

## Appendix 1

### Interim Changes to Scheme of Delegation

Full Council approved the most recent iteration of the Scheme of Delegation on 8<sup>th</sup> November 2022. Since that time, the Strategic Leadership Team has changed and a restructure is currently in progress with an implementation date of 1<sup>st</sup> April 2024. This document should be read in conjunction with the Scheme of Delegation.

Pending the implementation, it is necessary to make changes to the Scheme of Delegation to ensure continuity of services. The Scheme of Delegation provides that:

*2.18 Any post specifically referred to in the Scheme of Delegations shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded. Any power contained within this Scheme in anticipation of any reorganisation may be exercised in accordance with the preceding Scheme to the date of that reorganisation.*

To provide clarity and assurance on arrangements for the discharge of functions, Appendix 1 sets out the interim changes to the Scheme of Delegation.

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
<b>E2: OFFICER DELEGATED DECISION MAKING – GENERAL</b>				
2.15	The Scheme of Delegation is maintained by the Director Law and Governance and shall be available on the Council’s internet and intranet pages.	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	
2.16	Officers shall notify the Director of Law and Governance of any changes in legislation, legal duties and obligations that may impact upon or require changes to the Scheme of Delegations.	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	
2.17	The Director Law and Governance shall have the power to amend the Scheme of Delegations to reflect legislative changes, re- organisations, changes in job titles and vacancies, minor errors or omissions and other administrative requirements where said changes result in re-distributing existing	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	

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	delegations and not the creation of new ones.			
2.20	All matters of interpretation of this document will be determined by the Director Law and Governance.	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	
2.21	Advice on procedures and matters to be taken into account in exercising officer delegated powers, is set out in guidance on decision-making issued by the Director Law and Governance.	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	

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<b>E4. DELEGATIONS TO CHIEF OFFICERS</b>				
<p><b>4.4</b></p> <p>4.4.1</p>	<p><b>Chief Executive and the Director of Regeneration and Growth and Director of Housing</b></p> <p>The Chief Executive, the Director of Regeneration and Growth and Director of Housing have the following additional powers to make decisions in relation to:</p> <p>i) The acquisition and disposal of leasehold interests for rent (including the granting and surrendering of any rights over such land and property) provided that any rental does not exceed £200,000 per annum and is consistent with the Protocol for the Disposal of Council Owned Land and Buildings. This should be in consultation with Director of Finance;</p>	<p>Chief Executive, Executive Director for Place</p>	<p>Chief Executive, Assistant Director – Property, Strategic Assets and Land</p> <p>Assistant Director Spatial Planning and Growth</p> <p>Interim Director Housing</p>	

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	<p>ii) The acquisition and disposal of freehold and leasehold interests at a premium, provided that the premium does not exceed £500,000 and is consistent with the Protocol for the Disposal of Council Owned Land and Buildings. This should be in consultation with the Director Finance</p> <p>iii) The management of all of the Council's land and properties, including the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order;</p>			

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<p><b>4.6</b></p> <p>4.6.1 – 4.6.5</p>	<p><b>Chief Executive, Director of Finance and Director of Law and Governance – Birmingham International Airport.</b></p> <p>The Chief Executive and Director of Finance be authorised severally, in conjunction with the Leader and the Deputy Leader of the Council, to take such action as may be required for the purpose of implementing any decision of the Cabinet in relation to the sale or purchase of shares in Birmingham Airport Holdings Ltd, or Birmingham International Airport Ltd.</p> <p>The Chief Executive, or in their absence, be appointed Deputy Chief Executive, in consultation with the Chair or Vice Chair of the Joint Committee, be authorised to discharge all functions in relation to Birmingham Airport Holdings Limited, as provided for at Clause 5.4 of the Birmingham Airport Districts Side Agreement, and to sign and attest the fixing of the common seal of the Council to any documents in connection therewith, in consultation with the Council’s Director of Law and Governance and Director of Finance, where appropriate and reasonably</p>	<p>Chief Executive, Executive Director Finance and Transformation, Assistant Director Legal and Assurance</p>	<p>Chief Executive, Executive Director Finance and Transformation</p> <p>Interim Director Finance</p> <p>, Assistant Director Legal and Assurance</p>	

<p style="text-align: center;"><b>Current Delegation as set out in the Scheme of Delegation dated December 2022</b></p>	<p style="text-align: center;"><b>Executive Director that will ultimately be responsible</b></p>	<p style="text-align: center;"><b>Interim Arrangement for Delegation Replacement Post Holder for delegation</b></p>	<p style="text-align: center;"><b>Source/Notes</b></p>
<p>practicable</p> <p>The Chief Executive and Director of Law and Governance is authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form or proxy, consent to short notice or other document or to attend any meeting of shareholders as representatives of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham Airport Holdings Limited or Birmingham International Airport Limited.</p> <p>The Director of Law and Governance is authorised, in consultation with the Leader, or in their absence or inability to act, the Deputy Leader of the Council, to determine any request from Birmingham Airport Holdings Limited for the consent of the Council to any proposal affecting Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith;</p>			

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	<p>The Director of Law and Governance is authorised to consider and determine any applications for consent from Birmingham Airport Holdings Limited to enter into easements and wayleave agreements with third party utility companies for the supply of gas water, electricity, communication cabling and foul and surface water drainage in the circumstances that such a proposal affects Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith.</p>			
<p><b>4.7</b> 4.7.1 – 4.7.4</p>	<p><b>Emergency Planning/Business Continuity</b></p> <p>Chief Officers and Statutory Officers (or deputising officers) are empowered to authorise all necessary actions in relation to emergencies and business disruptions as designated under the Council’s Emergency Plan when activated.</p>	<p>Chief Executive, Executive Director Finance and Transformation, Assistant Director</p>	<p>Chief Executive, Interim Director of Finance, Assistant Director - Legal and Assurance, Director Adult Social Care,</p>	

<p align="center"><b>Current Delegation as set out in the Scheme of Delegation dated December 2022</b></p>	<p align="center"><b>Executive Director that will ultimately be responsible</b></p>	<p align="center"><b>Interim Arrangement for Delegation Replacement Post Holder for delegation</b></p>	<p align="center"><b>Source/Notes</b></p>
<p>In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the Interim Director of Finance and Chief Executive in writing of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meeting of the relevant committee.</p> <p>Where it is considered necessary or appropriate the Chief Executive or the Director of Law and Governance shall convene a meeting of the Council's Emergency Committee (Part 3 – Responsibility for Functions – Constitutional Committees) to consider the Council's further response in the event of an emergency or business disruption.</p> <p>The principles of decision-making set out in Article 13 (Decision Making) and Part 3s and 4 of the Constitution will apply.</p>	<p align="center">Legal and Assurance, Director Adult Social Care, Director Children's Services.</p>	<p align="center">Director Children's Services.</p>	

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<b>E5. CHIEF EXECUTIVE AND HEAD OF PAID SERVICE</b>				
5.3.2	that the Chief Executive, or designated Director, before making a decision shall consult with the Director of Law and Governance and the Interim Director of Finance or their nominated deputies	Chief Executive, Executive Director Finance and Transformation, Assistant Director - Legal and Assurance	Chief Executive, Director of Finance, Assistant Director, Legal and Assurance	
5.3.3	Each Director (in their service area) and Director Law and Governance (all areas) may each exercise the powers of the Chief Executive in the event of their incapacity, absence or unavailability.	Chief Executive, Executive Directors	Chief Executive, Assistant Chief Executive, Assistant Director - Legal and Assurance	

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<b>E6. DIRECTOR OF FINANCE</b>				
6.8 6.8.1	<b>Write offs</b>  To write off any individual debt(s) (including any associated court costs and bailiffs' fees) up to the value of £25,000 per individual or organisation, which is considered to be uneconomical to collect or is irrecoverable. All individual debts above this amount shall be done in consultation with the Cabinet Member for Finance and Resources, and Director of Law and Governance.	Executive Director Finance and Transformation, Assistant Director - Legal and Assurance	Interim Director of Finance, Assistant Director - Legal and Assurance	
<b>E7. Director of Law and Governance</b>				
7.1	Unless otherwise stated or delegated in the Constitution or confirmed by the Leader of the Council (in respect of executive functions), the Director, Law and Governance, has responsibility for	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	

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	and is authorised to undertake/exercise/discharge all responsibilities, duties, powers in connection with the effective administration/delivery of all executive and non-executive functions falling within the Law and Governance Directorate, including:		
7.1.1	<p><b>Law and Governance</b></p> <p>i) To give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation).</p> <p>ii) To institute, defend or participate in any legal proceedings or settle (up to the value of £250,000 excluding legal costs and disbursements), if appropriate, any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director Law and Governance considers that such action is necessary to safeguard and protect the Council's</p>		<p>Executive Director – Finance and Transformation</p> <p>Assistant Director – Legal and Assurance</p>

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	<p>interests. Decisions above this financial threshold will be made by the Interim Director of Finance and/or the Chief Executive in consultation with the Director Law and Governance and Leader of the Council or relevant Cabinet Member.</p> <p>iii) Legal advice and related support services.</p>			
	<p><b>7.1.1 Registration Services</b></p> <p>i) To appoint a Proper Officer under Registration Service Act 1953 to carry out functions under the Act, including births, marriages, deaths, and exercising powers under a local registration scheme.</p> <p>ii) The Proper Officer will have responsibilities under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 which govern the process for the approval of premises for the solemnization of marriages and the</p>	Executive Director – Finance and Transformation	Assistant Director – Registration Services	

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	<p>formation of civil partnerships.</p> <p>iii) To appoint a Registrar for burials and cremation for the purposes of Cremation Regulations 2008 and Local Authorities Cemeteries Order 1977.</p> <p>iv) The Director of Law and Governance is authorised in applying fees and charges to take into account individual circumstances and make flexible commercial fee related decisions to ensure the charges are appropriate whilst also seeking opportunities to maximize income.</p> <p>v) To provide service to support the Council's role as the relevant authority for the Black Country Coroners Services.</p> <p>vi) Bereavement Services (Cemeteries, Crematoria, closed churchyards including the authority's role as burial and cremation authority)</p> <p>vii) Citizenship Ceremonies.</p>			

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7.1.2	<p><b>Equality, Diversity and Inclusion</b></p> <p>i) The Director of Law and Governance is the Lead Officer for Equality, Diversity and Inclusion Agenda.</p> <p>ii) The Director of Law and Governance has responsibility for and is authorised to undertake all necessary action in connection with the effective administration/delivery of the Council's EDI Agenda.</p>	Assistant Chief Executive	Assistant Chief Executive	
7.1.2	<p><b>Monitoring Officer</b></p> <p>i) The Director Law and Governance is the Monitoring Officer for the Council. The Monitoring Officer is a statutory appointment and provides advice to protect and safeguard the Council. The functions are summarised in Article 12 and the Protocol on the Discharge of the Functions of the</p>	Executive Director – Finance and Transformation	Assistant Director – Legal and Assurance	

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	<p>ii) Monitoring Officer. Supporting the corporate governance of the council, particularly in respect of:</p> <ul style="list-style-type: none"> <li>• Setting, supporting and monitoring the council's policies and procedures for managing and access to information including data protection laws;</li> <li>• To administer the Members' Allowance Scheme;</li> <li>• The power to make, amend or revoke byelaws;</li> <li>• To report to the Council or the Cabinet in any case where the Ombudsman, after investigation, has reported that any proposal, decision or omission by the Council or any Committee, Sub- Committee or Joint Committee of the authority, the Cabinet or any member or officer of the authority has given rise to maladministration or injustice;</li> <li>• To determine whether the disclosure</li> </ul>			

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	<p>of information by the authority in response to a request under the Freedom of Information Act would, or would be likely to, prejudice the effective conduct of public affairs;</p> <ul style="list-style-type: none"> <li>• To investigate any proposal, decision or omission by the Council or any Committee, Sub-Committee or Joint Committee of the authority, the Cabinet or any member or officer of the authority which he/she has reason to believe may have given rise to or is likely to or would give rise to: <ul style="list-style-type: none"> <li>i) Illegality;</li> <li>ii) Maladministration;</li> <li>iii) failure to observe the Members' Code of Conduct.</li> </ul> </li> <li>• To secure the lawfulness and fairness of decision-making, including advising on whether a decision or proposed decision is an executive or non-executive decision, and whether it is</li> </ul>			

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	<p>contrary to or not in accordance with the authority's approved budget and policy framework;</p> <ul style="list-style-type: none"> <li>• Responsibility for co-ordinating Ombudsman matters and whistleblowing functions of the Authority;</li> <li>• Appointment as Proper Officer for the Data Protection Act 2018, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2001;</li> <li>• To consult regularly with the Chief Executive, the Chief Finance Officer, Assistant Chief Executive and the Chief Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions.</li> </ul>			
7.1.4	<p><b>Democracy Services</b></p> <p>i) Democracy Services including</p>	Assistant Chief Executive	Assistant Chief Executive	

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	<p>support to elected members in their responsibilities, particularly in respect of:</p> <ul style="list-style-type: none"> <li>• The Leader and Deputy Leader of the Council and Cabinet Members;</li> <li>• The Mayor;</li> <li>• Councillors via group support offices;</li> <li>• The full Council meeting;</li> <li>• Cabinet;</li> <li>• Committees, Boards, Panels, other fora appointed by full Council;</li> <li>• Overview &amp; Scrutiny;</li> <li>• Training and development of councillors.</li> </ul> <p>ii) To make any necessary appointments to fill casual vacancies that may arise on Committees, boards and outside bodies carrying out or relating to non- executive functions, in consultation with the relevant political group leader, where the need to make the appointment is considered necessary for business efficacy by the Director of Law and Governance before the</p>			

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	<p>next meeting of Council.</p> <p>iii) To make arrangements for appeals against exclusion of pupils from maintained Schools;</p> <p>iv) To make arrangements for appeals regarding school admissions;</p> <p>v) To make arrangements for appeals by governing bodies, under s87 School Standards and Framework Act 1998</p>			
7.1.5	<p><b>Information Governance:</b></p> <p>i) Executive Director Finance and Transformation <del>Director of Law and Governance</del> shall be the Council's Senior Information Risk Owner.</p> <p>ii) The Director of Law and Governance is authorised to designate an officer of the Council to be the Data Protection Officer</p>	Executive Director, Finance and Transformation	<p>Executive Director Finance and Transformation</p> <p>Assistant Director – Legal and Assurance</p>	

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	pursuant to the Data Protection Act 2018 and UK GDPR			
<b>E11. DIRECTOR, REGENERATION AND GROWTH</b>				
	<p>Unless otherwise stated or delegated in the Constitution or confirmed by the Leader of the Council (in respect of executive functions), the Director, Regeneration and Growth, has responsibility for and is authorised to undertake/exercise/discharge all responsibilities, duties, powers in connection with the effective administration/delivery of all executive and non-executive functions of regeneration and growth, including the following:</p> <p>11.1.1 International and domestic inward economic investment including tourism and the visitor economy.</p> <p>11.1.2 Economic growth, including:</p> <ul style="list-style-type: none"> <li>• Development programmes;</li> </ul>	Executive Director – Place	<p>Assistant Director – Property, Strategic Assets and Land</p> <p>Assistant Director Spatial Planning and Growth</p> <p>Assistant Director - Development Planning and Building Consultancy</p>	

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	<ul style="list-style-type: none"> <li>• Land use planning;</li> <li>• Housing development.</li> </ul> <p>11.1.3 Transport &amp; Connectivity including:</p> <ul style="list-style-type: none"> <li>• Development of the Council’s transport strategies and programmes;</li> <li>• The authority’s strategic traffic management role and network planning;</li> <li>• Street naming and numbering;</li> <li>• Design of minor and major transport and highways projects;</li> <li>• The making of agreements for the execution of highways works under S278 Highways Act 1980;</li> <li>• Powers and duties relating to rights of way (including closures) under the Wildlife and Countryside Act, Highways Act, Town and Country</li> </ul>			

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	<p>Planning Act or Clean Neighbourhoods Act;</p> <ul style="list-style-type: none"> <li>• Air Quality via the Clean Air Zone.</li> </ul> <p>11.1.4 Local Land Charges functions including:</p> <ul style="list-style-type: none"> <li>• Maintenance of the Local Land Charges Register;</li> <li>• Responsibility for processing local authority searches;</li> <li>• Management of the planning service;</li> <li>• Building conservation and urban design;</li> <li>• Obtaining of information as to interests in land.</li> </ul> <p>11.1.5 Property Services including:</p> <ul style="list-style-type: none"> <li>• Council land use and property;</li> <li>• Operational Property Management;</li> </ul>			

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	<ul style="list-style-type: none"> <li>• Asset Management;</li> <li>• Facilities Management;</li> <li>• Valuations and Acquisitions;</li> <li>• Property Sales;</li> <li>• Property Strategy Delivery;</li> <li>• Investment Estate &amp; Property Management;</li> <li>• Property Asset Management and Income;</li> <li>• Strategic Investment Property Management;</li> <li>• Property Development;</li> <li>• Security Services.</li> </ul> <p>11.1.6 Compulsory Purchase Orders.</p> <p>11.1.7 Disposal of Assets as follows:</p> <ul style="list-style-type: none"> <li>• In consultation with the Cabinet Member for Regeneration &amp; Growth and WMCA,</li> </ul>			

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	<p>with Ward Members as appropriate and with the Director of Finance and s151 Officer, declaring assets between £100,000 and £500,000 in value surplus;</p> <ul style="list-style-type: none"> <li>• In consultation with the Director of Finance and s151 officer, approving the disposal of assets between £100,000 and £500,000;</li> <li>• In consultation with the Cabinet Member and with Ward Members as appropriate, declaring assets up to £100,000 surplus;</li> <li>• Approving the disposal of assets up to £100,000 in value;</li> <li>• Overseeing the negotiation of property transactions;</li> <li>• Approving the details of transactions in accordance with delegations put in place by Cabinet;</li> </ul> <p>11.1.8 Building Control;</p>			

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	<p>11.1.9 To undertake the functions of the local planning authority including:</p> <ul style="list-style-type: none"> <li>• Deal with any applications for planning permission and other related applications;</li> <li>• Enforcement action (both Planning and Building Control) and the ability to investigate/ issue notices/take prosecution/direct action;</li> <li>• Development of the Council’s planning and transport policies;</li> </ul> <p>11.1.10 Power to create footpaths and bridleways;</p> <p>11.1.11 Power to stop up footpaths and bridleways;</p> <p>11.1.12 Power to divert footpaths and bridleways;</p> <p>11.1.13 Powers relating to the preservation of trees;</p> <p>11.1.14 Powers relating to the protection of important</p>			

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	<p>hedgerows;</p> <p>11.1.15 The control of pollution or the management of air quality;</p> <p>11.1.16 To obtain information about interests in land;</p> <p>11.1.17 To obtain particulars of persons interested in land;</p> <p>11.1.18 To make agreements for the execution of highways works.</p>			
<b>E13. DIRECTOR OF BOROUGH ECONOMY</b>				
13.1	Unless otherwise stated or delegated in the Constitution or confirmed by the Leader of the Council (in respect of executive functions), the Director of Borough Economy, has responsibility for and is authorised to undertake/exercise/discharge all responsibilities, duties, powers in connection with the	Executive Director – Place	Assistant Director, Borough Economy Public Protection and Community Safety	

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	<p>effective administration/delivery of all executive and non-executive functions of borough economy, including the following :</p> <p>13.1.1 Regulation and Enforcement, including</p> <ul style="list-style-type: none"> <li>• Environmental Health Service, Trading Standards Service, Regional Investigation team, the Licensing Services, the Environmental Enforcement;</li> <li>• Enforcement activities, including the authorisation of proceedings and defending proceedings on behalf of the council in relation to civil and criminal matters in respect of these services and other services as appropriate.</li> </ul> <p>13.1.2 Licensing functions including:</p> <ul style="list-style-type: none"> <li>• Functions of a licensing authority including</li> </ul>		<p>Assistant Director Green Spaces, Green Services, Events</p> <p>Assistant Director – Libraries, Archives, Information Services</p> <p>Assistant Director - Contracts, Projects, Strategy &amp; Policy</p>	

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	<p>(but not restricted to):</p> <ul style="list-style-type: none"> <li>○ The administration of licenses for entertainment, gambling and the sale of alcohol;</li> <li>○ Taxi and Private Hire;</li> <li>○ Miscellaneous licensing functions.</li> </ul> <p>13.1.3 Environmental Health including:</p> <ul style="list-style-type: none"> <li>● Food hygiene and safety;</li> <li>● Health and safety at work;</li> <li>● Monitoring and control of infectious diseases;</li> <li>● Private water supply monitoring; and</li> <li>● Animal health and welfare enforcement.</li> </ul> <p>13.1.4 Trading Standards including:</p> <ul style="list-style-type: none"> <li>● Appointing the Chief Inspector for Weights and Measures and their deputy;</li> <li>● Tackling rogue traders;</li> </ul>			

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	<ul style="list-style-type: none"> <li>• Product safety;</li> <li>• Misleading claims, scams and illegal trading practices;</li> <li>• Underage sales;</li> <li>• Illegal advertising.</li> </ul> <p>13.1.5 Public Health Protection and Control of Statutory Nuisance including:</p> <ul style="list-style-type: none"> <li>• Fly tipping, commercial and household Duty of Care and rubbish accumulations;</li> <li>• Domestic, commercial and industrial noise, fumes and odours;</li> <li>• To serve an abatement notice in respect of a statutory nuisance;</li> <li>• To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;</li> </ul>			

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	<ul style="list-style-type: none"> <li>• To inspect the authority’s area to detect any statutory nuisance;</li> <li>• To investigate any complaint about the existence of a statutory nuisance;</li> <li>• Air quality management; and</li> <li>• Other forms of pollution harmful to public health.</li> </ul> <p>13.1.6 To authorise action and exercise powers in relation to the Anti-Social Behaviour, Crime &amp; Policing Act 2014;</p> <p>13.1.7 Setting, supporting and monitoring the council’s policy on Community Safety including:</p> <ul style="list-style-type: none"> <li>• CCTV;</li> <li>• Safer communities, including Modern Day Slavery;</li> <li>• Domestic abuse;</li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<ul style="list-style-type: none"> <li>• Prevent and Counter-terrorism;</li> <li>• To discharge local authority approvals for S35 Dispersal Orders and other statutory instruments relating to local community safety;</li> <li>• To Host the Community Safety Partnership and produce a Community Safety Strategy including reducing reoffending and serious violence strategies.</li> </ul> <p>13.1.8 Waste Strategy and Services including:</p> <ul style="list-style-type: none"> <li>• Waste collection;</li> <li>• Waste disposal;</li> <li>• Recycling;</li> <li>• Waste Policy and Enforcement.</li> </ul> <p>13.1.9 Cleaner Neighbourhoods including:</p> <ul style="list-style-type: none"> <li>• Street cleansing;</li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<ul style="list-style-type: none"> <li>• Pest control;</li> <li>• Litter bin provision and maintenance;</li> <li>• Provision and cleaning of public conveniences;</li> <li>• Graffiti removal;</li> <li>• Dog control and dog warden service;</li> <li>• Enforcement.</li> </ul> <p>13.1.10 Arts, Culture and Sports, including:</p> <ul style="list-style-type: none"> <li>• Museums and galleries;</li> <li>• Arts;</li> <li>• Sporting events.</li> </ul> <p>13.1.11 Leisure Services, including facilities;</p> <p>13.1.12 Community sports provision;</p> <p>13.1.13 Library provision;</p> <p>13.1.14 Parks and Allotments including:</p>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<ul style="list-style-type: none"> <li>• Creation, management and enhancement of green spaces;</li> <li>• Creation, management and enhancement of related visitor attractions and facilities;</li> <li>• Public rights of way and provision and maintenance of footpaths and bridleways;</li> <li>• Woodland and tree management;</li> <li>• Provision of educational events and programmes;</li> <li>• Grass cutting and grounds maintenance;</li> <li>• Management of designated conservation sites.</li> </ul> <p>13.1.15 To discharge the Council's statutory</p>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<p>obligations in relation to the operation of the Community Right to Bid for Assets of Community Value and the Community Right to Challenge;</p> <p>13.1.16 Compulsory Purchase Orders;</p> <p>13.1.17 All Highways and Infrastructure and related functions, including:</p> <ul style="list-style-type: none"> <li>• Duty to assert and protect the rights of the public to the use and enjoyment of highways;</li> <li>• The making of agreements for the execution of highways works under S38 Highways Act 1980;</li> <li>• The making of agreements for the execution of highways works under S278 Highways Act 1980;</li> <li>• Powers and duties relating to rights of way (including closures) under the Road traffic Act and Traffic</li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<p>Regulation Act;</p> <ul style="list-style-type: none"> <li>• The authority's role as a highways, traffic and streetworks authorities;</li> <li>• Maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure;</li> <li>• Design and delivery of major and minor highway schemes;</li> <li>• The making of agreements for the execution of highways works under S278 Highways Act 1980;</li> <li>• Powers and duties relating to rights of way (including closures) under the Wildlife and Countryside Act, Highways Act, Town and Country Planning Act or Clean Neighbourhoods Act;</li> <li>• Powers relating to the removal of things so deposited on highways as to be a nuisance;</li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<ul style="list-style-type: none"> <li>• Duty to keep a definitive map and statement under review;</li> <li>• Duty to reclassify roads used as public paths;</li> <li>• Power to make limestone pavement order;</li> <li>• Discharging statutory duties with respect to the delivery of operational parking functions, including Civil Parking Enforcement;</li> <li>• Flood and water management including: <ul style="list-style-type: none"> <li>• Discharging duties as Lead Local Flood Authority and other duties and responsibilities associated with the Flood Water Management Act;</li> <li>• Land drainage activities;</li> <li>• The delivery and maintenance of flood alleviation schemes;</li> </ul> </li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<ul style="list-style-type: none"> <li>• Flood response.</li> </ul> <p>13.1.18 The council's borough-wide resilience and emergency planning functions;</p> <p>13.1.19 Neighbourhood Management;</p> <p>13.1.20 Any function relating to contaminated land;</p> <p>13.1.21 Event management, subject to the following:</p> <ul style="list-style-type: none"> <li>• Events above 500 people with community impact must be in consultation with the relevant Cabinet Member;</li> <li>• Events above 5,000 people (one day) must have approval from the relevant Cabinet Member;</li> <li>• Events above 5,000 people (multiple days) must have approval from Cabinet.</li> </ul>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
<b>E14. DIRECTOR - BUSINESS STRATEGY AND CHANGE</b>				
14.1	Unless otherwise stated or delegated in the Constitution or confirmed by the Leader of the Council (in respect of executive functions), the Director, Business Strategy and Change, has responsibility for and is authorised to undertake/exercise/discharge all responsibilities, duties, powers in connection with the effective administration/delivery of all executive and non-executive functions of business strategy and change, including the following:	As set out below		
14.1.1	<b>Human Resources</b>  i) Setting, supporting and monitoring the council's policies and procedures for managing human resources and effective organisational development (including	Assistant Chief Executive	Assistant Chief Executive	

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	<p>Occupational Health and Wellbeing, and Health and Safety);</p> <p>ii) Recruitment of staff and to determine terms and conditions of employment;</p> <p>iii) To undertake the payroll function for all Council employees and associated bodies;</p> <p>iv) To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal;</p> <p>v) To implement standing orders in relation to officer employment;</p> <p>vi) Unless otherwise delegated to the Interim Director of Finance, discharge functions</p>			

Current Delegation as set out in the Scheme of Delegation dated December 2022		Executive Director that will ultimately be responsible	Interim Arrangement for Delegation Replacement Post Holder for delegation	Source/Notes
	relating to local government pensions.			
14.1.2	<p><b>Information and Communications Technology</b></p> <ul style="list-style-type: none"> <li>i) Enabling effective ICT support, hardware, software, and necessary ICT infrastructure to ensure compliance with relevant ICT security standards including requisite connectivity to business applications and information that reside either on-premise or Cloud hosted;</li> <li>ii) Delivering the Council's Information and Communications Technology Digital Strategy (or equivalent).</li> </ul>	Executive Director Finance and Transformation	Executive Director Finance and Transformation	



# **Sandwell MBC**

## **Constitution**

### **List of Statutory and Proper Officers**

## Statutory Officers

### 1 List of Statutory Officers

- 1.1 The table sets out the posts holding statutory offices on behalf of the Council. An officer will hold the statutory office during any period of employment in the post, either as an employee or on a temporary, acting up or interim basis.
- 1.2 The Statutory Officers may appoint deputies, if allowed by law, but cannot delegate their statutory responsibilities.
- 1.3 The Monitoring Officer is delegated authority to amend the list of Statutory Officers to remove and replace redundant posts or provisions or to change appointments.

Statutory Office	Post holding the statutory office
<p><b>Head of Paid Service</b> (Section 4 – Local Government &amp; Housing Act 1989)</p>	Chief Executive
<p><b>Monitoring Officer</b> (Section 5 – Local Government &amp; Housing Act 1989)</p>	Assistant Director, Legal and Assurance
<p><b>Chief Finance Officer</b> (s.151 Local Government Act 1972)</p>	Executive Director, Finance and Transformation
<p><b>Electoral Registration Officer</b> <b>Returning Officer / Assistant Returning Officer</b> (ss.8,28 and 35 Representation of the People Act 1983)</p>	Chief Executive

<p><b>Director of Children’s Services</b> (s.18 Children Act 2004)</p>	<p>Director, Children and Education</p>
<p><b>Director of Adult Social Services</b> (s.6 Local Authority Social Services Act 1970)</p>	<p>Director of Adult Services</p>
<p><b>Director of Public Health</b> (s73A National Health Service Act 2006)</p>	<p>Director of Public Health</p>
<p><b>Scrutiny Officer</b> (s9FB Local Government Act 2000 as amended)</p>	<p>Democratic and Member Services Manager</p>
<p><b>Data Protection Officer</b> (Article 37-39 General Data Protection Regulation 2018, s.69 Data Protection Act 1998)</p>	<p>Legal Services Manager – Governance &amp; Regulatory</p>
<p><b>Qualified person</b> for the purposes of section 36 of the Freedom of Information Act 2000</p>	<p>Monitoring Officer</p>

## Appointment of Proper Officers

### 1 List of Proper Officers

- 1.1 The officers set out in the table below are appointed to be the Council's Proper Officer for the stated legislative provisions.
- 1.2 The appointed Deputy Proper Officer is given in brackets. The Deputy Proper Officer is appointed to act where the Proper Officer is absent and/or unable to act for any reason.
- 1.3 In absence of the appointment of a Proper Officer in this Constitution:
- 1.3.1 the Monitoring Officer will be the Council's Proper Officer and has power to delegate this power, until an appointment is made by Full Council; and
- 1.3.2 The Deputy Monitoring Officer will be the Council's Deputy Proper Officer.
- 1.4 The Monitoring Officer is delegated authority to amend the list of Proper Officers to remove and replace redundant posts or provisions or to change appointments.

### Local Government Act 1972

Section	Function	Proper Officer
83(1)-(4)	Officer to whom persons elected as councillors shall make declaration of acceptance of office.	Assistant Director of Legal and Assurance (Chief Executive)
84	Officer to whom councillors may give written notice or resignation.	Assistant Director of Legal and Assurance (Chief Executive)
88(2)	Officer who may convene a Council meeting to fill a vacancy in the office of Mayor.	Chief Executive

89(1)(b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local Government electors.	Chief Executive (Assistant Director of Legal and Assurance)
100	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Assistant Director of Legal and Assurance
115	Officer to whom all officers shall pay monies received by them and due to the local authority.	Executive Director, Finance and Transformation
146(1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.	Executive Director, Finance and Transformation
225(1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.	Assistant Director of Legal and Assurance
229(4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Assistant Director of Legal and Assurance
Section 233 LGA 1972	Receive documents required to be served on the Council.	Assistant Director of Legal and Assurance
234(1)	Officer who may authenticate documents.	Assistant Director of Legal and Assurance

238	Officer who may endorse a copy of a byelaw.	Assistant Director of Legal and Assurance
Sch.12, Part 1, para 4(1A)	Officer who may sign a summons to Council meetings and may receive notice from a member of address to which a summons to a meeting is to be sent.	Chief Executive (Assistant Chief Executive)

#### **Local Government Act 1974**

<b>Section</b>	<b>Function</b>	<b>Proper Officer</b>
30 (5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Assistant Director of Legal and Assurance

#### **Local Government (Miscellaneous Provisions) Act 1976**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
41	Officer responsible for certifying copies of resolutions, minutes and other documents.	Assistant Director of Legal and Assurance

#### **Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer.	Director of Public Health

### Weights & Measures Act 1985

Section	Description	Proper Officer
Section 72	Functions of Chief Inspector of Weights and Measures.	Assistant Director, Borough Economy Public Protection and Community Safety

### Local Government Finance Act 1988

Section	Description	Proper Officer
114 and 114A	Officer responsible for making a report under this section to the authority concerning unlawful expenditure and the Council's budget.	Executive Director, Finance and Transformation (deputy appointed by the Executive Director, Finance and Transformation)

### Local Government & Housing Act 1989

Section	Description	Proper Officer
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Assistant Director of Legal and Assurance

### **Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
Reg 23	Certification of the Local Non-Domestic List.	Executive Director, Finance and Transformation

### **Local Government (Committees and Political Groups) Regulations 1990**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
8 (1) and (5), 9 and 10, 13, 14	<p>Officer to whom:</p> <ol style="list-style-type: none"><li>1. notice is delivered about the constitution of a political group, or the change of name of a political group</li><li>2. notice is delivered about a Councillor's membership of, or cessation of membership of, a political group</li><li>3. the wishes of a political group are expressed</li></ol> <p>Officer responsible for notifying a political group about allocations and vacancies of seats</p>	Assistant Director of Legal and Assurance

### The Local Authorities (Standing Orders) (England) Regulations 2000

Section	Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	Officer to receive notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment from executive members, if any.  (as set out in the Employment Procedure Rules)	Chief Executive  (Assistant Chief Executive)

### Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Section	Description	Proper Officer
	All references to the responsible officer	Director, Adult Social Care

### Local Authorities (Referendums)(Petitions)(England) Regulations 2011

Section	Description	Proper Officer
Reg 4	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area.	Assistant Director of Legal and Assurance
Regs 11,13,14	To be the Proper Officer for the receipt and validation of petitions.	Assistant Director of Legal and Assurance

### **Local Authorities (Conduct of Referendums) (England) Regulations 2011**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer.	Assistant Director of Legal and Assurance

### **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer	Assistant Director of Legal and Assurance

### **Registration Service Act 1953**

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
	All references to the Proper Officer / registration officer	Assistant Director Registration Services