Emergency Powers Decision Report

Oldham Total Care Limited: Governance Framework

Decision Maker: Chief Executive

Service Area: Health & Care
Directorate: Health & Care
Report Author: Mike Barker, Deputy Chief Executive
Email: mike.barker@oldham.gov.uk

Date of Decision: 05 October 2026

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1. Power to make the decision

The decision is being taken under the authorisation contained in Section 9C – Delegations to Specific Officers of Part 3 (Responsibility for Functions) of the Council Constitution for the Chief Executive to take any emergency decisions in respect of the Council's executive functions which cannot be delayed until the next Cabinet meeting.

2. Decision Sought

To approve the revised governance framework for Oldham Total Care. The proposed arrangements will provide a clear and integrated governance structure, strengthen accountability and oversight, clarify the respective roles of the Council as sole shareholder and Oldham Total Care Limited as a separate legal entity, and support the effective identification, management and escalation of strategic, operational and financial risks.

3. Reason for urgency

To ensure that the revised governance framework can be implemented without delay, providing clear governance, accountability and oversight arrangements between the Council and Oldham Total Care Limited. Timely adoption of the framework will enable the recommendations arising from recent governance reviews to be progressed, reduce organisational and financial risk, and provide clarity regarding decision-making responsibilities and shareholder oversight. Delaying approval would prolong existing governance uncertainties and could hinder the effective management and strategic direction of the company.

4. Risk(s) of not taking the decision

- Continued uncertainty regarding governance arrangements, roles and responsibilities, leading to reduced accountability and oversight across the organisation.
- Increased risk that strategic, operational and financial issues are not identified, escalated or managed effectively due to the absence of a clear governance framework.
- Potential weakening of the relationship between the Council, as sole shareholder, and Oldham Total Care Limited, resulting in ambiguity around decision-making and reporting requirements.
- Ongoing exposure to financial risks, including ineffective budget oversight, missed opportunities to deliver efficiencies and savings, and reduced ability to monitor and manage financial performance.
- Delays in implementing governance improvements and recommendations arising from recent reviews, increasing the likelihood that identified weaknesses remain unresolved.
- Reduced confidence among shareholders, stakeholders, partners and regulators in the organisation's governance and ability to operate effectively.
- A risk that the company is unable to deliver its strategic objectives and long-term sustainability plans due to unclear governance

5. Financial impact if decision not taken forward

Failure to approve and implement the revised governance framework could result in continued weaknesses in financial oversight and accountability across Oldham Total Care Limited. This may increase the risk of budgetary pressures not being identified or addressed in a timely manner, reduce the organisation’s ability to monitor financial performance effectively, and limit opportunities to realise efficiencies and value for money. In addition, unresolved governance issues could lead to increased costs arising from operational inefficiencies, potential financial liabilities, and the need for additional work and resources to rectify governance issues and improve accountability.

6. Statutory Officer clearances

a. Section 151 Officer

Name: Lee Walsh
Date: 04 October 2026

Comments

The proposed governance framework and associated documents do not, in themselves, give rise to any direct financial implications and do not seek approval for additional expenditure, borrowing, capital investment, changes to care fees, or further financial support for Oldham Total Care Limited.

Any future proposals with financial implications will be subject to separate approval through the appropriate governance processes.
The proposed Oldham Total Care Steering Committee will strengthen financial oversight and reporting between the Council, as shareholder, and the company, providing greater visibility of financial performance and risks while maintaining the company's operational independence.

b. Monitoring Officer

Name: Alex Bougatef
Date: 01 October 2026
Comments

The exercise of emergency powers should be undertaken in consultation with the Leader or Deputy Leader of the Council. However, the Council has not yet appointed a Leader or Deputy Leader for the current municipal year, so it is not possible to consult them. In addition, there is no certainty about when a Leader or Deputy Leader will be appointed, as the Council has failed at successive meetings to do so. For the reasons given in the report an urgent decision is required, and the matter cannot await the appointment of a Leader and Deputy Leader at some undetermined future date.