping, food hygiene, air quality, drainage, and health and safety taking any action, serving notices and orders under duties and powers under legislation pertaining to this function and any action required with regards to traveller site(s).
- Public Protection – including powers under the Anti-Social Behaviour Crime and Policing Act 2014 and housing enforcement powers
- Health and Safety
- Parks and Street Cleaning
- Waste – including collection duties under legislation relating to statutory duties and powers of the Council
- Highways – including to adopt highways on behalf of the Council
- Street Lighting
- Licensing – where executive function
- Authorising enforcement officers under legislation within these functions

2. The Executive Director of Place and Economic Growth and Director of Economy and Director of Environment 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) (England) Order 2015.
- 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 Director of Legal 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.
- l. Authority to instruct the Director of Legal 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 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 Executive

Director Place and Economic Growth People and the Director of Legal .

- 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 under that heading in Schedule 1 of the Local Authority (Function and Responsibility England Regulation 2000) 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.
- Serving notices, proposing orders, and advertising orders and undertaking enforcement activity under legislation within these functions.

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 and non executive functions as pertinent to the role of Assistant Chief Executive and have not been otherwise been remitted to the Council, a committee, a sub-committee or officer of the Council in relation to: -
 - Workforce and Organisational Design – including: -
 - To undertake the following specific delegations in relation to staffing matters –
 - (a) Power to implement discretionary provisions of pay awards determined by National or Local Negotiating Bodies
 - (b) Power to implement discretionary provisions of circulars relating to terms and conditions determined by National or Local Negotiating Bodies.
 - (c) The interpretation and application of pay scales and conditions of service for all employees.
 - (d) The administration and implementation of the Council's workforce strategy
 - (e) Implement and adopt nationally negotiated decisions on conditions of service and pay awards
 - (f) to implement all departmental restructures
 - (g) administration of pension functions

- Strategy and Performance
 - including:
 - To deal with matters relating to the development of the Corporate Plan and Borough Plan
 - The provision of policy and research support as part of the policy development and corporate planning process.
- Communications and Research

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 Functions
 - o Safeguarding
 - o Care Homes and Social Care providers
 - o Community Enablement
 - o Learning Disabilities
 - including:
 - taking any action which is calculated to facilitate or is conducive or incidental to the discharge of Adult Service functions and to comply with requirements imposed by legislation.
 - The assessment and admission of persons to accommodation within the Adult Services functions, the recovery of charges and the adjustment of liability.
 - The power to make applications and to act as deputy for persons who are incapable of managing their own affairs.
 - To administer the operation of an approved list of Residential Care and Nursing Homes and Home Support providers.
 - To negotiate the supply of appropriate accommodation
 - To determine individual charges for each placement
 - The discharge of the Council's functions relating to the discharge of patients under Mental Health Act.
 - Miocare
 - Undertake client responsibility for Miocare activity.

2. 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 Sub-Committee 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 functions
 - Children's Social Care
 - Safeguarding
 - Mash
 - Early Help
 - Adoption and Fostering

including:

- The control of visits to and contact with children in the Children's homes, provided by the Council
- The review of the welfare, health, education, conduct and progress of Children Looked After by the Council under the Children Act 1989.
- The making of grants to children or their relatives, foster carers and prospective adoptive parents, according to the special needs involved to a maximum to be decided from time to time by the Council.
- To take any action which is calculated to facilitate or is conducive or incidental to the discharge of functions in accordance with the Children Act 2004 and to comply with requirements imposed by legislation.
- The making of arrangements with, or contributions to, non-statutory organisation and other local authorities providing residential or temporary accommodation to children or young people.
- Commencement of and participation in legal proceedings relating to the care, welfare or safeguarding of a child under any legislation.

- Responsibility for all arrangements for children looked after by the Council
 - Authority to make and participate in arrangements for the adoption of children under any legislation, subject to receipt of advice from the Adoption Panel as necessary
 - Authority to make and participate in arrangements for the adoption of children under any legislation, subject to receipt of advice from the Fostering Panel as necessary
 - Support for Children and Families
- Director of Education function
 - Education and Early Years
 - Skills / Lifelong Learning
 - SEND
 - School Improvement
 - School Admissions
 - Post-16 Education

including:

- The assessments of, making and maintenance of Education, Health and Care Plans for Children and young people with special educational needs and / or disability (SEND).
- The appointment of Local Authority Governors.
- To take the necessary action to ensure the safeguarding of children in all educational provision, whether early years, primary, secondary, or residential schools, or out of school activities and youth work.
- To take the necessary action to ensure all schools and educational services have policies and procedures for child protection and to ensure the Local Education Authority is a core Member of the Local Safeguarding Children Board and that maintained schools, staff and governors and other direct educational provision are fully integrated in and familiar with, child protection procedures.
- To take the necessary action to ensure measures are in place to promote good attendance; to provide effective personal, social and health education; support for family learning; opportunities for personal and social development, and support for the voice of young people and children, with specific attention given to groups at risk of low achievement, including children in public care, with special needs, and particular ethnic groups; the attendance, behaviour and provision for pupils out of school, within the context of a general approach to educational inclusion.
- Arrangements for the admission of pupils to all community, controlled and special schools

- Arrangements for dealing with pupil exclusion and reinstatement cases
 - The provision of home/school transport for pupils
 - Matters relating to the enforcement of school attendance, including the authorisation of legal proceedings
 - The making of any grants to children or students to facilitate educational attendance a) Power to grant financial assistance with boarding education (in consultation with the Portfolio Holder for Children's Services)
 - Arrangements for the monitoring of school performance having regard to the Code of Practice on Local Authority/School relations
 - Arrangements for intervening in schools under Special Measures or otherwise causing concern
 - Arrangements for receiving OFSTED reports.
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; and have specific duties in relation to: -
 - a) the making or issuing and orders and notices.
 - b) the commencement, defense, of legal or other proceedings and withdrawal or settlement of legal 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 and to instruct Counsel or other external providers to undertake legal work
 - d) contractual elements of procurement and land transactions including executing documents
 - 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 including under the Regulation of Investigatory Powers Act 2000.
 - l) Make arrangements for school admission appeals
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 and to take action under the arrangement for dealing with complaints under the Localism Act 2011.
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 (a), (b) and (d) of the Localism Act (Standards Committee have power to grant dispensations under section 33 (2) (c) and (e) of the Act.)
5. **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 and in accordance with S151 of the Local Government Act 1972 shall be the officer with responsibilities for the proper administration of the Council's financial affairs.
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; and have specific duties in relation to: -
 - (a) Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of accounts under the Local Government Finance Act 1988.
 - (b) Appointment of Deputy
 - (c) Report on resources under the Local Government Finance Act 1988.
 - (d) Borrowing, investment accounts and financial administration under the Local Government Act 2003.
 - (e) Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts
 - (f) The administration of benefits including Housing Benefit.
 - (g) The collection of revenue (including debt recovery)
 - (h) The administration of Council tax and national non-domestic rates including Discretionary and Hardship relief in relation to both Council Tax and Business Rates in accordance with approved discretionary policies in consultation with the relevant Executive member as appropriate
 - (i) Internal audit and counter fraud function
 - (j) The delivery of the National Anti-Fraud Network which provides data pursuant to legislation
 - (k) Creditor payments
 - (l) Accountancy including transactions
 - (i) to stipulate the date by which all financial records for any financial year shall be completed.
 - (ii) appoint a Money Laundering Reporting Officer (MLRO) to receive disclosures from officers concerning money laundering activity
 - (iii) to approve any changes to existing financial systems and to approve any new systems before they are introduced.
 - (iv) to determine the petty cash limit for individual minor items
 - (m) The Council's insurance arrangements and risk management
 - (n) Information governance and activities in relation to discharge of the function of the Senior Information Responsible Officer
 - (o) To determine the Councils approach to information security
 - (p) The writing off of debts up to £10,000 and to review in detail all debtors to support the closure of final accounts writing off those considered irrecoverable reporting to the Cabinet Member with responsibility for Finance
 - (q) The power to serve notice in accordance with the Non-Domestic Rating (Alteration of lists and Appeals) Regulations 2005, when such action is

required to preserve the Authority's position on non-domestic rating valuation matters.

- (r) To decide on the appropriate arrangements for Performance Bonding for all contracts in excess of £75,000 contract sum
 - (s) To take any action remitted to the Director of Finance under corporate policies and procedures.
 - (t) The provision of financial management advice, financial analysis and appraisal
 - (u) The power to serve notices under relevant local government functions
 - (v) Treasury management functions of the Council as detailed in the annual Treasury Management Strategy approved by the Council and the Financial Procedure Rules including investment of surplus funds and borrowing.
- i. 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
 - To be responsible for the management of public health service as regards effectiveness, availability, and value for money.
 - Delivery of the Council's duties as to the improvement of public health and health protection including providing information and advice and providing services and facilities.
 - Health Protection
 - Ensure plans are in place to protect the health of the local population from threats to health
 - Planning for and responding to a risk to public health.
 - Commissioning Healthcare Services
 - Reducing Health Inequalities
 - Culture and Heritage
 - Leisure
 - Arts and Libraries
 - To undertake services in relation to or conducive for the discharge of functions relating to the provisions of the service.

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.