

APPENDIX 2
PART 2: ARTICLE 13 - OFFICERS

13.1 Management structure

13.1.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.1.2 Chief and Deputy Chief Officers.

The Council has engaged persons for the following posts, who will be designated Chief Officers:

Post	Functions and areas of responsibility
a) Chief Executive	Statutory Head of Paid Service; Overall corporate management and operational responsibility (including overall management responsibility for all officers); Provision of professional advice to all parties in the decision making process; Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions; Representing the Council on partnership and external bodies (as required by statute or the Council); Community leadership; Corporate resources
c) Deputy Chief Executive (Place)	Deputising for the Chief Executive Managing the areas of Environmental Services, Economy and Communities

13.1.3 For the purposes of the Employment Procedure Rules at Part 4H of this Constitution, the following posts are also regarded as Chief Officers –

- Managing Director of Children's Services
- Director of Adult Social Services
- Director of Legal;
- Director of Finance;
- Director of Public Health
- Assistant Chief Executive.

APPENDIX 2

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.
- 1.3 "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.
- 1.4 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 Assistant Chief Executive and other specified senior Officers.

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 Assistant Chief Executive, the Managing Director of Children and Young People 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.

- 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 Assistant Chief Executive the Managing Director of Children and Young People 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 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, Managing Director, Directors and Heads of Service. (1.16-19);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director, Directors and Heads of Service to draft service plans and budgets (2.12);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director, Directors and Heads of Service to control income and expenditure (2.17);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director and Directors to managing budgets, delegate authority and review budgets (2.19 – 21);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director and Directors to establish sound arrangements for their operations and achieving financial performance targets (2.34);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director and Director to assist in the closure of their Directorate accounts (2.37);
- Deputy Chief Executive, the Assistant Chief Executive, Managing Director 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, Managing Director 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, Managing Director 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, Managing Director 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, Managing Director 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, Managing Director 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 , the Assistant Chief Executive or Directors to be satisfied as to adequate budget provision and necessary consents before entering into contracts (1.6);
- Deputy Chief Executive , the Assistant Chief Executive, or 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, Managing Director, in consultation with the Director of Legal, to determine exemptions from Contract Procedure Rules (1.10.2, 21);
- Deputy Chief Executive or the Assistant Chief Executive or Director 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, and Directors to comply with delegations relating to Award of Contracts (14); and
- Deputy Chief Executive, the Assistant Chief Executive, or 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 (Place) 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, 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. The Chief Executive may appoint deputy electoral registration officers.
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. Interface with NHS Place Lead in supporting Integrated Care System for the Oldham Locality
10. The Chief Executive or nominated officer may appoint members to committees or sub committees where there are vacancies or positions required to be filled in accordance with the wishes of the relevant political groups.

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

Deputy Chief Executive (Place)

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 Deputy Chief Executive (Place) is authorised to discharge any functions of the Executive in relation to the following functions within the Place and Economic Growth portfolio: -

Economy functions

- 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 delivery - 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
- Planning – undertake those planning functions which are an executive function
- Economic growth and regeneration – including functions relating to Council controlled companies.
- Authorising officers to carry out any executive or non – executive statutory duties or functions.

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

Communities functions

- Housing – including any statutory powers and duties of the Council.
- Youth Services
- Districts functions
- Community Safety and Communities
- Voluntary support and engagement with the Faith and social enterprise sector
- Heritage, Libraries and Arts

- To develop and submit applications for grants as appropriate in support of the delivery of relevant Council strategies

2. The Deputy Chief Executive (Place) and Director of Communities and Director of Economy 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 Deputy Chief Executive (Place) and those mentioned officers 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 Deputy Chief Executive (Place) 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 Deputy Chief Executive (Place). 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 serve 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 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 instruct the Director of Legal to issue and serve 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 Deputy Chief Executive (Place) 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 - Deputy Chief Executive (Place) 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 Deputy Chief Executive (Place) 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.
 - Authorising officers to carry out executive or non-executive statutory duties and functions with the area of responsibility.

- To act on behalf of the Chief Executive in the absence of the Chief Executive.

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
 - Customer Services
 - IT and digital

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/ Chadderton Total Care
 - Undertake client responsibility for Miocare activity and Chadderton Total Care
2. The Director of Adult Social Care (DASS) will undertake such Council (or 'nonexecutive') 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
 - Get Oldham Working

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 of orders and notices.
 - b) the commencement, defence, of legal or other proceedings including prosecution 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) management of democratic services, electoral services and civic and member support services
- f) to arrange for the discharge of the Council's functions relating to local land charges
- g) commons registration.
- h) the recording of decisions of Council, the Executive and all relevant committees.
- i) The Registrars service
- j) taking any action remitted to the Director of Legal under corporate policies and procedures including under the Regulation of Investigatory Powers Act 2000.
- k) Make arrangements for school admission appeals
- l) Appointment of a deputy monitoring officer

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 Arrangements 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 Council's 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.
 - (w) Procurement Functions
 - (x) Transformation Services
- 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
 - Leisure
 - 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.

