

Executive Portfolios 2015/16

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Sandwell Metropolitan Borough Council - Executive Portfolios

Corporate Responsibilities and Duties of Cabinet Members

- ▶ To endeavour to meet the aspirations of the Council and the citizens of the Borough through continuous improvement in service delivery, the implementation of best practice, equality in service provision and the recognition of the cultural diversity of the population of the Borough.
- ▶ To support partnership working and to work towards the Sandwell Scorecard Priorities for Improvement.
- ▶ To ensure the full involvement of local people and communities in the decision making processes of the Council.
- ▶ To provide political leadership and strategic policy direction for all matters falling within a Cabinet Member's portfolio and to act as the Council's principal spokesperson on Council policy and/or matters associated with that portfolio.
- ▶ To represent the Council on appropriate external partnerships, negotiating and consultative bodies, at a national, regional and local level on those matters which fall within the scope of this portfolio.
- ▶ To engage in a constructive relationship between the Cabinet and Scrutiny, ensuring that Members of the Cabinet provide information to, attend before, and respond to any recommendations from the Scrutiny Boards, Panels and committees when requested.
- ▶ To lead and direct the commissioning and procurement of services which fall within the remit of the Cabinet Member.

- ▶ In accordance with the provisions of the Employment Rules as set out in the Council's Constitution, to lead and direct variations to the chief officer and deputy chief officer structure and to the establishment of those service areas which fall within the remit of the Cabinet Member.
- ▶ To undertake any other duties or roles as may from time to time be assigned, by the Leader or the Cabinet.

Leader of the Council

Portfolio Responsibilities

To provide overall political leadership and strategic policy direction to the Council and the Cabinet and to act as the Council's principal spokesperson on Council policy and/or matters affecting the Borough or its citizens at local, regional, national and international level.

To undertake the duties and responsibilities required or expected, of the Leader of the Council in accordance with the Leader and Cabinet Executive (England) model form of executive (the Local Government Act 2000) as amended by the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011.

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The provision of corporate governance, legal services, the support of democracy and information management.
- The strategic lead for the development of and to represent the Council's interests in the establishment of a combined authority.
- The strategic lead in maintaining the Council's interests in the economic development and regeneration of the Borough and the wider region, through work of the Combined Authority, including the effectiveness and efficiency of transport.
- The Local Economic Partnership, Black Country Consortium and Association of Black Country Authorities including their inter-relationship with the functions of the Combined Authority .
- Press and media relations; communications; marketing and the image of the Council; civic and ceremonial issues; and the identification, development, promotion and marketing of public events.

Leader of the Council (cont)

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| <ul style="list-style-type: none">• The formulation of proposals for the political management and decision making structures of the Council, including the Council's Constitution. | <ul style="list-style-type: none">• Executive matters within all other areas of service provision or activities of the Council which are not otherwise allocated to a Cabinet Member. |
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Deputy Leader and Cabinet Member for Finance and Resources

Portfolio Responsibilities

To undertake the duties and responsibilities required or expected, of the Deputy Leader of the Council in accordance with the Leader and Cabinet Executive (England) model form of executive (the Local Government Act 2000) as amended by the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011.

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- Financial management and control, including financial planning and development of the medium-term budget strategy (capital, revenue), the Housing Revenue Account) and the delivery of value for money across the Council.
- Protecting the Council's interests:
 - when acting as the accountable body for schemes/projects funded by external funding streams with the exception of matters agreed under the authority delegated to a combined authority;
 - in the financial control and management of trust funds and charities of which the Council are trustees;
 - in the governance of partnerships.
- The strategic policy overview and co-ordination of all strategic partnering arrangements and Council-wide contracts entered into by the Council.
- Strategic asset management planning across the Council.
- The procurement policy framework and financial rules/financial standing orders of the Council, including sustainable procurement.
- Risk management and insurance.
- Internal and external audit functions.

Cabinet Member for Finance and Resources (cont)

- The determination of the allocation of resources in respect of matters which require additional, non-budgeted expenditure in year or commit the Council to non-budgeted expenditure in future years.
 - In conjunction with the Cabinet Member for Adult Social Care & Health, the delivery and direction of the Council's welfare rights and anti-poverty strategy.
 - The delivery of all aspects of the Council's equality agenda and duties.
 - Organisational development and human resource management.
 - Member development and the provision of services to members of the Council.
- The overview and co-ordination of the delivery of the Revenue and Benefits service and associated matters.
 - The development, overview and co-ordination of the delivery of the Council's Corporate Landlord service.
 - Information Communication Technology (ICT) and catering (except for schools meals and adults in need of social care)

Cabinet Member for Adult Social Care & Health

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The social care needs of adults in the Borough and looking after people in later life.
 - Safeguarding of vulnerable adults.
 - The Council's Prevention Strategy for adults.
 - Development of relationships with both adults in need of social care and their carers.
 - Development of relationships with providers of adult social care.
 - The Agewell Partnership.
- In conjunction with the Cabinet Member for Children's Services, the development and delivery of services to effect the seamless transition of citizens from children's social care to adults social care.
 - Developing the Council's approach to whole life services for people with lifelong disabilities and learning disabilities.
 - Home meals support services and access to healthy eating for vulnerable citizens.
 - The promotion of public health in everyday service delivery across the Council and the integration of public health services within the Council.
 - Health improvement and the eradication of health inequalities.
 - Health partnership working between the Council and the wider health economy.

Cabinet Member for Adult Social Care & Health (cont)

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| <ul style="list-style-type: none">• The Council's contribution to domestic violence services.• The Health and Wellbeing Board. | <ul style="list-style-type: none">• In conjunction with the Cabinet Member for Finance and Resources, the delivery and direction of the Council's welfare rights and anti-poverty strategy. |
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Cabinet Member for Children's Services

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The safeguarding and social care needs of children and young people in the Borough.
- The strategic overview and development of education provision within the Borough, including adult education, community and family learning.
- The development of and compliance with educational statutory requirements placed on the Council.
- Improving educational attainment.
- The 14 – 19 year olds strategy, further education awards and the determination of tuition fees and other fees and charges in adult education.
- The development and co-ordination of youth opportunities in the Borough, including The Sandwell Youth Service and the Sandwell Play Service, including the Council's links with the Sandwell Youth Forum, Youth Cabinet and the Youth Parliament.
- Youth Offending Service.
- The Council's statutory requirements in relation to child poverty and the development and co-ordination of the approach to child poverty across the Council and its partner organisations.
- In conjunction with the Cabinet Member for Adult Services, the development and delivery of services to effect the seamless transition of citizens from children's social care to adults social care.

Cabinet Member for Children’s Services (cont)

- School governing bodies and the making of new or amended Instruments and Articles of Government for schools.
- To support the Council’s statutory duties for the protection of children through the development and delivery of effective health care services for young people and a robust Children’s health agenda.

Cabinet Member for Leisure and the Voluntary Sector

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The development of the Council's relationship with the voluntary sector, charities and community ventures.
- Developing the capacity and horizons of the voluntary sector and expanding the opportunities the Council can offer to the sector for the support to and/or delivery of services on behalf of the Council.
- Development of the Council's relationship with partner organisations.
- Policy and funding strategies for the voluntary and community sector, including applications for discretionary relief from national non-domestic rates.
- Sports and leisure including the Council's interests in, and the strategic direction of the Council's input to the Sandwell Leisure Trust and the Arts.
- Customer Services and Customer Care.
- The Local Government Ombudsman.
- The development and commissioning of cultural opportunities in the Borough, support of the arts and heritage, including library and archive services, museums, art galleries and archaeology.
- Community Services, including community centres and shop mobility.

Cabinet Member for Regeneration and Economic Investment

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- To support the Leader in the strategic development of and to represent the Council's interests in the establishment of a combined authority.
- In support of the Leader, to deliver the following for and within Sandwell and in the wider combined authority area, through both local and combined authority wide projects and initiatives:
 - the regeneration of the physical environment of the Borough.
 - regeneration and transport planning, the transport network and public infrastructure.
 - the achievement of economic regeneration, the creation of jobs and the development of wealth.
 - the maximisation of employment, training and local business opportunities.
 - the maximisation of public and private sector housing development;
- the development of proposals to stimulate tourism and visitor economy of the Borough.
- Capital investment.
- Strategic town planning, including development control and building regulation, the development of supplementary planning guidance and regional planning guidance.
- The declaration and making of all clearance areas, permitted development rights and the designation of conservation areas, areas of archaeological interest, nature reserves, green spaces and parks.
- The development of links with the local business community and skills/worklessness agencies and regional and national employment organisations, agencies and associations.
- To deputise for the Leader of the Council on the Local Enterprise Partnership.
- Electoral Registration and engagement

Cabinet Member for Regeneration and Economic Investment (cont)

- The development, implementation and review of local housing strategy, all housing policies and neighbourhood housing plans, including private sector housing.
- The strategic direction of the Council's interests in relation to the development and delivery of housing of all types and tenures, including transient groups.

Cabinet Member for Highways and Environment

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- The improvement of the visual appearance of the Borough (the 'streetscene') to create a better place to live.
- The policy direction for countryside management, nature reserves, parks, green spaces and visitors centres.
- Highways network management and maintenance.
- Transport, vehicle and plant management, and the integration of transport services provided by Council services (including special education needs).
- The waste strategy and waste collection and disposal services, including the Council's direction and input to the integrated waste management contract.
- The policy direction for all licensing regimes for which the Council is the designated authority and the application of the executive functions relating to licensing.
- Emergency planning and civil resilience.
- The provision and maintenance of allotments within the Borough.

Cabinet Member for Highways and Environment (cont)

<ul style="list-style-type: none">▪ Environmental services including cleansing, grounds maintenance, public conveniences and the maintenance of water courses.	
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Cabinet Member for Town and Neighbourhood Services

Portfolio Responsibilities

Where not otherwise reserved to the Council, a committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Cabinet for all matters relating to:

- Sandwell local neighbourhood working and the co-ordination and delivery of services through a neighbourhood delivery model.
 - The development and co-ordination of the work of Town Lead Members.
 - Town management, tasking and cross-organisational service delivery at a town level.
 - Community safety and the development and implementation of the Council's Community Safety policies.
 - Tackling anti-social behaviour and local crime and disorder.
- The direction for and delivery of the Council's management responsibilities for the authorities housing stock, including maintenance.
 - Cemeteries and crematoria, the duties of the Council in relation to the Coroners Service and registration services, including the registration of births, deaths and marriages, citizenship, civil partnership.
 - Environmental health, trading standards, consumer protection.
 - The Regulation of Investigatory Powers
 - Markets and market management.
 - In association with the Cabinet Member for Adult Social Care & Health as appropriate:
 - i. housing conditions in the private sector and the Housing Agency Service, including improvement, clearance and associated enforcement.
 - ii. services for the provision of aids and adaptations

Scheme of Delegation

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[ILO: UNCLASSIFIED]

Additions to the Scheme of Delegation

Additions	Commentary
Chief Executive	
Nil	
Assistant Chief Executive	
<p>Local Government Pension Scheme Regulations 2013 To determine a longer period for the giving of notice to transfer, from transferring person, under regulation 100 in consultation with the Chief Finance Officer.</p> <p>In consultation with the Chief Finance Officer to enter into admission agreements under Part 3 Schedule 2 of the regulations.</p>	<p>To provide for an operational human resources matter to be dealt with in a practical and confidential manner.</p>
Director - Adult Social Care	
<p>Assistance to Meet a Person's Needs To promote well-being when carrying out any care and support functions in respect of an individual and provide or arrange services that reduce need for support amongst people and their carers in the local area by assessing need and meeting those needs via the provision of care and support as appropriate..</p> <p>Part 1 – Care Act 2014.</p>	<p>The provisions of the Care Act 2014 supersede previous delegations to officers</p>
<p>Statutory Responsibility for social care of adults Where not otherwise expressly delegated, to exercise the Council's statutory responsibilities under Care Act 2014.</p>	
<p>Determination/Application of Charges for meeting need To make charges for meeting needs in accordance with the prescribed method of assessment under section 17 Care Act 2014</p> <p>Part I section 14 Care Act 2014</p>	

Director - Chief Finance Officer

Local Council Reduction Benefit and Housing Benefit

The administration of the Council's responsibilities relating to Council Tax Benefit and Housing Benefit investigations, to include social security legislation, the Theft Act 1968 and the Fraud Act 2006.

Introduced to bring clarity to the lines of responsibility for investigations and to reflect a change in terminology

To act and authorise others to act in the investigations of matters relating to fraud to include

Internal Fraud
NNDR – Business Rates
Blue Badge
Personal Budgets
Tenancy Fraud
Staff Theft of time/equipment etc
Insurance
Grants
Supported Housing

Introduced to bring clarity to the lines of responsibility for investigations in to allegations of fraud

Director - Children and Families

Children and Young People with Special Educational Needs or Disabilities

Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.

New legislation – Children and Families Act 2014

Director - Children's Services

Children and Young People with Special Educational Needs or Disabilities

Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.

Director - Homes and Communities

Intellectual Property Act 2014	New legislation to be included in the list of authority granted to Trading Standards officers at the operational level to protect the interests of the citizens of the Borough
Registered Designs Act 1949	Operational legislation to be included to provide clarity in the lines of responsibility following its updating by the Intellectual property Act 2014 above
Anti-social Behaviour Crime and Policing Act 2014	New legislation to be included in the list of authority granted to Trading Standards officers at the operational level to protect the interests of the citizens of the Borough
Children and Families Act 2014	
Health Act 2006	Introduced to bring clarity to the lines of responsibility for enforcement of provisions relating to sales and distribution of tobacco, drugs and medicines and the operation of pharmacies.
Fly tipping To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990	Introduced to bring clarity to the lines of responsibility for enforcement of the provisions relating to fly-tipping

Interim Director - Education

Children and Young People with Special Educational Needs or Disabilities Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.	New legislation – Children and Families Act 2014
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Director - Governance

Nil	
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Director - Neighbourhoods

Anti-Social Behaviour

To take action in respect of community safety and the reduction of crime and disorder (including the management of closed circuit TV)

To take action in respect of gang related anti-social behaviour and to authorise legal proceedings for gang injunctions under section 47 Policing and Crime Act 2009 (as amended) and any subsequent proceedings or breach of orders.

Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation in the light of new wider anti-social behaviour legislation passed in 2014

Housing Management

To exercise, powers, duties or functions and to make decisions on housing management issues under the relevant Housing Acts, associated legislation, policies and conditions of tenancy, including but not limited to:

- successions
- assignments
- mutual exchange
- transfers
- management transfers
- writing off irrecoverable tenants' arrears/debts
- harassment or any other management panels
- variation of tenancy conditions
- service of s.41 notices (Local Government (Miscellaneous Provisions) Act 1982, (as amended))
- gas safety checks and enforcement
- entering into garage plot agreements and the letting of garages, serving notices and authorising any enforcement action
- the financial management of property including (but not limited to) the fixing and collection of rent, service charges and other charges (including arrears), and financial returns

The amalgamation of a number of delegations previously granted to the Director by the Council, in to a single composite authority to act in the management of social housing

<ul style="list-style-type: none"> • estate management • serving any notices required under any statutory provision or required pursuant to the exercise of any authorised functions • the repair, maintenance, alteration, improvement, modernisation, redevelopment and renewal of properties and ancillary property including (but not limited to) house condition surveys and the preparation and implementation of programmes of repair and improvement • The management of void and empty properties 	
<p>Gypsy/Traveller To enter into pitch/tenancy agreements (Gypsy/Traveller), the management of such agreements, issuing notices, authorising legal proceedings, authorising eviction under the Mobile Homes Act 1983 (as amended) including associated legislation, regulations, guidance and the Council's approved policies</p>	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>
<p>Housing Fraud Breaches of tenancy conditions, fraud and offences committed:</p> <ul style="list-style-type: none"> • To take action and authorise legal proceedings under the Fraud Act 2006 as amended. • To take action and authorise proceedings under the Prevention of Social Housing Fraud Act 2013 (as amended) and under associated legislation, including regulations and guidance. 	<p>Introduced to bring clarity to the lines of responsibility for authorising investigations in to allegations of fraud and breaches of tenancy conditions.</p>
<p>Licence Agreements (Social Housing)</p> <ul style="list-style-type: none"> • To enter into a licence agreement and to end the licence agreement by notice or otherwise. • To determine the level of licence fee and/or service charge and any subsequent increases. • Serve any relevant notice to quit/notices. • Authorise legal proceedings and eviction. 	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>

<p>Private Sector Leasing</p> <p>Within the private sector lettings scheme to:</p> <ul style="list-style-type: none"> • Enter into and the management of non-secure tenancy agreements. • Determine the level of rent/service charges and any subsequent increases. • Serve any relevant notices to quit. • Authorise legal proceedings and eviction 	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>
<p>Warden Patrolling Service</p> <p>To act and to authorise others to act in the exercise of the Council's statutory powers and duties including but not limited to: littering and waste, dog fouling, Dog Control Orders, graffiti and fly posting.</p> <p>To exercise the Council's statutory duties and powers in respect of vehicles, including but not limited to, abandoned vehicles, the repairing or selling of vehicles, the seizure and disposal of vehicles and verification of number plates. To exercise duties and powers in respect of cycling on footpaths.</p> <p>To exercise authorisations given by the DVLA with respect to the removal of vehicles.</p> <p>To exercise any authorisations given by the West Midlands Police under the Accredited Community Safety Scheme.</p> <p>The investigation of fraud under the Council's Blue Badge Scheme.</p>	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>
<p>Domestic Abuse</p> <p>To act and to authorise others to act in the exercise of the Council's duties in relation to domestic abuse Team, including but not limited to:</p> <ul style="list-style-type: none"> • the commissioning and co-ordination of domestic homicide reviews which are a requirement under section 9 of the Domestic Violence, Crime and Victims Act 2004 • the Domestic Abuse Strategic Partnership (DASP) responsibilities on domestic abuse • the commissioning of domestic abuse services 	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>

<p>Fly tipping To act and authorise others to act on behalf of the Director – Homes and Communities in the enforcement of Section 33 of the Environment Protection Act 1990.</p>	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions relating to fly-tipping</p>
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Public Health	
<p>Local Authority Public Health Functions Exercising the health service functions of a local authority under, or as/may be prescribed under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).</p>	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>

Regeneration and Economy	
<p>Community Infrastructure Levy</p> <ol style="list-style-type: none"> 1) To apportion liability in default pursuant to Regulation 34 Community Infrastructure Levy Regulations 2010. 2) To issue and serve an information notice under Regulation 35 Community Infrastructure Levy Regulations 2010. 3) To determine a transfer of liability under Regulation 36 Community Infrastructure Levy Regulations 2010. 4) To calculate the chargeable amount of CIL payable under part 5 of Community Infrastructure Levy Regulations 2010 (reg 40). 5) To reconsider and determine applications and take all necessary steps in connection with the exemptions and relief under part 6 Community Infrastructure Levy Regulations 2010 (reg 41-58). 6) To apply CIL to administrative expenses incurred by the Authority in connection with CIL in accordance with regulation 61 Community Infrastructure Levy Regulations 2010. 7) To arrange for the publication of the annual report under Regulation 62 Community Infrastructure Levy Regulations 2010. 8) To issue and service information notices in respect of social housing relief under Regulation 54 Community Infrastructure Levy Regulations 2010. 	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>

- 9) To issue and serve liability notices under regulation 65 Community Infrastructure Levy Regulations 2010
- 10) .To give acknowledgement of commencement notices given under regulation 67 Community Infrastructure Levy Regulations 2010.
- 11) To determine deemed commencement date of development under regulation 68 Community Infrastructure Levy Regulations 2010.
- 12) To issue and serve demand and revised demand notices under regulation 69 Community Infrastructure Levy Regulations 2010.
- 13) To give notice of non-payment of amounts payable under regulation 70 to each person known to be the owner of the relevant land.
- 14) To issue and send payment receipts under regulation 72 Community Infrastructure Levy Regulations 2010.
- 15) To repay overpayments and interest under regulation 75 Community Infrastructure Levy Regulations 2010.
- 16) To request relevant information under regulation 78 Community Infrastructure Levy Regulations 2010.
- 17) To exercise the functions of the collecting authority and a relevant authority under Part 9 Community Infrastructure Levy Regulations 2010 (Enforcement) up to but not including the instigation of legal proceedings.
- 18) To determine reviews of chargeable amounts under Regulation 113 Community Infrastructure Levy Regulations 2010 (except where the original decision was taken by the Director and not by another officer under arrangements made by the Director).
- 19) To make representations, comments, applications and to take all steps necessary in connection with appeals under Regulations 114-121 Community Infrastructure Levy Regulations 2010.

Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation

<p>Uncollected Property To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Introduced to bring clarity to the lines of responsibility for enforcement of the provisions of existing legislation</p>
<p>Detention of Horse Act 2015 To act and authorise others to act under the Control of Horses Act 2015</p>	<p>New legislation</p>

Street Scene	
<p>Nil</p>	



Scheme of Delegation

May, 2015

Introduction

A Scheme of Delegation is simply a list of those functions of the Council where elected members feel it is better for officers or other people to make the decisions. These decisions are mainly statutory or regulatory matters which are minor, operational in nature or where decisions need to be made quickly or with such frequency, that it is impractical to take the decision through the normal member decision making processes.

The functions which fall to the Leader of the Council are known as 'Executive' functions and those that are retained by the Council as a collective decision making body are known as 'Non-Executive' functions.

Executive decisions are those that the law says can only be made by the Leader or which he can delegate to his/her Cabinet, to an individual Cabinet Member, or to an officer of the Council.

Non-executive decisions relate to those duties that the Leader cannot have responsibility for and which only the full Council or a committee appointed by the Council or an officer nominated by the Council can make a decision on.

This Scheme of Delegation, is presented in a number of parts, one for each approved 'decision maker', normally a Director. Each part is then further broken down in to the categories of decision explained below.

Category A - Executive Decisions

Decisions made in connection with a function of the Council which are the responsibility of the executive or which have been designated by the Council as an executive function.

All decisions taken under a delegation within Category A must be recorded and made available for inspection on the Council's website unless the decision being made involves information which is covered by one of the statutory exemptions in which case it must still be recorded but it does not have to be made available for inspection.

Category B - Non-executive Decisions

Decisions made in connection with a function of the Council which are not the responsibility of the executive or which have not been designated executive functions by the Council.

These decisions only need to be made public if they fall within one of three definitions:

- grant a permission or licence;
- affect the rights of an individual;
- award a contract or incur expenditure which in either case, materially affects the Council's financial position

If a decision does meet one of these three definitions but it involves information which is covered by one of the statutory exemptions, then it must still be recorded but it does not have to be made available for inspection.

Category C – Executive Administrative Decisions

Decisions which are ancillary to, or remotely connected to a function of the Council which are the responsibility of the executive ie functions which are required to support an executive function.

These decisions do not need to be made available for public inspection.

Category D - Non-executive Administrative Decisions

Decisions which are ancillary to, or remotely connected to a function which is not the responsibility of the executive ie functions which are required to support a non-executive function.

As with Category B, only those decisions in the three criteria have to be published and again, the exemptions may apply.

Category E

Whilst not strictly delegations within the meaning of the Scheme, the Council has also chosen to record for transparency within its Scheme, those types of decision where a person has been given authority to take actions which are a general duty to be observed in carrying out a function; or which are a procedural requirement; or which are a decision of the Council for which there is no directly associated statutory requirement.

There is no requirement to publish these decisions.

Approved Decision Maker

For the purposes of this Scheme of Delegation, a decision maker (or an approved person) is either:

- the Chief Executive of the Council (Head of the Paid Service);
- the Assistant Chief Executive of the Council;
- a Director of the Council;
- a specifically designated officer of the Council;
- a specifically designated person who is not an employee of the Council

Each decision maker is identified at the head of each page within the list of delegations, except where reference is made to Miscellaneous or Non-Council Employees, in which case the designated officer is identified against a particular delegation.

Principles of Delegation

1. Where:
 - a decision maker's post as listed in these delegations, is vacant; or
 - a decision maker is unable to undertake a function delegated to him/her for any reason including due to absence or a conflict of interests; or
 - the title of the decision maker's post has changed but it is still clear that the reference to the decision maker in the delegation is the person to whom it was intended the authority has been delegated;

any reference in these delegations to that post/person will also mean any other post or person appointed from time to time by the Council to undertake the role to which the delegation relates.

2. Where a decision maker is unable to make a decision because they are absent or have a conflict of interest, the authority to act under that delegation will pass upwards to the next senior decision maker who holds responsibility for the named decision maker (ie officer to Director; Director to Assistant Chief Executive or Chief Executive) except where the delegation itself states otherwise or where a decision can only be made by one of the statutory offices of Section 151 Officer or Monitoring Officer.

3. Authority to Act:

- Until the Council has the opportunity to update its scheme, the authority is delegated to a chief officer of the Council to undertake any executive or non-executive function which may from time to time be designated to a named officer by statute, statutory instrument, regulation, Government directive or decision of the Council, where it is clearly identifiable that the reference to the approved decision maker is one of the approved decision makers listed under the 'Approved Decision Maker' section above.
- Authority is delegated to each Director, the Chief Executive and Deputy Chief Executive, to make decisions under those functions listed in the "All Directors" section of this Scheme of Delegation.
- Where the Chief Executive is absent, or he/she is unable to make a decision due to a conflict of interest, or in the event of a vacancy in the post of Chief Executive, the Assistant Chief Executive may take the decision, with the exception of any decisions which relate to the duty of the office of Monitoring Officer or Section 151 Officer.
- The Chief Executive, Assistant Chief Executive or a Director can act in a matter of urgency in accordance with the Council's Standing Orders.

Exemptions to Publication

Where Regulations allow for an exemption to be made to the need to publish decisions, the exemptions that can be applied are those statutory exemptions contained in Schedule 12A to the Local Government Act 1972 (as amended) - exempt information means information falling within the following 7 categories.

- 1 Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

No exemption can be applied without the Public Interest Test being considered. In its most basic form, the Public Interest Test is “Does the public interest in maintaining the exemption outweigh the public interest in disclosing the information ?”

Chief Executive

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Assuming Responsibility for the Management of Budgets In consultation with the Section 151 Officer, where, in their opinion, the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council’s overall financial management situation, to determine whether the management of that budget will be assumed by the Assistant Chief Executive, the Assistant Chief Executive acting in conjunction with the Head of the Paid Service, or directly by the Head of the Paid Service themselves (or such other officers as they may determine).</p> <p>Section 28 of the Local Government Act 2003</p>	
<p>Birmingham International Airport Shares The Chief Executive and the chief finance officer of the Council be authorised severally, in consultation with the Leader and 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 International Airport Holdings Limited or Birmingham International Airport Limited.</p> <p>Section 12 of the Local Government Act 2003 grants a local authority the power to invest: (a) for any purpose relevant to its functions under any enactment, or (b) for the purposes of the prudent management of its financial affairs.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>
<p>Birmingham International Airport Districts Side Agreement The Chief Executive, or in his/her absence, the Assistant 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 - Governance and the chief finance officer of the Council where appropriate and reasonably practicable.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>

Chief Executive (cont)

Civil Contingencies and Civil Emergencies

To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Civil Contingencies Act 2004 and to respond in the event of civil emergencies and to commit budgets as necessary.

Civil Contingencies Act 2004

Regulation of Investigatory Powers Act 2000 (RIPA)

- (a) To make authorisations for directed surveillance and covert human intelligence source;
- (b) To make authorisations for directed surveillance when knowledge of confidential information is likely to be acquired, or in his/her absence the person acting as the Head of the Paid Service;
- (c) To make authorisations for covert human intelligence sources when knowledge of confidential information is likely to be acquired or vulnerable individual or juvenile is to be used as a source, or in his/her absence the person acting as the Head of the Paid Service.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 5 and 7

Political Restriction of Officer Posts

In consultation with the Monitoring Officer, to grant exemptions to the political restriction of officer posts under Section 3A of the Local Government and Housing Act 1989, as amended by Localism Act 2011.

To give directions, on the application of any person or otherwise, to include a post in the list of politically restricted posts.

Delegation	Commentary
<p>Category B – Non- Executive</p> <p>Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Representation of the People Act 1983 – Proper Officer</p> <p>To act as the Proper Officer for the purposes of Section 8(2) of the Representation of the People Act 1983 (officer of the Council to be the Registration Officer).</p>	

Chief Executive (cont)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Birmingham International Airport The Chief Executive, the chief finance officer of the Council and Solicitor to the Council be 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 International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p>Signing of Documents / Common Seal To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents (in consultation with the Director - Governance where appropriate).</p>	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Longlisting and Shortlisting of Candidates for Chief Officer Posts In consultation with the Assistant Chief Executive (except where a conflict of interests may apply), to longlist and shortlist candidates for Chief Officer posts.</p> <p>Section 270(3) of the Local Government Act 1972</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 & 2 may apply</p>

Chief Executive (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
None	

Assistant Chief Executive

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Local Government and Housing Act 1989 (as amended) With regard to the provisions of the Local Government and Housing Act 1989, to determine whether any additional posts should be added to the list in accordance with the criteria specified in section 2.</p>	
<p>Localism Act 2011 - List of Assets of Community Value Section 92 - To review and to authorise others to review, a decision of the Director – Regeneration & Economy to include land on the list of assets of community value. Section 99 - to administer compensation schemes.</p>	
<p>Mental Capacity Act 2005 To act as authorised signatory in the absence of the Financial Deputy (Director – Adult Social Care) under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 5</p>
<p>Regulation of Investigatory Powers Act 2000</p> <p>(a) To make authorisations for directed surveillance and covert human intelligence source;</p> <p>(b) In the absence of the Head of the Paid Service for the purpose of RIPA 2000 authorisations only, to act as Head of the Paid Service.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2, 5 and 7</p>
<p>Settlement for Civil Litigation not exceeding £250,000 With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director - Governance recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000, by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>

Assistant Chief Executive (cont)

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Employment Tribunals Where the Director - Governance recommends that it is in the best interests of the Council to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim, to determine the responsibility for resourcing a settlement.</p> <p>Section 112 of the Local Government Act 1972</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 & 2 may apply</p>
<p>Local Government Pension Scheme Regulations 2013 To determine a longer period for the giving of notice to transfer, from transferring person, under regulation 100 in consultation with the Chief Finance Officer.</p> <p>In consultation with the Chief Finance Officer to enter into admission agreements under Part 3 Schedule 2 of the regulations.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 & 2 may apply</p>
<p>Longlisting and Shortlisting of Candidates for Chief Officer Posts To longlist and shortlist candidates for a post of chief officer/deputy chief officer.</p> <p>Section 112 of the Local Government Act 1972</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 & 2 may apply</p>
<p>Settlement for Civil Litigation not exceeding £250,000 With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director - Governance recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000 by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 & 5 may apply</p>

Assistant Chief Executive (cont)

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
Crèche Charges To review and vary the scale of charges in respect of the Sandwell Council House Childcare facility as necessary.	

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
Local Government Pension Scheme (Administration) Regulations 2008 In consultation with the appropriate Director, to determine requests for Re-Employed and Rejoining Deferred Members under Regulation A16 of the Local Government Pension Scheme (Administration) Regulations 2008.	Individual Rights: All decisions within this delegation are to be published unless exempt Exemptions 1,2 and 3 may apply

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Local Government and Housing Act 1989 (as amended) With regard to the provisions of the Local Government and Housing Act 1989, to collate the list of politically restricted posts and act as the Proper Officer for the purposes of section 2 (the person with whom the list of politically restricted posts must be deposited) as required by section 2.	

Assistant Chief Executive (cont)

Trade Union Ballots

To approve the use of balloting facilities by all trade unions recognised by the Council as and when necessary.

Director – Adult Social Care

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Approved Health Practitioners In consultation with the relevant Cabinet Member, the approval and re-approval of Mental Health Professionals under the provisions of the 1983 Mental Health Act, for a period of up to four years.</p> <p>Section 114(1) of the Mental Health Act 1983 (as amended by the Mental Health Act 2007).</p>	
<p>Assistance to Meet a Person’s Needs To promote well-being when carrying out any care and support functions in respect of an individual and provide or arrange services that reduce need for support amongst people and their carers in the local area by assessing need and meeting those needs via the provision of care and support as appropriate..</p> <p>Part 1 – Care Act 2014.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Assistance to Residential Occupiers To assist residential occupiers whose supplies of gas, water or electricity have been cut off, or are about to be cut off, because their landlords or other persons to whom they had been paying for their supplies has failed to pay the relevant statutory undertakers (Local Government (Miscellaneous Provisions) Act 1976)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007 In consultation with the Director - Governance, the Director - Children & Families, the Director - Adult Social Care and the Director - Homes and Communities, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-S of the Act.</p> <p>Part 4A Family Law Act 1976 Part 11 Family Procedure Rules 2010 Antisocial Behaviour, Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2, 3 and 5</p>

Director - Adult Social Care (cont)

<p>Deprivation of Liberty Safeguards To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities for the Mental Capacity Act 2005 - Deprivation of Liberty Safeguards.</p> <p>Mental Capacity Act 2005</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Determination/Application of Charges for meeting need To make charges for meeting needs in accordance with the prescribed method of assessment under section 17 Care Act 2014</p> <p>Part I section 14 Care Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p>Financial Deputy - Deputyship Accounts To act as Financial Deputy under the Mental Capacity Act 2005, for those persons incapable of managing their own affairs and to take such "Best Interest Decisions" as necessary in accordance with the Act</p> <p>Mental Capacity Act 2005</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Guardianship To accept Guardianship under sections 7 and 37 of the Mental Health Act 1983 on behalf of the Local Authority. To discharge Guardianship in consultation with the appropriate Cabinet Member.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Payments and Contributions to Care To determine further payments to a home after the death of a client. To disregard property values in assessing a client's ability to contribute towards accommodation costs if property is shared with a carer, or where it is considered to be appropriate</p> <p>Section 22 of the National Assistance Act 1948 (Charges to be made for Accommodation) and associated Regulations.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Statutory Responsibility for the social care of adults Where not otherwise expressly delegated, to exercise the Council's executive statutory responsibilities under the Care Act 2014.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 5. 6 and 7</p>

Director – Adult Social Care (cont)

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Statutory Responsibility for social care of adults Where not otherwise expressly delegated, to exercise the Council’s non-executive statutory responsibilities under the Care Act 2014.</p>	<p>Individual Rights; Contract or Incurring Expenditure; Grant of a licence or permission: A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3, 5. 6 and 7</p>

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
None	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
None	

Director – Adult Social Care (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Membership of Panels To liaise with independent providers, voluntary organisations and managers of local authority homes concerning nomination of service users and carers to serve on the Inspection Advisory Panel and to invite nominations from proprietors of independent homes to serve on the Panel. To invite nominations from voluntary organisations to serve on Review Panels, and to convene and select an independent Chair and a member from the pools established for the Panels.	

Chief Finance Officer

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Aid to Industry Loans - Arrears To determine any cases of arrears in consultation with the Director - Regeneration and Economy and the Director - Governance, until any deviation from the terms of a loan is requested.</p> <p>Sections 137 and 137A(2) Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>
<p>Backdated Housing Benefit To backdate, at his/her discretion, payments in regard to Housing Benefit.</p> <p>The Social Security Contributions and Benefits Act 1992 Housing Benefit Regulations 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Birmingham International Airport The Chief Executive and the chief finance officer of the Council be authorised severally, in consultation with the Leader and 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 International Airport Holdings Limited or Birmingham International Airport Limited.</p> <p>Section 12 of the Local Government Act 2003</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>
<p>Claims for Compensation - Highways Act 1980 To assess and pay any claims for compensation for loss caused by public path creation order.</p> <p>Section 28 - Highways Act 1980</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Council Tax – Cases of Hardship To determine requests for relief from payment of Council Tax for hardship cases in accordance with the Council's policy for administering such applications.</p> <p>Section 13A of the Local Government Finance Act 1992</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>

Chief Finance Officer (cont)

<p>Council Tax Reduction Scheme To determine reductions to payment of Council Tax within the Local Council Tax Reduction Scheme in accordance with the Council's policy for administering the Local Tax Reduction Scheme and enabled by Section 13A of the Local Government Finance Act 1992.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Discretionary Housing Payments To determine applications for Discretionary Housing Payments in accordance with the Policy for Administering Discretionary Housing Payments.</p> <p>Regulations 2 and 6 of the Discretionary Financial Assistance Regulations 2001.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Discretionary Rate Relief from Non-Domestic Rates To determine applications from any ratepayer for rate relief in accordance with the Council's policy for administration of applications for Discretionary Rate Relief from Non-Domestic Rates.</p> <p>Sections 137 and 137A(2) Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Investigation of Fraud To act and authorise others to act in the investigations of matters relating to fraud to include, but not to the exclusion of others: Blue Badge Grants Insurance Internal Fraud NNDR – Business Rates Personal Budgets Right to Buy Staff Theft of time/equipment etc. Supported Housing Tenancy Fraud</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p>Local Council Tax Reduction and Housing Benefit The administration of the Council's responsibilities relating to Council Tax Benefit and Housing Benefit investigations, to include social security legislation, the Theft Act 1968 and the Fraud Act 2006.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

Chief Finance Officer (cont)

<p>Local Welfare Provision To determine requests for local welfare provision in accordance with the Council's policy.</p> <p>Welfare Reform Act 2012</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2 and 3</p>
<p>Money Laundering Regulations 2007 To act as the council's nominated Money Laundering Regulations Officer in accordance with the Money Laundering Regulations 2007.</p> <p>Part 7 of the Proceeds of Crime Act 2002 (money laundering).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2, 3,5 and 7</p>
<p>Mortgage Applications To determine mortgage applications and provide mortgages to approved applicants.</p> <p>Section 435 of the Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Mortgaging of Interests To determine applications for the charging and mortgaging of interests.</p> <p>Section 435 of the Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Non-Domestic Rates Reductions To determine individual applications for the reduction or remission of National Non-Domestic Rates for up to and including £20,000 in accordance with the policy for administering applications within Section 49 of the Local Government Finance Act 1988.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Security for Unpaid Council Tax - Charge on properties To enter into agreements, in appropriate cases, with the owner of a domestic hereditament so that the Council Tax, plus interest, becomes a charge on the property to repay outstanding tax.</p> <p>Paragraph 4A of schedule 9 of the Local Government Finance Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>

Chief Finance Officer (cont)

Void Properties - Completion Notices

To sign and serve on behalf of the rating authority such completion notices as are necessary for the proper charge in respect of newly erected property for Council tax and Non-Domestic Rates purposes.

Paragraph 1 schedule 4A of the Local Government Finance Act 1988

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3 and 5

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Capital Expenditure and Capital Receipts Authorised to make the following capital determination under the Local Government Act 2003:-</p> <ul style="list-style-type: none"> (a) the amount of capitalised expenditure to be reimbursed or met out of money provided by any other person; (b) the level of capital receipts applied to meet capital expenditure; (c) the amount set aside from revenue to meet debt redeem; (d) the amount of housing related receipts set aside under the pooling arrangements and the associated payment to Central Government. <p>Chapter 1, Local Government Act 2003</p>	<p>Contract or Incurring Expenditure:</p>
<p>Insurance To agree the Council's insurance arrangements.</p> <p>Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure:</p>
<p>Loans Management</p> <ul style="list-style-type: none"> (a) appointment of Registrar - stocks and bonds etc. (b) local authority (negotiable bonds); (c) bank overdraft facilities; (d) negotiate and arrange borrowing facilities which support the Council's investment plans <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure:</p>

Chief Finance Officer (cont)

Management of Budgets

To determine (in consultation with the Chief Executive) in circumstances where in their opinion the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council's overall financial management situation, whether the management of that budget will be assumed by another Director, the relevant Director acting in conjunction with themselves, or directly by themselves (or such other officers as they may determine).

Section 151 Local Government Act 1972

Service Level Agreements with Partnerships

To negotiate and agree service level agreements between the Strategic Investment Unit and relevant external partnerships.

Section 151 of the Local Government Act 1972

Contract or Incurring Expenditure:

All decisions within this delegation are to be published unless exempt

Exemptions 1 ,2, 3 & 5 may apply

VAT Partial Exemption Arrangements

To determine as necessary whether or not to opt to tax for VAT purposes in order to safeguard the Council's financial position.

Section 151 of the Local Government Act 1972.

Write-off of Income

To write-off as irrecoverable:-

- (a) any individual sums of outstanding Poll Tax, Council Tax, housing rents and related debts amounting to £5,000 or less and sundry debts and Non Domestic Rates amounting to £20,000 in respect of which appropriate action to obtain payment has proven unsuccessful;
- (b) any outstanding sums which become subject to bankruptcy or liquidation proceedings or persons who have left without trace or have died without leaving any estate;
- (c) any benefit payments that are not to be recovered;
- (d) any outstanding sums which fall to be remitted by magistrates in the event of a committal action.

Section 151 of the Local Government Act 1972.

Individual Rights and/or Contract or Incurring Expenditure:

All decisions within this delegation are to be published unless exempt

Exemptions , 1, 2, 5 & 6 may apply

Chief Finance Officer (cont)

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
Birmingham International Airport The Chief Executive, the chief finance officer of the Council and Solicitor to the Council be 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 International Airport Holdings Limited or Birmingham International Airport Limited.	
Instruction of Enforcement Agents to Distrain In circumstances by which a person, persons, body or organisation defaults on Council Tax, Non-Domestic Rates, General Debt and commercial or industrial rents, the provision of which is included in the lease agreement, to issue written instructions to Enforcement Agents to seize property, belongings and items of value provided for within relevant legislation, guidance and/or codes of conduct, as security or indemnity for a debt. Section 121 of the Law of Property Act 1925 Tribunals, Courts and Enforcement Act 2007	
Loans Issued by the Council Authorised to compile and maintain the register giving particulars of all loans issued by, or to the Council, on or after 1 st April 1990. Section 1 Local Government Act 2003.	
Mortgage Interest Rates To determine interest rates to apply to mortgages in accordance with Schedule 16 of the Housing Acts 1985.	

Chief Finance Officer (cont)

Sandwell Land and Property Company

Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.

Section 135 of the Local Government Act 1972

Section 95 Local Government Act 2003 (Power to trade in function-related activities through a company)

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Areas of Laid Our Open Space, and Open Space Land with Known Contamination, Potential Contamination, Other Ground Condition Problems/Encumbrances or Legal Problems To manage the income from the commuted sum payments made to meet future management, monitoring and maintenance costs associated with future use of the land and surface landscaping.</p> <p>Section 106 of the Town and Country Planning Act 1990.</p>	
<p>Externally Funded Programmes - Administration and Monitoring Budget To administer all externally funded programmes in so far as it relates to the staffing and running costs of the Strategic Investment Unit, to include equipment purchase and the carrying out of monitoring and evaluation of externally funded programmes.</p> <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt</p> <p>Exemption 1,2 and 3 may apply</p>

Chief Finance Officer (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
None	

Director - Children & Families

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Adoption Panel – Appointment of Panel Members To make appointments to the Adoption Panel, in accordance with the Adoption Agencies Regulations 2005.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1 and 2</p>
<p>Adoption and Permanency Arrangements The responsibility for decision making and approval for adoption and permanency arrangements, for the approval or otherwise of prospective adopters, children for adoption and possible matches as governed by the Adoption Agency Regulations. Adoption Agency Regulations dated 1983, 2005, 2003 and 1983. As amended by the Children and Families Act 2014.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3</p>
<p>Child Safety Orders To exercise the Council’s functions under Sections 11 - 13 (Child Safety Order) of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1 and 2</p>
<p>Children and Young People with Special Educational Needs or Disabilities Where not otherwise delegated to another Chief Officer, to exercise the Council’s statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1 and 2</p>
<p>Disabled People – Applications for Assistance To determine applications for assistance under the Chronically Sick and Disabled Persons Act 1970, subject to consultation with the appropriate Cabinet Member, where determination may prejudice the Director’s position as an officer. Section 3 Chronically Sick and Disabled Persons Act 1970</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1 and 2</p>

Director - Children & Families (cont)

<p>Holiday Grants To approve holiday grants to foster parents in respect of children in their care up to and including £40 in any one case. To approve applications for additional grants to finance holidays abroad where the child concerned is on a long-term placement. To make payments for holiday grants in respect of children in short term foster placements within approved criteria.</p> <p>Section 22B of the Children Act 1989</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Nurseries To waive charges for places in day nurseries in cases of exceptional financial hardship or in cases where the attendance is regarded as essential for the child's proper welfare and development and the parents are unwilling to pay, or where the child is severely handicapped, mentally or physically.</p> <p>To deal with the registration of nurseries and child minders who have complied with statutory requirements.</p> <p>Childcare Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Youth Justice Service and Plan To exercise the Council's functions under Section 38 and 40 (Youth Justice Service and Plan) of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 5</p>

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
None	

Director - Children & Families (cont)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Early Help The responsibility for the co-ordination and integration of services, including those of partners to the Sandwell Safeguarding Children Board, concerned with the Borough's Early Help offer.</p> <p>The development and maintenance of an intelligence hub within Sandwell Trends which will identify family trends, provision and those services which should be commissioned.</p> <p>The development of locality teams within the Neighbourhood strategy which will form teams around the family.</p> <p>Section 13 (1) Children Act 2004 and the Local Safeguarding Children Board Regulations 2006.</p>	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
None	

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>Review Panels - Membership To invite nominations from voluntary organisations to serve on Review Panels, and to convene and select an independent Chair and a member from the pools established for the Panels.</p>	

Director - Children's Services

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Children and Young People with Special Educational Needs or Disabilities Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p>Further education awards To deal with applications for further education awards under the Teaching and Higher Education Act 1998 and onwards from Education Trust Funds.</p> <p>Teaching and Higher Education Act 1988 (section 23).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Pay policy for teaching staff To assess the pay of non-school based teachers and teachers in schools without delegated budgets and to provide each teacher with a written assessment as required under the School Teachers Pay and Conditions Document 2013.</p> <p>SI 2013/1932</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 4</p>
<p>Promoting the effective participation of young people in education and training - Education Act 1996 To exercise the Council's functions under the Education Act 1996 in promoting the effective participation of young people in education and training, including the making of arrangements for the assessment of young people with a learning difficulty and putting in place the appropriate support.</p> <p>Section 15ZA of the Education Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Removal of persons from school premises To authorise persons under sections 547(3) of the Education Act 1996 to remove persons causing a nuisance from school premises.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>

Director - Children's Services (cont)

<p>Service Tenancies To negotiate and agree terms for service tenancy agreements for the purposes of schools management.</p> <p>Section 123 of the Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Statutory provision for education and school services Where not otherwise delegated to another chief officer, to exercise the Council's statutory executive functions in respect of education and school services.</p> <p>Section 579(1) and Schedule 36A para 1 of the Education Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 to 7</p>
<p>Tuition fees for non-vocational provision To exercise discretion in the charging of tuition fees for non-vocational and recreational provision where those projects help engagement and contribution to Council policies concerning poverty, neighbourhood renewal and social inclusion.</p> <p>Section 137 Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Unattached Teachers - Discretionary compensation To consider and decide upon discretionary payments, including early retirement, for unattached teachers.</p> <p>Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997/311.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Exclusion and reinstatement of pupils</p> <p>To carry out the Council's powers and duties under section 51A of the Education Act 2002 and related regulations relating to the exclusion and reinstatement of pupils.</p> <p>School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012/1033 (specifically regulation 7).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3, and 5 may apply</p>

Director - Children's Services (cont)

<p>Statutory provision for education and school services Where not otherwise delegated to another chief officer, to exercise the Council's statutory non-executive functions in respect of education and school services.</p> <p>Section 579(1) and Schedule 36A para 1 of the Education Act 1996</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 to 7 may apply</p>
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Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
None.	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
None.	

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>Statutory responsibility for the social care of children Where not otherwise delegated to another chief officer, to exercise the Council's statutory responsibilities for the social care of children.</p> <p>Section 1A and Schedule 1 of the Local Authority Social Services Act 1970</p>	
<p>Youth work visits to outside England and Wales To approve youth work visits to outside England and Wales.</p> <p>Sections 507A and 507B of the Education Act 1996</p>	

Interim Director – Education

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Admissions to Special Schools and Units To deal with the admission of children to special schools and units within and outside the Borough.</p> <p>Section 324 of the Education Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Attendance of Pupils at School To act and authorise others to act to ensure the attendance of pupils at school and to enforce the provisions of the Education Act 1996 (as amended) and the Education and Inspections Act 2006 relating to non-attendance at school, including the service of relevant notices.</p> <p>Where a pupil of compulsory school age is excluded from a relevant school on disciplinary grounds, whether for a fixed period or permanently, and notice under section 104 has been given to a parent of the pupil, to act and authorise others to act if the excluded pupil is present in a public place at any time during school hours on a relevant school day.</p> <p>To develop, implement and enforce a code(s) of conduct for penalty notices relating to section 444 of the Education Act 1996 and the Education and Inspections Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
<p>Children and Young People with Special Educational Needs or Disabilities Where not otherwise delegated to another Chief Officer, to exercise the Council’s statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	

Interim Director – Education (cont)

Delegation	Commentary
Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.	
None	

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None	

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
None	

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
None	

Director - Homes and Communities

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Abatement of Statutory Nuisance - Part III of the Environmental Protection Act 1990 To act and authorise others to act on his/her behalf under Part III of the Environmental Protection Act 1990 concerning the abatement of statutory nuisances.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3, 6 and 7</p>
<p>Accumulations of Rubbish - Public Health Act 1961 Section 34 To act and authorise others to act on his/her behalf under the Council's functions in Section 34 of the Public Health Act 1961 concerning Abatement Notices re accumulations of rubbish.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 6</p>
<p>Air Quality Inspection of - Processes Environment Act 1995 To act and authorise others to act on his/her behalf under the provisions of the Environment Act 1995 in connection with the inspection of processes under local authority control and the monitoring of air quality.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 6</p>
<p>Animal Health Act 1981 The execution and enforcement of the provisions of the Animal Health Act 1981 and of every order of DEFRA pursuant to the Act so far as they are to be executed and enforced by local authorities and to delegate such duties under the Act to such staff as considered necessary to execute and enforce the provisions of the Act and any orders made by DEFRA pursuant to the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3, 6 and 7</p>
<p>Animal Health and Welfare - European Communities Act 1972 To act and authorise others to act on his/her behalf under the Councils animal health and welfare functions under regulations made pursuant to the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3, 5, 6 and 7</p>

Director - Homes and Communities (cont)

Appointment of Inspectors - Weights and Measures Act 1985

The appointment of Chief Inspector and Deputy Chief Inspector of Weights and Measures responsible to the local Weights and Measures Authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area and for the operation of the arrangements made to give effect in that area for the purpose of the Weights and Measures Act 1985.

Section 72 of the Weights and Measures Act 1985.

Approved Redress Scheme – Failure to Join

To take action where letting agents and property managers fail to join an approved redress scheme.

To act and authorise others to act on his/her behalf under the provisions of the lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 in connection with taking action against letting agents and property managers who have not joined a redress scheme when required to do so.

Enterprise and Regulatory Reform Act 2013

A number of decisions within this delegation may be exempt from publication:

Exemption 1, 2, 3 and 6

Assistance to Home Owners

To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments

To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2 and 3

Director - Homes and Communities (cont)

<p>To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Assistance to home owners - Policy for the provision of assistance to home owners</p> <p>To make amendments to the Policy for the Provision of Assistance to Home Owners to take account of operational issues and changes in statute in order to enable its fair and effective delivery.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p>	
<p>Authorisation of officers to enforce the Food and Environment Protection Act 1985 Part III and the Control of Pesticides Regulations 1986 -</p> <p>To authorise other categories of staff within the Environmental Health and Trading Standards Division to enforce Part III of the Food and Environment Protection Act 1985 and the Control of Pesticides Regulations 1986, subject to such officers meeting the requirements specified by DEFRA.</p> <p>Section 19(1C) of the Food and Environment Protection Act 1985).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Authority to Enter Premises</p> <p>To authorise appropriate officers to enter Premises under:</p> <p>Sections 337 and 340 and of the Housing Act 1985;</p> <p>Schedule 3 of the Environmental Protection Act 1990.</p> <p>Power to apply for a Warrant of Entry under Section 357 of the Housing Act 1985.</p> <p>Power to apply for a Warrant of Entry under Schedule 3 of the Environmental Protection Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>

Director - Homes and Communities (cont)

<p>Blocked or Defective Drains - Public Health Act 1961, Section 17 To act and authorise others to act on his/her behalf under the Council's powers in relation to drains which are stopped up or require repair</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Blocked Private Sewers - Local Government (Miscellaneous Provisions) Act 1976 Section 35 To act and authorise others to act on his/her behalf under the Council's powers in relation to blocked private sewers.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Building Act 1984 - Service of Various Notices -</p> <ul style="list-style-type: none"> - Service of notice in connection with inadequate drainage in houses under Section 59 of the Building Act 1984. - Service of notice requiring correct use and ventilation of soil pipes in house under Section 60 of the Building Act 1984. - Service of notice in connection with a building with insufficient wc accommodation under Section 64 of the Building Act 1984. - Service of notice in connection with buildings with insufficient or unsuitable accommodation for the storage of food under Section 70 of the Building Act 1984. - Service of notice, carrying out of work and reclaiming of expenses incurred as they relate to buildings in such a state as to be prejudicial to health or nuisance where undue delay would occur carrying out action under Section 80 of the Environmental Protection Act 1990, (under Section 76 of the Building Act 1984). - Service of notice in connection with defective yards and passages relating to buildings under Section 84 of the Building Act 1984. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Clean Air Act 1993 To act and authorise others to act on his/her behalf under the Council's functions in the Clean Air Act 1993.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

Director - Homes and Communities (cont)

<p>Clean Neighbourhoods and Environment Act 2005 To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 to 7</p>
<p>Cleansing of Premises - Section 83 of the Public Health Act 1936 To act and authorise others to act on his/her behalf under Section 83 of the Public Health Act 1936 concerning the cleansing of filthy and verminous premises (as amended by the Public Health 1961).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p>Closure Powers - Anti-Social Behaviour Crime and Policing Act 2014 To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p>Community Protection Notice (CPN)- Anti-Social Behaviour Crime and Policing Act 2014 To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

Director - Homes and Communities (cont)

<p>Conditions Prejudicial to Health - Environmental Protection Act 1990 Power to investigate if a house is in such a state as to be prejudicial to health or a nuisance under Section 79 of the Environmental Protection Act 1990.</p> <p>Service of notice in connection with a house in such a state as to be prejudicial to health or a nuisance under Section 80 of the Environmental Protection Act 1990.</p> <p>Power to take action to abate a nuisance and to recover expenses, as they relate to a house which is in such a state as to be prejudicial to health or a nuisance under Section 81 of the Environmental Protection Act 1990.</p> <p>Powers relating to recovery of expenses incurred by Section 81 (above) action under Section 81A and 81B of the Environmental Protection Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p>Contaminated Land - Part IIA of the Environmental Protection Act 1990 - To act and authorise others to act on his/her behalf under the Council's functions in Part IIA of the Environmental Protection Act 1990 concerning the identification and remediation of contaminated land.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p>Control of Asbestos Regulations 2012 The powers and duties contained in the Control of Asbestos Regulations 2012.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 to 7</p>
<p>Consumer Protection from Unfair Trading Regulations 2008 To act and authorise others to exercise powers under the Consumer Protection from Unfair Trading Regulations 2008 made under the European Communities Act 1972.</p> <p>Regulation 19 of the Consumer Protection from Unfair Trading Regulations 2008</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 to 7</p>
<p>Council Dwelling Sales To determine applications by Council tenants to purchase their Council homes and in consultation with the chief finance officer, to agree terms and conditions for any subsequent sale.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

Director - Homes and Communities (cont)

<p>Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007) In consultation with the Director - Governance, the Director - Children & Families and the Director - Adult Social Care, to authorise court proceedings as a "relevant third party" under section 63A-63S of the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2, 5 and 7</p>
<p>Criminal Behaviour Order (CBO) - Anti-Social Behaviour Crime and Policing Act 2014 To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2, 5, 6 and 7</p>
<p>Criminal Justice and Police Act 2001 To act and authorise others to act on his/her behalf under the Council's powers in the Act.</p> <p>Excludes S13(2).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p>Debt Recovery and Enforced Sale In consultation with Director - Governance, to recover money due to the Council, as a result of the exercise of its housing functions and to include the exercise of powers of sale arising from a local land charge over land and/or property.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Declaration of Clearance Areas To serve notices under Section 289 of the Housing Act 1985 (as amended) stating the Authority's intention to declare a Clearance Area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Defective Dwellings To reinstate single PRC designated defective dwellings in conjunction with the repairs of defective properties which form pairs and are owner/occupied on any estate in the borough where this would be the most cost effective course of action for the Council to undertake.</p> <p>Part XVI (section 564) of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director - Homes and Communities (cont)

Demolition of Garages and Non-Residential Assets

In consultation with the appropriate Cabinet Member, to authorise the demolition of garage / bin stores and other non-residential structures associated with the Council's housing stock, where it is considered that they have deteriorated or been subject to vandalism and anti-social behaviour to an extent that renders them unviable for renovation, subject to the works being carried out within existing target budgets and following the invitation of competitive tenders where required to comply with the Council's Contract Procedure Rules.

Section 77 of the Building Act 1984.

Demolition Orders

Service of notices about demolition of houses under Section 81 of the Building Act 1984.

Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.

Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.

Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.

The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.

To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3 and 6

Discretionary Inconvenience Credit Allowance Scheme (DICA)

To administer and approve payments under the Discretionary Inconvenience Credit Allowance Scheme. To approve exceptions to the three week disruption period relating to DICA payments for regeneration-type schemes in cases where disruption is considered to be so significant as to warrant the payment of an inconvenience allowance.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2 and 3

Director - Homes and Communities (cont)

<p>Disabled Facilities Grants To approve or refuse applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To authorise payments for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To impose and enforce conditions in respect of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996, mainly sections 24, 35, 37 and 52.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Disabled Facilities Grants - Standards of Work To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and any other type of assistance made available by the Council under its policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and any subsequent amendments or enactments including the siting of amenities.</p>	
<p>Domestic WCs - Public Health Act 1936 Service of notice in connection with repair of domestic wc's under Section 45 of the Public Health Act 1936.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3,6 and 7</p>
<p>Drink Banning Orders - Violent Crime Reduction Act 2006 To exercise the Council's functions under Sections 1-14 of the Act relating to Drink Banning Orders.</p>	

Director - Homes and Communities (cont)

Enforcement of Grant Conditions

To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.

To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.

Sections 44 -55 and 69-73 of the Housing Grants, Construction and Regeneration Act 1996.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2 and 3

Environmental Health Officers and Related Functions Authorised Officers

To act and authorise others to act on his/her behalf under the provisions of the following statutes, together with any regulations or orders made thereunder in respect of the following legislation:

Abandonment of Animals Act 1960

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Animal Boarding Establishments Act 1963

Animal Health Act 1981

Animal Health Act 2002

Animal Welfare Act 2006

Animal Health and Welfare Act 1984

Animal and Animal Products (Import and Export)(England and Wales) Regulations 2000

Animal By-products Regulations 2003

Breeding of Dogs Act 1973 and 1999

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Cattle Database Regulations 1998

Cattle Identification Regulations 1998

Cattle (Identification of Older Animals) Regulations 2000

Clean Air Act 1993

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 5, 6 and 7

Director - Homes and Communities (cont)

Clean Neighbourhoods and Environment Act 2005
Criminal Justice and Police Act 2001
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Dangerous Wild Animals Act 1976
Dogs Act 1906
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972 as amended
Factories Act 1961
Food and Environment Protection Act 1985
Food Safety & Hygiene (England) Regulations 2013
Food Safety Act 1990
Food Standards Act 1999
Forgery and Counterfeiting Act 1981 & 1988
Game Act 1831
Game Licenses Act 1860
Guard Dogs Act 1975
Health Act 2006
Health and Safety at Work etc Act 1974
Highways Act 1980
Home Safety Act 1961
The Horse Passports (England) Regulations 2003
The Health Protection (Notification) Regulations 2010
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Official Feed and Food Controls (England) Regulations 2009

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 5, 6 and 7

Director - Homes and Communities (cont)

<p>Performing Animals (Regulations) Act 1925</p> <p>Pet Animals Act 1951</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916</p> <p>Pollution Prevention and Control Act 1990</p> <p>Pollution Prevention and Control Act 1999</p> <p>Prevention of Damage by Pests Act 1949</p> <p>Processed Animal Protein (England) Regulations 2001</p> <p>Protection Against Cruel Tethering Act 1988</p> <p>Protection of Animals Act 1911 & 1970</p> <p>Protection of Animals (Amendment) Act 2000</p> <p>Public Health Acts 1936 and 1961</p> <p>Public Health (Control of Diseases) Act 1984 (as amended)</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Riding Establishment Acts 1964 and 1970</p> <p>Road Traffic Acts 1988 & 1991</p> <p>Specified Risk Material Regulations 1997</p> <p>Sunbeds (Regulation) Act 2010</p> <p>Sunday Trading Act 1994</p> <p>Trade in Animals and Related Products Regulations 2011 (made under the European Communities Act 1972)</p> <p>T.S.E (England) Regulations 2002</p> <p>Water Act 1989</p> <p>Welfare of Animals at Slaughter Act 1991</p> <p>West Midlands County Council Act 1980</p> <p>Zoo Licensing Act 1981</p> <p>Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Execution of Works in Default - Public Health Act, 1936, Section 290</p> <p>The execution of work in default under Section 290 of the Public Health Act 1936.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>

Director - Homes and Communities (cont)

<p>Fly tipping To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990</p>	
<p>Food and Feed Enforcement of Legislation relating to To act and authorise others to act on his/her behalf on all executive matters under the following legislation:-</p> <ul style="list-style-type: none"> (a) The Food Safety Act 1990; and (b) any Orders, or Regulations or other instruments:- <ul style="list-style-type: none"> (i) made thereunder; or (ii) relating thereto; or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff; (c) The Food Hygiene (England) Regulations 2013; (d) The Official Feed and Food Controls England) Regulations 2009; (e) any modification or re-enactment of the foregoing. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Former Education Service Tenancy Properties Surplus to Requirements In consultation with the Director – Regeneration & Economy and subject to confirmation that a property is suitable to be utilised as part of the Council’s existing housing stock, to agree to any future caretaker properties no longer to be occupied by virtue of a service tenancy agreement being appropriated from Education purposes to Housing purposes.</p> <p>Section 122 of the Local Government Act 1972</p>	
<p>Foul Drainage Connections To exercise the Council's powers in relation to incorrect foul drainage connection to surface water drainage systems.</p> <p>Sections 59 and 60(4) of the Building Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
<p>Health Act 2006 and Regulations Made Thereunder, Including the Smoke-Free (Premises and Enforcement) Regulations 2006 To act and authorise others to act on his/her behalf under the Council’s powers in the Act and Regulations made thereunder.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

Director - Homes and Communities (cont)

Housing Act 2004

To exercise the Council's functions under the Housing Act 2004 as set out in the table below.

Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)

S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 7
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	A number of decisions within this delegation may be exempt from publication:
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	Exemption 1, 2 and 3

Director - Homes and Communities (cont)

S.40	The Taking of Emergency Remedial Action	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 6</p>
S.43	The making of an Emergency Prohibition Order	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 7</p>
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act 2004.	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 6</p>
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	
S.49 and 50 (5)	<p>Charges for and the service of a demand for recovery of expenses incurred by the Council in</p> <ul style="list-style-type: none"> • Serving an improvement notice under Section 11 or Section 12. • Making a prohibition order under Section 20 or Section 21. • Serving a hazard awareness notice under Section 28 or Section 29. • Taking emergency remedial action under Section 40 • Making an emergency prohibition order under Section 43. • Making a demolition order under Section 265 of the Housing Act 1985 	

Director - Homes and Communities (cont)

Schedule 1 Part 2: Paragraph 6 Paragraph 8	Notice of a decision to revoke or vary an improvement notice. Notice of refusal to revoke or vary an improvement notice.	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
Schedule 2 Part 2: Paragraph 3 Paragraph 5	Notice of a decision to revoke or vary a prohibition order. Notice of a decision to revoke or vary a prohibition order.	
Schedule 3 Paragraph 3(4)	Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection	A number of decisions within this delegation may be exempt from publication:
Schedule 3 Paragraph 4	Notice of intention to enter to carry out Works in Default of an improvement notice	Exemption 1, 2, 3 and 6
Part 2: Licensing of Houses in Multiple Occupation (HMOs)		
S.80	To designate areas to be considered for Selective licensing in accordance with the provisions of Part Three of the Housing Act 2004.	
S.62	Serving of Temporary Exemption Notices.	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
S.64	The authority to sign a Licence on behalf of the Local Housing Authority	
S.68(4)	To determine the length of licences required and grant accordingly, including any conditions which need to be included	

Director - Homes and Communities (cont)

SCH. 5 Para. 1	Notice of intention to grant a licence	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
SCH. 5 Para. 3	Notice of intention to grant a licence with modifications	
SCH. 5 Para. 5	Notice of intention to refuse a licence.	
SCH. 5 Para. 7	Notice of decision to grant a licence.	
SCH. 5 Para. 8	Notice of refusal to grant a licence.	
SCH. 5 Para. 14	Notice of intention to vary a licence	
SCH. 5 Para. 16	Notice of decision to vary a licence	
SCH. 5 Para. 19	Notice of intention to refuse to vary a licence	
SCH. 5 Para. 21	Notice of refusal to vary a licence	
SCH. 5 Para. 22	Notice of intention to revoke a licence	
SCH. 5 Para. 24	Notice of decision to revoke a licence.	
SCH. 5 Para. 26	Notice of intention to refuse to revoke a licence	
SCH. 5 Para. 28	Notice of refusal to revoke a licence	
S.73	Application to Residential Property Tribunal for Rent Repayment Order	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 7

Director - Homes and Communities (cont)

Part 3: Selective Licensing of other Residential Accommodation		
S.86	Serving of a Temporary Exemption notice	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
S.88	The authority to sign a licence on behalf of the Local Housing Authority	
SCH. 5	All notices under Schedule 5 are as those relating to licensing of HMOs under Part 2 of the Act	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
Part 4: Additional Control Provisions in relation to Residential Accommodation		
Chapter 1: Interim and Final Management Orders		
S.102	The making of an interim management order (IMO).	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
S.106 (2)	Authorisation of expenditure to carry out works necessary for protecting health, safety or welfare of occupants or occupants of other premises in the vicinity	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 6
S.113	The making of a final management order (FMO)	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
S.126	Notice of renunciation of right to possession of furniture.	A number of decisions within this delegation may be exempt from publication:
S.127	Authorisation of expenditure to supply furniture	
		Exemption 1, 2 and 6

Director - Homes and Communities (cont)

S.131	Power of entry to carry out works in connection with an IMO or FMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
SCH 6 Para 1	Notices of intention to make an FMO	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3
SCH 6 Para 3	Notice of intention to make an FMO with modifications	
SCH 6 Para 7 (2) & (5)	Notice of confirmation that an IMO or FMO has been made	
SCH 6 Para 9	Notice of intention to vary an IMO or FMO	
SCH 6 Para 11	Notice of decision to vary an IMO or FMO	
SCH 6 Para 14	Notice of intention to refuse to vary an IMO or FMO	
SCH 6 Para 16	Notice of decision not to vary an IMO or FMO	
SCH 6 Para 17	Notice of intention to revoke an IMO or FMO	
SCH 6 Para 19	Notice of decision to revoke an IMO or FMO	
SCH 6 Para 20	Notice of intention to refuse to revoke an IMO or FMO	
SCH 6 Para 22	Notice of decision to refuse to revoke an IMO or FMO	
In consultation with the Director – Governance:		
S.133	The making of an interim Empty Dwelling Management Order – authorisation to apply to a residential property tribunal (RPT) on behalf of the local housing authority	A number of decisions within this delegation may be exempt from publication:
S.135	Authorisation of expenditure to secure a dwelling subject to an interim EDMO	Exemption 1, 2, 3 and 6
S.136	The making of a final EDMO	

Director - Homes and Communities (cont)

S.138	Compensation payable to third parties	
SCH 6 Para 1	Notice of intention to make a final EDMO	
SCH 6 Para 3	Notice of intention to make a final EDMO with modifications.	
SCH 6 Para 7 (5)	Notice of confirmation that an interim EDMO or a final EDMO has been made	
SCH 6 Paras 9, 11, 14, 16, 17, 19, 20, 22	Notices of variation, refusal to vary, revocation and refusal of revocation of interim and final EDMOs -- as for IMOs and EMOs but as amended by Schedule 7 Paragraphs 8 and 17.	
SCH 7 Para 21	Authorisation of expenditure to supply furniture to a dwelling subject to an interim or final EDMO	
SCH 7 Para 25	Power of entry to carry out work in connection with an interim or final EDMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
Schedule 7, paragraphs 1 to 37	To comply with and exercise the provisions contained within Schedule 7, paragraphs 1 to 37.	
Part 4 Chapter 3: Overcrowding Notices with Respect to HMOs		
S.139 (2)	Overcrowding notice to remedy excessive number of persons accommodated or likely to be accommodated in a HMO.	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2, 3 and 7
S.139 (3)	Notice of intention to serve an overcrowding notice	A number of decisions within this delegation may be exempt from publication: Exemption 1, 2 and 3

Director - Homes and Communities (cont)

S.144 (1) (a) and (b)	<p>Notice of revocation of overcrowding notice.</p> <p>Notice of variation of overcrowding notice</p>	
Part 7: Supplementary Provisions and Powers of Entry		
S.235	Notice requiring production of documents for any purpose connected with the exercise of any of the Council's functions under Parts 1 to 4 of the Act or investigating whether any offence has been committed	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
239 (3)	Authority to enter any premises for the purposes of survey or examination with respect to any of the Council's functions under Parts 1 to 4 of the Act or to ascertain whether any offence has been committed. NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection	
S.243	<p>Authorisations for enforcement purposes. Such authorisations as required by this section have already been incorporated within the appropriate parts of this schedule of delegations. (Section 131; Section 235; Section 239; ACH 3 Para 3(4); and SCH 7 Para 25).</p> <p>Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Chief Executive or Assistant Chief Executive.</p>	
S.255	Authority to make a HMO declaration on behalf of the Council and to serve associated notice of the declaration	
General: Prosecution		
S.30	Failure without reasonable excuse to comply with an improvement notice	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
S.32	Knowingly contravenes a prohibition order without reasonable excuse.	
S.35	Failure without reasonable excuse to comply with a magistrates order requiring an occupier or other relevant person to permit appropriate action to be taken.	

Director - Homes and Communities (cont)

S.72 (1)	Failure to obtain a HMO licence without reasonable excuse	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
S.72 (2)	Knowingly permits occupation in excess of the maximum permitted by a licence	
S.72 (3)	Failure without reasonable excuse to comply with a licence condition	
S.95 (1)	Failure to obtain a licence for a house subject to Selective Licensing (without reasonable excuse).	
S.95 (2)	Failure to comply with a licence condition for a house subject to Selective Licensing (without reasonable excuse).	
S.131 (5)	Failure to comply with a magistrates order requiring an occupier to allow access to carry out work in connection with an IMO or FMO	
S.139	Contravention of an overcrowding notice (without reasonable excuse)	
S.234	Failure to comply with a HMO Management Regulation (without reasonable excuse)	
S.236	Failure to comply with a notice under Section 235 requiring production of documentation (without reasonable excuse) OR intentionally alters, suppresses or destroys any required documents	
S.238	The supply of information required by local authority in carrying out any of its functions under Parts 1 to 4 which is false or misleading (knowingly or recklessly).	
S.241	Obstruction of an authorised officer in carrying out any duties under Parts 1 to 4 of the Act (without reasonable excuse). Includes offences under:- Schedule 3 Paragraph 5 (having contractor on site following service of notice of intention to carry out works in default under paragraph 4). Schedule 7 Paragraph 25 (4) (failure to comply with magistrates order requiring access to carry out work to dwelling subject to an EDMO)	

Director - Homes and Communities (cont)

General: Default Action		
SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 6</p>
SCH.3 Para 3	Authorisation of expenditure to carry out works in compliance with an improvement notice without agreement (by default)	
SCH.3 Para 4	Notice of intention to carry out works without agreement (by default)	
SCH.3 Para 9	<p>Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default).</p> <p>NB. SCH 3 Paragraphs 3, 4 and 9, above also apply to works carried out in connection with emergency remedial action taken under Section 40.</p>	
SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative)	
<p>Housing Agency Service Fees</p> <p>To review annually the fees to be charged to applicants by the Housing Agency Service and to determine the appropriate level of fees for costs incurred in assisting with the submission of an application for grant aided works or other types of assistance, and to implement increases as required.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p>		
<p>Housing Renewal Grant Appeals</p> <p>To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.</p>		<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>

Director - Homes and Communities (cont)

<p>Land Contamination and Pollution Control To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.</p> <p>Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Local Area Budget In accordance with agreed protocols and guidelines, to disburse funds from the Local Area Budget to address local problems/needs within communities identified through the neighbourhood tasking process and to assist local, voluntary and community sector groups/organisations in strengthening and building community cohesion within the Towns.</p> <p>Section 137 of the Local Government Act 1972</p>	
<p>Letting of Garage Plots To agree and approve letting of plots of land for the erection of garages for use in connection with Council Housing.</p> <p>Section 123 of the Local Government Act 1972 Section 5 of the Local Authorities (Land) Act 1963</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Motor Cycles Noise Act 1987 To act and authorise others to act on his/her behalf under the Council's functions in the Motor Cycles Noise Act 1987.</p> <p>Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>New Homes Grant To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	

Director - Homes and Communities (cont)

<p>Noise on Construction Sites, Noise in Streets and Noise Abatement Zones</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 60 and 61 of the Control of Pollution Act 1974 in respect of noise from construction sites.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 62 of the Control of Pollution Act 1974 in respect of noise in streets offences.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 63 -67 of the Control of Pollution Act 1974 in respect of Noise Abatement Zones.</p> <p>Control of Pollution Act 1974</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Persons Interested in Land</p> <p>Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p>Prevention of Damage by Pests Act 1949</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-</p> <ul style="list-style-type: none"> - Section 4 - the power to require action for the destruction of rats or mice or for keeping land free from rats and mice; - Section 22 – Power of entry. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>
<p>Property Appreciation Loans</p> <p>In consultation with the appropriate Cabinet Member, to deliver and manage Property Appreciation Loans to residents affected by Clearance Areas in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p> <p>Article 3 of the Order</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>

Director - Homes and Communities (cont)

<p>Public Spaces Protection Order (PSPO) - Anti-Social Behaviour Crime and Policing Act 2014</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 2 ASBCPA 2014 in relation to making, varying or discharging a PSPO affecting only one or two wards, to carry out the necessary consultation, publicity and notification, issuing fixed penalty notices for the offence of failure to comply with a PSPO and prosecution for the offence of failure to comply with a PSPO.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
<p>Regulation of Investigatory Powers Act 2000 (RIPA) To grant authorisations and give notices for the purposes of the acquisition of communications data.</p> <p>Section 22 of the Regulation of Investigatory Powers Act 2000</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Removal of Accumulations - Public Health Act 1936 - Section 78</p> <p>To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of accumulations from common courts, yards or passages.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Removal of noxious matter from premises - Public Health Act 1936 - Sections 79</p> <p>To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of noxious matter from premises.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Renovation Grants</p> <p>In consultation with the Director - Governance, the Council having given a house renovation grant in respect of a dwelling on the basis of a satisfactory future life, to not seek to enforce repayment of any part of the grant if they subsequently decide to include the dwelling in a Compulsory Purchase Order, during the term of the life of the dwelling estimated when the grant was approved.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>

Director - Homes and Communities (cont)

<p>Renovation within target areas To use the powers delegated to ensure the complete renovation of properties within streets or blocks in identified target areas under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Rents under a General Vesting Declaration Authority to set a rent for properties that lie within a confirmed Compulsory Purchase Order which are occupied upon the commencement of a General Vesting Declaration and that rent be set at 50% of the rent due on a similar but fit acquired property to reflect the poor condition associated with unfit properties.</p> <p>Section 19 Compulsory Purchase Act 1965 Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.</p>	
<p>Right of First Refusal Provisions of the Housing Act 2004 To enter into formal negotiations with homeowners making enquiries under the Right of First Refusal provisions of the Housing Act 2004 and that subject to the satisfactory outcome of the value for money evaluation of such applications, in consultation with the Director - Governance and the Assistant Chief Executive, negotiate terms and conditions, as necessary, to complete the acquisition of homes considered suitable additions to the council's housing stock.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976 To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:- Section 20 - the provision of sanitary accommodation at places of entertainment.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Securing of Void Properties Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>

Director - Homes and Communities (cont)

<p>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule To exercise and authorise others to exercise powers on his/her behalf for the retention, forfeiture and disposal of noise equipment seized under Section 81(3) of the Environmental Protection Act 1990, contained in Section 10 and the Schedule to the Noise Act 1996.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Smoke Control Area Grants To approve and authorise others to approve on his/her behalf smoke control area grants.</p> <p>Section 26 and Schedule 2 of the Clean Air Act 1993.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Sunday Trading Act 1994 To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Suspension Notices - The Construction Products Regulations 2013 - To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3 and 7</p>
<p>Suspension Notices - Consumer Protection Act 1987 To exercise the Council's functions under the Consumer Protection Act 1987.</p> <p>To issue and to delegate authority to others to issue suspension notices in relation to goods when it is suspected that relevant safety provisions have been contravened.</p> <p>Section 14 of the Consumer Protection Act 1987.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

Director - Homes and Communities (cont)

Trading Standards and Related Functions Authorised Officers

To act and authorise others to act on his/her behalf under the provisions of the following statutes together with any regulations or orders made thereunder in respect of the following legislation:

- Accommodation Agencies Act 1953
- Administration of Justices Acts 1970 and 1985
- Agricultural Produce (Grading and Marking) Act 1928
- Agricultural Produce (Grading and Marking) Amendment Act 1931
- Agriculture Act 1970
- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- Cancer Act 1939
- Charities Act 1992
- Children and Families Act 2014
- Children and Young Persons Act 1933
- Children and Young Persons (Protection from Tobacco) Act 1991
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Climate Change Act 2008 – Single Use Carrier Bags
- Charges (England) Order 2015
- Companies Act 2006
- Consumer Credit Act 1974 & 2006
- Consumer Protection Act 1987
- Control of Pollution Act 1974
- Copyright, Designs and Patents Act 1988
- Criminal Attempts Act 1981
- Criminal Damage Act 1971
- Criminal Justice and Police Act 2001
- Criminal Law Act 1977
- Development of Tourism Act 1969

A number of decisions within this delegation may be exempt from publication:

Exemption 1, 2, 3, 5, 6 and 7

Director - Homes and Communities (cont)

Education Reform Act 1988

Employment Agencies Act 1973

Energy Acts 1976 and 1983

Enterprise Act 2002

Environmental Protection Act 1990

Estate Agents Act 1979

European Communities Acts 1972 and 1986

Fair Trading Act 1973

Farm and Garden Chemicals Act 1967

Fireworks Act 2003

Food Safety Act 1990

Food and Environmental Protection Act 1985

Forgery and Counterfeiting Acts 1981

Fraud Act 2006

Hallmarking Act 1973

Health Act 2006

Health and Safety at Work etc Act 1974

House to House Collections Act 1939

Housing Act 2004

Intellectual Property Act 2014

Intoxicating Substances (Supply) Act 1985

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

London Olympic Games and Paralympic Games Act 2006

Malicious Communications Act 1988

Medicines Act 1968

Motor Cycle Noise Act 1987

Motor Vehicles (Safety Equipment for Children) Act 1991

Olympic Symbols etc (Protection) Act 1995

Poisons Act 1972

Police, Factories etc (Miscellaneous Provisions) Act 1916

Police Reform and Social Responsibility Act 2011

A number of decisions within this delegation may be exempt from publication:

Exemption 1, 2, 3, 5, 6 and 7

Director - Homes and Communities (cont)

<p>Prices Acts 1974 and 1975</p> <p>Protection from Harassment Act 1997</p> <p>Registered Designs Act 1949</p> <p>Road Traffic Acts 1974, 1988 and 1991</p> <p>Road Traffic (Consequential Provisions) Act 1988</p> <p>Road Traffic Offenders Act 1988</p> <p>Road Traffic (Foreign Vehicles) Act 1972</p> <p>Scrap Metal Dealers Act 2013</p> <p>Solicitors Act 1974</p> <p>Telecommunications Act 1984</p> <p>Theft Acts 1868 and 1878</p> <p>Tobacco Advertising and Promotion Act 2002</p> <p>Town Police Clauses Act 1847</p> <p>Trade Descriptions Act 1968</p> <p>Trade in Animals and Related Products Regulations 2011 (made under the European Communities Act 1972)</p> <p>Trade Marks Acts 1994</p> <p>Transport Acts 1978, 1980, 1982 and 1985</p> <p>Unsolicited Goods and Services Acts 1971 and 1975</p> <p>Vehicle Crime Act 2001</p> <p>Video Recordings Act 1984 and 2010</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 5, 6 and 7</p>
<p>Weights and Measures Acts 1976 and 1985</p>	
<p>Under Age Sale of Fireworks - Explosives Act 1875 Section 31 To act and authorise others to act on his/her behalf under the provisions of Section 31 of the Explosives Act 1875 to take enforcement action against under age sales of fireworks.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 7</p>
<p>Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 To exercise the Council's functions under and to authorise Officers to enforce the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>

Director - Homes and Communities (cont)

<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982 Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p>Waste on Land - Environmental Protection Act 1990 Part II To act and authorise others to act on his/her behalf under the Council's functions in</p> <ul style="list-style-type: none"> - Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land. - Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of the Duty of Care with regard to waste. - Section 47 of the Environmental Protection Act 1990 in respect of the provision of receptacles for commercial or industrial waste. - Section 59 of the Environmental Protection Act 1990 in respect of the removal of unlawfully deposited waste. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Acupuncture, Tattooing, Ear Piercing and Electrolysis To act and authorise others to act on his/her behalf under the Council's functions under Part viii - Acupuncture, Tattooing, Ear Piercing and Electrolysis of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Control of Sex Establishments To act and authorise others to act on his/her behalf under the Council's functions under Part ii, Control of Sex Establishments of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director - Homes and Communities (cont)

<p>Criminal Justice and Police Act 2001 To act and authorise others to act on his/her behalf under S13(2) of the Council's powers in the Act.</p>	<p>Grant of Permission or Licence</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Environmental Health Officers and Related Functions Authorised Officers To act and authorise others to act on his/her behalf under the provisions of the following statutes, together with any regulations or orders made thereunder:</p> <p>Animal Boarding Establishments Act 1963 – Section 1</p> <p>Breeding of Dogs Act 1973 – Section 1</p> <p>Caravan Sites and Control of Development Act 1960 – Section 3(3)</p> <p>Cattle Identification Regulations 1998 – Article 5(2)</p> <p>Criminal Justice and Police Act 2001 – Section 13(2)</p> <p>Dangerous Wild Animals Act 1976 – Section 1</p> <p>Food Safety Act 1990 – Section 19</p> <p>Health and Safety at Work etc Act 1974 – Part 1</p> <p>Local Government (Miscellaneous Provisions) Act 1982 Section 2, Section 4; Sections 13-17; Part 1 of and Schedules 1 and 2; Part III of and Schedule 4</p> <p>Noise and Statutory Nuisance Act 1993 – Schedule 2</p> <p>Pet Animals Act 1951 – Section 1; Performing Animals (Regulation) Act 1925 Section 1</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5;</p> <p>Public Health Act 1931 – Section 269</p> <p>Riding Establishment Act 1964 and 1970 – licence of pet shops, etc;</p> <p>Zoo Licensing Act 1981 – Section 1</p>	<p>Grant of Permission or Licence; Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Food and Feed Enforcement Section 19 of the Food Safety 1990 (Power of register and license premises for the preparation of food under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director - Homes and Communities (cont)

<p>Food and Feed Enforcement To act and authorise others to act on his/her behalf in all non-executive matters under the following legislation:-</p> <p>(b) The Food Safety Act 1990; and (b) any Orders, or Regulations or other instruments:- (i) made thereunder; or (ii) relating thereto; or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff;</p> <p>(c) The Food Hygiene (England) Regulations 2006; (d) The Official Feed and Food Controls England) Regulations 2009; (e) any modification or re-enactment of the foregoing.</p>		<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Gambling Act 2005 To enforce the provisions of the Gambling Act 2005, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice and to authorise persons in accordance with Section 304 of the Act.</p>		<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>To determine the following applications in the circumstances indicated:-</p>		
Nature of Application	Prevailing Circumstance	
Application for premises licence.	No representations received or where representations have been withdrawn.	
Application for Reinstatement of a premises licence	No representations received or where representations have been withdrawn	
Application for a variation to a licence.	No representations received or where representations have been withdrawn.	
Application for a transfer of a licence	No representations received from the Gambling Commission	
Application for a provisional statement.	No representations received or where representations have been withdrawn	
Application for club gaming/club machine permits.	No objections made or where objections have been withdrawn	
		<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director - Homes and Communities (cont)

<p>Applications for other permits</p> <p>Cancellation of licensed premises gaming machine permits</p>		<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p>
<p>Consideration of temporary use notice</p>		<p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Licensing Act 2003</p> <p>To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice.</p> <p>To determine the following applications in the circumstances indicated:</p> <p>Note:- The delegations are in accordance with those recommended in DCMS Guidance issued under Section 182 of the Licensing Act 2003</p>		
<p>Application for personal licence</p>	<p>If no objection made</p>	<p>Grant of Permission or Licence and/or Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Application for grant or variation of a premises licence /club premises certificate.</p>	<p>No relevant representation made</p>	
<p>Application for provisional statement.</p>	<p>No relevant representations made</p>	
<p>Application to vary designated premises supervisor.</p>	<p>If no Police objection</p>	
<p>Request to be removed as designated premises supervisor.</p>	<p>All cases</p>	
<p>Application for a Minor Variation of a premises licence/club premises certificate</p>	<p>All cases</p>	
<p>Application for transfer of premises licence</p>	<p>If no Police objection</p>	

Director - Homes and Communities (cont)

Application for interim authorities.	If no Police objection	Grant of Permission or Licence and/or Individual Rights: All decisions within this delegation are to be published unless exempt Exemptions 1,2 6 and 7 may apply
Decision on whether a complaint is irrelevant, frivolous or vexatious etc	By officer in consultation with Chair [having sought prior legal advice]	
<p>Health and Safety at Work Act 1974 To exercise the powers of appointment contained in Section 19 of the Health and Safety of Work etc. Act 1974 (Authorisation to Assist and Accompany Inspectors).</p> <p>The appointment of Inspectors under Section 19(1) of the Act.</p> <p>To appoint persons as necessary as inspectors to exercise powers specified in:-</p> <ul style="list-style-type: none"> (a) Sections 20, 21, 22 and 25; (b) any Health and Safety Regulation; (c) provisions conferred in Schedule "1" of the Act. <p>To exercise the powers to authorise persons to accompany an Inspector under Section 20(2)(c)(i) of the Health and Safety at Work</p>		<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 6 and 7 may apply</p>
<p>Health and Safety Authorisation To agree transfer of premises between the Local Authority and the Health and Safety Executive (HSE) and vice-versa in accordance with Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To agree with the HSE on the assignment of enforcement responsibility in cases of uncertainty in accordance with Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To appoint as an inspector person(s) who may assist an already duly appointed Inspector employed by the Council in discharging his/her duties in accordance with the requirements of Section 19 of the Health and Safety at Work Act 1974.</p> <p>Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>		

Director - Homes and Communities (cont)

<p>Licensing Act 2003 To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and / or codes of practice.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Scrap Metal Dealers To enforce the provisions of the Scrap Metal Dealers Act 2013, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice, and to authorise persons to act on the Director's behalf in the conduct of this delegation.</p> <p>To issue or refuse applications under the Scrap Metal Dealers Act 2013 for the grant of a Site Licence and/or a Collectors Licence, impose conditions, or vary, or renew or revoke a licence, or any other material change to a licence once granted.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Street Trading To act and authorise others to act on his/her behalf under the Council's functions under Part iii - Street Trading of the Local Government (Miscellaneous Provisions) Act 1982</p>	<p>Grant of Permission or Licence and or Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Trading Standards and Related Functions Authorised Officers To act and authorise others to act on his/her behalf under the provisions of the following statutes together with any regulations or orders made thereunder in respect of the above legislation:</p> <p>Children and Young Persons Act 1933 – Section 12 Part II;</p> <p>Criminal Justice and Police Act 2001 – Section 13(2);</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director - Homes and Communities (cont)

<p>Food Safety Act 1990 – Section 19</p> <p>Gambling Act 2005</p> <p>Health Act 2006</p> <p>Health and Safety at Work etc Act 1974 – Part I</p> <p>House to House Collections Act 1939 – Section 2</p> <p>Licensing Act 2003</p> <p>Local Government (Miscellaneous Provisions) Act 1982 – in relation to licensing</p> <p>Poisons Act 1972 – Sections 3(1)(b)(ii), 5, 6, and 11;</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5</p> <p>Police Reform and Social Responsibility Act 2011 Chapter 2 Part 2</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
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Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Charging for information provided to solicitors To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
<p>Council Dwelling Sales To authorise the Director - Governance to complete all legal documentation in relation to the sale.</p>	
<p>Housing Private Finance Initiatives To monitor the development of Private Finance Initiatives in the provision of housing services to citizens of the Borough and to make recommendations to the appropriate Cabinet Member thereon.</p>	
<p>Pest Control - Authorisation of delegated powers for fees In consultation with the appropriate Cabinet Member, to vary the Pest Control and other fees and charges.</p>	

Director - Homes and Communities (cont)

Power to Recommend Legal Proceedings

To recommend legal proceedings for:

- obstructions and non-compliance under the various Sections listed within the Housing Act 2004 table.
- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.
- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.
- obstruction under Sections 341 of the Housing Act 1985.
- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982.

Site Licences Issued in Respect of Travellers Sites Owned by the Council

To determine issues in relation to matters arising from Site Licences issued in respect of travellers sites owned by the Council.

Section 3(3) of the Caravan Sites and Control of Development Act 1960.
 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Director - Homes and Communities (cont)

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
None	

Director - Homes and Communities (cont)

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>Recommendations of the Tenants Funding Panel</p> <p>To consider and determine the recommendations of a Panel established to consider the funding of tenants and residents groups from within the approved tenant participation budget.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p>	

Director – Governance

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Acquisition and Disposal of Property To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Economy, on terms to be agreed in accordance with authority delegated to him, and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p>Acquisition of Open Space Land by the Council In consultation with the Director - Regeneration and Economy and in accordance with Minute No. 6/98 of the former Finance and Resources Strategy Committee, to acquire the freehold interest in such land for a nominal sum, and otherwise on terms and conditions to be agreed by the Area Director - Regeneration and Economy.</p> <p>Section 9 Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p>Adoption and Children Act 2002 In consultation with the Director - Children and Families, to authorise Court Proceedings under:</p> <ul style="list-style-type: none"> - Section 22 (Application for a Placement Order); - Section 23 (Application to vary a Placement Order); - Section 24 (Application to revoke a Placement Order); - Section 26 (Contract - requiring the person with whom the child lives, or is to live, to allow the child to visit or stay with the person named in the Order); - Section 27 (Application to vary or revoke Contact Order); and - Section 28 (Application for a Recovery Order). 	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2 and 5</p>

Director – Governance (cont)

<p>Advances for House Purchase To accept any offers by Building Societies to assist the Council by accepting nominated applicants in respect of advances for house purchase. To approve applications for advances for the purchase of/or repair and improvement of dwellings except those which he/she considers should be referred for decision by the appropriate Cabinet Member, Committee or Sub-Committee. An applicant who is aggrieved by the decision of the Director - Governance shall have the right to have his application finally determined by the Cabinet Member, Committee or Sub-Committee.</p> <p>Part XIV of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Advertisements - Town and Country Planning Act 1990 - Section 224(3) In consultation with the Director - Regeneration and Economy, to prosecute any person displaying an advertisement in contravention of Section 224(3) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 7</p>
<p>Agreements in Respect of Land and Property To enter into agreements for the licensing, letting and re-letting of land, properties and facilities in accordance with prevailing Council policy and on terms agreed by the Director - Regeneration and Economy.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Agricultural Rents - Rent (Agriculture) Act 1976 (as amended) Section 20 To take proceedings relating to avoidance of requirements for advance payment of rent under Section 20 of the Rent (Agriculture) Act 1976. Section 21 To take proceedings relating to recovery from landlord of sums paid in excess of recoverable rent under Section 21 of the Rent (Agriculture) Act, 1976</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Attendance at court To authorise any officer of the Council to appear in Court on behalf of the Council in accordance with sections 223(1) of the Local Government Act 1972 and 60(2) of the County Courts Act 1984.</p>	

Director – Governance (cont)

<p>Assets of Community Value In consultation with the relevant Director, to exercise the function of the local authority in the determination of applications made to the Council regarding Assets of Community Value under the Localism Act 2011.</p>	
<p>Authorisation to Enter - Performing Animals (Regulation) Act 1925 (Section 3) To issue written authorisations to enter upon land and premises under Section 3 of the Performing Animals (Regulation) Act 1925 to such members of the staff as are nominated by the relevant Director to carry out the functions under the provisions of the said Act.</p>	
<p>Birmingham International Airport (a) In consultation with the Leader, or in his 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; (b) 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>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 3 and 5</p>
<p>Blight Notices Upon receipt of a Blight Notice, following consultation with the Director - Regeneration and Economy or the Director - Homes and Communities, to issue a counter-notice or in cases where the blight notice is considered to be valid, to proceed with the acquisition of the property on terms to be agreed by the Director - Regeneration and Economy or Lands Tribunal.</p> <p>Section 151 of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

Director – Governance (cont)

<p>Building Regulations - Failure to Comply with To deal with the functions of the Council under Section 36 of the Building Act 1984 (Failure to comply with Building Regulations).</p> <p>To apply for orders under Section 77 of the Building Act, 1984 where he/she is satisfied that the necessary evidence is available.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Call Off Arrangements for Land Referencing Panel To set up the Authority's call off arrangements for land referencing companies to support Compulsory Purchase Order (CPO) projects where the in-house service cannot provide the capacity to deliver the land referencing for CPO projects.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Change to a Child's Birth Certificate - Family Law Act 1986 In consultation with the Director - Children and Families, to authorise court proceedings to seek a declaration of non-parentage in relation to a child in order to seek a change to the child's birth certificate.</p> <p>Family Law Act 1986 (as inserted by section 83(2) of the Child Support, Pensions and Social Security Act 2000)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 5</p>
<p>Coat of Arms To approve applications for the use of the Coat of Arms of Sandwell and the former Authorities falling within the Borough Boundaries.</p>	
<p>Community Right to Challenge In consultation with the chief finance officer to take any steps to implement the arrangements arising from the Community Right to challenge and comply with any statutory requirements under Section 82-86 of the Localism Act 2011.</p>	
<p>Compensation under Compulsory Purchase, Demolition or Prohibition Orders To make payment of appropriate compensation, on terms agreed by the Director - Regeneration and Economy, under compulsory purchase, demolition or prohibition orders.</p> <p>Sections 584A and 584B of the Housing Act 1985 Compulsory Purchase Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

Director – Governance (cont)

<p>Compulsory Purchase Planning and Compulsory Purchase Act 2004 In consultation with the Director - Regeneration and Economy, to take any appropriate action under the provisions of the Planning and Compulsory Purchase Act 2004.</p> <p>(Excludes Section 15 – Development Plans)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>
<p>Court Proceedings under the Children Act, 1989 In consultation with the Director - Children and Families, to authorise court proceedings under:- Section 8 (Specific Issue Orders and Prohibited Steps Orders); Section 25 (Secure Accommodation for Children looked after by Local Authority); Section 31 (Care/Supervision proceedings); Section 34(4)(Refusal of Contact of Children in Care with Persons named in Order); Section 39 (Discharge of Care or Supervision Order proceedings); Section 39 (Variation of Care or Supervision Order Proceedings); Section 43 (Child Assessment Order applications); Section 44 (Orders for emergency protection of children); Section 45(4)(Extensions to Emergency Protection Orders); Section 48 (Application for a warrant in Emergency Protection Order proceedings); Section 49 (Prosecution for Unlawful Abduction of a Child in Care). Section 50 (Application for a Recovery Order in respect of a child); Section 100 (To apply for leave to commence proceedings in the High Court under Section 100 of the Act).</p> <p>Children Act 1989 as amended by the Children and Young Persons Act 2008 and the Children and Families Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 5, 6 and 7</p>
<p>Court Proceedings under the Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007 In consultation with the Director - Governance, the Director - Children and Families, the Director - Adult Social Care and the Director - Homes and Communities, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-S of the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 5</p>

Director – Governance (cont)

<p>Coroners Act 2009 To exercise the functions of the local authority under the Coroners Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p>Cross Border Prosecutions (Executive Matters) To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 7</p>
<p>Debt Recovery and Enforced Dwelling Sale In consultation with the Director - Homes and Communities, to exercise the functions of the Council in relation to the recovery of money due to the Council and the exercise of powers of sale in respect of a local land charge arising, but not limited to, powers derived from the following statutes:- Public Health Act 1936; Public Health Act 1961; Prevention of Damage by Pests Act 1949; Local Government (Miscellaneous Provisions) Act 1976 and 1982; Building Act 1984; Environment Protection Act 1990; The Water Act 1989; Health and Safety at Work Act 1974; Food Safety Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Defective Dwellings To take such action as may be necessary, in respect of those single Smith-type dwellings requiring reinstatement, to release the owner/ occupiers from the covenant in the conveyance of the property which requires them to contribute towards the repair of the party wall, and to obtain the owner occupiers' agreement to be released from any future interest in the party wall (including, where applicable, the transfer back to the Council of this wall). To repurchase those designated defective dwellings where it is impracticable for the eligible owner to reconvey his or her part of the party wall to the Council and reinstatement work could not be undertaken) on terms to be agreed by the Director - Regeneration and Economy.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

Director – Governance (cont)

<p>Developments under Footpaths To enter into agreements concerning applications to allow foundations of developments to extend beneath footpaths where the Director – Regeneration & Economy is satisfied as to the suitability of the proposed works.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Discontinuance of Deemed Consent To exercise the powers of the local planning authority under Regulation 8 the Town and Country Planning (Control of Advertisements) Regulations 2007 (Discontinuance of deemed consent).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Discontinuance Orders - Enforcement In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under sections 189 and 190 of the Town and Country Planning Act 1990 (Enforcement of discontinuance orders made under Section 102) or paragraph 1 of Schedule 9).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Disposal of Land and Premises at Auction To dispose of land and/or premises at auction where the Director – Regeneration and Economy estimates the value of the land/property being offered for sale is less than £100,000 but the bidden price exceeds that amount.</p> <p>Section 123 of the Local Government Act 1972.</p>	
<p>Disposal of Land and Premises up to £100,000 To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Economy, in accordance with the authority delegated to him.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Disturbance Payments To deal with the making of payments for disturbance in respect of properties acquired either by agreement or under Compulsory Purchase Orders.</p> <p>Part III of the Land Compensation Act 1973.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

Director – Governance (cont)

<p>Electoral Registration To recommend legal proceedings regarding the failure of any person to provide information to the registration officer for the purposes of maintaining registers of electors under Sections 13D and 23 of the Representation of the People (England and Wales) Regulations 2001</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p>Enforcement Notices In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 42 and 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>
<p>Enforcement Notice Securing Compliance In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 178 and 179 of the Town and Country Planning Act 1990 (Securing Compliance with an Enforcement Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Execution of Highways Works To enter into agreements pursuant to Section 278 of the Highways Act 1980</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 3</p>
<p>False Statements under the Housing Act 1996 – Section 214 To take proceedings relating to false statements, withholding of information and failure to disclose change in circumstances under Section 214 of the Housing Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 3</p>
<p>Former Mining Land - Entry to and works on land - To take all necessary action to give effect to the powers available to the Council under Sections 7 and 8 of the Mineral Workings Act 1985.</p>	
<p>Hazardous Substances Authority - Planning (Hazardous Substances) Act 1990 - Section 23 In consultation with the Director - Regeneration and Economy, to exercise the powers of the Hazardous Substances Authority under section 23 of the Planning (Hazardous Substances) Act 1990 as amended by Schedule 3 of the Planning and Compensation Act 1991.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

Director – Governance (cont)

<p>Hazardous Substances Consents - Powers to revoke, modify, apply for confirmation and to pay compensation In consultation with the Director - Regeneration and Economy to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) under sections 14, 15, 16 and 17 of the Planning (Hazardous Substances) Act 1990 in respect of hazardous substances consents.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Hazardous Substances Contravention Notice In consultation with the Director - Regeneration and Economy, to exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Highways Act 1980</p> <ul style="list-style-type: none"> - To enter into agreements pursuant to Sections 4, 8 and 38 of the Highways Act 1980 - To instigate proceedings under Sections 132, 137, 140 and 143 of the Highways Act 1980 where he/she is satisfied as to the evidence. - Section 154 – Failure to Comply with Letters of Request - Section 177 – To grant a licence in consultation with the Director – Regeneration & Economy. - To instigate proceedings under Section 219 of the Highways Act 1980 in consultation with the Director – Regeneration & Economy. 	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3, 6 and 7</p>
<p>Images of Council Buildings or Facilities or Historical Artefacts or Documents and Copyright To consider any applications for the use of images of Council buildings or facilities or historical artefacts or documents and to approve such use where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>To consider any applications for the use of any materials or items the subject of copyright to the Council and to approve such applications where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>Re-use of Public Sector Information Regulations 2005.</p>	

Director – Governance (cont)

<p>Injunctions In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 26AA of the Planning (Hazardous Substances) Act 1990 (Injunctions).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 6</p>
<p>Interests in Land Section 297, Highways Act 1980 To serve notices requiring information under the provisions of Section 297 of the Highways Act 1980 regarding the ownership of the land. Sections 5A and 5B, Acquisition of Land Act 1981 Power to require information To serve notice to obtain information about ownership and occupation of land from freeholders, lessees, occupiers, mortgagees and those managing land pursuant to Section 5A Acquisition of Land Act 1981 as amended by Part 8 of the Planning and Compulsory Purchase Act 2004, and to take proceedings relating to failure to provide information under Section 5B of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p>Land and Premises Previously Owned by the Council - Consent to Alter or Erect Premises or Change the Use To enter into or execute, if necessary, under seal, any related documentation in connection with land previously owned by the Council on terms and conditions to be agreed by the Director - Regeneration and Economy.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Landlord and Tenant Act 1985 Section 1 To deal with matters relating to a failure to comply with a tenant's request for the Landlord's name and address under Section 1 of the Landlord and Tenant Act 1985. Section 2 To take proceedings relating to a failure to comply with a tenant's request for the name and address of each Director and Secretary where the landlord is a body corporate under Section 2 of the Landlord and Tenant Act 1985. Section 3 To take proceedings relating to failure of a new landlord to notify a tenant of his name and address under Section 3 of the Landlord and Tenant Act, 1985.</p>	

Director – Governance (cont)

<p>Section 7 To take proceedings under Section 7 of the Landlord and Tenant Act 1985 relating to a failure of a landlord to comply with the requirements of Sections 4, 5 or 6 of the same.</p> <p>Section 25 (as amended by Section 157, Schedule 10, paragraph 4 of the Commonhold and Leasehold Reform Act 2002) To take proceedings under Section 25 of the Landlord and Tenant Act 1985 relating to failure to comply with duties imposed under the same Act. (Section 21 substituted by Section 303, Schedule 12, Paragraph 12 of the Housing and Regeneration Act 2008; Section 22 amendment by Section 303 of the Housing and Regeneration Act 2008; Section 23(1) amended by Section 303, Schedule 12, Paragraph 5 of the Housing and Regeneration Act 2008).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p>Legal Proceedings (Executive Matters) To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 to 7</p>
<p>Letting of Garage Plots To enter into Agreements for the letting of plots of land for the erection of garages for use in connection with Council Housing on terms to be agreed by the Director - Homes and Communities.</p> <p>Section 123 of the Local Government Act 1972 and/or Section 5 of the Local Authorities (Land) Act 1963</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Listed Buildings and Conservation Areas - Prosecution In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under the Planning (Listed Buildings and Conservation Areas) Act 1990:</p> <ul style="list-style-type: none"> - Sections 7 and 9 as amended by the Planning and Compensation Act 1991 (Prosecution). - Section 11(6) and Section 21(7) (Prosecution for false information). 	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Lost and Uncollected Property To serve notice under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 to require a person to remove uncollected property from premises or land owned by the Council.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 6</p>

Director – Governance (cont)

<p>Management of Leased Premises Where appropriate, to enter into any legal documents in relation to the management and/or surrender of premises leased by or occupied by the Council, subject to any terms and conditions agreed by the Director - Regeneration and Economy.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Members Interests Dispensation - Localism Act 2011 To grant dispensations under ground (a) and (d) of Section 33(2) of the Localism Act 2011.</p>	
<p>Mineshafts - Acquisition To acquire mineshafts where required in connection with Council developments, on terms to be agreed by the Director - Regeneration and Economy.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p>Monitoring Officer (Executive Authority) - Local Government and Housing Act 1989 – With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all Executive powers and duties under the Act be assigned to that post.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 to 7</p>
<p>Notice to Treat and of Entry and Action to Obtain Possession To serve notice to treat and notice of entry where appropriate and take necessary action when possession is not given in all cases where Compulsory Purchase Orders are confirmed.</p> <p>Sections 5 and 11 of the Compulsory Purchase Act 1965.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Notices to Quit/Notices of Seeking Possession To sign and issue notices to quit and notices of seeking possession on behalf of the Council.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 5 and 6</p>

Director – Governance (cont)

<p>Obstruction of an Officer To take proceedings relating to the obstruction of an officer under Sections 55, 341 of the Housing Act 1985. (Section 55(1)(a) as amended by Section 194(1), Schedule 11, paragraph 65 of the Local Government and Housing Act 1989; Section 341(1)(2) amended by Section 194(1), Schedule 11, paragraph 74(1)(2) of the Local Government and Housing Act 1989).</p> <p>Sections 55, 341 Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Open Space Land on Housing Developments To acquire land on housing estates offered to the Council by developers for public open space purposes where such developers make a commuted payment at a figure to be assessed by Director - Regeneration and Economy.</p> <p>Section 9 of the Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 3</p>
<p>Overcrowding Section 327, Housing Act 1985 To take proceedings relating to an occupier causing or permitting overcrowding under Section 327 of the Housing Act 1985. (Section 327(3) amended by Section 194(1), Schedule 11, paragraph 71(a)(b) of the Local Government and Housing Act 1989).</p> <p>Section 331, Housing Act 1985 To take proceedings relating to a Landlord causing or permitting overcrowding under Section 331 of the Housing Act 1985. (Section 331(3) amended by Section 194(1), Schedule 11, paragraph 72(a)(b) of the Local Government and Housing Act 1989).</p> <p>Section 333, Housing Act 1985 To take proceedings relating to the duty to inform the local authority of overcrowding under Section 333 Housing Act 1985.</p> <p>Section 335, Housing Act 1985 To take proceedings relating to requests for information about persons sleeping in a dwelling under Section 335 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2 and 7</p>

Director – Governance (cont)

Section 338(1), Housing Act 1985
 In consultation with the Director – Homes and Communities, to serve a notice to abate overcrowding under Section 338(1) of the Housing Act 1985 and make any application to the court under Section 338 (2) if required.

Parades and Processions

To make orders for parades and processions under the Town Police Clauses Act, 1847, in consultation with the Director – Regeneration & Economy.

Planning Contravention and Enforcement Notices

To serve notices under the following sections: Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.

In consultation with the Director – Regeneration and Economy, to take proceedings pursuant to Sections 171D and 179 of the Town and Country Planning Act 1990 (Planning Contravention and Enforcement Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2, 3, 6 and 7

Powers of Entry over Land and Buildings

In consultation with the Director - Regeneration and Economy:

To exercise the powers of the local planning authority under Sections 324 and 325 of the Town and Country Planning Act 1990 and to seek permission for entry in relation to Crown land under Section 325A of The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (Right of Entry).

To exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991.

A number of decisions within this delegation may be exempt from publication

Exemptions 1,2, and 6 may apply.

Director – Governance (cont)

To exercise the powers of the Hazardous Substances Authority under sections 36, 36A, & 36B of the Planning (Hazardous Substances) Act 1990

To seek permission for entry in relation to Crown land under Section 325A of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

To authorise appropriate officers to enter premises under Section 95 of the Building Act, 1984

Procurement of External Legal Services

To set up the Authority’s own panels of external legal advisors to service areas of work, which will need high level and/or specialised external legal support.

A number of decisions within this delegation may be exempt from publication

Exemption 3

Prohibition and Demolition Orders

Sections 20 and 21 Housing Act 2004

To make a Prohibition Order under Sections 20 and 21 and Emergency Prohibition Order under Section 43 of the Housing Act 2004 where the Director - Homes and Communities is satisfied that is the most satisfactory course of action in relation to any residential premises.

Section 265 Housing Act 1985

To make a Demolition Order under Section 265 of the Housing Act 1985 where the Director - Homes and Communities is satisfied that is the most satisfactory course of action in relation to any residential premises.

Sections 270 (2) Housing Act 1985 and Section 33, Housing Act 2004

Where in consequence of the making of a Prohibition or Demolition Order the Council have fulfilled any obligation it may have pursuant to Section 39(1) of the Land Compensation Act 1973, in regard to the provision of suitable alternative residential accommodation, to initiate proceedings under Section 270(2) of the Housing Act 1985 or Section 33 of the Housing Act 2004 as appropriate.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2, 3 and 6

Director – Governance (cont)

<p>Proper Maintenance of Land In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 216 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Prosecution for False Information In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 194 of the Town and Country Planning Act 1990 (Prosecution for false information).</p> <p>In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 8(6) of the Planning (Hazardous Substances) Act 1990 (Prosecution for false information).</p> <p>Town and Country Planning Act 1990 Planning and Compensation Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Prosecutions for Damage In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Prosecutions for damage).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Protection From Eviction Act 1977 - Section 1 To take proceedings relating to unlawfully depriving a residential occupier of premises and doing acts which are calculated to cause a residential occupier to give up occupation of a property under Section 1 of the Protection From Eviction Act 1977.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Purchase Notices Upon receipt of a purchase notice, following consultation with the Director - Regeneration and Economy and the chief finance officer of the Council, to issue a response notice and where it is proposed to purchase the property, proceed with the acquisition, on terms to be agreed by the Director - Regeneration and Economy.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

Director – Governance (cont)

<p>Purchase of Properties in Clearance Areas At the request of the Director - Homes and Communities, to negotiate to acquire properties offered for sale to the Council that are included in Clearance Areas declared by the Council under the Housing Acts on terms to be agreed by the Director - Regeneration and Economy.</p> <p>Section 290 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Registering Legal Charges against a Private Property when the occupier becomes a permanent resident in Residential and Nursing Homes In consultation with the Director - Adult Social Care, to register legal charges with the Land Registry against a private property whose occupier becomes a permanent resident of a residential and nursing home and under ordinary residence rules, is the responsibility of Sandwell Metropolitan Borough Council.</p> <p>Section 22 of the Health and Social Services and Social Security Adjudications Act 1983.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Rent Matters - Rent Act 1977</p> <p>Section 81. To take proceedings relating to requiring or receiving a payment in excess of the registered rent under a restricted contract.</p> <p>Section 94(4), Rent Act 1977 To take proceedings relating to entry in a Rent Book showing a tenant in arrears on account of rent which is irrecoverable.</p> <p>Section 94(5), Rent Act 1977 To take proceedings relating to refusal of a Landlord upon request to delete an entry in a rent book or similar document.</p> <p>Section 119, Rent Act 1977 To take proceedings relating to the payment of a premium as a condition of a grant renewal or continuance of a protected tenancy.</p> <p>Section 122, Rent Act 1977 To take proceedings relating to the requirement to pay a premium as a condition of the grant renewal or continuance of a restricted contract.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

Director – Governance (cont)

Section 124, Rent Act 1977

To take proceedings relating to excessive payment by a prospective tenant for furniture and failure by a Landlord to provide an inventory of furniture to be purchased.

Section 126, Rent Act 1977

To take proceedings relating to the avoidance of requirements for advance payments of rents.

Section 151, Rent Act 1977

To deal with matters relating to failure to comply with a notice requiring the name and address of the Landlord.

Rent Books - Section 332, Housing Act 1985

To take proceedings relating to information to be contained in rent book under Section 332 Housing Act 1985.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2 and 3

Rent Books – Production under Section 336, Housing Act 1985

To require production of a rent book under Section 336 of the Housing Act 1985 and take any proceedings under Section 336 (3) relating to a default.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2 and 3

Removal of Lift Equipment

In consultation with the Director - Homes and Communities, to seek court orders for the removal of lift equipment provided to disabled persons which in the opinion of the Director - Homes and Communities is dangerous or faulty.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2

Director – Governance (cont)

Repayment of Outstanding Accommodation Costs - Health and Social Services and Social Security Adjudications Act 1983

In consultation with the Director - Adult Social Care, to exercise the powers under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, to swear statutory declarations to support and facilitate the creation of a legal charge, restriction or class B Land Charge under the Land Charges Act 1972 on a person's beneficial interest in any land to secure repayment of outstanding accommodation costs and to ensure that, in all appropriate cases, interest is charged upon such sum charged or secured from the day after that on which the person for whom the accommodation has been provided dies in accordance with section 24 of the said Act.

In consultation with the Director - Adult Social Care, to discharge such legal charge, to remove such restriction or to cancel such class B Land Charge.

A number of decisions within this delegation may be exempt from publication

Exemption 1,2 and 5

Rights of Entry for Enforcement Purposes

In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2 and 3

Right of Way Over Council Land

Where appropriate, to offer and agree Right of Way agreements in perpetuity on terms to be agreed by the Director - Regeneration and Economy in the following instances, subject to payment of the Council's legal fees: -
 - when such rights have previously been granted to former Council tenants;
 - when property with an existing agreement changes hands;
 - when a request is received for a new agreement to be granted.

Section 123 of the Local Government Act 1972.

A number of decisions within this delegation may be exempt from publication

Exemptions 1, 2, 3 and 5

Director – Governance (cont)

<p>Right-of Way - Transfers Subject to the Director - Homes and Communities and the Director - Regeneration and Economy having no objection, to approve requests to transfer the grant of a right-of-way to purchasers of a Council property.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p>Road Works – Public Notices To issue public notices pursuant to Section 58 of the New Roads and Street Works Act 1991 restricting the execution of work in highways where it is proposed to carry out substantial road works, following consultation with the Director – Regeneration & Economy.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 6</p>
<p>School Companies In consultation with the Interim Director - Education, to consider and approve, where appropriate, applications from School Governing Bodies to set up School Companies, under provisions of Education Act 2002.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 3 and 5</p>
<p>Service Charges for Housing - Housing Act 1985 To take proceedings relating to the failure to provide information regarding service charges under: - Section 48 of the Housing Act 1985 (Section 48(3A) as amended by Section 103 Schedule 1, Paragraph 3 of the Housing Grants, Construction and Regeneration Act 1996. - Section 48(3A) as amended by Section 194(1), Schedule 11, Paragraph 63 of the Local Government and Housing Act 1989). (Section 48(3A) as inserted by Section 24(1), Schedule 5, Part 1, Paragraph 9(4) of the Housing and Planning Act 1986).</p> <p>In consultation with the Director - Homes and Communities, to serve notice under Sections 140 and 141 of the Housing Act, 1985 on a tenant, at the relevant time, requiring completion of the purchase of their Council house to take place. (Section 140(4), (2a), (2b) inserted by Section 306(10) of the Housing and Regeneration Act 2008. Section 140(3) amended by Section 184(2) of the Housing Act 2004. Section 140(3)(c) amended by Section 24(2), Schedule 5, Part 1, Paragraph 5(1) of the Housing and Planning Act 1986).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>

Director – Governance (cont)

<p>Service Tenancy Agreements To negotiate and agree terms for service tenancy agreements for the purposes of parks and countryside management.</p> <p>Section 123 of the Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Standards Committee Independent Members To make arrangements for the recruitment of independent members appointed pursuant to Section 28 of the Localism Act 2011 as vacancies arise, to advertise the vacancies and to shortlist applications received to fill vacancies for consideration by the Selection Panel.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p>Temporary Traffic Regulation Orders/Notices for Temporary Road Closures In consultation with the Director – Regeneration & Economy, to make Temporary Traffic Regulation Orders and issue notices for temporary road closures under the provisions of Sections 14(1) and 14(2) of the Road Traffic Regulation Act 1984.</p>	
<p>Use of Premises in Connection with Elections To deal with applications for the use of premises in connection with elections at rents to be agreed with the chief finance officer of the Council.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 3</p>
<p>Vehicular Right of Way Over Housing Land Grants/requests for vehicular rights-of-way over housing land at rents to be determined by the Director - Regeneration and Economy, in consultation with the Area Director – Homes and Communities</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p>Wildlife and Countryside Act 1981 To deal with legal proceedings under Part 1 of the Wildlife and Countryside Act 1981 or any Order.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>

Director – Governance (cont)

<p>Withdrawal of Completion Notices In consultation with the Director - Regeneration and Economy, to withdraw, if appropriate, completion notices under section 94(5) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
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Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Authorise Entry to Properties or Land To authorise appropriate officers to enter premises pursuant to section 17 of the Local Government (Miscellaneous Provisions) Act 1982. To issue requisite cards of authority to officers required to enter land or premises for inspection purposes.</p>	
<p>Civil Marriages - Licensing of Premises To determine any applications for the licensing of premises for the solemnisation of civil marriages; To waive or remit in part any fees in connection with licensing applications, where the Director - Governance considers it appropriate to do so; To determine fees for a review undertaken by the Licensing Committee of a decision by the Director - Governance to refuse an approval to attach local conditions or to revoke an approval of an application of premises for the solemnisation of civil marriages.</p> <p>Section 46A of the Marriage Act 1949 (c 76)</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 6 may apply</p>
<p>Commons Land</p>	
<p>Section 41 of the Commons Act 2006. In consultation with the Director - Regeneration and Economy, to make an application for an Enforcement Order against unlawful works on registered common land under Section 41 of the Commons Act 2006.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

Director – Governance (cont)

<p>Section 45(2) (a) of the Commons Act 2006. In consultation with the Director - Regeneration and Economy, to make arrangements to protect unclaimed registered common land and unclaimed town or village agreements against unlawful interference under Section 45(2) (a) of the Commons Act 2006.</p>	
<p>Section 45(2)(b) of the Commons Act 2006 In consultation with the Director - Regeneration and Economy, to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Completion Notices In consultation with the Director - Regeneration and Economy, to serve completion notices under section 94(2) of the Town and Country Planning Act 1990.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Cross Border Prosecutions in Non-Executive Matters To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p>Discontinuance Notices In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 102 of the Town and Country Planning Act 1990 (Discontinuance Notices). (Section 102(4)(5) substituted and Section 108 amended by Section 21, Section 32, Schedule 1 Paragraph 6, Schedule 7 Paragraph 21 of the Planning and Compensation Act 1991) and section 121 Localism Act 2011.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>

Director – Governance (cont)

<p>Education Statutory Appeals Panels To advertise for and appoint persons, subject to their eligibility in each case, to the pool from which members will be selected to form Education Statutory Appeals Panels to hear appeals in accordance with the School Standards and Framework Act 1998 and other relevant legislation;</p> <p>To select three or five members from the pool of persons to form Appeals Panels to hear appeals in accordance with the Schools Standards and Framework Act 1998 subject to eligibility in each case;</p> <p>To appoint as necessary persons from the pool referred to in (1) above to act as Chairs of Appeals Panels.</p>	
<p>Electoral Fees In consultation with the appropriate Cabinet Member, to approve the fees payable to Polling Station, Counting and Poll Card Delivery staff.</p> <p>Section 54 of the Representation of the People Act 1983.</p>	
<p>Employment Tribunals In consultation with the Assistant Chief Executive, where the legal advice indicates that it is in the best interests of the Council to do so, to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 3 6 and 7 may apply</p>
<p>Enforcement of Conditions In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under section 187A of the Town and Country Planning Act 1990 (Enforcement of conditions)</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p>Enforcement Notices In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>

Director – Governance (cont)

<p>High Hedges In consultation with the Director - Regeneration and Economy, to exercise powers in relation to the issue of Remedial Notices pursuant to Sections 69 and 70 of the Anti-social Behaviour Act 2003.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Highways Act 1980 To enter into agreements pursuant to section 25 of the Highways Act 1980.</p> <p>Sections 139 and 149 To instigate proceedings under Sections 139 and 149 of the Highways Act 1980 where he/she is satisfied as to the evidence.</p> <p>Section 178 – Wayleave Applications To determine applications for wayleaves under Section 178 of the Highways Act 1980</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p>Injunctions In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 187B of the Town and Country Planning Act 1990 (Injunctions).</p> <p>In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Injunctions).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p>Injunctions in Respect of Tree Preservation Orders In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Section 214A of the Town and Country Planning Act 1990 (Injunctions in respect of Tree Preservation Orders).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>

Director – Governance (cont)

<p>Interests in Land Sections 16(1) and 16(2), Local Government (Miscellaneous Provisions) Act, 1976 To serve notices under Section 16(1) to obtain particulars of persons interested in land and to take proceedings relating to the failure to provide particulars as to persons interested in land under Section 16(2) of the Local Government (Miscellaneous Provisions) Act, 1976.</p> <p>Section 330, Town and Country Planning Act 1990 To exercise the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p>Legal Proceedings (Non-Executive Matters) To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings..</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 7 may apply</p>
<p>Licensing (Miscellaneous) Committee In consultation with the Chair of the Licensing (Miscellaneous) Committee, to select replacement members from the Council in accordance with the principles of proportionality (Local Government and Housing Act 1989) to serve on the Licensing (Miscellaneous) Committee in order to maintain a quorum should members not be available for a meeting or able to consider a particular case due to a conflict of interest.</p>	
<p>Licensing Panels In consultation with the Chair of the Licensing Committee, to select replacement members from the Licensing Committee as necessary to serve on Licensing Panels to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.</p> <p>Section 9 of the Licensing Act 2003.</p>	
<p>Local Government and Housing Act 1989 – Monitoring Officer – Non-Executive Matters With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all powers and duties under the Act be assigned to that post.</p>	

Director – Governance (cont)

<p>Members Allowances</p> <ul style="list-style-type: none"> - To approve attendance of members at conferences and/or seminars; - In consultation with the appropriate Cabinet Member:– <ul style="list-style-type: none"> (a) to consider and determine any dispute regarding the interpretation of the approved duties set out in Schedule 1 to the Members Allowances Scheme; (b) to determine any requests by a member to attend more than two external conferences/ seminars in any one year and any disputes over whether an event is “in connection with Council business”; - To determine other duties which may be regarded as “approved duties”, in connection with the provision of transport and the payment of travel expenses, provided that approval is given before the duty is performed. 	
<p>Minor Amendments to Section 106 Agreements To deal with minor variations or minor amendments to Section 106 Agreements, in consultation with the Director - Regeneration and Economy.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 3 may apply.</p>
<p>New Roads and Street Works Act 1991 Section 50 - Street works licence Applications To determine applications for street works licences under Section 50 of the New Roads and Street Works Act 1991.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 7 may apply</p>
<p>Planning Agreements Section 106, Town and Country Planning Act 1990 To negotiate the terms of and enter into Agreements under Section 106 of the Town and Country Planning Act 1990 with persons interested in land [and planning contribution agreements under Section 46 of the Planning and Compulsory Purchase Act 2004].</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 3 may apply.</p>

Director – Governance (cont)

<p>Planning Contravention and Enforcement Notices To serve notices under: - Sections 171C 172, 172A, 183,184, 187, 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p> <p>- Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Powers of Entry over Land and Buildings In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 214A, 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (Right to Entry and Protected Trees)</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 6 and 7 may apply</p>
<p>Repairs Notice In consultation with the Director - Regeneration and Economy and the chief finance officer of the Council, to exercise the powers of the local planning authority under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Repairs Notice).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p>Require Proper Maintenance of Land In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Rights of Entry in connection with Tree Preservation Powers In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 214B and 214C of the Town and Country Planning Act 1990 (Rights of Entry in Connection with Tree Preservation Powers).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>

Director – Governance (cont)

<p>Special Events on Roads In consultation with the Director – Regeneration & Economy, to make Orders under Section 16A of the Road Traffic Regulation Act 1984 for special events on roads.</p>	
<p>Stop Notices In consultation with the Director - Regeneration and Economy, to issue Stop Notices under Sections 183, 184 & 187 of the Town and Country Planning Act 1990 (Stop notices) and temporary stop notices and prosecutions in respect thereof pursuant to section 171E of the Town and Country Planning Act 1990 as amended by Section 52 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Temporary Listing: Building Preservation Notices In consultation with the Director - Regeneration and Economy, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Temporary Listing: Building Preservation Notices).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Town and Village Green Applications In consultation with relevant Directors as necessary, to exercise the powers in relation to applications for registration of town and village greens under the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p>Tree Preservation Orders To exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 & 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p>Wildlife and Countryside Act 1981 - Section 53 To make and confirm both Modification and Reclassification Orders under Section 53 respectively of Part III of the Wildlife and Countryside Act 1981.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

Director – Governance (cont)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Birmingham International Airport The Chief Executive, chief finance officer of the Council and Solicitor to the Council be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p>Council Dwelling Sales In consultation with the Director - Homes and Communities, to complete all legal documentation in relation to the sale of a Council dwelling.</p>	
<p>Decant Accommodation In consultation with the relevant Director, to prepare agreements with owners and tenants, as necessary, of privately owned houses where decant Council accommodation is offered to facilitate renovation.</p> <p>Section 123 Local Government Act 1972.</p>	
<p>Documents To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p>Freedom of Information and Environmental Information To deal with all issues relating to Freedom of Information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 including: - <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply. - <u>Public Interest Test</u> - To determine whether in any particular case it serves the interests of the public better to withhold or to disclose information.</p>	

Director – Governance (cont)

<p>Form of Identification for Members To issue a form of identification to members on request.</p>	
<p>Improving or Perfecting Title to Council Land and Premises In consultation with the appropriate Director(s) and where no capital expenditure is required for the exercise and funding is available for any legal or other costs and expenses involved to deal with any process whether involving registration of title and/or the completion of any deed or other document necessary so as to improve or perfect the title of the Council to any of its land and premises.</p> <p>Section 120 of the Local Government Act 1972.</p>	
<p>Mutual Undertakings in Conjunction with Compulsory Purchase Orders Under Part II of the Housing Act 1985 To draw up a Mutual Undertaking, to be used as part of the Empty Property Strategy Compulsory Purchase Order (CPO) process, in relation to CPOs approved under Part II of the Housing Act 1985, to include the carrying out of enforcement of CPOs.</p>	
<p>Recovery of Legal Costs for Disposal of Land In consultation with the Director - Regeneration and Economy, to recover the Council's legal costs and expenses as part of the terms for the freehold disposal of Council owned land.</p> <p>Section 123 Local Government Act 1972.</p>	
<p>Regulation of Investigatory Powers Act 2000 (RIPA) In order to protect the Council's legal position, in consultation with the Leader/Deputy Leader where necessary, to amend the operational guidelines for the application of the RIPA legislation to reflect changes in legislation and guidance as they arise.</p>	
<p>Sandwell Land and Property Company Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.</p>	

Director – Governance (cont)

<p>Statements of Truth To sign statements of truth on behalf of the Council in the course of legal proceedings.</p>	
<p>Statutory Transfers To complete, sign and seal all documents necessary to give effect to transfer of land and premises pursuant to a Statutory obligation placed upon the Council.</p>	
<p>Supply of Committee Agenda and Reports To supply copies of Committee agenda and reports prior to Committee meetings at the request of individual Council members.</p>	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Public Paths To consult organisations or persons who from time to time express an interest in particular orders relating to public paths. Section 26 Highways Act 1980.</p>	

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>Agriculture (Miscellaneous Provisions) Act 1968 (Section 6) To issue written authorisations to enter upon land and premises under Section 6 of the Agriculture (Miscellaneous Provisions) Act 1968 to such members of the staff as are nominated by the Director – Regeneration & Economy to carry out functions under the provisions of the said Act.</p>	

Director – Governance (cont)

Data Protection

To act as the Proper Officer in relation to all matters relating to Data Protection.

Local Authority Companies

In consultation with the relevant Director, to act as the authorised representative of the Council in respect of all companies of which the Council is or may become a member or a shareholder (Companies Act 2006).

Obtaining Legal Support and Advice

Where the estimated cost of engaging the support is estimated to not exceed £40,000, to appoint Solicitors or Barristers to provide legal support and advice to, or act on behalf of the Council and seek Counsel's opinion without recourse to obtaining written quotes in accordance with Standing Orders.

Proper Officer and Solicitor to the Council

To act as the Solicitor to the Council and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council.

To undertake all functions which may from time to time be designated to the Solicitor to the Council by any Statute, Statutory Instrument, Regulation, Government directive, or decision of the Council, where it is clearly identifiable that the reference to the officer implies that the Solicitor to the Council is, for the Council's purposes, the relevant officer.

Representation of the People Act 1983

To act as the Deputy to the Proper Officer for the purposes of the Representation of the People Act 1983.

To exercise the Council's functions under the Representation of the People Act 1983.

Director - Neighbourhoods

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Allocation/Choice Based Lettings To allocate housing accommodation under Part VI of the Housing Act 1996 (as amended) including regulations, guidance and the Council’s approved Allocations Policy.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1 and 2</p>
<p>Anti-Social Behaviour</p> <p style="text-align: center;">Closure Powers -</p> <p>To act and authorise others to act on his/her behalf under the Council’s functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council’s functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council’s functions in Part 4, Chapter 3 ASBCPA 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p> <p style="text-align: center;">Community Protection Notice (CPN)</p> <p>To act and authorise others to act on his/her behalf under the Council’s functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3, 6 and 7</p>

Director – Neighbourhoods (cont)

<p>Community Safety and CCTV To take action in respect of community safety and the reduction of crime and disorder (including the management of closed circuit TV)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Community Trigger To act and authorise officers to act on his/her behalf under the Council's functions in Part 6 of the ASBCPA 2014 in relation to implementation and operation of the Community Trigger process in accordance with the procedures adopted.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Criminal Behaviour Order (CBO) To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	
<p>Gang Related Behaviour To take action in respect of gang related anti-social behaviour and to authorise legal proceedings for gang injunctions under section 47 Policing and Crime Act 2009 (as amended) and any subsequent proceedings or breach of orders.</p> <p>Injunction To act and authorise officers to act on his/her behalf under the Council's functions in Part 1 of the ASBCPA 2014 In relation to applying for an injunction, a variation or discharge of an injunction, appeals, application for an arrest warrant, consultation/informing and enforcement of any breach of an injunction by way of breach or committal proceedings.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Possession Proceedings To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	

Director – Neighbourhoods (cont)

<p>Public Spaces Protection Order (PSPO) To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 2 ASBCPA 2014 in relation to making, varying or discharging a PSPO affecting only one or two wards, to carry out the necessary consultation, publicity and notification, issuing fixed penalty notices for the offence of failure to comply with a PSPO and prosecution for the offence of failure to comply with a PSPO.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Cafe pricing To keep under constant review the level of prices of commodities sold in the Council's cafes and to alter those prices in accordance with the recommended prices of the suppliers.</p> <p>Section 3 Civic Restaurants Act 1947</p>	
<p>Concessionary charges for facilities To determine applications for free or concessionary use of facilities from registered Sandwell charities or non-profit making organisations.</p> <p>Section 137 of the Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Defective Dwellings To temporarily re-house any owner / occupier or tenant who requests accommodation for the period of repair work required to reinstate defective dwellings.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Dogs - Clean Neighbourhoods and Environment Act 2005 To exercise the Council's functions under and to authorise officers to enforce the provisions of Part 6 (Dogs) of the Clean Neighbourhoods and Environment Act 2005 for the purposes of the enforcement and under the transitional provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 (as amended).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>

Director – Neighbourhoods (cont)

<p>Domestic Abuse To act and to authorise others to act in the exercise of the Council's duties in relation to domestic abuse Team, including but not limited to:</p> <ul style="list-style-type: none"> • the commissioning and co-ordination of domestic homicide reviews which are a requirement under section 9 of the Domestic Violence, Crime and Victims Act 2004 • the Domestic Abuse Strategic Partnership (DASP) responsibilities on domestic abuse • the commissioning of domestic abuse services 	
<p>Fly tipping To act and authorise others to act on behalf of the Director – Homes and Communities in the enforcement of Section 33 of the Environment Protection Act 1990.</p>	
<p>Funding Safer Sandwell Partnership Initiatives in Sandwell To approve the allocation of money from the Safer Sandwell Partnership budget, in accordance with the approved guidelines and criteria, following consultation with the Safer Sandwell Partnership Board and or Executive.</p>	
<p>Gas and Electricity Supplies To make arrangements under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 for the reconnection of gas, water and electricity supplies where these have been cut off, or likely to be cut off, as a consequence of the failure by the owner (where they are not the occupier) or former owner to pay for the supply.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Gas supplies To approve the requests of individual tenants for the installation of a gas supply at no cost to the tenant.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Graffiti and Fly-Posting - Anti-Social Behaviour Act 2003 Exercising the Council's functions under sections 43 and 44 Anti-Social Behaviour Act 2003.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Director – Neighbourhoods (cont)

<p>Grant Applications - Young People and Community Safety, Partnership Organisation, Voluntary and Community Organisations To approve applications for grant in accordance with the approved criteria and to approve payment up to a maximum of £10,000 in appropriate cases.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Gypsy/Traveller To enter into pitch/tenancy agreements (Gypsy/Traveller), the management of such agreements, issuing notices, authorising legal proceedings, authorising eviction under the Mobile Homes Act 1983 (as amended) including associated legislation, regulations, guidance and the Council's approved policies.</p>	
<p>Homelessness To exercise and to authorise others to exercise powers, duties and functions under Part VII of the housing Act 1996 (as amended) and Homelessness Act 2002 (as amended), including regulations and guidance.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Housing Fraud Investigation To authorise and to authorise others to authorise, the investigation of housing fraud and to require and to authorise others to require information from specified persons for housing fraud investigation purposes.</p> <p>Fraud Act 2006 Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Housing Management To exercise, powers, duties or functions and to make decisions on housing management issues under the relevant Housing Acts, associated legislation, policies and conditions of tenancy, including but not limited to:</p> <ul style="list-style-type: none"> • successions • assignments • mutual exchange • transfers • management transfers • writing off irrecoverable tenants' arrears/debts • harassment or any other management panels • variation of tenancy conditions • service of s.41 notices (Local Government (Miscellaneous Provisions) Act 1982, (as amended)) • gas safety checks and enforcement 	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 4, 5, 6 and 7</p>

Director – Neighbourhoods (cont)

<ul style="list-style-type: none"> entering into garage plot agreements and the letting of garages, serving notices and authorising any enforcement action the financial management of property including (but not limited to) the fixing and collection of rent, service charges and other charges (including arrears), and financial returns estate management serving any notices required under any statutory provision or required pursuant to the exercise of any authorised functions the repair, maintenance, alteration, improvement, modernisation, redevelopment and renewal of properties and ancillary property including (but not limited to) house condition surveys and the preparation and implementation of programmes of repair and improvement the management of void and empty properties 	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 4, 5, 6 and 7</p>
<p>Interest in Land – The power of local authorities to obtain particulars of persons with interests in land.</p> <p>Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 6</p>
<p>Licence Agreements (Social Housing)</p> <ul style="list-style-type: none"> To enter into a licence agreement and to end the licence agreement by notice or otherwise. To determine the level of licence fee and/or service charge and any subsequent increases. Serve any relevant notice to quit/notices. Authorise legal proceedings and eviction. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Littering and Waste</p> <p>To exercise and to authorise others to exercise, the functions of the Council, including but not limited to, the taking of enforcement action in respect of littering and Waste under the Clean Neighbourhoods and Environment Act 2005 (as amended), Environmental Protection Act 1990 (as amended), Refuse Disposal Amenity Act 1978 (as amended) and the Anti-Social Behaviour, Crime and Policing Act 2014 (as amended) and associated legislation and regulations.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>

Director – Neighbourhoods (cont)

<p>Local area budget – Use of funds To disburse funds from the local area budget to address local problems/needs and to assist local, voluntary and community sector groups in strengthening and building community cohesion.</p> <p>Section 137 Local Government 1972</p>	
<p>Local Crime and Disorder Reduction Strategies To exercise the Council’s functions under Section 7 (local crime and disorder reduction strategies) of the Crime and Disorder Act 1998</p>	
<p>Maintenance of surface landscaping To agree commuted sum payments for future maintenance of surface landscaping based on annual maintenance costs for a period of ten years.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p>Noise - Clean Neighbourhoods and Environment Act 2005 To exercise the Council’s functions under and to authorise officers to enforce the provisions of Part 7 (Noise) of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
<p>Private Sector Leasing Within the private sector lettings scheme to:</p> <ul style="list-style-type: none"> • Enter into and the management of non-secure tenancy agreements. • Determine the level of rent/service charges and any subsequent increases. • Serve any relevant notices to quit. • Authorise legal proceedings and eviction 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Regulation of Investigatory Powers Act 2000 To grant authorisations and give notices for the purposes of the acquisition of communications data.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 7</p>

Director – Neighbourhoods (cont)

<p>Service Tenancy Agreements To negotiate and agree terms for service tenancy agreements including but not limited to the management of the tenancies, authorisation of appropriate notices, legal proceedings and eviction.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Sheltered/Supported Accommodation The provision and management of sheltered/supported housing, entering into tenancy/licence agreements, service notices, authorising legal proceedings and evictions.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Tenancies and Leaseholders To exercise powers and duties under the relevant Housing Acts and associated legislation including but not limited to:</p> <p>Entering into tenancy agreements for secure, introductory, family intervention tenancies and non-secure tenancies. Authorising action in demoting a secure tenancy and any subsequent action in respect of a demoted tenancy. The day to day management of the above tenancies including enforcement of tenancy conditions. Serving appropriate statutory and other notices. Undertaking any statutory reviews. Authorising legal proceedings relevant to tenancies. Authorising evictions. To serve notices to quit to end non-secure tenancies, licences or other agreements. To take action in respect of lodgers in occupation, squatters and any other unlawful/illegal occupiers including authorising legal proceedings and eviction. The enforcement of leasehold covenants and serving the appropriate notices and authorising legal proceedings.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Trees in Private Ownership - Local Government (Miscellaneous Provisions) Act 1976 To exercise powers in respect of trees in private ownership that threaten damage to persons or property.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 6 and 7</p>

Director – Neighbourhoods (cont)

<p>Untidy Gardens on Council Estates To serve injunctions to persuade tenants to comply with the duty to keep gardens tidy and where necessary serve sanctions other than eviction.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 6</p>
<p>Vehicles - Clean Neighbourhoods and Environment Act 2005 To exercise the Council’s functions under and to authorise officers to enforce the provisions of Part 2 (Vehicles) of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
<p>Warden Patrolling Service</p> <p>To act and to authorise others to act in the exercise of the Council’s statutory powers and duties including but not limited to: littering and waste, dog fouling, Dog Control Orders, graffiti and fly posting.</p> <p>To exercise the Council’s statutory duties and powers in respect of vehicles, including but not limited to, abandoned vehicles, the repairing or selling of vehicles, the seizure and disposal of vehicles and verification of number plates. To exercise duties and powers in respect of cycling on footpaths.</p> <p>To exercise authorisations given by the DVLA with respect to the removal of vehicles.</p>	
	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>

Director – Neighbourhoods (cont)

<p>To exercise any authorisations given by the West Midlands Police under the Accredited Community Safety Scheme.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
<p>To authorise and to authorise others to authorise the investigation of fraud under the Council’s Blue Badge Scheme.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Local Crime and Disorder Reduction Strategies To exercise the Council’s functions under Sections 5 and 6 (local crime and disorder reduction strategies) of the Crime and Disorder Act 1998</p>	
<p>Overtime working by engineers engaged in site supervision To authorise overtime working by engineers engaged in site supervision beyond point 31 where granting time off in lieu is impracticable. Officers to be reimbursed at the enhanced rates of pay prescribed.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 and 2 may apply</p>

Director – Neighbourhoods (cont)

Wildlife and Countryside Act 1981

To act and authorise others to act in relation to the Council's functions under the following sections of the Wildlife and Countryside Act 1981 -

- Section 53 - Duty to keep definitive map and statement under review;
- Section 53A - Power to include modification in other orders;
- Section 53B - Duty to keep register of prescribed information with respect to applications made under section 53(5);
- Section 57A - Power to prepare map and statement by way of consolidation of definitive map and statement

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
Bankruptcy Proceedings To swear affidavits on behalf of the Council in bankruptcy proceedings involving Council tenants who are in rent arrears.	
Concessionary Charges for Facilities In consultation with the appropriate Cabinet Member or Chair and Vice-Chair, to determine applications for free or concessionary use of facilities within the remit of the Director which are not provided for within the fees and charges policy; and to determine applications for concessionary use of facilities within his/her control from registered Sandwell Charities or non-profit making organisations.	

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
None.	

Director – Neighbourhoods (cont)

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>Charge for erection of trade stands To determine the charge to non-profit organisations who apply to erect trade stands at Council events.</p>	
<p>Sale of tree prunings and fellings and disposal of plant To arrange for the sale of tree prunings and fellings to the general public and the trade as necessary. To arrange for the disposal of non-fleeted plant and equipment i.e. mowing machines etc.</p>	
<p>Sandwell’s Framework for Blue Plaques In consultation with the appropriate Cabinet Member, to determine applications for Blue Plaques in accordance with the Blue Plaque Criteria Assessment Framework.</p>	
<p>Security Industry Authority Responsibilities to ensure employees are licensed.</p>	

Director – Public Health

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Exclusions from Schools Ordering exclusions from schools under Regulation 2 of the Health Protection (Local Authority Powers) Regulations 2010.</p> <p>Public Health (Control of Disease) Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Health Annual Report Producing and publishing an annual report on the health of the local population.</p> <p>National Health Service Act 2006 Section 73B (as amended by the Health and Social Care Act 2012 Section 31)</p>	
<p>Improving the Health of Local People Taking steps considered appropriate to improve the health of people in the area as required by section 2B (added by section 12 Health and Social Care Act 2012); and</p> <p>National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)</p>	
<p>Local Authority Public Health Functions Exercising the health service functions of a local authority under, or as/may be prescribed under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).</p>	
<p>Notifiable Disease – Request for Information Requiring information to be furnished by the occupiers of premises in which any person is or has been suffering a notifiable disease or food poisoning.</p> <p>Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes) Health and Social Care Act 2008, Schedule 15(3) Paragraph 1</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

Director – Public Health (cont)

<p>Prevention of the Spread of Disease Requiring any person to discontinue work with a view to preventing the spread of disease.</p> <p>Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2, 3 and 6</p>
<p>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984 Removal of a body to a mortuary as required by section 48.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, and 2</p>
<p>Removal to a Place of Care - National Assistance Act 1948 Applying under section 47 to remove to a suitable place persons who are suffering from grave chronic illness or, being aged infirm or physically incapacitated, are living in insanitary conditions.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Verminous Articles for Sale - Public Health Act 1961 Disinfecting, destroying or removing from premises verminous articles intended for sale under section 37.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Verminous People and Articles Cleansing or destroying filthy or verminous articles under section 84; Cleansing verminous persons and their clothing under section 85.</p> <p>Public Health Act 1936</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
None.	

Director – Public Health (cont)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Notification of Infectious Diseases Disclosing the notification of infectious diseases to others as required by Regulation 6 of the Health Protection (Notification) Regulations 2010.</p> <p>Public Health (Control of Disease) Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
None.	

Authority to Act	Commentary
<p>Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p>NHS Constitution - Health Act 2009 Ensuring that the Council has regard to the NHS Constitution when carrying out its public health function.</p>	
<p>Proper Officer - Public Health (Control of Disease) Act 1984 Acting as Proper Officer in signing notices, orders or documents given, made or issued by the authority on behalf of the authority under section 59.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 5 & 6 may apply</p>

Director – Regeneration and Economy

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Applications for Grant In consultation with the appropriate Cabinet Member or Chair and Vice-Chair, to determine applications for grant in accordance with the approved criteria and to approve payment up to a maximum of £2,000 in appropriate cases.</p> <p>Sections 137 and 137A (2) of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Acquisition In Advance of Programmed Highway Schemes To negotiate for and agree terms for the acquisition of any interest in land or property offered to the Council, within five years of a programmed highway scheme, whenever it appears that it would be in the Council’s best interest to do so, subject to the approval of agreed terms by the appropriate Cabinet Member or Committee.</p> <p>Section 248 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Acquisition of Land up to £50,000 In consultation with the appropriate Director(s) and where funding is available therefore to negotiate and agree terms for the acquisition of land and premises up to a value of £50,000.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p>Advertisements – Enforcement functions under the Town and Country Planning Act 1990 To exercise the Council's functions in relation to section 224 of the Town and Country Planning Act 1990 (Enforcement of control as to advertisements).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director – Regeneration and Economy (cont)

Anti-Social Behaviour

Closure Powers -

To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.

To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.

To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.

Anti-Social Behaviour Crime and Policing Act 2014

Community Protection Notice (CPN)

To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.

Anti-Social Behaviour Crime and Policing Act 2014

Criminal Behaviour Order (CBO)

To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.

Anti-Social Behaviour Crime and Policing Act 2014

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 6 and 7

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 6 and 7

Director – Regeneration and Economy (cont)

<p style="text-align: center;">Public Spaces Protection Order (PSPO)</p> <p>To act and authorise others to act on his/her behalf under the Council’s functions in Part 4, Chapter 2 ASBCPA 2014 in relation to making, varying or discharging a PSPO affecting only one or two wards, to carry out the necessary consultation, publicity and notification, issuing fixed penalty notices for the offence of failure to comply with a PSPO and prosecution for the offence of failure to comply with a PSPO.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Blight Notices - Acquisitions</p> <p>To negotiate and agree terms for the acquisition of land or property where the Director - Governance has accepted a Blight Notice.</p> <p>Section 246 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p>Building Act 1984</p> <p>To act and authorise others to act on his/her behalf in relation to the Council’s duties and responsibilities in relation to the following sections of the Act:</p> <p style="padding-left: 40px;">Sections 8 to 11 – The relaxation of Building Regulations</p> <p style="padding-left: 40px;">Section 35 - The investigation of breaches of building regulations.</p> <p style="padding-left: 40px;">Section 36 - To take action for the removal or alteration of offending work.</p> <p style="padding-left: 40px;">Section 37 – Power to withdraw a Notice under section 36 after receipt of a written report from a qualified person and payment of their expenses reasonably incurred.</p> <p style="padding-left: 40px;">Section 79 – Duties of a local authority to deal with dilapidated buildings and neglected sites under section 79 of the Building Act 1984.</p> <p style="padding-left: 40px;">Section 86 - Appeals to the Crown Court.</p> <p style="padding-left: 40px;">Section 91 - Duty of local authority under section 91.</p> <p style="padding-left: 40px;">Section 91A - The keeping of a Register of all documents, notices and plans retained by the Local Authority under the Building Act 1984.</p> <p style="padding-left: 40px;">Sections 106 to 111 – Compensation and recovery of expenses and arbitration.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Director – Regeneration and Economy (cont)

Sections 112 to 114 - Obstruction and prosecutions under sections 112 to 114.

Sections 16, 19, 20, 23(3) and (4), 24, 25(3) – Approval or rejection of Plans.

Section 21 – Power of the Local Authority to require a proposed drain to connect with a sewer.

Section 22 – Power to require that buildings be drained in combination and the giving notice thereof to each owner affected.

Sections 47 to 55, 57 to 58 – The supervision of plans and work by Approved Inspectors other than Local Authorities.

Section 56 - Duty to keep a Register of all initial notices under section 47 of the Building Act 1984 and acceptance of amendment notices under section 51A.

Sections 59 to 66 – The drainage and provision of sanitary conveniences

Sections 69 and 70 – The provision of food storage accommodation.

Section 72 – Means of escape

Sections 74 and 75 – Consents for cellars and rooms below subsoil water level

Sections 77 and 78 – Applications to Magistrates' Court concerning dangerous buildings or structures, including emergency powers.

Sections 80 to 83 – The demolition of buildings.

Sections 92 to 94 - The form of notices etc and “proper officer”

Sections 95 and 96 – The power of entry to premises and appointment of “proper officers

Sections 97 and 99 - The execution of works on behalf of owner or occupier.

Section 100 - The power to sell materials.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 6 and 7

Director – Regeneration and Economy (cont)

<p>Certificate of Appropriate Alternative Development Powers of the local planning authority under section 17 of the Land Compensation Act 1961 (part II) (Certificate of Appropriate Alternative Development).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Cesspools - Section 50 of the Public Health Act 1936 To take all necessary actions to remedy overflowing and leaking cesspools under section 50 of the Public Health Act 1936.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p>Clean Neighbourhoods and Environment Act 2005 To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Community Infrastructure Levy</p> <p>To apportion liability in default pursuant to Regulation 34 Community Infrastructure Levy Regulations 2010.</p> <p>To issue and serve an information notice under Regulation 35 Community Infrastructure Levy Regulations 2010.</p> <p>To determine a transfer of liability under Regulation 36 Community Infrastructure Levy Regulations 2010.</p> <p>To calculate the chargeable amount of CIL payable under part 5 of Community Infrastructure Levy Regulations 2010 (reg 40)</p> <p>To reconsider and determine applications and take all necessary steps in connection with the exemptions and relief under part 6 Community Infrastructure Levy Regulations 2010 (reg 41-58)</p> <p>To apply CIL to administrative expenses incurred by the Authority in connection with CIL in accordance with regulation 61 Community Infrastructure Levy Regulations 2010</p> <p>To arrange for the publication of the annual report under Regulation 62 Community Infrastructure Levy Regulations 2010</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Director – Regeneration and Economy (cont)

To issue and service information notices in respect of social housing relief under Regulation 54 Community Infrastructure Levy Regulations 2010

To issue and serve liability notices under regulation 65 Community Infrastructure Levy Regulations 2010

To give acknowledgement of commencement notices given under regulation 67 Community Infrastructure Levy Regulations 2010

To determine deemed commencement date of development under regulation 68 Community Infrastructure Levy Regulations 2010

To issue and serve demand and revised demand notices under regulation 69 Community Infrastructure Levy Regulations 2010

To give notice of non-payment of amounts payable under regulation 70 to each person known to be the owner of the relevant land

To issue and send payment receipts under regulation 72 Community Infrastructure Levy Regulations 2010

To repay overpayments and interest under regulation 75 Community Infrastructure Levy Regulations 2010

To request relevant information under regulation 78 Community Infrastructure Levy Regulations 2010

To exercise the functions of the collecting authority and a relevant authority under Part 9 Community Infrastructure Levy Regulations 2010 (Enforcement) up to but not including the instigation of legal proceedings

To determine reviews of chargeable amounts under Regulation 113 Community Infrastructure Levy Regulations 2010 (except where the original decision was taken by the Director and not by another officer under arrangements made by the Director).

To make representations, comments, applications and to take all steps necessary in connection with appeals under Regulations 114-121 Community Infrastructure Levy Regulations 2010.

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 6 and 7

Director – Regeneration and Economy (cont)

<p>Compulsory Purchase Orders – Acquisitions In cases where the Director - Homes and Communities considers that there may be undue hardship, to negotiate and agree terms for the acquisition of land and premises offered with vacant possession to the Council, in advance of the confirmation of compulsory purchase orders made under Part IX of the Housing Act 1985, including costs and fees.</p> <p>In consultation with the Director - Governance and the Director - Homes and Communities as necessary, to negotiate and agree acquisition of land and premises offered with vacant possession to the Council, in advance of confirmation of Compulsory Purchase Orders, together with the payment of costs and expenses as may be agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Compulsory Purchase, Demolition and Prohibition Orders - Compensation To negotiate and agree terms for the payment of appropriate compensation resulting from compulsory purchase, demolition and prohibition orders Part 1 claims on acquisition in advance thereof.</p> <p>Sections 584A and 584B of the Housing Act 1985. Compulsory Purchase Act 1965.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Council Dwelling Sales To negotiate the terms of disposal for municipal dwellings being sold under the Right to Buy legislation.</p> <p>Section 118 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Defective Dwellings In respect of Smith-type dwellings requiring re-instatement of a party wall, to negotiate the terms of repurchase of those designated defective dwellings where it is impracticable for the eligible owner to re-convey his or her part of the party wall to the Council and reinstatement work could not be undertaken.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Detention of Horse Act 2015 To act and authorise others to act under the Control of Horses Act 2015.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

Director – Regeneration and Economy (cont)

<p>Disabled road markings on the highway To agree the provision of advisory road markings to indicate dedicated parking spaces for use by disabled people.</p> <p>Section 32 Road Traffic Regulation Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Disposal of Land and Property To negotiate and agree terms for the disposal of land and property by the most appropriate method of sale and in accordance with such policy as may be determined by the Council.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Disposal of Land and Premises up to £100,000 In consultation with the appropriate Director, to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Disposal of Land and Premises at Auction In consultation with the appropriate Director, to offer land and/or premises for disposal at auctions where the estimate of value does not exceed £100,000.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Disturbance Payments (Prohibition) To make payments for disturbance resulting from prohibition and demolition orders, compulsory purchase orders or acquisition by agreement in advance thereof in consultation with the Director - Governance.</p> <p>Section 37 of the Land Compensation Act 1973</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 6</p>
<p>Easements - Acquisition up to £50,000 In consultation with the appropriate Director(s) (and where it is confirmed that funding is available) to negotiate and agree terms for the acquisition by the Council of easements over/under land and premises where each such easement has a value of up to £50,000.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>

Director – Regeneration and Economy (cont)

<p>Gable Walls - Side Effects of Demolition In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair.</p> <p>Section 106 of the Building Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Goods Vehicle Licensing To lodge or withdraw objections to the granting of operators' licences.</p> <p>Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>'Grot Spots' - Allocation of Capital Resources In consultation with the appropriate Cabinet Member(s) where necessary, to approve the co-ordinated expenditure of up to £90,000 from the Council's Capital Programme allocated to the resolution of "Grot Spots" so as to support the carrying out of works in default associated with action taken under the following sections:-</p> <p>Building Act 1984 - Sections 77, 78 and 79 of the Building Act 1984</p> <p>Environment Protection Act 1990 - Section 80</p> <p>Local Government (Miscellaneous Provisions) Act 1982 - Section 29</p> <p>Prevention of Damage by Pests Act 1949 - Section 4</p> <p>Town and Country Planning Act 1990 - Sections 215 and 219</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>
<p>Growth and Infrastructure Act 2013 To exercise powers in relation to the provisions contained in the Growth and Infrastructure Act 2013.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>

Director – Regeneration and Economy (cont)

<p>Health and Safety – Non-Housing Property To approve the taking of measures /carrying out of works to enable the Council to comply with health and safety regulations relating to its non-housing property portfolio in order to seek to protect the Council from possible prosecution.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>
<p>Highways Act 1980 To exercise functions under the following sections of the Highways Act 1980:</p> <p>Sections 219 and 220 - Advance payments code</p> <p>Section 38 - Adoption of highways;</p> <p>Sections 115(A-K) - Applications for the placing of furniture etc on highways</p> <p>Section 177 - Granting licences and determining terms and conditions</p> <p>Section 4 - Agreement for improvement of roads which cross or enter trunk roads</p> <p>Section 8 - Agreements between adjoining highway authorities to enable traffic calming measures to be carried out under section 90A</p> <p>Section 36 - Keeping a list of HMPE</p> <p>Section 37 - To deal with notices of proposals to dedicate a way as a highway and certify that it has been dedicated in accordance with the terms of the notice</p> <p>Section 41 - Duty to maintain HMPE</p> <p>Section 56 - Proceedings for an order to repair highway / enforcement of liability for maintenance</p> <p>Section 57 - Default powers of highway authorities in respect of private maintainable highways</p> <p>Section 59 - Recovery of expenses due to extraordinary traffic.</p> <p>Section 72 - Power to widen highways by dedication agreement</p> <p>Section 73 - Power to prescribe improvement line for widening the street</p> <p>Section 79 - Prevention of obstruction to view at corners</p> <p>Section 116 - Power of Magistrates to authorise stopping up or diversion of highways</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Director – Regeneration and Economy (cont)

Section 131 - Damage to highways

Section 132 - Unauthorised marks on highways

Section 134 - Enforcing an acceptable surface of a path after ploughing

Section 136 - Damage to highway consequent of exclusion of sun and wind

Section 137 - Wilful obstruction

Section 138 - Erection of building etc in the highway

Section 140 - Removal of builders skips

Section 143 - Removal of structures from highway

Section 144 - Power to erect flagpoles on highway

Section 145 - Gates across highways

Section 146 - Duty to maintain styles on footpaths, bridleways and restricted bridleways and service of notice on owners

Section 147(A) - Road side sales

Section 148 - Deposition of things or booths etc on the highway

Section 151 - Prevention of soil etc being washed onto street

Section 152 - Powers as to removal of projections from buildings

Section 153 - Doors etc in streets not to open outwards

Section 154 - Power to require cutting or felling of trees that overhang or are a danger to users

Section 161 - Causing danger or annoyance

Section 162 - Placing rope / wire or other apparatus across highway

Section 163 - Prevention of water flowing onto a highway

Section 164 - Power to remove barbed wire

Section 165 - Dangerous land adjoining street

Section 166 - Forecourt abutting on streets

Section 170 - Control of mixing mortar etc on highways

Section 173 - Control of hoardings to be set up during building construction

Section 176 - Restriction on construction of bridges over highways

A number of decisions within this delegation may be exempt from publication:

Exemptions 1, 2, 3, 6 and 7

Director – Regeneration and Economy (cont)

<p>Section 177 - Restriction on construction of buildings over highways</p> <p>Section 184 - Approval and rejection of requests to provide vehicles crossings over footways</p> <p>Section 185 - Power to install refuse or storage bins</p> <p>Section 205 - Carrying out of street works in private streets</p> <p>Section 228 - To authorise the adoption of highways</p> <p>Section 230 - To authorise notices requiring owners to carry out repairs in a private street</p> <p>Section 278 - To enter into highway agreements</p> <p>Section 286 - Power to require angles of new buildings at street corners to be rounded off</p> <p>Section 289 - Power of entry for the purposes of survey</p> <p>Section 291 - Powers of entry for maintenance purposes</p> <p>Section 303 - Obstruction during execution of provisions of the Act.</p> <p>Section 305 - Recovery of expenses</p> <p>Schedule 12A - Powers in relation to interference with highways</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Historic Buildings Grants</p> <p>In consultation with the appropriate Cabinet Member or Chair and Vice-Chair, to determine applications for grant under the Historic Buildings Grants Scheme in accordance with the approved criteria for such grants, and to approve individual payments up to a maximum of £2,000.</p> <p>Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Intermediate Leasehold Interests - Sale of</p> <p>To deal with applications for the sale of intermediate leasehold interests owned by the Council in residential properties.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Leasehold Interests - Assignments and Sub-Letting</p> <p>To determine applications for assignments and sub-letting of leasehold interests in land and property managed by the Council.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director – Regeneration and Economy (cont)

<p>Leases - Rent Reviews and Clauses To negotiate and agree rent reviews, lease renewals and clauses in leases in land and property managed by or occupied by the Council. To activate any lease clause in existing leases and to take action if appropriate against the lessee for any breach.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Leases - Rights of Pre-Emption To deal with rights of pre-emption contained in leases granted by the Council and freehold disposals.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2,3 and 5</p>
<p>Leases – Surrender of To authorise acceptance of the surrender of leases where such action would not involve the Council in additional expenditure and to recover possession of premises in the event of breach of conditions.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Licenses or Leasehold Interests - Acquisition up to £50,000 In consultation with the appropriate Director(s) and upon it being confirmed that funding is available for any premium payable and to meet future rental and other payments and costs to negotiate and agree terms for the acquisition by or grant to the Council of License or Leasehold Interests (or renewal of any such interests) where any premium payable for each such interest has a value of up to £50,000.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p>Licenses/Leases Surrender of To authorise acceptance of the surrender of Economic Regeneration and Skills licences, leases and letting agreements where such action would not involve the Council in additional expenditure and to recover possession of premises in the event of breach of conditions.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director – Regeneration and Economy (cont)

<p>Licensing, Leasing, Letting and Hiring of Properties - Terms for To negotiate and agree terms for the licensing, leasing, letting and hiring of properties and facilities within the Economic Regeneration and Skills portfolio and those managed on behalf of Housing and Partnerships or other organisations, in order to provide community, enterprise and training facilities in accordance with Divisional objectives.</p> <p>Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Licensing and Letting of Land - Terms for To negotiate and agree terms for the licensing, letting and re-letting of land, properties and facilities, with the exception of municipal dwellings, garages and premises provided under the Housing Acts, but including shops in accordance with prevailing Council policy.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Localism Act 2011 To act and authorise others to act on his/her behalf in relation to the Council's duties and Responsibilities in relation to the following sections of the Act:</p> <p>Section 87 - to maintain list of assets of community value</p> <p>Section 90 - to determine and to authorise others to determine whether a nominated property should be added to the list of Assets of Community Value in consultation with the Director - Governance</p> <p>Section 91 - to give notification of inclusion or removal of land from list of Assets of Community Value</p> <p>Section 92(4) - to remove entry from the list following a review in consultation with the Director-Governance</p> <p>Section 93 - to maintain a list of land nominated by an unsuccessful community nomination</p> <p>Section 94 - to publish and make available lists</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>

Director – Regeneration and Economy (cont)

<p>Section 97 - to give notice of and to publicise receipt of notice of intended disposal of land</p> <p>Section 98 - to inform owner of request to be treated as a bidder</p> <p>Section 102 - to co-operate with other local authorities</p> <p>Sections 114-115 - Community Infrastructure Levy</p> <p>Sections 116-121 - Neighbourhood Planning</p> <p>Sections 123-127 - Planning Enforcement</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Local Area Budget In accordance with agreed protocols and guidelines, to disburse funds from the Local Area Budget to address local problems/needs within communities identified through neighbourhood tasking process and to assist local, voluntary and community sector groups/organisations in strengthening and building community cohesion within the Towns.</p> <p>Section 137 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Local land drainage problems To carry out works to alleviate local land drainage problems, dealing with complaints in order of their receipt.</p> <p>Land Drainage Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption Paragraphs 1, 2, and 6 ?</p>
<p>Mineshafts - Acquisition The purchase of mine shafts where required in connection with Council developments, on terms agreed.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Naming of roads To deal with the naming of roads under section 64 of the Town Improvement Clauses Act 1847.</p>	

Director – Regeneration and Economy (cont)

<p>Non-Material Changes to Planning Permissions Power of the Local Planning Authority to make non-material changes to planning permission under Section 96A of the Town and Country Planning Act 1990 (as amended by Part 9 of the Planning Act 2008).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Notices under the Leasehold Reform Act 1967 (as amended) and Negotiations for the Sale of Reversions To accept and determine statutory notices served on the Council under the Leasehold Reform Act 1967 (as amended) and to negotiate for the sale of freehold and leasehold reversionary interest at market value.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5 and 6</p>
<p>Number and renumber properties To number and renumber properties on streets under section 64 of the Town Improvement Clauses Act 1847.</p>	
<p>Open Space Land and Areas of Laid Out Open Space with Known Contamination, Potential Contamination, Other Ground Condition Problems /Encumbrances or Legal Problems To negotiate and agree the acquisition of land offered to the Council as laid out open space in accordance with the criteria set out in Appendix 1 to Minute No. 6/98 of the former Finance and Resources Strategy Committee, subject to any requests which fall outside the policy being submitted to the appropriate Cabinet Member or Committee for consideration.</p> <p>Section 9 of the Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p>Placards and Posters - Right to Obliterate/Remove Powers of the local planning authority under Sections 225, 225A, 225C, 225E, 225F, 225G, 225H 225J of the Town and Country Planning Act 1990 (Right to obliterate/remove placards and posters).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director – Regeneration and Economy (cont)

<p>Planning and Compulsory Purchase Act 2004 In consultation with the Director – Governance, to take any appropriate executive action permitted by this legislation</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2,3 and 6</p>
<p>Planning Enforcement Notices In consultation with the Director – Governance, to act and authorise others to act in relation to the Council duties and responsibilities on the following matters:-</p> <p>To exercise powers under Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.</p> <p>To exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, and 7</p>
<p>Public Path Orders - Claims for Compensation To assess and pay any claims for compensation pursuant to section 28 of the Highways Act 1980 (compensation for loss caused by Public Path Creation Order)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Purchase Notices To negotiate and agree terms for the acquisition of land or property where the Director - Governance has issued a response to a Purchase Notice indicating that a property will be purchased.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p>Registration of bus services under the Transport Act 1985 To lodge objections to applications for the registration of bus services under section 6 Transport Act 1985.</p>	

Director – Regeneration and Economy (cont)

<p>Removal and Disposal of Vehicles - Vehicle Excise Duty To exercise the Council's functions under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p>Right of Way Over Council Land Where appropriate, to offer and agree Right of Way agreements in perpetuity, on terms to be agreed, in the following instances, subject to payment of the Council's legal fees: -</p> <ul style="list-style-type: none"> (a) when such rights have previously been granted to former Council tenants; (b) when property with an existing agreement changes hands; (c) when a request is received for a new agreement to be granted. <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Road Traffic Regulation Act 1984 To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984:</p> <ul style="list-style-type: none"> - Section 14(1) - Orders for temporary prohibitions or restrictions on roads; - Section 14(2) - Notices for temporary prohibitions or restrictions on roads for expediency purposes; - Section 16A - Special events on roads. 	
<p>Road Closures for Public Events To undertake the functions, duties and responsibilities relating to road closures in connection with public events.</p> <p>Section 16A of the Road Traffic Regulation Act 1984 and section 21 of the Town Police Clauses Act 1847</p>	
<p>Service Contracts To negotiate and agree the terms and conditions of any property interest where the Council has granted a Service Contract to a third party or partner of the Council.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

Director – Regeneration and Economy (cont)

<p>Stall Licences and Car Boot Sales To determine routine applications for licences to operate stalls in the Council's Markets and commercial car boot sales within the Policy.</p> <p>Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Soil Investigations - Individual Building Plots To carry out soil investigations, where appropriate, prior to individual building plots being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p>Tenant's Notice of Claim to exercise Right to acquire New Lease Notices under Section 42 of the Leasehold Reform, Housing and Urban Development Act 1993 To accept and determine statutory notices served on the Council under the above act and to negotiate the terms of a new lease for an additional term not exceeding 90 years from the date of expiry of the tenants existing lease.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>Terms of Occupation To be responsible for enforcing final terms of occupation, including implementation of Site Rules, by all private, public, community and voluntary organisations occupying properties and facilities managed by Economic Regeneration and Skills.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p>Traffic Regulation Orders - Amendments To approve proposals for amendments to Traffic Regulation Orders and to implement the necessary legal procedures to bring the revised Traffic Regulation Order into effect.</p> <p>Road Traffic Regulation Act 1984 Sch 9 Part IV para 27</p>	
<p>Trees in Private Ownership - Local Government (Miscellaneous Provisions) Act 1976 To exercise powers in respect of trees in private ownership that threaten damage to persons or property.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>

Director – Regeneration and Economy (cont)

<p>Urgent Works of Preservation Powers of the local planning authority under Section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p>Unauthorised encampments To approve and to authorise others to approve the taking of steps including legal proceedings, to deal with unauthorised encampments in appropriate cases and to take such steps as are reasonably necessary to ensure that those persons occupying the land comply with any direction served by the Council and/or any orders issued by Courts under the Act.</p> <p>Part 55 of the Civil Procedure Rules 1998 Criminal Justice and Public Order Act 1994, Common Law Powers to recover land from trespassers</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 6 and 7</p>
<p>Uncollected Property To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Voluntary Organisations - Terms for Housing Revenue Account Properties In consultation with the appropriate Director in respect of premises included in the Housing Revenue Account, to be responsible for final terms of occupation by all voluntary organisations wishing to occupy Council premises.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p>Voluntary Organisations - Terms of Model Lease of Council Property In consultation with the appropriate Director, to conclude terms of leases (using model lease) of Council property for Voluntary Organisations.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Director – Regeneration and Economy (cont)

<p>Wayleaves and Easements for the Planting of Apparatus To negotiate and authorise the grant of licences for wayleaves and easements for the planting of apparatus in, under or over Council owned land on terms to be agreed.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
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Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Advertisement Consent To deal with applications under regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Applications for Advertisement Consent).</p> <p>Section 220 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p>Application by an interested Planning Authority Powers of the local planning authority under Regulation 3 of the Town and Country Planning General Regulations 1992 (application by an interested planning authority).</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	
<p>Applications for Prior Approval - Town and Country Planning (General Permitted Development) (Amendment) Order 2013 To deal with applications for prior approval in respect of domestic extensions and any other operational matters to enable the Director -Regeneration and Economy to comply with the statutory obligations pursuant to the Town and Country Planning (General Permitted Development) (Amendment) Order 2013.</p>	<p>Grant of Permission or Licence:</p>
<p>Boards on street lamp columns To deal with applications to attach boards, signs and other media to lamp columns.</p> <p>Town and Country Planning (Control of Advertisements) Regulations 2007 (SI 2007/783)</p>	<p>Grant of Permission or Licence:</p>

Director – Regeneration and Economy (cont)

<p>Breaches of Planning, Advertisement and Hazardous Substances Control The investigation of breaches of planning, advertisement and hazardous substances control, including the investigation of breaches in relation to Crown Land as provided for by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Building Preservation Notices Temporary Listing: In consultation with the Director - Governance, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Certificate of lawful Use or Development or Proposed Use or Development Determination of applications under Sections 191 and 192 of the Town and Country Planning Act 1990 (Applications for Certificate of Lawful Use or Development or Proposed Use or Development).</p>	
<p>Conditions on the Grant of Planning Permission Powers of the local planning authority under Section 72 of the Town and Country Planning Act 1990 where the application refers to a minor matter (power to impose conditions on the grant of planning permission).</p>	
<p>Cycle Tracks Act 1984 Power of the Local Highway Authority to designate footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.</p>	
<p>Decline to Determine an Application for Planning Permission Powers of the local planning authority under Section 70A of the Town and Country Planning Act 1990 (decline to determine an application for planning permission) as amended by Section 43 of the Planning and Compulsory Purchase Act 2004 [and Section 70B and 70C of the Town and Country Planning Act as amended by Schedule 7 of the Planning Act 2008 and as amended by the Localism Act 2011.]</p>	<p>:</p>

Director – Regeneration and Economy (cont)

Delegation Agreement

Where relevant, to determine those applications that are delegated to the Director under this scheme of delegation in accordance with any Delegation Agreement which may, from time to time, be approved and adopted by the Council's Planning Committee (reference to Appendix 1).
Schedule I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be non-executive decisions.

Demolition of Buildings

Powers of the local planning authority under Schedule 2 Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (Demolition of Buildings).

Determination of Applications Under Section 70 of the Town and Country Planning Act 1990

Determination of all applications under Section 70 of the Town and Country Planning Act 1990, other than major developments, in accordance with any prevailing delegation agreement, and to accept or reject minor alterations to approved planning permissions.

Development Carried out Before the Date of the Application

Determination of applications under Section 73A of the Town and Country Planning Act 1990 where the application refers to a minor matter (development carried out before the date of the application).

Discontinuance of Use or Alterations or Removal of Buildings or Works

In consultation with the Director - Governance, to exercise the powers of the local planning authority under Section 102, Section 102(4)(5) and Section 108 of the Town and Country Planning Act 1990 (as amended)

General Planning Delegation

To undertake those functions of the local planning authority that arise from time to time pursuant to any statute, statutory instrument or government directive and which are required to administer and properly consider a planning application and give effect to planning decisions granted by the Council's Planning Committee, Council or by the Director - Regeneration and Economy under powers to determine applications for planning consent delegated to him by the Council, except for instances where to do so may be politically sensitive to the Council in terms of its effects upon the public at large.

Director – Regeneration and Economy (cont)

<p>Government Planning Policy Guidance on Telecommunications - Permitted Development Rights - Delegation of Powers</p> <p>To determine the detail of the sitting and appearance of telecommunications apparatus.</p> <p>This decision is made pursuant to the non-executive power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	
<p>Heritage Partnership Agreement</p> <p>To enter in to Heritage Partnership Agreements, the making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990</p>	
<p>High Hedges</p> <p>To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities in relation to complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 and 7</p>
<p>Highways Act 1980</p> <p>To exercise functions under the following sections of the Highways Act 1980:</p> <p>Section 25 - Power to create footpaths, bridleways and restricted byways by agreement</p> <p>Section 26 - Power to create footpaths, bridleways and restricted byways by order</p> <p>Section 31A - Duty to keep a register of information in respect of maps, statements and declarations</p> <p>Section 118 - Power to stop up footpaths, bridleways and restricted byways</p> <p>Section 118A - Power to make a Rail Crossing Extinguishment Order</p> <p>Section 118ZA - Application for Public Path Extinguishment Order for land used as a forestry or for the breeding or keeping of horses</p> <p>Section 119 - Power to divert footpaths, bridleways and restricted byways in the interest of the owner, lessee or occupier of land</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 and 2 may apply 6 and 7 may apply</p>

Director – Regeneration and Economy (cont)

Section 119A - Power to divert footpaths, bridleways and restricted byways crossing railways

Section 119B - Power to make a diversion order for the purposes of crime prevention where a Crime Prevention (Designated Areas) Order has been made

Section 119D - Power to make a diversion order for the protection of SSSIs

Section 119C(3) - Power to require application by the proprietor of a special diversion order for a highway

Section 119C(4) - Application by the proprietor of a school to make a special diversion order

Section 121B - Duty of the authority to keep register of applications under sections 118ZA, 118C, 119ZA and 119C

Section 121C - Power to decline to determine certain applications

Section 130 - Duty to assert and protect the rights of the public to use and enjoyment of highways

Section 130B(7) - Power of Highway Authority to apply to the Magistrates Court to remove obstructions

Section 130B(7) - Power to apply for variation of Order under section 130B

Section 135 - Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway

Section 135A - Power to temporarily divert footpath, bridleway or restricted byway

Section 135B - Power to make good any damage or remove any obstruction

Section 139 - Control of builders skips; - Section 142 - Licence to plant trees, shrubs etc in the highway

Section 149 - Things deposited on highways as a nuisance

Section 169 - Control of scaffolding on highway

Section 171 - Deposit of building materials and making of excavations in streets

Section 172 - Control of hoardings to be set up during building construction

Section 178 - Restriction on placing rails, beams over highways

Section 179 - Control of construction of cellars under street

Section 180 - Control over openings into cellars

Individual Rights:
All decisions within this delegation are to be published unless exempt

Exemptions 1 and 2 may apply 6 and 7 may apply

Director – Regeneration and Economy (cont)

<p>Housing Developments To obtain deemed planning permission for development by the Council and development of land vested in the Council which it does not itself propose to carry out under the Town and Country Planning General Regulations, 1992, and to take any necessary action in connection therewith.</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	
<p>Interests in Land - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 The power of local authorities to obtain particulars of persons with interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Listed Building Consent The making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990</p> <p>S178 – Town and Country Planning Act 1990 – execution of works required by enforcement</p>	<p>Grant of Permission or Licence:</p>
<p>Markets Falling on Bank Holidays To make suitable arrangements to transfer markets falling on bank holidays to "non-market" days.</p>	
<p>Planning and Contravention Notices In consultation with Director – Governance, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the following matters:-</p> <p>To exercise powers under Sections 171C, 172, 172A, 183,184, 187 and 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p> <p>To exercise powers under Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director – Regeneration and Economy (cont)

Planning (Hazardous Substances) Act 1990

To exercise all powers or duties with regard to issuing consents and certificates in respect of hazardous substances under sections 7, 8, 9 and 10

The determination of applications for the removal of conditions attached to Hazardous Substances consents under section 8

In consultation with the Director - Governance to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) in respect of hazardous substances consents under sections 14, 15, 16 and 17

The determination of applications for continuation of hazardous substances consents under section 18

The determination of application for compensation under section 19

Powers of Entry over Land and Buildings

To act and authorise others to act on his/her behalf in relation to the Council's duties and Responsibilities in relation to the following:-

In consultation with the Director - Governance, to exercise the powers of the local planning authority under Section 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes)

In consultation with the Director - Governance to exercise the powers of the local planning authority under section 214A, 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (Rights to enter land –protected trees).

Sections 324 and 325 of the Town and Country Planning Act 1990 and to seek permission for entry in relation to Crown land under Section 325A of The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (Right of Entry)

Individual Rights:
All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

Director – Regeneration and Economy (cont)

<p>In consultation with the Director - Governance, to exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991</p> <p>In consultation with the Director - Governance, to exercise the powers of the Hazardous Substances Authority under sections 36, 36A, & 36B of the Planning (Hazardous Substances) Act 1990 and to seek permission for entry in relation to Crown land under Section 36C of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Parking of vehicles on footways, verges and central reservations To display notices on vehicles parking on footways, verges and central reservations.</p> <p>Section 130 Highways Act 1980</p>	
<p>Public Right of Way Extinguishment - Housing Act 1985 To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.</p>	
<p>Requisitions for Information - Section 330 of the Town and Country Planning Act 1990 To act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Reserved Matters - Determination of Applications Determination of applications for the approval of “reserved matter” and the discharge of conditions imposed under Sections 70 and 72 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p>Rights of Entry for Enforcement In consultation with the Director - Governance, to exercise the powers of the local planning authority under Sections 178, 196A, 196B and 196C Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director – Regeneration and Economy (cont)

Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sports Act 1987 (as amended by the Regulatory Reforms (Fire Safety) Order 2005)

To exercise and discharge duties and powers in relations to:

To issue notices, certificates, exemptions, cancellations or other directions or take any steps on behalf of the Council and to instigate any legal proceedings from the operation the Safety of Sports Grounds Act 1975 or any regulations issued under them.

Grant of Permission or Licence:
All decisions within this delegation are to be published unless exempt

To designate officers as authorised officers for the purposes of Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sports Act 1987 to exercise powers of entry, investigation, enforcement, monitoring of the provisions of the safety certificates and any variations.

Exemptions 1, 2, 6 and 7 may apply

Section 106 Agreements

To refuse all planning applications and other related consents where the section 106 planning obligation has not been signed within a period of 12 months from the date of the committee resolution and no extension of time has been agreed by the Planning Committee.

Town and Country Planning Act 1990

Signs for public facilities

To provide signs giving details of facilities available to the public where they are necessary.

Section 142 of the Local Government Act 1972

Stopping-up of highways and rights of way - Town and Country Planning Act 1990

- Section 247 - To authorise the stopping up or diversion of a highway;
- Section 257 - To authorise the stopping up or diversion of a footpath, bridleway or restricted byway;
- Section 258 - To extinguish public rights of way over land held for planning purposes.

Street Works Licensing - New Roads and Street Works Act 1991

To act and authorise others to act in relation to the Council's functions under section 50 of the New Roads and Street Works Act 1991 (power to grant a street works licence).

Director – Regeneration and Economy (cont)

<p>Telecommunication Code System Operators Powers of the local planning authority under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (Development by Telecommunication Code System Operators).</p>	
<p>Town and Village Green Applications In consultation with the Director – Governance to exercise the powers in relation to applications for registration of town and village greens under the Commons Registration Act 1965, Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p>Tree Preservation Orders In consultation with the Director - Governance to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 & 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	
<p>Urgent Works of Preservation Powers of the local planning authority under Section 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Works in Default In consultation with the Director - Governance, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Works in Default Section 215 Notice).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

Director – Regeneration and Economy (cont)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p> <p>Administrative decisions which relate to executive functions.</p>	
<p>Appropriation of Council Owned Land and Property In consultation with the chief finance officer of the Council and appropriate Directors, to deal with the appropriation of Council owned land and property between service areas and to instruct the chief finance officer to amend the asset and ownership records and to adjust the accounts accordingly.</p>	
<p>Building Act 1984 - Proper Officer- To sign orders, notices and documents as appropriate for the purposes of the Building Act 1984.</p>	
<p>Compulsory Purchase Orders - Acquisitions Approval of Valuation Compensation and related reports on land and property in confirmed Compulsory Purchase Orders.</p>	
<p>Doors in Streets - Highways Act 1980 Doors in streets not to open outwards under section 153 of the Highways Act 1980.</p>	
<p>Emergencies – Erection of Barriers, Highways Act 1980 The power to erect barriers in streets in cases of emergency under section 287 of the Highways Act 1980.</p>	
<p>Emergency Works Affecting the Highway To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.</p> <p>Highways Act 1980</p>	

Director – Regeneration and Economy (cont)

Employment and Skills Interventions

To commission employment and skills interventions from the private and voluntary sectors in accordance with the approved Working Neighbourhoods Fund Commissioning Framework.

Localism Act 2011.

New Roads and Street Works Act 1991

To act and authorise others to act in relation to the Council's functions in relation to the following sections of the New Roads and Street Works Act 1991 -

- Section 51 - Prohibition of unauthorised works;
- Section 53 - Keeping of the Street Works Register;
- Section 56 - Power to direct as to timing of works;
- Section 56A - Power to give directions as to placing of apparatus;
- Section 58 - Restriction on works following substantial road works;
- Section 58A - Restriction on works following substantial road works (Schedule 3A);
- Section 61 - Protected streets;
- Section 62 - Supplementary provisions as to designated street;
- Section 63 - Streets with special engineering difficulties;
- Section 64 - Traffic sensitive streets;
- Section 65 - Safety measures;
- Section 66 - Avoidance of any unnecessary delay or obstruction;
- Section 72 - Powers of a street authority in relation to reinstatement;
- Section 74 - Charge for occupation of the highway where works unreasonably prolonged;
- Section 76 - Liability for cost of temporary traffic management;
- Section 81 - Duty to maintain apparatus.

Planning Decision Notices

Designated as the Proper Officer for signing decision notices for applications for planning permission dealt with under: -

Town and Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991);

Planning (Listed Buildings and Conservations Areas) Act 1990;

Planning (Hazardous Substances) Act 1990.

Director – Regeneration and Economy (cont)

<p>Quarterly Reports Preparation and publication of quarterly reports in accordance with the Code of Practice on the publication of information about the handling of planning applications.</p>	
<p>Queen’s Square Public Conveniences, To extend normal Sunday opening hours of the Public Conveniences, Queen’s Square and otherwise when necessary.</p> <p>Section 87 of the Public Health Act 1936.</p>	
<p>Road Traffic Regulation Act 1984 To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984:</p> <ul style="list-style-type: none"> - Section 21 - Issuing permits for heavy trailers; - Section 26 - To make arrangements with regard to the patrolling of school crossings; - Section 65 - Placing of traffic signs; - Section 68 - Placing of traffic signs; - Section 69 - Removal of unauthorised signs; - Section 71 - Power to enter land in connection with traffic signs; - Section 125 - To give consent in relation to boundary roads where work is being carried out by a neighbouring authority. 	
<p>Service Level Agreements To negotiate and agree service level agreements between the Council and voluntary organisations in receipt of grant aid from the Regeneration Division.</p> <p>Section 48 of the Local Government Act 1985.</p>	
<p>Surveyors’ and Legal Costs and Expenses To agree the Council’s surveyors’ and legal costs and expenses as part of the terms for the disposal of Council owned land and premises.</p>	
<p>Voluntary Organisations and Model Lease - Central Register of Properties To prepare and maintain a central register of all properties affected by the policy and the model lease.</p>	

Director – Regeneration and Economy (cont)

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Commutated Sum with Vendors to Meet Ongoing Management, Maintenance and Monitoring of Matters Associated with the Future Use of the Land In consultation with the chief finance officer of the Council, to agree a commuted sum with vendors to meet ongoing management, maintenance and monitoring of matters associated with the future use of the land, other than surface landscaping.</p> <p>Section 106 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p>Consultations from Adjoining Local Planning Authorities on Planning Applications Authority to respond to consultations from adjoining Local Planning Authorities on planning applications.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.</p>	
<p>Consultation under the Planning Act 2008 Authority to respond to consultations under the Planning Act 2008.</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>	
<p>Emergency Works affecting the Highway To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.</p> <p>Highways Act 1980</p>	
<p>Notices Refusing Planning Permission Despatch of notices refusing planning permission where directed by central government or otherwise in accordance with the appropriate legislation.</p>	
<p>Queens Square, Sandwell Centre - Displays and Exhibitions To approve displays and exhibitions in Queens Square, Sandwell Centre in accordance with the Council's policy.</p> <p>Section 5 of the Licensing Act 2003.</p>	

Director – Regeneration and Economy (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Festive Lights To agree the use of the budget allocation from relevant service areas towards procurement, putting up and taking down of festive lights in selected shopping centres within the Borough. Section 144 of the Local Government Act 1972.	
Local Land Charges Act, 1975 – Maintenance of Register To keep the local Land Charges Register and sign all certificates and documents in connection therewith on behalf of the Council.	
Survey of Area To keep under review the matters which may be expected to affect the development of Sandwell's area or the planning of its development pursuant to section 13 of the Planning and Compulsory Purchase Act 2004.	

Director - Street Scene

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Abandoned Vehicles - Refuse Disposal (Amenity) Act 1978 To exercise and to authorise others to exercise the Council's functions under the Act dealing with the removal and disposal of abandoned vehicles.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 2 and 6</p>
<p>Anti-Social Behaviour</p> <p style="text-align: center;">Closure Powers -</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 ASBCPA 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p> <p style="text-align: center;">Community Protection Notice (CPN)</p> <p>To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3, 6 and 7</p>

Director - Street Scene (cont)

<p style="text-align: center;">Criminal Behaviour Order (CBO)</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p style="text-align: center;">Public Spaces Protection Order (PSPO)</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 2 ASBCPA 2014 in relation to making, varying or discharging a PSPO affecting only one or two wards, to carry out the necessary consultation, publicity and notification, issuing fixed penalty notices for the offence of failure to comply with a PSPO and prosecution for the offence of failure to comply with a PSPO.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Authorisation of Officers</p> <p>To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006 Equalities Act 2010 Helath Act 2006 Deregulation Act 2015 Public Helath Act 1925 Part VIII Transport Act 1980 – Section 64 – Roof signs Transport Act 1985 Part I Disability Discrimination Act 1995 Part V Criminal Justice and Public Order Act 1994 Part XII Private Hire Vehicles (Carriage of Guide Dogs etc) 2002 Road Traffic Act 1988 Section 143</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p>Clean Neighbourhoods and Environment Act 2005</p> <p>To exercise the Council's functions under the Clean Neighbourhoods and Environment Act 2005.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 to 7</p>

Director - Street Scene (cont)

<p>Littering and Waste - Environmental Protection Act 1990</p> <p>To exercise the Council's functions under the following sections of the Environmental Protection Act 1990:</p> <ul style="list-style-type: none"> - Section 46 - Receptacles for household waste; - Section 47ZA - Power to issue fixed penalty notices; - Section 87 - Offence of leaving litter (specifically section 87(6) - taking steps appropriate for making the offence known); - Section 88 - Fixed penalty notices; - Section 89 - Duty of care to keep land and highways free; - Section 92A - The service of a litter clearing notice; - Sections 93-94 - Street litter control notices; - Section 99 - Adoptive power to deal with abandoned shopping and luggage trolleys. 	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Removal and Disposal of Vehicles - Vehicle Excise Duty</p> <p>To exercise the Council's functions under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p>Uncollected Property –</p> <p>To serve notice requiring persons to remove uncollected property from premises or land owned by the Council</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>1, 2, 6 and 7</p>

Director - Street Scene (cont)

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Private Hire and Hackney Carriage Licensing</p>	
<p>Advertising on Hackney Carriages To interpret and to give express consent for advertising on hackney carriages, where appropriate.</p> <p>To make amendments to the advertising provisions of the Hackney Carriage and Private Hire Vehicles Guidelines, where appropriate.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Approved List of Vehicles To approve and add manufacturers/converters and vehicles to the approved list of vehicles permitted to be licensed as hackney carriages in Sandwell.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Authorisation of Officers To authorise officers to enforce non-executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006 Equalities Act 2010 Health Act 2006 Deregulation Act 2015 Public Health Act 1925 Part VIII Transport Act 1980 – Section 64 – Roof signs Transport Act 1985 Part I Disability Discrimination Act 1995 Part V Criminal Justice and Public Order Act 1994 Part XII Private Hire Vehicles (Carriage of Guide Dogs etc) 2002 Road Traffic Act 1988 Section 143 Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3, 4, 5, 6 and 7 may apply</p>

Director - Street Scene (cont)

CCTV

To approve requests in relation to advertisements on CCTV screens in private hire vehicles and hackney carriages.

Local Government (Miscellaneous Provisions) Act 1976.

Consideration of Driving Experience

To determine applications, including the decision to refuse to grant a licence for a driver to drive a private hire vehicle or hackney carriage where a new applicant has held a full driving licence for less than 2 years, or is under 21 years of age.

Local Government (Miscellaneous Provisions) Act 1976.

DBS Disclosure

Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder has not applied to renew their DBS disclosure within the required time.

Exemption to Displaying Plates and Signs

To grant an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, where appropriate.

Knowledge Test - Decision to Refuse to Grant a licence if Knowledge test failed three times;

To determine applications, including the decision to refuse to grant a driver's licence for a private hire or hackney carriage where the Council Knowledge Test has been failed three times.

Local Government (Miscellaneous Provisions) Act 1976.

Leave of Absence to Remain in the UK

To grant a hackney carriage and/or private hire drivers licence for the specific period of time a driver has leave to remain in the country.

Local Government (Miscellaneous Provisions) Act 1976.

Grant of Permission or Licence:
Individual Rights
All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

Director - Street Scene (cont)

<p>Medical Officer Certification To determine applications including the decision to refuse to grant a licence for a driver of a private hire vehicle or hackney carriage when the Medical Officer has certified that the applicant is unfit to be a licensed driver.</p> <p>Power to grant a hackney carriage and/or private hire drivers licence for the specific period of validity of a Certificate of Fitness to Work, should the certificate be valid for less than 12 months.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Non-Compliance with the Colour Policy To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles.</p>	
<p>Security Screens To approve requests for advertisements on security screens in private hire vehicles</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Suspension of Driver's Licence Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner</p> <p>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Suspension of Driver's Licence Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage</p> <p>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976</p>	
<p>Suspension of Vehicle Licences Grant of Permission or Licence:</p> <p>The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p>	

Director - Street Scene (cont)

<p>Temporary Renewal of Driver's Licence To temporarily renew or extend a licence for a driver where the Waste and Transport Manager or the Licensing Manager considers it to be reasonable.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Warning for Failing to Declare or Report To issue a strong written warning to new or existing drivers of a private hire or hackney carriage vehicle who have failed to declare or report a minor traffic offence on the first occasion.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Warning for Points on Licence To issue a strong written warning to existing drivers of a private hire or hackney carriage vehicle who have more than six points on their licence.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Highways Act 1980 To enter into highway agreements under section 278 of the Highways Act 1980.</p>	
<p>Waste disposal functions The Council's waste disposal functions under the Refuse Disposal Amenity Act 1978.</p>	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>None</p>	

Director - Street Scene (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Control of dogs Dealing with stray dogs as proper officer under section 149 of the Environmental Protection Act 1990	
Festive Lights To agree the use of Communities and Regulatory Services divisional budget allocation towards the procurement, putting up and taking down of festive lights in selected shopping centres within the Borough.	Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt Exemption Paragraph 3 may apply

All Directors

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Leases to Voluntary Organisations In consultation with the Director - Regeneration and Economy, to determine the terms of leases of Council properties to voluntary organisations, any rental subsidy for new leasing arrangements with an annual rental under £20,000 per annum and all renewals of existing leases.</p> <p>Section 123 of the Local Government Act 1972. Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p>Ombudsman Findings - Payment of Compensation In consultation with the Director - Governance, to pay compensation up to a maximum of £2,000 in cases where it is likely that the Local Government Ombudsman would make a finding against the Council, subject to any necessary approval of the Secretary of State.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p>Power of local authorities to prosecute or defend legal proceedings Where it is considered expedient for the promotion or prosecution of the interests of the inhabitants of the Borough to act and authorise others to act under Section 222 of the Local Government Act 1972 and to instruct the Director – Governance to prosecute or defend legal proceedings.</p>	
<p>Regulation of Investigatory Powers Act 2000 (a) to authorise surveillance under Sections 28, 29 and 43 of the Regulation of Investigatory Powers Act 2000; (b) to make authorisations for directed surveillance and covert human intelligence source.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 5 and 7</p>
<p>Supply of Services to External Bodies (under Executive Law) In consultation with the Director - Governance and the chief finance officer, to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.</p> <p>Relevant provisions within legislation not listed in the Functions Regulations, determined on a case by case basis</p>	

All Directors (cont)

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Planning and Building Regulation Applications by the Council To seek planning and building regulation consent for any proposed development under the control of the appropriate Cabinet Member or Committee and to take any necessary action in connection therewith.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992</p>	
<p>Power of local authorities to prosecute or defend legal proceedings Where it is considered expedient for the promotion or prosecution of the interests of the inhabitants of the Borough to act and authorise others to act under Section 222 of the Local Government Act 1972 and to instruct the Director – Governance to prosecute or defend legal proceedings.</p>	
<p>Settlement for Civil Litigation – below £250,000 With the exception of employment related matters or matters deemed to be of a routine or operational nature by the Director – Governance, and where the Director – Governance recommends that it is in the best interests of the Council, to resolve any dispute subject to or maybe subject to, legal proceedings between the Council and a third party, to authorise in consultation with the relevant Cabinet Member, the settlement of any financial or compensation claim, below £250,000, by or against the relevant Directorate, and to have responsibility for resourcing the settlement within the relevant Directorate.</p>	<p>Individual Rights: Contract or Incurring Expenditure Licence or permission All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3,4, 5, 6 & 7 may apply</p>
<p>Simple Cautions Summary or either way offence: Where the power to investigate, or prosecute for, an alleged summary or either way offence is delegated to him/her under this scheme of delegation, to administer a simple caution as an alternative to prosecution.</p> <p>Indictable offence: Where the power to investigate, or prosecute for, an alleged indictable offence is delegated to him/her under this scheme of delegation, after consultation with the Director - Governance, to administer a simple caution as an alternative to prosecution.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 5 & 7 may apply</p>

All Directors (cont)

Supply of Services to External Bodies (under Non-Executive Law)

In consultation with the Director - Governance and the chief finance officer, to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.

Relevant provisions within legislation as listed in the Functions Regulations, determined on a case by case basis

Contract or Incurring Expenditure:
All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 3 & 5 may apply

Transfers Between Budget Heads

In consultation with the chief finance officer, to make individual transfers between budget heads of up to £100,000 or 5% of an approved target budget (whichever is the lower) in accordance with Financial Regulations.

Section 151 Local Government Act 1972 (duty to make arrangements for proper administration of financial affairs)

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Award of Contracts In accordance with the Council's Procurement and Contract Procedures rules and provided that the associated funding is either within an approved budget or has been formally approved by the relevant cabinet member, the Council or a committee*:-</p> <ul style="list-style-type: none"> - to authorise the letting of contracts up to £100,000; and - to authorise the letting of contracts between £100,000 and £250,000, in consultation with the Director – Strategic Resources. <p>*Decisions on contracts over £250,000 or any contract where prior approval of the funding has not been obtained, may only be made by the relevant cabinet member.</p>	<p>All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 and 5 may apply</p>

All Directors (cont)

Changes to Establishment

With the exception of posts which are defined as chief officer posts in accordance with the Local Government and Housing Act 1989; where funding is available within existing budgets from direct specific grants or other sources of external funding or has been approved by the relevant cabinet member, the Council or a committee and acting within employment law, the Council's corporate pay, terms and conditions and grading structure and in consultation with the Director - Improvement and Efficiency:-

- to deal with the appointment, promotion, redesignation, resignation, voluntary redundancy, discipline and secondment of employees, including the deletion of posts, the establishment of new posts and the submission of individual posts for a salary review under any approved corporate job evaluation process,.

Local Government Act and Housing Act 1989

All decisions within this delegation are to be published unless exempt

Exemptions 1, and 2, 4 and 7

Disposal of Small Areas of Land

To determine that areas of land up to a value of £100,000 are no longer required for the purposes of the particular service area and to refer them to the Director - Regeneration and Economy to negotiate terms for disposal.

Section 123 of the Local Government Act 1972

Grants to Voluntary Organisations

To administer all matters relating to the making of grants to voluntary organisations in accordance with the Local Government Act 1985.

Section 48 of the Local Government Act 1985

Hire of Council Premises

To approve and, in consultation with the appropriate Cabinet Member or Chair and Vice-Chair where necessary, to approve/refuse applications for the hire of Council premises for which they have management responsibility.

Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.

All Directors (cont)

Recruitment Incentives

To approve the payment of removal, resettlement and other expenses of new employees, within the approved scheme.

Local Government and Housing Act 1989

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Award of Contracts In accordance with the Council’s Procurement and Contract Procedures rules and provided that the associated funding is either within an approved budget or has been formally approved by the relevant cabinet member, the Council or a committee*:-</p> <ul style="list-style-type: none"> - to authorise the letting of contracts up to £100,000; and - to authorise the letting of contracts between £100,000 and £250,000, in consultation with the Director – Strategic Resources. <p>*Decisions on contracts over £250,000 or any contract where prior approval of the funding has not been obtained, may only be made by the relevant cabinet member.</p>	<p>Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 & 5 may apply</p>
<p>Retirement With the exception of posts which are defined as Chief Officer posts in accordance with the Local Government and Housing Act 1989, and in consultation with the Assistant Chief Executive and the appropriate Cabinet Member or Chair and Vice-Chair, to approve Compensated Voluntary Early Retirement, Ill Health Retirements and Retirements in the Efficiency of the Service (excluding teachers).</p> <p>Section 260 of the Local Government Act 1972</p>	<p>Individual Rights and/or Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 and 2 may apply</p>
<p>Use of Their Car by Members of Staff To authorise the use of their car in urgent circumstances by members of staff who are not normally authorised to claim a car mileage allowance providing staff have suitable insurance cover in relation to business use.</p> <p>Section 112 of the Local Government Act 1972</p>	

All Directors (cont)

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Attendances of Staff at Conferences and on Courses To authorise the attendance of staff on courses and conferences in the United Kingdom of a duration not exceeding one week and/or an inclusive cost not exceeding £5,000. Costs in excess of £5,000 and periods exceeding one week will be subject to consultation with the appropriate Cabinet Member. Section 112 of the Local Government Act 1972	
Affidavits and Declarations For the purposes of, or in anticipation of any proceedings involving the Council, to:- (a) swear affidavits; (b) make declarations and statements; (c) execute any other documents; (d) and to authorise any employees, for whom they have management responsibility, to do likewise.	Individual Rights: All decisions within this delegation are to be published unless exempt Exemptions 1, 2 & 5 may apply

Miscellaneous Officers

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Authorisation of Officers To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006 Equalities Act 2010 Health Act 2006 Deregulation Act 2015 Public Health Act 1925 Part VIII Transport Act 1980 – Section 64 – Roof signs Transport Act 1985 Part I Disability Discrimination Act 1995 Part V Criminal Justice and Public Order Act 1994 Part XII Private Hire Vehicles (Carriage of Guide Dogs etc) 2002 Road Traffic Act 1988 Section 143</p> <p style="text-align: center;">Waste and Transport Manager Licensing Manager</p>	
<p>Legal proceedings In the absence of the Director - Governance, to institute, defend and withdraw legal proceedings arising from an executive function, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p style="text-align: center;">Service Manager – Legal Legal Manager Principal Solicitor Solicitor</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p style="text-align: center;">Exemption 1 to 7</p>
<p>Mental Capacity Act 2005 To act as Financial Deputy under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act:</p> <p style="text-align: center;">Finance Business Partner (Adults)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p style="text-align: center;">Exemption 1, 2 and 3</p>

Miscellaneous Officers (cont)

Regulation of Investigatory Powers Act 2000

- (a) To make authorisations for directed surveillance and covert human intelligence source:

**Head of the Paid Service;
Assistant Chief Executive;
Directors;
Audit Services Manager;
Counter Fraud Unit Manager;
Trading Standards & Licensing Manager;
Environmental Health Manager**

A number of decisions within this delegation may be exempt from publication

- (b) To make authorisations for directed surveillance when knowledge of confidential information is likely to be acquired:

Head of the Paid Service,
(or in his/her absence, the person acting as the Head of the Paid Service)

Exemption 1, 2, 3, 5, 6 and 7

- (c) To make authorisations for Covert Human Intelligence Sources when knowledge of confidential information is likely to be acquired or vulnerable individual or juvenile is to be used as a source:

Head of the Paid Service,
(or in his/her absence, the person acting as the Head of the Paid Service)

- (d) To grant authorisations and give notices for the purposes of the acquisition of communications data:

**Director – Homes and Communities;
Trading Standards & Licensing Manager**

Miscellaneous Officers (cont)

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p>Applications for Private Hire and Hackney Carriage Licences To deal with applications for Private Hire and Hackney Carriage Licences</p> <p>Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 and under the Town Police Clauses Act 1847</p> <p style="text-align: center;">Waste and Transport Manager Licensing Manager</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Legal Proceedings In the absence of the Director - Governance, to institute, defend and withdraw legal proceedings arising from non-executive functions, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p style="text-align: center;">Service Manager – Legal Legal Manager Principal Solicitor Solicitor</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p>Street Trading – To approve fees relating to approved consent streets for the purposes of street trading.</p> <p>Paragraph 9 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p style="text-align: center;">Markets Manager</p>	

Miscellaneous Officers (cont)

Vehicle and Driver Licensing

Waste and Transport Manager Licensing Manager

Age Policy

To determine applications, including the decision to refuse to grant a licence for a private hire vehicle if the vehicle does not comply with the Council's age policy for private hire vehicles and the vehicle cannot be considered to be in exceptional condition for its age.

Local Government (Miscellaneous Provisions) Act 1976.

Authorisation of Officers

To authorise officers to enforce non-executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.

Fraud Act 2006

Equalities Act 2010

Health Act 2006

Deregulation Act 2015

Public Health Act 1925 Part VIII

Transport Act 1980 – Section 64 – Roof signs

Transport Act 1985 Part I

Disability Discrimination Act 1995 Part V

Criminal Justice and Public Order Act 1994 Part XII

Private Hire Vehicles (Carriage of Guide Dogs etc) 2002

Road Traffic Act 1988 Section 143

Part 2 of the Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Waste and Transport Manager Licensing Manager

Grant of Permission or Licence:
Individual Rights
All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

Consideration of Driving Experience

To determine applications, including the decision to refuse to grant a licence for a driver to drive a private hire vehicle or hackney carriage where a new applicant has held a full driving licence for less than 2 years, or is under 21 years of age.

Local Government (Miscellaneous Provisions) Act 1976.

DBS Disclosure

Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder has not applied to renew their DBS disclosure within the required time.

Miscellaneous Officers (cont)

Knowledge Test - Decision to Refuse to Grant a licence if Knowledge test failed three times;

To determine applications, including the decision to refuse to grant a driver's licence for a private hire or hackney carriage where the Council Knowledge Test has been failed three times.

Local Government (Miscellaneous Provisions) Act 1976.

Leave of Absence to Remain in the UK

To grant a hackney carriage and/or private hire drivers licence for the specific period of time a driver has leave to remain in the country.

Local Government (Miscellaneous Provisions) Act 1976.

Medical Officer Certification

To determine applications including the decision to refuse to grant a licence for a driver of a private hire vehicle or hackney carriage when the Medical Officer has certified that the applicant is unfit to be a licensed driver.

Power to grant a hackney carriage and/or private hire drivers licence for the specific period of validity of a Certificate of Fitness to Work, should the certificate be valid for less than 12 months.

Local Government (Miscellaneous Provisions) Act 1976.

Non-Compliance with the Colour Policy

To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles.

Suspension of Driver's Licence

Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

Suspension of Driver's Licence

Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976

Grant of Permission or Licence:
Individual Rights
All decisions within this delegation are to be published unless exempt

Exemptions 1, 2. 6 and 7 may apply

Miscellaneous Officers (cont)

<p>Suspension of Vehicle Licences The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p>	
<p>Temporary Renewal of Driver's Licence To temporarily renew or extend a licence for a driver where the Waste and Transport Manager or the Licensing Manager considers it to be reasonable.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>
<p>Warning for Failing to Declare or Report To issue a strong written warning to new or existing drivers of a private hire or hackney carriage vehicle who have failed to declare or report a minor traffic offence on the first occasion.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Warning for Points on Licence To issue a strong written warning to existing drivers of a private hire or hackney carriage vehicle who have more than six points on their licence.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Private Hire Vehicles and Hackney Carriages</p> <p style="text-align: center;">Waste and Transport Manager Licensing Manager</p>	
<p>Advertising on Hackney Carriages To interpret and to give express consent for advertising on hackney carriages, where appropriate.</p> <p>To make amendments to the advertising provisions of the Hackney Carriage and Private Hire Vehicles Guidelines, where appropriate.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>

Miscellaneous Officers (cont)

<p>Approved List of Vehicles To approve and add manufacturers/converters and vehicles to the approved list of vehicles permitted to be licensed as hackney carriages in Sandwell.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence</p>
<p>CCTV To approve requests in relation to advertisements on CCTV screens in private hire vehicles and hackney carriages.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p>Exemption to Displaying Plates and Signs To grant an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, where appropriate.</p>	
<p>Security Screens To approve requests for advertisements on security screens in private hire vehicles</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	

Delegation	Commentary
<p>Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p>Freedom of Information and Environmental Information To deal with all issues relating to Freedom of Information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 including:</p> <ul style="list-style-type: none"> - <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply. - <u>Public Interest Test</u> - To determine whether in any particular case it serves the interests of the public better to withhold or to disclose information. <p style="text-align: right;">Service Manager - Governance</p>	

Miscellaneous Officers (cont)

<p>Sign and Attest Documents – In the absence of the Director - Governance, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p> <p style="text-align: right;">Service Manager - Legal</p>	
<p>Sign and Attest Documents – In the absence of the Director - Governance and Service Manager - Legal , to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents</p> <p style="text-align: right;">Legal Manager</p>	
<p>Statements of truth To sign statements of truth on behalf of the Council in the course of legal proceedings.</p> <p style="text-align: right;">Service Manager – Legal Legal Manager Principal Solicitor Solicitor</p>	

Delegation	Commentary
<p>Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p>Sign and Attest Documents – In the absence of the Director - Governance, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p> <p style="text-align: right;">Service Manager - Legal</p>	
<p>Sign and Attest Documents – In the absence of the Director - Governance and Service Manager - Legal , to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents</p> <p style="text-align: right;">Legal Manager</p>	

Miscellaneous Officers (cont)

Statements of truth

To sign statements of truth on behalf of the Council in the course of legal proceedings.

**Service Manager – Legal
Legal Manager
Principal Solicitor
Solicitor**

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Data Protection Act 1980 To undertake investigations into alleged breaches of Data Protection legislation, including the interviewing of relevant persons and the inspection of records and recorded data. Service Manager – Governance; Governance Services Manager (Information Management)	
Licensing Act 2003 – Designation as Responsible Officer To act as the designated appropriate officer for the purpose of discharging the functions of the Council as the responsible authority under Sections 13 and 69 of the Licensing Act 2003. Trading Standards & Licensing Manager	
Solicitor to the Council In the absence or inability to act of the Solicitor to the Council or in the event of a vacancy in that office and only in consultation with the Chief Executive or another person authorised to act for him/her, to act as the Solicitor to the Council in relation to all matters for which the Solicitor to the Council is the Proper Officer and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council. Deputy Monitoring Officer	

Miscellaneous Officers (cont)

Traffic Management Act 2004

Designated Traffic Manager for Sandwell Metropolitan Borough Council in accordance with the requirements of section 17(2) of the Traffic Management Act 2004.

Service Manager - Highways

Non Council Employees

Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Proper officer authorisations in connection with the discharge of the Council's functions relating to the control of communicable diseases and other public health related issues</p> <p style="text-align: center;">From the West Midlands West Public Health England Team: Unit Director Consultants in Communicable Disease Control Consultant In Public Health Regional Epidemiologist</p> <p>Section 270(3) of the Local Government Act 1972. Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Health Protection Notification Regulations 2010</p> <p>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984 Removal of a body to a mortuary as required by section 48.</p> <p>Removal to a Place of Care - National Assistance Act 1948 Applying under section 47 to remove to a suitable place persons who are suffering from grave chronic illness or, being aged infirm or physically incapacitated, are living in insanitary conditions.</p> <p>Verminous People and Articles Cleansing or destroying filthy or verminous articles under section 84; Cleansing verminous persons and their clothing under section 85. Public Health Act 1936</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p>Verminous Articles for Sale - Public Health Act 1961 Disinfecting, destroying or removing from premises verminous articles intended for sale under section 37.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

Non Council Employees cont

Delegation	Commentary
Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.	
None	

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None.	

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
None.	

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Consumer Credit Act 1974 - Trading Standards Services of Birmingham City Council authorised to undertake the Council's function relating to the enforcement of Part III of the Consumer Credit Act 1974. <p style="text-align: right;">Trading Standards Services of Birmingham City Council</p>	Individual Rights: All decisions within this delegation are to be published unless exempt Exemptions 1, 2 & 5 may apply

Non Council Employees cont

Proper Officer - Public Health (Control of Disease) Act 1984

Acting as Proper Officer in signing notices, orders or documents given, made or issued by the authority on behalf of the authority under section 59.

From the West Midlands West Public Health England
Team:

Unit Director
Consultants in Communicable Disease Control
Regional Epidemiologist

Section 270(3) of the Local Government Act 1972.
Local Authorities (Functions and Responsibilities) (England)
Regulations 2000.

Individual Rights:
All decisions within this
delegation are to be
published unless
exempt

Exemptions 1, 2, 5 & 6
may apply

Partnership Arrangements	
Delegation	Commentary
<p>Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p>Black Country Executive Joint Committee - City Deal and Growth Deal</p> <ol style="list-style-type: none"> 1. To act as a strategic body, setting and reviewing objectives for strategic investment across the Black Country, including: <ul style="list-style-type: none"> ▪ Providing a coherent single position on the major strategic City Deal and Growth Deal issues ▪ Agreeing allocation of spending ▪ Agreeing major priorities 2. Agreeing lead and/or accountable body status for a body or organisation. 3. Agree, review and amend options at any time for City Deal and Growth Deal governance which is fit for purpose. 4. Influence and align government investment in order to boost economic growth. 5. Have regard to the duty to co-operate and the Joint Committee's overall function as set out above. 6. To ensure alignment between decision making on City Deal and Growth Deal and decisions on other areas of policy such as land use, transportation, economic development and wider regeneration. 7. Co-ordinate and align decision making on transport with Local Enterprise Partnerships [LEP] ensuring that business views are taken on board and that LEP growth plans are reflected in strategic priorities. 8. Decide on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners. 	

Delegation	Commentary
<p>Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
None	

Partnership Arrangements (cont)

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None.	

Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
None.	

Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
None.	

Terms of Reference of Committees 2015/16

**Scrutiny Boards
Land and Asset Management Committee
Planning Committee**

A p p e n d i x C

Budget and Corporate Services Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making, and the achievement of scorecard priorities. It will:-
- (a) contribute to the good governance, reputation and performance of the Council;
 - (b) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
 - (c) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
 - (d) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

- 2.1 To scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes, and review and advise on the Council's policies and practices in respect of and upon such terms as are set out below:-
- (a) budget strategy;
 - (b) budget monitoring;
 - (c) examination of outturn reports;
 - (d) treasury management function;
 - (e) asset allocation and management;
 - (f) procurement;
 - (g) revenues and benefits;
 - (h) corporate governance;
 - (i) risk management

2.2 To scrutinise all other Council functions and activities not covered by the terms of reference of the other scrutiny boards, including the following:-

- (a) information and communication technology;
- (b) corporate information management;
- (c) organisational development;
- (d) human resources;
- (e) performance management;
- (f) emergency planning and civil resilience;

2.3 To scrutinise the Council's Facing the Future Programme in terms of its overall direction and refer any specific initiatives that the Board feels require more detailed investigation, to the appropriate scrutiny board.

3. General Role

3.1 In relation to the above terms of reference, the Scrutiny Board will:-

- (a) develop a work programme for scrutiny of the functions outlined above;
- (b) use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) make reports or recommendations to Council or the Executive in connection with the Council's budget;
- (d) receive and review external audit and inspection reports;
- (e) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (f) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (g) review or scrutinise executive decisions made but not implemented;
- (h) receive and monitor formal responses to any reports or recommendations made by the Board.

ends

Children's Services and Education Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-
- (i) contribute to the good governance, reputation and performance of the Council;
 - (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
 - (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
 - (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

- 2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-
- (a) all of the functions of the Council as an authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time (i.e. pre-school, statutory and post 16 education);
 - (b) services for children, young people and families;
 - (c) any trust or partnership which involves the care of local children and young people;
 - (d) local safeguarding arrangements for children and young people including the Multi-Agency Safeguarding Hub,

- (e) corporate parenting, including services and support to care leavers;
- (f) early years services;
- (g) Targeted Youth Support.

3. General Role

3.1 In relation to the above terms of reference the Scrutiny Board will:-

- (a) develop a work programme for scrutiny of the functions of the Council and partners relating to children and young people;
- (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) review or scrutinise the exercise of any council or executive function, or any other related matter;
- (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.

3.2 In order to fulfil the requirements of the terms of reference the following structure will apply to the Board:-

Children's Services and Education Scrutiny Board



Quality, Improvement and Safeguarding Assurance

The Chair of the Children's Services and Education Scrutiny Board will lead the work stream on Quality, Improvement and Safeguarding Assurance.

The work stream will have responsibility for scrutinising the following:-

- (1) Children's Services Improvement Plan;
- (2) Sandwell Safeguarding Children Board;
- (3) Partnership measures to tackle Child Sexual Exploitation;
- (4) Auditing processes and outcomes in Children's Services.

The Board will appoint four members (in addition to the Chair) to sit on this work stream group.

Challenge to Schools and Academies

The Vice Chair will lead the work stream on Challenge to Schools and Academies.

The work stream will have responsibility for scrutinising the following:-

- (1) Standards in schools and academies;
- (2) Sufficiency of school places in the borough;
- (3) Partnership working across the education sector in Sandwell;
- (4) The use of the Pupil Premium.

The Board will appoint three members (in addition to the Vice Chair) to sit on this work stream group.

Each of the Work Streams will report to the Children's Services and Education Scrutiny Board at regular intervals.

ends

[ILO: UNCLASSIFIED]

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's Scorecard priorities. It will:-

- (i) contribute to the good governance, reputation and performance of the Council;
- (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
- (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-

- (a) sustainability within the Borough, including climate change;
- (b) environment and energy;
- (c) strategic town planning and development control;
- (d) highways management;
- (e) environmental services management;
- (f) transport and public infrastructure;
- (g) trading standards and environmental health functions;
- (h) crime and community safety;
- (i) the visual appearance of the Borough (the 'streetscene')

- 2.2 To discharge the Council's crime and disorder scrutiny functions as set out in section 19 Police and Justice Act 2006, namely:
- (a) to scrutinise decisions and actions of the Council and "responsible bodies" (as defined in section 5 Crime and Disorder Act 1998) relating to the performance of crime and disorder functions;
 - (b) to consider local crime and disorder matters referred to the Board by a councillor; and
 - (c) to make reports and recommendations to the Council and responsible bodies.
- 2.3 To have the powers of overview and scrutiny in relation to flood risk management as contained within the Localism Act 2011.

3. General Role

- 3.1 In relation to the above terms of reference, the Scrutiny Board will:-
- (a) develop a work programme for scrutiny of all matters within the terms of reference of the Board, to include related functions of the Council and partners;
 - (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
 - (c) review or scrutinise the exercise of any council or executive function, or any other related matter;
 - (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
 - (e) receive and review external audit and inspection reports;
 - (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
 - (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
 - (h) review or scrutinise executive decisions made but not implemented;

- (i) receive and monitor formal responses to any reports or recommendations made by the Board.

ends

Health and Adult Social Care Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-
- (i) contribute to the good governance, reputation and performance of the Council;
 - (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
 - (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
 - (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

- 2.1 to be responsible for the overview and scrutiny of all health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups (CCGs), Health and Well Being Board and Health Watch;
- 2.2 to have the powers of overview and scrutiny in relation to all functions of the Council contained in the National Health Service Act 2006, to all regulations and directions made under the Health and Social Care Act 2001, the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Health and Social Care Act 2012 and related regulations;
- 2.3 to make reports and recommendations to relevant NHS bodies, relevant health service providers and commissioners, the Secretary of State or Regulators;
- 2.4 to be responsible for initiating the response to any formal consultation undertaken by relevant NHS Trusts and CCGs or other health providers or commissioners on any substantial development or variation in services;

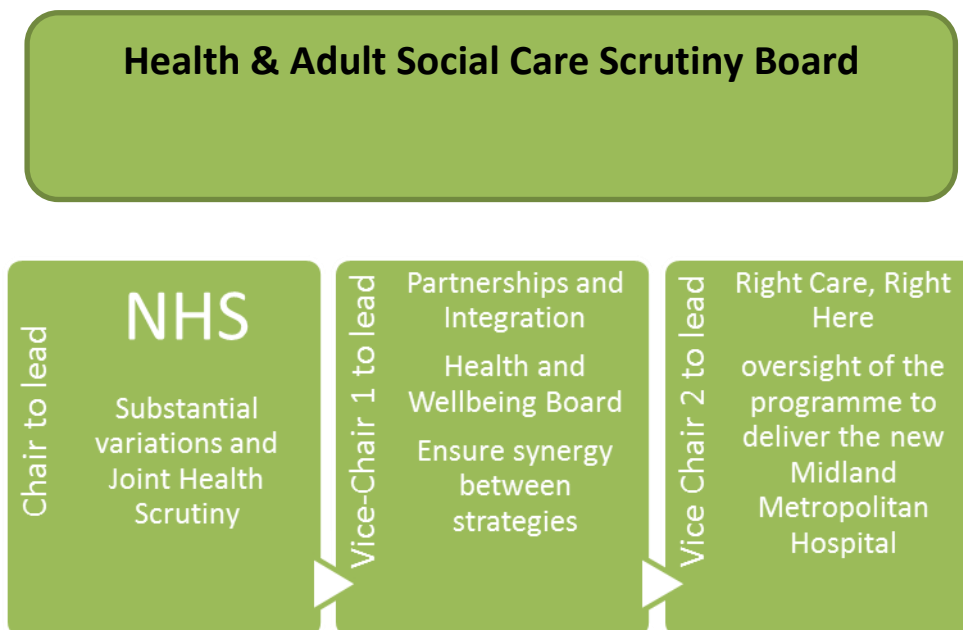
- 2.5 to participate with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- 2.6 The Health and Adult Social Care Scrutiny Board will have the power to refer a proposed substantial variation in service delivery to the Secretary of State. If the Board wish to exercise this power then this must be agreed by the Chairman of the Scrutiny Board who will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.
- 2.7 To review and scrutinise the decisions made or actions of the Health and Well-being Board.
- 2.8 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-
- (a) Adult social care transformation programme;
 - (b) Better care fund;
 - (c) whole life services for people with disabilities and/or learning disabilities;
 - (d) local safeguarding arrangements for adults;
 - (e) services for older and vulnerable adults;

3. General Role

- 3.1 In relation to the above terms of reference the Scrutiny Board will:-
- (a) develop a work programme for scrutiny of the functions of the Council and partners relating to health and adult social care;
 - (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
 - (c) review or scrutinise the exercise of any Council or Executive, or any other related matter;
 - (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;

- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.
- (ii) Hold commissions and providers of health services to account.

In order to fulfil the requirements of the terms of reference the following structure will apply to the Board:-



NHS

The Chair of the Health & Adult Social Care Scrutiny Board will lead the work of the Board, in particular any substantial variations put forward by health care providers and/or commissioners.

The Chair will lead the Joint Scrutiny arrangements with both Birmingham City Council and Wolverhampton City Council for which the Board will nominate a total of five members.

Vice Chair One

The Vice Chair (one) will lead the work stream on Partnerships and Integration.

The work stream will have responsibility for scrutinising the following:-

- (5) Sandwell Health and Wellbeing Board;
- (6) Monitoring the synergy between Council and health agency strategies, and their ability to deliver the priorities contained in the Joint Health and Wellbeing Strategy;
- (7) The Better Care Fund.
- (8) Integration of services between health and social care, including mental health.

The Board will appoint four members (in addition to the Vice Chair) to sit on this work stream group.

Right Care, Right Here

The Vice Chair (two) will lead this work stream on Right Care, Right Here, the programme to deliver the new Midland Metropolitan Hospital, and supporting health care arrangements.

The work stream group will scrutinise all elements of the Right Care, Right Here Programme.

Each of the Work Streams will report to the Health and Adult Social Care Scrutiny Board at regular intervals.

ends

Housing Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-

- (i) contribute to the good governance, reputation and performance of the Council;
- (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
- (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
- (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-

- (a) To scrutinise all matters relating to housing including:-
 - Strategic Housing Policy;
 - Social Housing;
 - The relationship with the Council's tenants and leaseholders;
 - Housing Choice;
 - Housing Allocations;
 - Private Sector Rented Accommodation;
 - Affordable housing;
 - Housing-related support services;
 - Affordable warmth;
 - Homelessness.

- (b) Ways in which the housing market in Sandwell can be stimulated to improve housing conditions.
- (c) How the housing market in the borough can meet the changing needs and aspirations of Sandwell communities.

(b) Any partnership working relating to Housing in Sandwell.

2.2 To maintain an overview of issues raised through the Tenant Review Panel.

3. General Role

3.1 In relation to the above terms of reference the Scrutiny Board will:-

- (a) develop a work programme for scrutiny of the functions of the Council and partners relating to leisure, culture and the Third Sector;
- (b) use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) review or scrutinise the exercise of any council or executive function, or any other related matter;
- (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.

ends

Jobs, Economy and Enterprise Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making, and the achievement of scorecard priorities. It will:-
- (a) contribute to the good governance, reputation and performance of the Council;
 - (b) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
 - (c) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
 - (d) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

- 2.1 To scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes, and review and advise on the Council's policies and practices in respect of and upon such terms as are set out below:-
- 2.2 to consider Council and partner strategies, roles and responsibilities, including Joint Committees in relation to:-
- (a) policies and strategies of the Council and partners which affect the economic development of the borough;
 - (b) regeneration, planning, and investment;
 - (c) the development and management of town centres;
 - (d) activities to promote quality places and communities;
 - (e) innovation, skills and economic inclusion;
 - (f) worklessness;
 - (g) the work of any relevant partnerships, including the Local Enterprise Partnership, or public bodies that deliver services to the local people in relation to skills, work and enterprise;

(h) initiatives to support the development and sustainability of new businesses and social enterprise.

2.3 To scrutinise the development of the West Midlands Combined Authority and its implications for the economic prosperity and regeneration of the borough.

2.4 To make recommendations to the relevant Cabinet Member in relation to future policy.

3. General Role

3.1 In relation to the above terms of reference, the Scrutiny Board will:-

(a) develop a work programme in accordance with the above functions;

(b) use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;

(c) review or scrutinise the exercise of any council or executive function, or any other related matter;

(d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;

(e) receive and review external audit and inspection reports;

(f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;

(g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;

(h) review or scrutinise executive decisions made but not implemented;

(i) receive and monitor formal responses to any reports or recommendations made by the Board.

ends

Leisure, Culture and the Third Sector Scrutiny Board

Terms of Reference

1. Scrutiny – Overall Statement of Purpose

- 1.1 Scrutiny in Sandwell has a key role in delivering local accountability, transparency and involvement in decision making and the achievement of Sandwell's scorecard priorities. It will:-
- (i) contribute to the good governance, reputation and performance of the Council;
 - (ii) contribute to the development, review and implementation of scorecard priorities and policy through early involvement in pre-decision scrutiny and through undertaking specific pieces of research and investigation;
 - (iii) continue to develop a borough-wide focus particularly through its relationship and statutory role in respect of key partners, including Joint Committees;
 - (iv) consider a wide range of evidence, views and opinions, promote good governance and decision making and improve confidence and involvement with local democracy.

2. Terms of Reference

- 2.1 As set out in the scrutiny procedure rules, to scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council's policies and practices in respect of, and upon such terms as are set out below:-
- (a) leisure opportunities in the borough, including leisure centres, allotments and events;
 - (b) libraries, museums and the Community History and Archive Service;
 - (c) the planning and provision of green spaces including parks and Local Nature Reserves;
 - (d) voluntary and community sector support;
 - (e) partnership working to strengthen the third sector in Sandwell;

- (f) community development.
- (g) the delivery of neighbourhood services.

3. General Role

3.1 In relation to the above terms of reference the Scrutiny Board will:-

- (a) develop a work programme for scrutiny of the functions of the Council and partners relating to leisure, culture and the Third Sector;
- (b) to use the scrutiny scoring matrix to establish suitable themes for investigation and areas for further scrutiny;
- (c) review or scrutinise the exercise of any council or executive function, or any other related matter;
- (d) make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive;
- (e) receive and review external audit and inspection reports;
- (f) act as the appropriate Scrutiny Board in relation to the Executive's initial proposals for a plan or strategy within the Budget and Policy Framework;
- (g) review outcomes, targets and priorities within the Sandwell Scorecard and to make such reports and recommendations as it considers appropriate;
- (h) review or scrutinise executive decisions made but not implemented;
- (i) receive and monitor formal responses to any reports or recommendations made by the Board.

ends

Terms of Reference of Committees 2015/16

**Scrutiny Boards
Land and Asset Management Committee
Planning Committee**

A p p e n d i x D

Land and Asset Management Committee

Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council and where authority has not otherwise been delegated to another body or person under any combined, joint or other relevant management arrangements:

- (a) to provide the strategic direction for all matters relating to the effective use of land and property assets within the Borough to maximise social and economic benefits and regeneration;
- (b) to develop and consider all matters relating to land and property assets and to make recommendations to the Executive or Council, as appropriate to ensure the delivery of social and economic benefits and regeneration through:
 - land and property disposal;
 - land and property acquisition;
 - innovative land and property usage;
 - the development and management of a revolving capital fund;
- (c) to recommend changes or exceptions to land use policies and statements in support of the aims and objectives of the committee.

The quorum of the Committee is two members.

ends

Planning Committee

Terms of Reference

Within approved Council policy and in accordance with the overall aims and objectives of the Council, the Committee shall:-

1. Consider and determine all matters which fall within the following terms of reference which are delegated to it:-
 - (1) to exercise the functions of the Council as Local Planning Authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation;
 - (2) to exercise the functions of the Council as Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and subordinate legislation;
 - (3) the exercise of the functions of the Council under the Planning (Hazardous Substances) Act 1990 and subordinate legislation;
 - (4) proposals for the development of land by the Council and to approve proposals for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992;
 - (5) the exercise of the functions of the Council concerning certificates of appropriate alternative development pursuant to Part III of the Land Compensation Act 1961;
 - (6) consultations from adjoining local planning authorities concerning planning applications;
 - (7) any application specifically called in for determination by the Planning Committee.

2. Consider and make recommendations to the Council on planning applications where material considerations could give rise to the determination of an application contrary to the provisions of the documents of the Sandwell Local Plan.

Planning Committee (Cont)

NOTE

1. The above delegations exclude the following functions which are reserved to the relevant Cabinet Member:-
 - (1) the preparation of supplementary planning guidance;
 - (2) the designation of conservation areas, areas of archaeological interest and nature reserves;
 - (3) the removal of permitted development rights through Article 4 Directions;
 - (4) the making of compulsory purchase orders.

ends

**Appointments to
Committees,
Panels and Boards**

2015/2016

**A
p
p
e
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E**

Town Lead Members (2015/2016)

(Lab 6)

Oldbury

Trow (Deputy: S Davies)

Rowley Regis

Carmichael (Deputy: B Price)

Smethwick

Marshall (Deputy: Bawa)

Tipton

Hadley (Deputy: Cherrington)

Wednesbury

Costigan (Deputy: O Jones)

West Bromwich

Melia (Deputy: Worsey)

Scrutiny Boards (2015/2016)

<p>Budget and Corporate Scrutiny Board (7 members) (Lab 7)</p> <p>Chair P Sandars</p> <p> Chairs of 6 Scrutiny Boards</p>	<p>Children's Services and Education Scrutiny Board (9 members + 4 co-opted members) (Lab 9)</p> <p>Chair J Underhill</p> <p>Vice-Chair Gill</p> <p> Allen Downing Giles Hartwell Hosell Shackleton Taylor</p> <p>1 Church of England Diocese representative (Reverend P French)</p> <p>1 Roman Catholic Archdiocese representative</p> <p>2 Parent Governor representatives</p>
<p>Community Safety, Highways and Environment Scrutiny Board (7 members) (Lab 7)</p> <p>Chair L Horton</p> <p>Vice-Chair Ashman</p> <p> K Davies Goult Preece Price Taylor</p>	<p>Health and Adult Social Care Scrutiny Board (10 members) (Lab 10)</p> <p>Chair Sandars</p> <p>Vice-Chair Jarvis</p> <p>Vice-Chair Lloyd</p> <p> Edis Giles Gill Hartwell D Hosell Phillips Piper</p>

Scrutiny Boards (cont)
(2015/2016)

<p>Housing Scrutiny Board (7 members 1 co-opted member) (Lab 7)</p> <p>Chair P Hughes Vice-Chair Edis</p> <p>Eaves Goult Hevican S Hosell S Jones</p> <p>1 Co-opted member</p>	<p>Jobs, Economy and Enterprise Scrutiny Board (7 members) (Lab 7)</p> <p>Chair S Jones Vice-Chair Tagger</p> <p>Ashman P Davies Frazer Gavan Haque</p>
<p>Leisure, Culture and the Third Sector Scrutiny Board (7 members) (Lab 7)</p> <p>Chair Ahmed Vice-Chair Hevican</p> <p>P Hughes Jarvis Lloyd Phillips Tipper</p>	

Planning Committee (2015/2016)

(16 members to be geographically representative)
(Lab 16)

Chair Frear (Bristnall)

Vice-Chair Downing (Oldbury)
Allen (Great Bridge)
Costigan (Wednesbury North)
S Davies (Langley)
Dhallu (West Bromwich Central)
R Horton (Soho/Victoria)
P M Hughes (Wednesbury South)
Preece (Charlemont/Grove Vale)
B Price (Rowley Regis)
Rouf (Soho/Victoria)
Tagger (West Bromwich Central)
Trow (Old Warley)
Webb (Cradley Heath/Old Hill)
Worsey (Great Barr/Yew Tree)
Garrett (Princes End)

Licensing Committee (2015/2016)

(12 non-executive members)
(Lab 12)

Chair Allen

Vice-Chair Piper

Bawa
T Crumpton
K Davies
S Davies
Frear
Goult
Hadley
Lewis
Preece
Tranter

Licensing (Miscellaneous) Committee (2015/2016)

(7 non-executive members)
(Lab 7)

Chair Rouf

Vice-Chair R Price

Costigan
S Davies
P M Hughes
O Jones
Sidhu

Emergency Committee (2015/2016)

(7 members)
(Lab 7)

Chair	Leader of the Council
Vice-Chair	Deputy Leader
	Cabinet Member for Town and Neighbourhood Services
	Cabinet Member for Children's Services
	Cabinet Member for Highways and Environment
	Cabinet Member for Regeneration and Economic Investment
	Chair of Community Safety, Highways and Environment Scrutiny Board

General Purposes and Arbitration Committee (2015/2016)

(7 **non-Executive** members)
(Lab 7)

Chair	Dhallu
Vice-Chair	Haque
	S Crumpton
	P Davies
	S Hosell
	Meehan
	Melia

Joint Consultative Panel (2015/2016)

(6 members)
(Lab 6)

Chair	Rowley
	T Crumpton
	Dhallu
	Frear
	L Horton
	Taylor

Standards Committee (2015/2016)

(8 elected members including 1 member of the Executive (**excluding Leader**))
(Lab 8) + 3 independent persons

Chair	Lewis
Vice-Chair	S Crumpton
	Ahmed
	Y Davies
	Dhallu
	L Horton
	Sandars
	J Underhill
	(+ 3 independent persons)

Audit Committee (2015/2016)

(5 members) +1 independent member.
(Lab 5)

Chair	Sidhu
	Frazer
	D Hosell
	Jaron
	Tipper
	(+1 independent member)

Land and Asset Management Committee (2015/2016)

(7 members)
(Lab 7)

Chair	Gavan
	Costigan
	Crompton
	Edis
	P Hughes
	Moore
	Taylor

Chief Officer Terms and Conditions Committee (2015/2016)

(7 members)
(Lab 7)

Chair Leader of the Council

Vice-Chair Deputy Leader

Five members drawn from the remaining relevant Cabinet Members or chairs or vice-chairs of relevant boards/committees/panels.

Chief Officers Appointments Sub-Committee

Two members selected by the Leader from amongst Cabinet Members and Chairs of Scrutiny Boards to deal with appointments to and the determination of matters relating to posts designated as service manager tier 2.

Health and Wellbeing Board (2015/2016)

(4 members)
(Lab 4)

Leader of the Council
Cabinet Member for Adult Social Care and Health
Cabinet Member for Children's Services
Cabinet Member for Leisure and the Voluntary Sector

Other Board members as agreed by Council on 5 March, 2013:-

NHS Commissioning Board:

One representative of the NHS England - Birmingham, Solihull and the Black Country Area Team (without voting rights)

Sandwell and West Birmingham Clinical Commissioning Group:

Four representatives (three with voting rights and one without voting rights)

Healthwatch Sandwell:

One representative (with voting rights)

Other Board member as agreed by Council on 15 April, 2014:-

One representative of West Midlands Police (without voting rights)

Cabinet Petitions Committee (2015/2016)

(8 members)
(Lab 8)

Chair Crompton

All members of the Cabinet

Constitution Working Group (2015/2016)

(7 members)
(Lab 7)

Chair Eling

Leader of the Council
Edwards
Frazer
Hackett
L Horton
Lewis

Member Development Working Group (2015/2016)

(6 members)
(Lab 6)

Chair Eling

 Allen
 Edwards
 L Horton
 Shackleton
 Y Davies

Cabinet Working Group for Development of Leisure Facilities (2015/2016)

(5 members)
(Lab 5)

 Cooper
 Crompton
 Eling
 Moore
 Khatun

**Sandwell Residential Education Service
Cabinet Group
(2015/2016)**

(5 members)
(Lab 5)

Crompton
Hackett
L Horton
Moore
J Underhill

**Children's Services Executive Support Group
(2015/2016)**

(4 members)
(Lab 4)

Y Davies
Eling
Hackett
Moore

Participating Observers: Chair and Vice-Chair of Children's
Services and Education Scrutiny Board.

Strategic Waste Partnership Board (2015/2016)

(2 members)
(Lab 2)

Crompton
Eling

(and representatives of Serco)

Ring and Ride Member Working Group (2015/2016)

(3 members)
(Lab 3)

Chair: D Cooper

Eling
Khatun

Members' Allowances Scheme 2015/16

A p p e n d i x F

Sandwell Metropolitan Borough Council

MEMBERS' ALLOWANCES SCHEME

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1. Introduction

- 1.1 This Members' Allowances Scheme is in accordance with the statutory provisions in the Local Government and Housing Act 1989, the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Council has had regard to the recommendations of the Independent Panel on Members' Remuneration of May 2012. The Panel is the independent remuneration panel required to be established by the Regulations.

The scheme is reviewed annually.

1.2 Definitions

"Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003 and any Regulations which may from time to time replace, amend or revoke them.

"Standing Body" means in accordance with the Council's constitution, committees, sub-committee boards or panels comprising members of the Council or other persons established to deal with functions which are neither reserved to the Council nor are executive functions.

- 1.3 Sections 2 to 18 of this Scheme describe the types of allowances which may be paid to members and the arrangements for administering the Scheme.
- 1.4 Section 19 contains a Schedule of Allowances approved by the Council. The Schedule will be re-issued annually and at any time when the Scheme is amended.

1.5 Approved Duties

The following duties which are for the purpose of or in connection with the discharge of the functions of the Council will be regarded as approved duties for the payment of allowances in accordance with the legal definitions as specified in the Regulations.

- A. Attendance at a meeting of the Council or of any Standing Body of the Council.

- B. Attendance at a Joint Committee established by the Council and one or more other authorities or standing body or working group established by such a Joint Committee.
- C. Attendance at meetings of working groups established by the Council.
- D. Attendance at meetings to which the Council or a standing body of the Council makes appointments or nominations, or of any sub-committee or working group established by such a body.
- E. Attendance at meetings of any association of authorities of which the Council is a member or of any standing body or working group established by such an association.
- F. Attendance at any body within the Council's Constitution where a Member has been invited to attend by the Proper Officer.
- G. Attendance at meetings of Single Party Working Groups provided that:-
 - (i) such groups have been formally established by the Council or a standing body of the Council for the purpose of considering only Council business; and
 - (ii) that the opportunity to establish such groups is offered to all political groups represented on the Council.
- H. Attendance at meetings outside the Sandwell Council House, Oldbury by a Councillor in connection with the role for which a Special Responsibility Allowance is paid and who have elected to be a member of the Council's Transport Protocol. (see paragraph 5.3)
- I. Attendance at site visits or visits to Council or other establishments provided that the visit has been authorised in advance by the Council or a standing body of the Council.
- J. Attendance at a meeting of any outside body to which the Council makes appointments or nominations or of any standing body of such a body.
- K. Attendance at meetings of statutory bodies or fora to which members are appointed or nominated by the Council or a decision making body of the Council, standing body or other Fora of the Council

- L. Attendance at seminars organised by the Council provided that the event is authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- M. Attendance at training sessions organised by the Council for members.
- N Attendance at public consultation meetings provided that such a meeting has been authorised in advance by the Council or a decision making body of the Council, standing body or other Fora of the Council.
- O. Attendance as a representative of the Council at ceremonies where either the Council, or a service area of the Council, or the Borough is nominated for an award.
- P. Attendance as a representative of the Council or as a member of a Council delegation at meetings with or receptions for representatives of Government Departments or Statutory Bodies or visitors from abroad.
- Q. Attendance at meetings held at the request of the Local Government Ombudsman.
- R. Attendance as a witness on behalf of the Council at an Employment Tribunal or at any judicial proceedings.
- S. The Director - Governance, following consultation with the Leader, be authorised to determine those other duties which are to be regarded as “approved duties”, in connection with the provision of transport outside the West Midlands Conurbation area and the payment of Carers’ and Subsistence Allowances, provided that approval is given before the duty is performed.

Duties which are not “approved duties”

The following duties will NOT be regarded as “approved duties” for the payment of allowances:-

- A. Attendance at Agenda meetings.
- B. Attendance at other meetings with Directors or other Senior Officers to discuss Council business.
- C. Attendance by Cabinet Members, Chairs and Vice-Chairs at Council service areas for which they have responsibility, save those allowed for in paragraph 1.5 (H).
- D. Attendance at political group meetings.

- E. Attendance at meetings of School Governing Bodies.
- F. Attendance at Ward Surgeries.
- G. Attendance at meetings of any body within the Council's Constitution at which they are not a member or have not been invited to attend by the Proper Officer.
- H. Attendance at consultative meetings for wards/local areas.
- I. Attendance at meetings which are not listed as approved duties and in respect of which prior approval has not been given by the Council.

2. Basic Allowance

- 2.1 This is a basic, flat rate allowance payable to all Members of the Council. The allowance is the same for each Member and is paid in monthly instalments, in arrears, throughout the year.
- 2.2 Where the term of office of a member begins or ends otherwise than at the beginning or end of the Municipal Year, beginning with the Annual Meeting of the Council, his/her entitlement to payment shall be pro rata to the number of days served.
- 2.3 Basic allowance is intended to recognise the time commitment of all members, including such inevitable calls on their times as meetings with officers and constituents and attendance at standing bodies of the Council. It is also intended to cover the cost of travel and subsistence within the West Midlands Conurbation area (i.e. within the boundaries of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The basic allowance is also intended to cover fixed telephone rental and calls, mobile telephone calls (with the exception of business calls made by those members identified in the Mobile telephone Protocol) and other incidental costs such as the use of their homes. All members are entitled to an allowance of £15 per month to cover broadband provision for internet connection.
- 2.4 To assist in the introduction of the Council's paperless agenda, each Councillor will receive a monthly allowance to offset the increased costs to them of procuring, insuring and using tablet technology to further the paperless agenda.

3. Special Responsibility Allowance

- 3.1 Special Responsibility Allowances (SRAs) may be paid to those members who have significant responsibilities. The Regulations prescribe the categories of responsibility for which SRAs may be paid.
- 3.2 The Council has determined that SRAs be paid to members holding the posts detailed in the attached Appendix.
- 3.3 Where a member undertakes duties which could entitle him/her to more than one SRA under this Scheme then he/she shall receive only the higher allowance.
- 3.4 Where a member does not have, throughout the whole of a year, any such responsibilities as entitle him/her to a SRA, his/her entitlement shall be to payment pro rata to the length of time he/she holds the special responsibility.

4. Dependants' Carers' Allowance

- 4.1 A dependants' Carers' Allowance is payable to those elected members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 1.5 of this Scheme.
- 4.2 The amount of the dependants' carers' allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

5. Travelling and Subsistence Allowance

- 5.1 Travel and subsistence is payable in connection with undertaking duties specified by the Council. The duties specified are those set out in paragraph 1.5 of this Scheme.
- 5.2 No separate amount will be payable for travel and subsistence within the West Midlands Conurbation Area. The basic allowance will be deemed to include an element for travel and subsistence.
- 5.3. Members electing to use Council Transport
 - 5.3.1 Elected Members may opt to use Sandwell M.B.C. drivers to transport them on approved duties within the West Midlands area ('pool transport'). A charge will be levied for this service.

5.3.2 At the beginning of each Municipal Year Members will state whether or not they wish to use pool transport. Those Members who decide to register as a user will have an amount of £500 deducted from their annual allowance.

5.3.3 A banding and charge in respect of the level of annual usage will be set at the following rates: -

Level of Use of Transport	Number of return journeys made in West Midlands Conurbation	Annual Charge
Low (Emergency service)	1/3 return journeys per year	Nil
Medium	4 – 99 return journeys per year	£200
Medium-High	100-200 return journeys per year	£300
High	201 and over return journeys per year	£500

5.3.4 Elected Members will be issued with a confirmation ticket with details of the journey and a log will be maintained of all journeys undertaken in the Municipal Year.

5.3.5 At the end of the Municipal Year, the Member Services Unit will advise each Member of the band of charges applicable to the total journeys made in the year. In the final allowance payment at the end of the Municipal Year an adjustment relating to the unused portion of the £500 will be released in respect of all members given a banding of low, medium or medium high usage.

5.3.6 To ensure efficient use of resources, elected members are required to give 24 hours notice when booking transport.

Should elected members be unable to provide 24 hours notice the Members' Services Unit will endeavour to provide transport. Should a driver not be available then elected members will be responsible for booking and paying for private transport arrangements.

5.3.7 Bookings made and subsequently unused without prior notification to the drivers will be counted as a journey for payment purposes.

5.3.8 The Leader and Mayor (or their nominated representatives) in their roles as ambassadors and representatives for Sandwell MBC will be entitled to the provision of transport without charge.

5.3.9 Any exceptions to the scheme will be authorised by the Director - Governance or any duly authorised officer acting on his/her behalf.

5.4 Travel and subsistence outside the West Midlands Conurbation area

Members required to travel outside the West Midlands Conurbation area to undertake the duties specified in paragraph 1.5 of this Scheme are encouraged to travel by public transport. The costs of such travel if incurred by members will be reimbursed. Alternatively the Council will obtain and pay for travel warrants or tickets for use by members.

Where it is not practicable to use public transport, mileage rates applicable to members will be reimbursed.

Where members are unable to take main meals i.e. breakfast, lunch and dinner, in their normal place, they may claim a Subsistence Allowance, not exceeding the prescribed rates which are available via Members Services.

6. Mobile Telephones

6.1 The Council will provide mobile telephones and reimburse expenses related to their use in order to assist Councillors in the discharge of their statutory and policy making functions:

- The Council through its Members Services Unit will issue mobile telephones for Councillors to conduct Council business.
- All elected members are eligible to be issued with a mobile telephone.
- Upon issue of a mobile telephone, the user must comply with all legislation covering the safe and effective use of mobile telephones.
- All mobile telephones are purchased on behalf of the Council, shall be acquired through Members' Services and remain the property of the Council.
- Any upgrades relating to handsets authorised will not alter the ownership arrangements as detailed above.
- Members' Services will be responsible for all costs associated with the initial purchase of mobile telephones (within the stated framework) as well as the ongoing funding associated with maintenance.

- Cabinet Members supplied with smart phones for the purposes of undertaking their portfolio responsibilities will not have to contribute to the cost of the devices.
- With the exception of Cabinet Members, Chair of a Scrutiny Board, Scrutiny Committee/Panel Chairs, Chair of Planning Committee and the Chair of Audit Committee, registered users will be responsible for the cost of all telephone calls made from Council supplied mobile telephones and will be required to identify business and private calls.
- The provision of Hands Free car kits will be offered to the above listed members.
- It is the responsibility of the Members' Services Manager to maintain adequate control of the supply and costs associated with mobile telephones.
- The Members' Services Unit will maintain and update records of all supplied mobile phones including the names and locations of registered users.
- All members will abide by the agreed protocols and procedures in relation to mobile telephones.

7. Information Technology Allowance

7.1 In return for the member waiving their rights to receive hard copy agenda and associated papers for meetings of the Council, its committees and other fora, the Council will provide an allowance in a sum as may from time to time be determined by the Council, to recompense members for the provision and use of their own information technology solutions in support of the Council's drive to achieve efficiencies and environmental benefits through the pursuit of its paperless meetings and the paperless conduct of business initiative.

8. Conferences and Seminars

8.1 Sandwell MBC will provide support to enable all elected members to attend two external conferences/ seminars per Municipal Year in connection with Council business, in addition to events organised by the West Midlands Local Government Association.

8.2 All elected members will submit an application form (Conference 1) providing full details of the Conference/Seminar and proposed method of travel, to the Members Services Unit. Elected members will be asked to detail the perceived benefits of attending the conference/seminar.

A condition of approval being granted will be the consent of elected members to complete an Evaluation Form upon their return.

- 8.3 Approval in each instance is to be provided by the Director - Governance, in consultation with the appropriate Senior Member.
- 8.4 All of the costs associated with attendance at conferences and seminars will be funded from the Members Services budget for non-portfolio specific events.
- 8.5 The conference or seminar fee for portfolio specific events is to be met by Service Areas on the agreement of the appropriate Service Director. All other costs associated with the event are to be met by Members Services.
- 8.6 Any requests by a member to attend more than two external conferences/seminars in one Municipal Year and any disputes over whether an event is "in connection with Council business" will be referred to the Director - Governance in consultation with the Leader of the Council.
- 8.7 Elected members will travel by the most appropriate class of travel having regards to cost and suitability.

9. Membership of the Local Government Pension Scheme

- 9.1 The Council has determined that all members of the Council are entitled to a pension in accordance with the Local Government Pension Scheme Regulations.
- 9.2 The Council has determined that both the basic allowance and the special responsibility allowance shall be treated as amounts in respect of which such pensions are payable.
- 9.3 Each member will decide whether he/she wishes to join the contributory Local Government Pension Scheme. The Scheme is the subject of Regulations made under Section 7 of the Superannuation Act 1972.

10. Co-optees Allowance

- 10.1 The Council has decided not to pay any allowance to co-opted members of the Council (i.e. a person who, not being an elected Member of the Council, has been appointed to membership of a standing body of the Council) in respect of attendance at meetings.
- 10.2 Co-opted members of standing bodies will be entitled to claim travel and subsistence costs.
- 10.3 Co-opted members of standing bodies may claim Dependant Carer's Allowance up to a total annual cost of 10% of the elected Members' basic allowance.

11. Foregoing of Allowances

- 11.1 A member may forego all or part of any allowances to which they are entitled under this Scheme. Notice, in writing, must be given to the Service Manager - Governance.

12. Amendments to the Scheme

- 12.1 The Members' Allowances Scheme will be reviewed annually. If the scheme is amended and any amendment is made which affects an allowance payable for the year in which the amendment is made then entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the Municipal Year in which the amendment is made or any other date in that year as is determined by the Council.

13. Annual Adjustment of Allowance levels

- 13.1 Basic and Special Responsibility Allowances will be varied with effect from 1st April each year in line with the National Joint Council for Local Government Services pay award (as negotiated between the National Joint Employers and National Joint Trade Unions) unless the Council determines that allowances should be frozen, withdrawn or otherwise not paid for any reason.

14. Tax and National Insurance treatment of Members' Allowances

14.1 In respect of income tax and national insurance purposes members (councillors and non councillors) will be treated in the same way as any other individual who holds an office or is an employee. Guidance received by the Council will be made available to members who should contact their assigned tax office for advice as necessary.

15. Amendments and Revocation of the Scheme

15.1 Each year the Council will review the scheme as required by the Regulations for the payment of allowances in respect of the year.

15.2 The Scheme may be amended at any time, but may only be revoked with effect from the beginning of a year.

16. Claims and Payment Timescales

16.1 Claims for dependants' carers' allowance, travelling and subsistence outside the West Midlands Conurbation allowance must be claimed within one month of the date on which entitlement to the allowance arose.

16.2 Any claims received later than one month following the date on which the entitlement arose will be considered by the Service Manager - Governance.

16.3 Unless otherwise agreed, payment of the basic allowance and SRAs will be made monthly in arrears.

16.4 Members can request the Director - Governance to backdate a claim but for no longer than a six month period from the date on which the request is made.

17. Records of Allowances

17.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.

17.2 As soon as reasonably practicable after the end of a year to which the Scheme related the Council will publish details in accordance with the Regulations of allowances paid.

18. Publicity

18.1 The Council will, as soon as reasonably practicable after making the Scheme or any amendment thereto, make arrangements for publication as required by the Regulations.

**19. Schedule of Allowances
(see over)**

**Members Allowance Scheme
Proposed Schedule of Allowances 2015/16**

<u>Title</u>	<u>£</u>
Leader	26,278
Deputy Leader (90% of LA)	23,650
Cabinet Member (60% of LA)	15,768
Scrutiny Board Chair (33.3% of LA)	8,751
Scrutiny Board Vice Chair (20% of LA)	5,256
Chair of Planning Committee (50% of LA)	13,139
Vice Chair of Planning Committee (45% of Chair of Planning's Allowance)	5,913
Chair of Licensing Committee (33.3% of LA)	8,751
Vice Chair of Licensing Committee (20% of LA)	5,256
Chair of Licensing Miscellaneous (33.3% of LA)	8,751
Vice Chair of Licensing Miscellaneous (20% of LA)	5,256
Chair of General Purposes and Arbitration Panel (20% of LA)	5,256
Vice Chair of General Purposes and Arbitration Panel (10% of LA)	2,628
Chair of Land and Asset Management Committee (20% of LA)	5,256
Chair of Audit Committee (20% of LA)	5,256
Town Lead Member (33.3% of LA)	8,751
Deputy Town Lead Member (20% of LA)	5,256
Chair of Standards Committee (33.3% of LA)	8,751
Vice Chair of Standards Committee (10% of LA)	2,628

	% of size of controlling group	Rate £
Leader of Main Opposition Party (Variable)	5 (min)	1,314
	10	2,627
	15	3,942
	20	5,256
	25	6,569
	30	7,883
	35 (max)	9,197
	Ceremonial Mayor	20,000

A p p e n d i x G

The Code of Conduct for Members and Co-Opted Members

**The Code of Conduct
for Members and Co-Opted Members**

together with

**The Rules for
Registration of Interests
and
Conflicts of Interest**

*Revised May 2015
Adopted with effect from 7 May 2015*

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Members' Code of Conduct

FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY

PART I

Purpose of the Code

1. Sandwell Council ("The authority") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the authority ("members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").
2. The authority has a statutory duty under the Act to promote and maintain high standards of conduct by members and the Code sets out the standards that the authority expects members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on members. It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the authority. Failure to take appropriate action in respect of a disclosable pecuniary interest may result in a criminal conviction and a fine of any amount and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code at Appendix C and applies whenever a person is acting in his/her capacity as a member of the authority or co-opted member in the conduct of the authority's business or acting as a representative of the authority.

PART II

Rules of Conduct

1. Behaviour

- 1.1 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.

- 1.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your duties
- 1.3 You must not disclose any information given to you as a member in breach of any confidence.
- 1.4 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 You must not bring your office or your authority into disrepute
- 1.6 You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability
- 1.7 You must not bully any person
- 1.8 You must not intimidate or attempt to intimidate any person who is or is likely to be -
 - (i) a complainant,
 - (ii) a witness, orinvolved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- 1.9 You must respect the impartiality and integrity of the authority's statutory officers and its other employees.
- 1.10 When carrying out your public duties such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 1.11 You must only use the resources of the authority in accordance with its requirements. In particular you must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

1.12 You must promote and support high standards of conduct when serving in your office.

2. Registration of interests

2.1 You must, within 28 days of taking office as a member or co-opted member, register with the Monitoring Officer the interests which fall within the categories set out in Appendices A (disclosable pecuniary interests) and B (other registerable interests).

2.2 You must, within 28 days of becoming aware of it, register with the Monitoring Officer any change to interests or new interests which fall within the categories set out in Appendices A and B.

3. Declaration of interests at meetings and when acting alone

3.1 Where a matter arises at a meeting which relates to an interest in Appendix A ('disclosable pecuniary interests') you must declare the existence and nature of the interest even where it has been entered in the authority's register, unless the matter is a 'sensitive interest' as described by the Localism Act 2011. Unless a dispensation has been granted, you must then leave the meeting room and may not participate in any discussion, vote on, or discharge any function related to the matter. Where the matter is a 'sensitive interest' you do not need to declare the nature of the interest but must still withdraw from the meeting without participating. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

3.2 Where a matter arises at a meeting which relates to or affects an interest in Appendix B ('other registerable interests') you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

3.3 Where a matter arises at a meeting or when acting alone which relates to or affects a financial interest of you, a friend, relative or close associate (and it is not a disclosable pecuniary interest or other registerable interest) you must declare the existence and nature of the interest unless it is a sensitive interest.

3.4 Where the matter relates to or affects the interest under paragraph 3.2 or 3.3 more than the majority of people in the area affected by the decision and a reasonable member of the public would think your view of the public interest would be so adversely affected, you must then leave the meeting room and may not vote on, or discharge any function related to the matter unless a dispensation has been granted. You may speak on the matter only if members of the public are also allowed to speak at the meeting. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

Appendix A – Disclosable Pecuniary Interests

A pecuniary interest is a “disclosable pecuniary interest” in relation to a member (“M”) if it is of a description specified in this Schedule and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

Each category of person referred to above is described as the ‘relevant person’.

The duties to register, disclose and not to participate in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B – Other Registerable Interests

Other registerable interests are:

- a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority.
- b) any body of which you are a member or in a position of general control or management and which
 - i) exercises functions of a public nature
 - ii) is directed to charitable purposes, or
 - iii) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
- c) any person from whom you have received a gift or hospitality with an estimated value of at least £100 (you must register any gifts and hospitality worth over £100 that you receive personally in connection with your official duties).

Exactly as with a pecuniary interest “other registerable interest” applies in relation to a member (“M”) if it is of a description specified above and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

Appendix C – The Seven Principles of Public Life

The principles of public life apply to anyone who is elected or works as a public office-holder. All public office-holders are both servants of the public and stewards of public services. The principles are:

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	<p>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work.</p> <p>They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.</p> <p>They must declare and resolve any interests and relationships.</p>
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Officer Code of Conduct

A p p e n d i x H

CODE OF CONDUCT FOR SANDWELL METROPOLITAN BOROUGH COUNCIL EMPLOYEES

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INTRODUCTION AND BACKGROUND

In 1995, Sandwell Metropolitan Borough Council (“Council”) voluntarily agreed to adopt the Code of Conduct for Local Government Employees (“the Code”).

Since this time, various governments have stated their intention to update the Code, but in 2011, the proposal to carry this out was dropped by the new Government.

It has therefore fallen to individual authorities to update the Code as they consider appropriate. The Council adopted a new code of conduct for its Members, which sets out high standards of Conduct for its Members. The Council expects the same principles of honesty and integrity from its employees.

The Council recognises the need to promote high ethical standards among its workforce and has updated the Code of Conduct for Employees. Consultation on the Code with Unions has taken place, and on the 26 May 2015 the Code was adopted by the Council.

1. Purpose of the Code

- 1.1 This Code outlines existing law, regulations and conditions of service and provides further guidance to assist employees of the Council in their day-to-day work with the principles of integrity, honesty, impartiality and objectivity.
- 1.2 The Code lays down guidelines which will help maintain and improve standards and protect employees from misunderstanding or criticism. It also provides the openness and accountability necessary to re-enforce public confidence.
- 1.3 Employees must act in accordance with the principles set out in this Code, recognising the duty they have to discharge public functions reasonably and according with the law.

2. Scope of the Code

- 2.1 The Code applies to all employees of the Council, although, inevitably, some of the issues covered by the Code will affect some employees more than it will others.
- 2.2 Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.
- 2.3 The Code is complementary to, and should be read in conjunction with, those obligations which apply to employees that fall within the scope of related policies and Codes, specifically, but not exclusively:-

- Anti-Corruption and Bribery Policy
- Corporate Information Security Policy
- Confidential Reporting Code (“Whistleblowing”)
- Data Protection Policy
- Disciplinary Policy and Rules
- Employees’ Declarations of Interest
- Financial Regulations
- Grievance Policy
- Guidance on the role of the Council’s Funding Officers
- Information Acceptable Use Policy
- ICT and Electronic Communications Acceptable Use Policy
- Information Classification Policy

- Information Governance Framework (currently under review)
- Officer/Member protocol
- Register of Gifts and Hospitality
- Recruitment and Selection processes
- Standing Orders/Council procedure rules
- Statement of Intent on Equality and Diversity
- Social Media guidelines (currently under review)
- Statement of Policy regarding Access to Information
- The role of Council employees in the management of funded voluntary organisations

3. General Principles of Conduct

The public is entitled to expect the highest standards of conduct from all employees who work for local government. The role of such employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with selflessness, integrity, objectivity, honesty and impartiality.

3.1 Selflessness

Employees should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

3.2 Integrity

Employees should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

3.3 Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, employees should make choices on merit.

3.4 Honesty

Employees have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

3.5 Impartiality

Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to members and fellow employees with impartiality.

4. Expectations of Conduct

4.1 Employees shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and resolve any conflict between the two, at once, and in favour of the public interest.

4.2 Employees shall within their public employed capacity conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its members or officers into disrepute.

5. Disclosure of Information and Confidentiality

5.1 In the interests of open government, the law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to be open about other types of information. Employees must be aware of the Council's rules concerning the disclosure of information, and act accordingly.

- 5.2 During the course of their work, employees may come into possession of sensitive or personal information. They should not disclose this information to others except in accordance with the Council's procedures. If employees are uncertain as to the Council's procedures in a particular circumstance, they should consult with their Service Manager or relevant Director, as appropriate.
- 5.3 The confidentiality of information received in the course of an employee's duties should be respected and must never be used for personal gain. Employees must not knowingly pass information on to others who might use it in such a way. If employees believe that information should be disclosed in the public interest they should follow the Confidential reporting Code before doing so.
- 5.4 The above should be read in conjunction with the Confidential Reporting Code – School-based employees and the Confidential Reporting Code – Non-School-based employees.
- 5.5 Employees must ensure they maintain registration of their appropriate professional body, and notify the Council of any convictions they receive during the course of employment.
- 5.6 The above should be read in conjunction with the [Corporate Information Security Policy](#)

6. **Data Protection**

- 6.1 The Data Protection Act 1998 (DPA) applies to personal information about living individuals held by the Council. The DPA places a number of obligations on the Council, including a statutory requirement to keep the personal information we hold in a secure fashion, to inform individuals what we will do with the personal information we collect from them and also to provide individuals, upon request, with a copy of the personal information we hold about them.
- 6.2 The loss of personal data can result in the Council receiving a substantial fine from the Information Commissioner.

6.3 It is therefore very important that employees take steps to ensure that they handle personal information with care and they must follow the guidance provided within the Information Management Unit's intranet pages.

7. **Political Neutrality**

7.1 Employees serve the Council as a whole. It follows they must serve all members and not just those of the controlling group, and must ensure that the individual rights of all members are respected.

7.2 Employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

7.3 The posts of certain employees are classified as being “politically restricted” if it is a post specified in the Local Government and Housing Act 1989 (as amended by the Local Democracy, Economic Development and Construction Act 2009). It includes a post being regarded as being “politically sensitive”, if the duties consist of or involve giving advice on a regular basis to the Council, its executive, any committee of the executive or any cabinet member, any of its committees or sub-committees or to any joint committee on which the Council is represented or speaking on behalf of the Council on a regular basis to journalists or broadcasters. All Employees must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.

7.4 The above should be read in conjunction with the Councils guidance for [Employees Politically Restricted Posts](#)

8. Relationships

8.1 Members

Employees are responsible to the Council through its senior managers. All employees are required to discharge the duties and responsibilities of their posts and, for some employees this includes giving advice to members. Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members.

The above should be read in conjunction with the [Officer/Member Protocol](#).

8.2 The Public

Employees should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

8.3 Contractors and/or potential contractors

8.3.1 Substantial relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager and declared in accordance with the rules set out in the [Employee Declarations of Interest](#).

8.3.2 Orders and contracts must be awarded on merit, in accordance with the Council's Standing Orders and Contract Procedures, and no inappropriate favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

8.3.3 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

- 8.3.4 Employees involved in the tendering process and dealing with contractors must observe the need for accountability and openness and be fair and impartial when dealing with all customers, suppliers, other contractors and sub-contractors.
- 8.3.5 Employees who have access to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.
- 8.3.6 Employees should ensure that no inappropriate favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a relevant capacity.
- 8.3.7 The above should be read in conjunction with the [Standing Orders/Council Procedure Rules](#) and [Financial Regulations](#).

9. Acceptance of Gifts and Hospitality / Sponsorship - Giving and Receiving

- 9.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity whether by invitation, tender, negotiation or voluntarily, the basic convention concerning acceptance of gifts or hospitality applies. Particular care must be taken when dealing with contractors or potential contractors.
- 9.2 Where the Council wishes to sponsor an event or service, employees must declare to their manager any benefit that they or any partner, spouse or relative benefit from such sponsorship. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest.
- 9.3 The above should be read in conjunction with the [Policy on Register of Gifts and Hospitality](#).

10. **Anti- Corruption and Bribery**

- 10.1 Bribery and/or Corruption have no place in the activities of the Council. The Council's policy is to conduct all of its business in an honest and ethical manner and employees must not promise, give, request, accept or receive a financial or other advantage to induce or reward a person with respect to the improper performance of a relevant function or activity.
- 10.2 It is a criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person.
- 10.3 Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. In particular, employees should not seek to obtain financial advantage for themselves or any other person or organisation through the improper use of the Council's financial resources or application of its systems or procedures.
- 10.4 The above should be read in conjunction with the [Anti-corruption and Bribery Policy](#).

11. **Appointment and Other Employment Matters**

Employees involved in appointments should ensure that these are made on the basis of merit and in accordance with the Council's recruitment and selection procedures. It is unlawful for the Council to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in the recruitment appointment or any other decision relating to discipline, promotion, pay and conditions of a person to whom they are related or have a close personal relationship.

12. **Outside Commitments**

- 12.1 Some employees are required to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

- 12.2 Employees should follow their Council's rules on the ownership of intellectual property or copyright created during their employment as detailed in the [Financial Regulations](#).
- 12.3 The above should be read in conjunction with the [Financial Regulations](#) and [Employees Declarations of Interest](#).
- 12.4 Any matter, or thing capable of being patented under the Patents Act 1977, made developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the Council through the appropriate service manager and subject to the provisions of the Patents Act, it will belong to and be the absolute property of the Council.

13. **Personal Interests**

- 13.1 Employees must declare to an appropriate manager any financial and/or non-financial interests that they consider could bring about conflict with the authority's interests.
- 13.2 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 13.3 Employees must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- 13.4 The above should be read in conjunction with the [Employees Declarations of Interest](#).

14. **Equality Issues**

All employees of the Council must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the public, customers and other employees have a right to be treated with fairness and equity.

The above should be read in conjunction with the [Statement of Intent on Equality and Diversity](#).

Appointments to Other Bodies

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Sandwell Metropolitan Borough Council

Appointments to Other Bodies

Appointments to Other Bodies - National Organisations

National Organisation	Term of Office	Nomination(s)	Notes
Federation of Burial and Cremation Authorities	3 years expiring 2018	Councillor Dr Crumpton	
Local Government Association – General Assembly	1 year expiring 2016	Deputy Leader of the Council (5 votes) Non-voting members:- Leader of the Council Director - Regeneration and Economy	LGA Executive Meetings – any places allocated to Sandwell on Executive Meetings will be dealt with through the regional political groups

National Organisations cont

National Organisation	Term of Office	Nomination(s)	Notes
Local Government Information Unit – Management Committee	1 year expiring 2016	Deputy Leader of the Council and Cabinet Member for Finance and Resources or his nominee	
PATROL Adjudication Joint Committee (Parking and Traffic Regulations Outside London)	1 year expiring 2016	Cabinet Member for Highways and Environment Substitute member - Cabinet Member for Regeneration and Economic Investment	

Appointments to Other Bodies - Regional Organisations

Regional Organisation	Term of Office	Nomination(s)	Notes
Association of Black Country Authorities	1 year expiring 2016	Leader of the Council (substitute: Cabinet Member for Regeneration and Economic Investment)	
Beacon Centre for the Blind	1 year expiring 2016	Councillor Allen	Non-Voting Advisory Capacity Only.
Court of the University of Birmingham	5 years expiring 31st December, 2020	Councillor Dr Crumpton Councillor Sandars	
Midlands Joint Advisory Council for Clean Air and Noise Control	1 year expiring 2016	Cabinet Member for Highways and Environment Chair of Community Safety, Highways and Environment Scrutiny Board Director – Homes and Communities	

Regional Organisations cont

Regional Organisation	Term of Office	Nomination(s)	Notes
Midlands Joint Advisory Council for Environmental Protection	1 year expiring 2016	Cabinet Member for Highways and Environment Chair of Community Safety, Highways and Environment Scrutiny Board Director – Homes and Communities	
Midland Regional Association for the Deaf	1 year expiring 2016	Councillor Y Davies Councillor Hackett	
West Midlands Fire and Rescue Authority	1 year expiring 2016	Councillor Edwards* Councillor Tranter Councillor Shackleton	* Denotes Lead Member (Section 41)
West Midlands Home and Leisure Safety Council	1 year expiring 2016	Councillor Frazer	

Regional Organisations cont

Regional Organisation	Term of Office	Nomination(s)	Notes
West Midlands Integrated Transport Authority	1 year expiring 2016	Leader of the Council Substitute voting member: Deputy Leader (Statutory)	
Transport Delivery Committee - West Midlands Integrated Transport Authority (formerly known as Centro Members)	1 year expiring 2016	Councillor R Horton* Councillor Eaves	*Denotes Lead Member (Section 41)
Transport Authority Overview and Scrutiny Joint Committee	1 year expiring 2016	Councillor Dhallu	
West Midlands Metropolitan Area Canals Partnership	1 year expiring 2016	Councillor Moore Councillor Trow	
West Midlands Police and Crime Panel	1 year expiring 2016	Councillor Cooper Named alternate: Councillor Webb Named alternate for Dudley MBC: Councillor D Hosell	

Regional Organisations cont

Regional Organisation	Term of Office	Nomination(s)	Notes
West Midlands Regional Health Scrutiny Chairs Group	1 year expiring 2016	Chair of Health and Adult Social Care Scrutiny Board	
West Midlands Strategic Migration Partnership Board	1 year expiring 2016	Leader of the Council	
Pensions Committee, Investment Advisory Sub-Committee and Pensions Joint Consultative Forum	1 year expiring 2016	Councillor Hevican (or nominee: vacant)	

Appointments to Other Bodies - Partnership Organisations

Partnership Organisation	Term of Office	Nomination(s)	Notes
Birmingham Airport Holdings Limited – Main Board	2 years expiring 2017	Councillor Piper	
Birmingham International Airport - Airport Consultative Committee	1 year expiring 2016	Councillor Dr T Crumpton	
Black Country Consortium	1 year expiring 2016	Leader of the Council	As a Director and a Guarantee Member.
Black Country Local Enterprise Partnership	1 year expiring 2016	Leader of the Council Cabinet Member for Regeneration and Economic Investment	
Black Country Partnership NHS Foundation Trust - Assembly of Governors	For length of office of member	Leader of the Council	

Partnership Organisations cont

Partnership Organisation	Term of Office	Nomination(s)	Notes
Black Country Waste Management Forum	1 year expiring 2016	Cabinet Member for Highways and Environment	
Clinical Governance Committee	1 year expiring 2016	Chair of Health and Adult Social Care Scrutiny Board	New body
Corporate Parenting Board	1 year expiring 2016	Cabinet Member for Children's Services Councillor Hadley Councillor L Horton Councillor Shackleton Councillor Webb	Cabinet Member with responsibility for Children's Services + 4 members Chair and Vice-Chair of Children's Services Scrutiny Board participating observers
Local Improvement Finance Trust (LIFT) – Strategic Partnership Board	1 year expiring 2016	Assistant Chief Executive (or her nominee)	
Local Sustainable Transport Fund (Local Sustainable Transport Fund Member Programme Board)	1 year expiring 2016	Cabinet Member for Regeneration and Economic Investment	Cabinet Member with responsibility for transport

Partnership Organisations cont

Partnership Organisation	Term of Office	Nomination(s)	Notes
Partnership Board for Community Services	1 year expiring 2016	Cabinet Member for Adult Social Care and Health Alternate Member: Councillor S Jones	
Raising Participation Group	1 year expiring 2016	Cabinet Member for Children's Services	Successor body to the Sandwell 14-19 Partnership Board.
Right Care Right Here Partnership Board	1 year expiring 2016	Cabinet Member for Adult Social Care and Health Director - Adult Social Care	
River Trent Regional Flood and Coastal Committee	1 year expiring 2016	Cabinet Member for Highways and Environment (nominated substitute: Councillor Khatun)	
Sandwell Arts Trust Board	1 year expiring 2016	Councillor Dhallu Councillor Sandars	Company is still in existence and the Board will continue until the wind up process has been completed.

Partnership Organisations cont

Partnership Organisation	Term of Office	Nomination(s)	Notes
Sandwell Futures Ltd Board (and HoldCo Board)	Indefinite appointment	Assistant Chief Executive (alternate: Director – Homes and Communities)	Appointed as the Local Education Partnership Director for Sandwell Futures and PFI 1 Director for HoldCo
Sandwell Leisure Trust	1 year expiring 2016	Councillor P Hughes* Councillor L Horton	* denotes nominated member to answer written questions
Sandwell Local Access Forum	1 year expiring 2016	Councillor D Hosell Councillor S Hosell Councillor Tranter	Elected member representatives would ideally address any areas of interest that appeared to be under represented at that time – in particular Land Management.
Standing Advisory Council on Religious Education (SACRE)	1 year expiring 2016	Cabinet Member for Children's Services Councillor Melia Nominated representatives: Councillor B Price and Shackleton respectively	

Partnership Organisations cont

Partnership Organisation	Term of Office	Nomination(s)	Notes
W2R Contract Management Board	1 year expiring 2016	Cabinet Member for Finance and Resources Director - Street Scene	
West Midlands Employers	1 year expiring 2016	Leader of the Council	West Midlands Employers retained as freestanding Regional Employers Organisation (West Midlands Council ceased March 2013)
West Midlands Joint Committee	1 year expiring 2016	Leader of the Council* Deputy Leader of the Council**	* Voting member ** Substitute voting member (Chair of each Joint Authority for Police, Fire and Transport to be ex-officio members but with no voting rights)

Appointments to Other Bodies - Civic Organisations

Civic Organisation	Term of Office	Nomination(s)	Notes
Safer Sandwell Partnership	1 year expiring 2016	Leader of the Council Councillor Allen Councillor Webb	Cabinet Portfolio Holder for crime and disorder issues

Appointments to Other Bodies - Local Organisations

Local Organisation	Term of Office	Nomination(s)	Notes
Akrill Trust	4 years expiring 2019	Councillor Cooper Councillor L Horton Councillor Webb	
Barlow Homes Committee of Management	1 year expiring 2016	Councillor Dr Crumpton Councillor S Davies Councillor Y Davies Councillor Frear Councillor Goult	
- Barlow Samaritan Fund for Teachers and Scholars – Committee of Management	1 year expiring 2016	The Mayor Councillor Y Davies Councillor Downing Councillor Goult	
George and Thomas Henry Salter Trust	1 year expiring 2016	The Mayor	Ex-officio appointment only

Local Organisations cont

Local Organisation	Term of Office	Nomination(s)	Notes
Mackmillan Educational Foundation	4 years expiring 2019	Councillor Carmichael Councillor B Price	Other representatives: 4 years expiring 2016 Mr Hamblett Councillor Webb 4 years expiring 2017 Councillor Eaves Councillor Shackleton Councillor Bridges
Margaret Westwood Memorial Charity	4 years expiring 2019	Councillor Downing	
Rowley Quarry Residents Liaison Group	1 year expiring 2016	Ward Blackheath Councillor Carmichael Rowley Councillor Eaves Tividale Councillor Crompton	
Sandwell Academy Governing Body	1 year expiring 2016	Councillor Shackleton	

Local Organisations cont

Local Organisation	Term of Office	Nomination(s)	Notes
Sandwell Admissions Forum	4 years expiring 2016	Councillor Dr Crumpton Councillor Webb	
Sandwell Advice and Moneylink	1 year expiring 2016	Councillor Y Davies	
Sandwell Twinning Association	1 year expiring 2016	The Mayor Councillor Dhallu Councillor Hackett (or their nominee: Councillor J Underhill)	Ex-officio appointment
Wednesbury Sports Union Council of Management	1 year expiring 2016	Councillor P Hughes Councillor Lewis	