

# Scheme of Delegation

## 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);
- 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 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 the Chief Executive and each Director, to make decisions under those functions listed in the "All Directors" section of this Scheme of Delegation.
- the Chief Executive will nominate an Executive Director to act in his/her absence, or where he/she is unable to make a decision due to a conflict of interest, with the exception of any decisions which relate to the duty of the office of Monitoring Officer or Section 151 Officer.
- The 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 ?”

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## Chief Executive/Head of Paid Service

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Assuming Responsibility for the Management of Budgets</b>                      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 Executive Director – Resources 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><b>Birmingham International Airport Shares</b>                      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><b>Birmingham International Airport Districts Side Agreement</b>                      The Chief Executive, or in his/her absence, the appointed Deputy Chief Executive, in consultation with the Chair or Vice Chair of the Joint Committee, be authorised to discharge all functions in relation to Birmingham Airport Holdings Limited, as provided for at Clause 5.4 of the Birmingham Airport Districts Side Agreement, and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith, in consultation with the Council’s Director of Law and Governance and Monitoring Officer 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

### **Closure Powers -**

To act and/or authorise any Director(s) or any other designated officer to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issuing, cancellation, or variation of a closure notice covering a period of up to 24 hours.

To act and/or authorise any Director(s) or any other designated officer to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issuing, cancellation or variation of a closure notice covering a period of up to 48 hours.

Anti-Social Behaviour, Crime and Policing Act 2014

### **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.

Chief Executive (cont)	
Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Representation of the People Act 1983 – Proper Officer</b>  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>	
<p><b>Civil Contingencies and Civil Emergencies</b>  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.</p>	
<p>The power to take decisions which are determined to be urgent when the Cabinet or a Committee is unable to meet, in consultation as appropriate with the Chair of the relevant Overview and Scrutiny Committee or the Mayor or Deputy Mayor.</p>	
<p>The taking of any action necessary, including the incurring of expenditure in accordance with Financial Regulations, in connection with an emergency or disaster in the Borough.</p>	
<p>The exercise of powers delegated to any Officer when that Officer is unavailable or unable to act.</p>	

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>  The Chief Executive, the Chief Finance Officer of the Council and Director of Law and Governance and Monitoring Officer 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><b>Signing of Documents / Common Seal</b>  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 of Law and Governance and Monitoring Officer where appropriate).</p>	

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

Authority to Act	Commentary
<b>Category E</b> 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	

## Executive Director - Resources

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Localism Act 2011 - List of Assets of Community Value</b>                      Section 92 - To review, and to authorise others to review, a decision of the Executive Director - Neighbourhoods to include land on the list of assets of community value.                      Section 99 - to administer compensation schemes.</p>	
<p><b>Mental Capacity Act 2005</b>                      To act as authorised signatory in the absence of the Executive Director of Adult Social Care, Health &amp; Wellbeing) 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:                       Exemptions 1, 2 and 5</p>
<p><b>Settlement for Civil Litigation not exceeding £250,000</b>                      With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director of Law and Governance and Monitoring Officer 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                       Exemption 1, 2, 3 and 5</p>

## Executive Director – Resources (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      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><b>Employment Tribunals</b>                      Where the Director of Law and Governance and Monitoring Officer 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 &amp; 2 may apply</p>
<p><b>Longlisting and Shortlisting of Candidates for Chief Officer Posts</b>                      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 &amp; 2 may apply</p>
<p><b>Settlement for Civil Litigation not exceeding £250,000</b>                      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 &amp; 5 may apply</p>

**Executive Director – Resources (cont)**

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

Delegation	Commentary
<b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
<b>Local Government Pension Scheme Regulations 2013</b> In consultation with the appropriate Director, to determine requests for Re-Employed and Rejoining Deferred Members under the Local Government Pension Scheme Regulations 2013.	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1,2 and 3 may apply

Authority to Act	Commentary
<p><b>Category E</b>            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><b>Politically Restricted Posts</b>            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). Local Government and Housing Act 1989 (as amended)</p>	
<p><b>Regulation of Investigatory Powers Act (RIPA) 2000</b>            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 RIPA to reflect changes in legislation and guidance accordingly.</p>	
<p><b>Trade Union Ballots</b>            To approve the use of balloting facilities by all trade unions recognised by the Council as and when necessary.</p>	



## Chief Finance Officer/Section 151 Officer

Delegation	Commentary
<p><b>Category A – Executive</b> 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><b>Aid to Industry Loans - Arrears</b> To determine any cases of arrears in consultation with the Director - Regeneration and Planning and the Director of Law and Governance and Monitoring Officer, until any deviation from the terms of a loan is requested.  Sections 137 and 137A(2) Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 3 and 5</p>
<p><b>Appointment of External Auditor for Sandwell Children's Trust</b> To approve the appointment of the external auditor for Sandwell Children's Trust.</p>	
<p><b>Backdated Housing Benefit</b> To backdate, at his/her discretion, payments in regard to Housing Benefit.  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:  Exemptions 1, 2, and 3</p>
<p><b>Birmingham International Airport</b> 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.  Section 12 of the Local Government Act 2003</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 3 and 5</p>
<p><b>Claims for Compensation - Highways Act 1980</b> To assess and pay any claims for compensation for loss caused by public path creation order.  Section 28 - Highways Act 1980</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, and 3</p>
<p><b>Council Tax – Cases of Hardship</b> To determine requests for relief from payment of Council Tax for hardship cases in accordance with the Council's policy for administering such applications.  Section 13A of the Local Government Finance Act 1992</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemption 1,2 and 3</p>
<p><b>Council Tax Reduction Scheme</b> 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:  Exemption 1,2 and 3</p>

Chief Finance Officer (Continued)	
<p><b>Discretionary Housing Payments</b> 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><b>Discretionary Rate Relief from Non-Domestic Rates</b> 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><b>Acquisition and Disposal of Council-Owned Land and Buildings</b></p> <p>To acquire and dispose of land and property in consultation with the Director – Regeneration and Planning and Director of Law and Governance and Monitoring Officer on terms to be agreed in accordance with authority delegated to him/her and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Investigation of Fraud</b> 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 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>
<p><b>Local Council Tax Reduction and Housing Benefit</b> 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/Section 151 Officer (cont)

<p><b>Local Welfare Provision</b> 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><b>Money Laundering Regulations 2007</b> 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><b>Mortgage Applications</b> 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><b>Mortgaging of Interests</b> 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><b>Non-Domestic Rates Reductions</b> 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:</p> <p>Section 49 of the Local Government Finance Act 1988.</p>	
<p><b>Private Sector Housing - Civil Penalties</b> Certify non-receipt of civil penalty imposed instead of prosecution for poor housing conditions and related offences</p> <p>Housing and Planning Act 2016</p>	
<p><b>Sandwell Children's Trust – Reserved Matters</b></p> <ul style="list-style-type: none"> <li>(i) enter into any future borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved in the Business Plan; (Articles of Association ref. 9.2.3);</li> <li>(ii) deal with any future surpluses of the Sandwell Children's Trust, other than those surpluses which are agreed, pursuant to the Services Delivery Contract, shall be retained by the Sandwell Children's Trust (Articles of Association ref. 9.2.4);</li> <li>(iii) amend the Sandwell Children's Trust's bank mandates (Articles of Association ref. 9.2.5);</li> </ul>	

<p>(iv) acquire or dispose of any assets of the Sandwell Children's Trust with an aggregate value not exceeding £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.8);</p> <p>(v) approve or amend the Business Plan (Articles of Association ref. 9.2.13);</p> <p>(vi) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by third parties to the Sandwell Children's Trust) with a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.15);</p> <p>(vii) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by the Sandwell Children's Trust to third parties) with either a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.16).</p>	
<p><b>Security for Unpaid Council Tax - Charge on properties</b></p> <p>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>
<p><b>Use/Expenditure of Outstanding 1-4-1 Right to Buy Receipts</b></p> <p>(1) enter into formal negotiations with owners of land and property that provide an opportunity to increase the availability of council housing in the borough through the acquisition of land for future housing development, purchase of existing residential property/accommodation, other property suitable of conversion to residential accommodation or other land or property acquisition that provides an opportunity to increase the council housing stock/provision</p>	

<p>(“Suitable Assets”);</p> <p>(2) subject to the satisfactory determination of a value for money evaluation and negotiations, as necessary, in relation to all Suitable Assets, to complete the acquisition/purchase of any Suitable Assets to a maximum value of £1,000,000 per transaction;</p> <p>(3) all acquisitions made pursuant to (1) and (2) above shall be funded using 1-4-1 receipts (30%) and HRA (70%) approved budgets.</p>	
<p><b>Void Properties - Completion Notices</b>  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.</p> <p>Paragraph 1 schedule 4A 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, 3 and 5</p>
<p><b>Budgetary and Financial Reserve Management in response to an Civil Emergency or Civil Contingency</b></p> <p><b>In consultation with the relevant cabinet member, Chief Executive and Director, to repurpose budgets and financial reserves to meet service demand arising from the Covid-19 virus;</b></p>	

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Capital Expenditure and Capital Receipts</b>  Authorised to make the following capital determination under the Local Government Act 2003:-</p> <ul style="list-style-type: none"> <li>(a) the amount of capitalised expenditure to be reimbursed or met out of money provided by any other person;</li> <li>(b) the level of capital receipts applied to meet capital expenditure;</li> <li>(c) the amount set aside from revenue to meet debt redeem;</li> <li>(d) the amount of housing related receipts set aside under the pooling arrangements and the associated payment to Central Government.</li> </ul> <p>Chapter 1, Local Government Act 2003</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Insurance</b>  To agree the Council's insurance arrangements.  Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Loans Management</b></p> <ul style="list-style-type: none"> <li>(a) appointment of Registrar - stocks and bonds etc.</li> <li>(b) local authority (negotiable bonds);</li> <li>(c) bank overdraft facilities;</li> <li>(d) negotiate and arrange borrowing facilities which support the Council's investment plans</li> </ul> <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Management of Budgets</b>  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).</p> <p>Section 151 Local Government Act 1972</p>	
<p><b>Service Level Agreements with Partnerships</b>  To negotiate and agree service level agreements between the Council and relevant external partnerships.   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>Exemptions 1 ,2, 3 &amp; 5 may apply</p>

**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 /Section 151 Officer (cont)**

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>            Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>            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><b>Instruction of Enforcement Agents</b>             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</p>	
<p><b>Loans Issued by the Council</b>            Authorised to compile and maintain the register giving particulars of all loans issued by, or to the Council, on or after 1<sup>st</sup> April 1990.             Section 1 Local Government Act 2003.</p>	
<p><b>Sandwell Land and Property Company</b>            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)</p>	



Chief Finance Officer/Section 151 Officer (cont)

**Mortgage Interest Rates**

To determine interest rates to apply to mortgages in accordance with:

Schedule 16 of the Housing Acts 1985.

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Areas of Laid Out Open Space, and Open Space Land with Known Contamination, Potential Contamination, Other Ground Condition Problems/Encumbrances or Legal Problems</b></p> <p>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 and the Localism Act 2011 (in relation to the Community Infrastructure Levy)</p>	
<p><b>Externally Funded Programmes - Administration and Monitoring Budget</b></p> <p>To administer all externally funded programmes in respect of the Council, 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>
<p><b>External Funding Awarded to Council</b></p> <p>To authorise the allocation of external funding awarded to the Council, subject to prior consultation with the Leader/Deputy Leader.</p>	

Chief Finance Officer/Section 151 Officer (cont)

Authority to Act	Commentary
<p><b>Category E</b>                      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><b>Deputy Section 151 Officer</b></p> <p>To delegate all powers exercisable to the Deputy Section 151 Officer in his/her absence.</p>	



## Director of Law and Governance and Monitoring Officer

Delegation	Commentary
<p><b>Category A – Executive</b> 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><b>Acquisition and Disposal of Property</b> To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Planning, on terms to be agreed in accordance with authority delegated to him/her and with the Chief Finance Officer/Section 151 Officer and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</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><b>Acquisition of Open Space Land by the Council</b> In consultation with the Director - Regeneration and Planning 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 Director - Regeneration and Planning.</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><b>Adoption and Children Act 2002</b> In consultation with the Director - Children and Families, to authorise Court Proceedings under:</p> <ul style="list-style-type: none"> <li>- Section 22 (Application for a Placement Order);</li> <li>- Section 23 (Application to vary a Placement Order);</li> <li>- Section 24 (Application to revoke a Placement Order);</li> <li>- 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);</li> <li>- Section 27 (Application to vary or revoke Contact Order); and</li> <li>- Section 28 (Application for a Recovery Order).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2 and 5</p>
<p><b>Advertisements - Town and Country Planning Act 1990 - Section 224(3)</b> 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>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Advances for House Purchase</b> To accept any offers by Building Societies to assist the Council by accepting nominated applicants in respect of advances for house purchase.</p> <p>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 – Housing and Communities 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><b>Agreements in Respect of Land and Property</b> 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 Planning in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</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><b>Agricultural Rents - Rent (Agriculture) Act 1976 (as amended)</b> <b>Section 20</b> To take proceedings relating to avoidance of requirements for advance payment of rent under Section 20 of the Rent (Agriculture) Act 1976. <b>Section 21</b> 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><b>Attendance at Court</b> 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>	
<p><b>Assets of Community Value</b> 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><b>Authorisation to Enter - Performing Animals (Regulation) Act 1925 (Section 3)</b> 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>	

**Acquisition and Disposal of Council-Owned Land and Buildings**

To acquire and dispose of land and property in consultation with the Director – Regeneration and Planning on terms to be agreed in accordance with authority delegated to him/her and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

**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

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

Exemptions 3 and 5

**Blight Notices**

Upon receipt of a Blight Notice, following consultation with the Director - Regeneration and Planning or the Executive Director - Neighbourhoods, 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 Planning or Lands Tribunal.

Section 151 of the Town and Country Planning Act 1990.

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

Exemptions 1, 2 and 3

**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).

To apply for orders under Section 77 of the Building Act, 1984 where he/she is satisfied that the necessary evidence is available.

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

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

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Call Off Arrangements for Land Referencing Panel</b>                  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><b>Change to a Child's Birth Certificate - Family Law Act 1986</b>                  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><b>Coat of Arms</b>                  To approve applications for the use of the Coat of Arms of Sandwell and the former Authorities falling within the Borough Boundaries.</p>	
<p><b>Community Right to Challenge</b>                  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><b>Compensation under Compulsory Purchase, Demolition or Prohibition Orders</b>                  To make payment of appropriate compensation, on terms agreed by the Director - Regeneration and Planning, under compulsory purchase, demolition or prohibition orders.</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><b>Compulsory Purchase</b>                  In consultation with the Director - Regeneration and Planning, 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>

**Director of Law and Governance and Monitoring Officer (cont)**

**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).

Children Act 1989 as amended by the Children and Young Persons Act 2008 and the Children and Families Act 2014

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

Exemptions 1, 2, 5, 6 and 7

**Court Proceedings under the Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007**

In consultation with the relevant Directors, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-G,J-M,O AND Q--S of the Act.

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

Exemptions 1, 2 and 5

**Coroners and Justice Act 2009**

To exercise the functions of the local authority under the Coroners and Justice Act 2009

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

Exemptions 1 and 2

**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.

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

Exemptions 1, 2, 3, 5 and 7

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Debt Recovery and Enforced Dwelling Sale</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, 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.                  Town and Country Planning Act 1990 as substituted by the Planning and Compensation 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><b>Defective Dwellings</b>                  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).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings - Repurchase</b>                  To repurchase 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) on terms to be agreed by the Director - Regeneration and Planning.</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><b>Developments under Footpaths</b>                  To enter into agreements concerning applications to allow foundations of developments to extend beneath footpaths where the Director – Regeneration and Planning 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><b>Discontinuance of Deemed Consent</b>                  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>



## Director of Law and Governance and Monitoring Officer (cont)

<p><b>Discontinuance Orders - Enforcement</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Disposal of Land and Premises at Auction</b>                  To dispose of land and/or premises at auction where the Director – Regeneration and Planning estimates the value of the land/property being offered for sale is less than £100,000 but the bid price exceeds that amount in accordance with the Disposal of Council-owned land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	
<p><b>Disposal of Land and Premises up to £100,000</b>                  To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Planning, in accordance with the authority delegated to him in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</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><b>Disturbance Payments</b>                  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>
<p><b>Electoral Registration</b>                  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><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Enforcement Notice Securing Compliance</b>                  In consultation with the Director - Regeneration and Planning, 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>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Ethical Standards and Member Development Committee Independent Members</b> 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><b>False Statements under the Housing Act 1996 – S14</b> 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 Exempt 1,2, 3</p>
<p><b>Former Mining Land - Entry to and works on land -</b> 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><b>Hazardous Substances Authority - Planning (Hazardous Substances) Act 1990 - Section 23</b> In consultation with the Director - Regeneration and Planning, 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  Exemptions 1, 2, 3 and 6</p>
<p><b>Hazardous Substances Consents - Powers to revoke, modify, apply for confirmation and to pay compensation</b> In consultation with the Director - Regeneration and Planning 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  Exemptions 1, 2 and 3</p>
<p><b>Hazardous Substances Contravention Notice</b> In consultation with the Director - Regeneration and Planning, 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  Exemptions 1, 2, 3 and 6</p>
<p><b>Highways Act 1980</b></p> <ul style="list-style-type: none"> <li>- To enter into agreements pursuant to Sections 4, 8 and 38 of the Highways Act 1980</li> <li>- To instigate proceedings under Sections 132, 137, 140 and 143 of the Highways Act 1980 where he/she is satisfied as to the evidence.</li> <li>- Section 154 – Failure to Comply with Letters of Request</li> <li>- Section 177 – To grant a licence in consultation with the Director – Regeneration and Planning.</li> <li>- To instigate proceedings under Section 219 of the Highways Act 1980 in consultation with the Director – Regeneration and Planning.</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1,2, 3, 6 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Images of Council Buildings or Facilities or Historical Artefacts or Documents and Copyright</b>            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>	
<p><b>Injunctions</b>            In consultation with the Director - Regeneration and Planning, 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><b>Interests in Land:            Section 297, Highways Act 1980</b>            To serve notices requiring information under the provisions of Section 297 of the Highways Act 1980 regarding the ownership of the land.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Sections 5A and 5B, Acquisition of Land Act 1981            Power to require information</b>            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><b>Land and Premises Previously Owned by the Council - Consent to Alter or Erect Premises or Change the Use</b>            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 Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Landlord and Tenant Act 1985</b></p> <p><b>Section 1</b> 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.</p> <p><b>Section 2</b> 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.</p> <p><b>Section 3</b> 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> <p><b>Section 7</b> 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>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Section 25</b> (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><b>Legal Proceedings (Executive Matters)</b> 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 E 1 to 7</p>
<p><b>Letting of Garage Plots</b> 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 Executive Director – Neighbourhoods in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</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>

## Director of Law and Governance and Monitoring Officer (cont)

<p><b>Listed Buildings and Conservation Areas - Prosecution</b>                  In consultation with the Director - Regeneration and Planning, 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"> <li>- Sections 7 and 9 as amended by the Planning and Compensation Act 1991 (Prosecution).</li> <li>- Section 11(6) and Section 21(7) (Prosecution for false information).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Lost and Uncollected Property</b>                  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>
<p><b>Management of Leased Premises</b>                  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 Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Members Interests Dispensation - Localism Act 2011</b>                  To grant dispensations under grounds (a) and (d) of Section 33(2) of the Localism Act 2011.</p>	
<p><b>Mineshafts - Acquisition</b>                  To acquire mineshafts where required in connection with Council developments, on terms to be agreed by the Director - Regeneration and Planning.</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><b>Monitoring Officer (Executive Authority) - Local Government and Housing Act 1989 –</b>                  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><b>Notice to Treat and of Entry and Action to Obtain Possession</b>                  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>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Notices to Quit/Notices of Seeking Possession</b> 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>
<p><b>Obstruction of an Officer</b> 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><b>Open Space Land on Housing Developments</b> 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 Planning.</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><b>Overcrowding:</b></p> <p>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 of Law and Governance and Monitoring Officer (cont)**

<p>Section 338(1), Housing Act 1985 In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, 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.</p>	
<p><b>Parades and Processions</b> To make orders for parades and processions under the Town Police Clauses Act, 1847, in consultation with the Director – Regeneration and Planning.</p>	
<p><b>Planning Contravention and Enforcement Notices</b> 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.</p> <p>In consultation with the Director – Regeneration and Planning, 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.</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><b>Powers of Entry over Land and Buildings</b> In consultation with the Director - Regeneration and Planning:</p> <p>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).</p> <p>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>To exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 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.</p> <p>To authorise appropriate officers to enter premises under Section 95 of the Building Act, 1984</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, and 6 may apply.</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Procurement of External Legal Services</b>                  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.</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemption 3</p>
<p><b>Prohibition and Demolition Orders:</b>                   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 Executive Director – Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises.                  Section 265 Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p>To make a Demolition Order under Section 265 of the Housing Act 1985 where the Executive Director - Adult Social Care, Health and Wellbeing 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 has 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</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p><b>Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Prosecution for False Information</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 194 of the Town and Country Planning Act 1990 (Prosecution for false information).                   In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 8(6) of the Planning (Hazardous Substances) Act 1990 (Prosecution for false information).                   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                   Exemptions 1, 2, 3 and 7</p>



Director of Law and Governance and Monitoring Officer (cont)

<p><b>Prosecutions for Damage</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Protection From Eviction Act 1977 - Section 1</b>                  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><b>Purchase Notices</b>                  Upon receipt of a purchase notice, following consultation with the Director - Regeneration and Planning 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 Planning.</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>
<p><b>Purchase of Properties in Clearance Areas</b>                  At the request of the Executive Director – Adult Social Care, Health and Wellbeing or Executive Director - Neighbourhoods, 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 Planning.</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><b>Registering Legal Charges against a Private Property when the occupier becomes a permanent resident in Residential and Nursing Homes</b>                  In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, 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>

Director of Law and Governance and Monitoring Officer (cont)

**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.

**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

**Rent Matters - Rent Act 1977**

**Section 81.**

To take proceedings relating to requiring or receiving a payment in excess of the registered rent under a restricted contract.

**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.

**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

**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

**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.

**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.

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

Exemptions 1, 2 and 3

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Removal of Lift Equipment</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to seek court orders for the removal of lift equipment provided to disabled persons, which in the opinion of the Director - Housing and Communities is dangerous or faulty.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2</p>
<p><b>Repayment of Outstanding Accommodation Costs - Health and Social Services and Social Security Adjudications Act 1983</b>                  In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, 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.</p> <p>In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, to discharge such legal charge, to remove such restriction or to cancel such class B Land Charge.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1,2 and 5</p>
<p><b>Rights of Entry for Enforcement Purposes</b>                  In consultation with the Director - Regeneration and Planning, 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).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Right of Way Over Council Land</b>                  Where appropriate, to offer and agree Right of Way agreements in perpetuity on terms to be agreed by the Director - Regeneration and Planning in the following instances, subject to payment of the Council's legal fees: -</p> <ul style="list-style-type: none"> <li>- when such rights have previously been granted to former Council tenants;</li> <li>- when property with an existing agreement changes hands;</li> <li>- when a request is received for a new agreement to be granted.</li> </ul> <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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Right-of Way - Transfers</b>                  Subject to the Executive Director - Neighbourhoods and the Director - Regeneration and Planning 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><b>Road Works – Public Notices</b>                  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 and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 6</p>
<p><b>School Companies</b>                  In consultation with the –Director – Education, Skills and Employment, 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><b>Service Charges for Housing - Housing Act 1985</b>                  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 Executive Director - Neighbourhoods, 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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Service Tenancy Agreements</b> 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><b>Temporary Traffic Regulation Orders/Notices for Temporary Road Closures</b> In consultation with the Director – Regeneration and Planning, 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><b>Use of Premises in Connection with Elections</b> 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><b>Vehicular Right of Way Over Housing Land</b> Grants/requests for vehicular rights-of-way over housing land at rents to be determined by the Director - Regeneration and Planning, in consultation with the Executive Director – Neighbourhoods.</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><b>Wildlife and Countryside Act 1981</b> 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>
<p><b>Withdrawal of Completion Notices</b> In consultation with the Director - Regeneration and Planning 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>

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Civil Marriages - Licensing of Premises</b>  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 Executive Director - Resources considers it appropriate to do so;  To determine fees for a review undertaken by the Licensing Committee of a decision by the Executive Director - Resources 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><b>Commons Land</b></p> <p>Section 41 of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, 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>Section 45(2) (a) of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, 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 Planning, 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>Individual Rights:</p>
<p><b>Completion Notices</b>  In consultation with the Director - Regeneration and Planning, 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>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Cross Border Prosecutions in Non-Executive Matters</b>                  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                   Exemptions 1,2,6 and 7</p>
<p><b>Discontinuance Notices</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Employment Tribunals</b>                  In consultation with the Executive Director - Resources, 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                   Exemptions 1,2 3 6 and 7 may apply</p>
<p><b>Education Statutory Appeals Panels</b>                  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;                   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;                  To appoint as necessary persons from the pool referred to above to act as Chairs of Appeals Panels.</p>	
<p><b>Electoral Fees</b>                  In consultation with the appropriate Cabinet Member, to approve the fees payable to Polling Station, Counting and Poll Card Delivery staff for local elections.                   Section 54 of the Representation of the People Act 1983.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Enforcement of Conditions</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, 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>
<p><b>Entry to Properties or Land</b>                  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><b>High Hedges</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Highways Act 1980</b>                  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><b>Injunctions</b>                  In consultation with the Director - Regeneration and Planning, 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 Planning, 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>



**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Injunctions in Respect of Tree Preservation Orders</b>                  In consultation with the Director - Regeneration and Planning, 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>
<p><b>Interests in Land</b>                  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><b>Legal Proceedings (Non-Executive Matters)</b>                  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</p>
<p><b>Licensing Sub Committee</b>                  In consultation with the Chair of the Licensing Committee, to select replacement members from the Licensing Committee as necessary to serve on Licensing Sub Committees 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><b>Local Government and Housing Act 1989 – Monitoring Officer – Non-Executive Matters</b>                  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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Members' Allowances</b></p> <ul style="list-style-type: none"> <li>- To approve attendance of members at conferences and/or seminars;</li> <li>- In consultation with the appropriate Cabinet Member:–             <ul style="list-style-type: none"> <li>(a) to consider and determine any dispute regarding the interpretation of the approved duties set out in Schedule 1 to the Members Allowances Scheme;</li> <li>(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”;</li> </ul> </li> <li>- 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.</li> </ul>	
<p><b>Minor Amendments to Section 106 Agreements and Community Infrastructure Levy (CIL) arrangements.</b> To deal with minor variations or minor amendments, 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</p>
<p><b>New Roads and Street Works Act 1991 Section 50 - Street works licence Applications</b> 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</p>
<p><b>Planning Agreements Section 106, Town and Country Planning Act 1990</b> 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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Planning Contravention and Enforcement Notices</b>                  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.                   - 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                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Powers of Entry over Land and Buildings</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2 6 and 7 may apply</p>
<p><b>Repairs Notice</b>                  In consultation with the Director - Regeneration and Planning 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                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Require Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Rights of Entry in connection with Tree Preservation Powers</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Special Events on Roads</b>                  In consultation with the Director – Regeneration and Planning, to make Orders under Section 16A of the Road Traffic Regulation Act 1984 for special events on roads.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Stop Notices</b> In consultation with the Director - Regeneration and Planning, to issue Stop Notices under Sections 183, 184 and 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><b>Temporary Listing: Building Preservation Notices</b> In consultation with the Director - Regeneration and Planning, 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><b>Town and Village Green Applications</b> 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><b>Tree Preservation Orders</b> To exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 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><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer.</p>	
<p><b>Wildlife and Countryside Act 1981 - Section 53</b> 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 of Law and Governance and Monitoring Officer (cont)

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>                      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><b>Council Dwelling Sales</b>                      In consultation with the Director – Regeneration and Planning, to complete all legal documentation in relation to the sale of a Council dwelling in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Decant Accommodation</b>                      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.                      Section 123 Local Government Act 1972.</p>	
<p><b>Freedom of Information and Environmental Information</b>                      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>	
<p><b>Form of Identification for Members</b>                      To issue a form of identification to members on request.</p>	

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Documents</b> To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p><b>Improving or Perfecting Title to Council Land and Premises</b> In consultation with the appropriate Directors 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><b>Mutual Undertakings in Conjunction with Compulsory Purchase Orders Under Part II of the Housing Act 1985</b> 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><b>Recovery of Legal Costs for Disposal of Land</b> In consultation with the Director - Regeneration and Planning, 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><b>Sandwell Land and Property Company</b> 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>	
<p><b>Statements of Truth</b> To sign statements of truth on behalf of the Council in the course of legal proceedings</p>	

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Statutory Transfers</b> 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><b>Supply of Committee Agenda and Reports</b> To supply copies of Committee agenda and reports prior to Committee meetings at the request of individual Council members.</p>	

Director of Law and Governance and Monitoring Officer (cont)	
Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Public Paths</b> 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>	
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Land and Buildings Protocol 2016.</p>	

Director of Law and Governance and Monitoring Officer(cont)	
Authority to Act	Commentary
<p><b>Category E</b> 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><b>Agriculture (Miscellaneous Provisions) Act 1968 (Section 6)</b> 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 and Planning to carry out functions under the provisions of the said Act.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<b>Data Protection</b> To act as the Proper Officer in relation to all matters relating to Data Protection.	
<b>Local Authority Companies</b> 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).	
<b>Obtaining Legal Support and Advice</b> 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.	
<b>Proper Officer and Solicitor to the Council</b> 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.	
<b>Representation of the People Act 1983</b> 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.	
<b>Deputy Monitoring Officer</b>  To delegate all powers exercisable to the Deputy Monitoring Officer in their absence.	



## Director of Law and Governance and Monitoring Officer

Delegation	Commentary
<p><b>Category A – Executive</b> 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><b>Acquisition and Disposal of Property</b> To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Planning, on terms to be agreed in accordance with authority delegated to him/her and with the Chief Finance Officer/Section 151 Officer and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</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><b>Acquisition of Open Space Land by the Council</b> In consultation with the Director - Regeneration and Planning 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 Director - Regeneration and Planning.</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><b>Adoption and Children Act 2002</b> In consultation with the Director - Children and Families, to authorise Court Proceedings under:</p> <ul style="list-style-type: none"> <li>- Section 22 (Application for a Placement Order);</li> <li>- Section 23 (Application to vary a Placement Order);</li> <li>- Section 24 (Application to revoke a Placement Order);</li> <li>- 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);</li> <li>- Section 27 (Application to vary or revoke Contact Order); and</li> <li>- Section 28 (Application for a Recovery Order).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2 and 5</p>
<p><b>Advertisements - Town and Country Planning Act 1990 - Section 224(3)</b> 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>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Advances for House Purchase</b> To accept any offers by Building Societies to assist the Council by accepting nominated applicants in respect of advances for house purchase.</p> <p>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 – Housing and Communities 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><b>Agreements in Respect of Land and Property</b> 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 Planning in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</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><b>Agricultural Rents - Rent (Agriculture) Act 1976 (as amended)</b> <b>Section 20</b> To take proceedings relating to avoidance of requirements for advance payment of rent under Section 20 of the Rent (Agriculture) Act 1976. <b>Section 21</b> 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><b>Attendance at Court</b> 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>	
<p><b>Assets of Community Value</b> 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><b>Authorisation to Enter - Performing Animals (Regulation) Act 1925 (Section 3)</b> 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>	

**Acquisition and Disposal of Council-Owned Land and Buildings**

To acquire and dispose of land and property in consultation with the Director – Regeneration and Planning on terms to be agreed in accordance with authority delegated to him/her and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

**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

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

Exemptions 3 and 5

**Blight Notices**

Upon receipt of a Blight Notice, following consultation with the Director - Regeneration and Planning or the Executive Director - Neighbourhoods, 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 Planning or Lands Tribunal.

Section 151 of the Town and Country Planning Act 1990.

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

Exemptions 1, 2 and 3

**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).

To apply for orders under Section 77 of the Building Act, 1984 where he/she is satisfied that the necessary evidence is available.

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

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

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Call Off Arrangements for Land Referencing Panel</b>                  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><b>Change to a Child's Birth Certificate - Family Law Act 1986</b>                  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><b>Coat of Arms</b>                  To approve applications for the use of the Coat of Arms of Sandwell and the former Authorities falling within the Borough Boundaries.</p>	
<p><b>Community Right to Challenge</b>                  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><b>Compensation under Compulsory Purchase, Demolition or Prohibition Orders</b>                  To make payment of appropriate compensation, on terms agreed by the Director - Regeneration and Planning, under compulsory purchase, demolition or prohibition orders.</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><b>Compulsory Purchase</b>                  In consultation with the Director - Regeneration and Planning, 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>

Director of Law and Governance and Monitoring Officer (cont)

**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).

Children Act 1989 as amended by the Children and Young Persons Act 2008 and the Children and Families Act 2014

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

Exemptions 1, 2, 5, 6 and 7

**Court Proceedings under the Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007**

In consultation with the relevant Directors, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-G,J-M,O AND Q--S of the Act.

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

Exemptions 1, 2 and 5

**Coroners and Justice Act 2009**

To exercise the functions of the local authority under the Coroners and Justice Act 2009

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

Exemptions 1 and 2

**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.

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

Exemptions 1, 2, 3, 5 and 7

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Debt Recovery and Enforced Dwelling Sale</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, 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.                  Town and Country Planning Act 1990 as substituted by the Planning and Compensation 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><b>Defective Dwellings</b>                  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).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings - Repurchase</b>                  To repurchase 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) on terms to be agreed by the Director - Regeneration and Planning.</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><b>Developments under Footpaths</b>                  To enter into agreements concerning applications to allow foundations of developments to extend beneath footpaths where the Director – Regeneration and Planning 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><b>Discontinuance of Deemed Consent</b>                  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>

## Director of Law and Governance and Monitoring Officer (cont)

<p><b>Discontinuance Orders - Enforcement</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Disposal of Land and Premises at Auction</b>                  To dispose of land and/or premises at auction where the Director – Regeneration and Planning estimates the value of the land/property being offered for sale is less than £100,000 but the bid price exceeds that amount in accordance with the Disposal of Council-owned land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	
<p><b>Disposal of Land and Premises up to £100,000</b>                  To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Planning, in accordance with the authority delegated to him in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</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><b>Disturbance Payments</b>                  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>
<p><b>Electoral Registration</b>                  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><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, 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><b>Enforcement Notice Securing Compliance</b>                  In consultation with the Director - Regeneration and Planning, 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>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Ethical Standards and Member Development Committee Independent Members</b> 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><b>False Statements under the Housing Act 1996 – S14</b> 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 Exempt 1,2, 3</p>
<p><b>Former Mining Land - Entry to and works on land -</b> 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><b>Hazardous Substances Authority - Planning (Hazardous Substances) Act 1990 - Section 23</b> In consultation with the Director - Regeneration and Planning, 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  Exemptions 1, 2, 3 and 6</p>
<p><b>Hazardous Substances Consents - Powers to revoke, modify, apply for confirmation and to pay compensation</b> In consultation with the Director - Regeneration and Planning 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  Exemptions 1, 2 and 3</p>
<p><b>Hazardous Substances Contravention Notice</b> In consultation with the Director - Regeneration and Planning, 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  Exemptions 1, 2, 3 and 6</p>
<p><b>Highways Act 1980</b></p> <ul style="list-style-type: none"> <li>- To enter into agreements pursuant to Sections 4, 8 and 38 of the Highways Act 1980</li> <li>- To instigate proceedings under Sections 132, 137, 140 and 143 of the Highways Act 1980 where he/she is satisfied as to the evidence.</li> <li>- Section 154 – Failure to Comply with Letters of Request</li> <li>- Section 177 – To grant a licence in consultation with the Director – Regeneration and Planning.</li> <li>- To instigate proceedings under Section 219 of the Highways Act 1980 in consultation with the Director – Regeneration and Planning.</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1,2, 3, 6 and 7</p>



Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Images of Council Buildings or Facilities or Historical Artefacts or Documents and Copyright</b></p> <p>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>	
<p><b>Injunctions</b></p> <p>In consultation with the Director - Regeneration and Planning, 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><b>Interests in Land: Section 297, Highways Act 1980</b></p> <p>To serve notices requiring information under the provisions of Section 297 of the Highways Act 1980 regarding the ownership of the land.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Sections 5A and 5B, Acquisition of Land Act 1981 Power to require information</b></p> <p>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><b>Land and Premises Previously Owned by the Council - Consent to Alter or Erect Premises or Change the Use</b></p> <p>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 Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Landlord and Tenant Act 1985</b></p> <p><b>Section 1</b> 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.</p> <p><b>Section 2</b> 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.</p> <p><b>Section 3</b> 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> <p><b>Section 7</b> 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>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Section 25</b> (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><b>Legal Proceedings (Executive Matters)</b> 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 E 1 to 7</p>
<p><b>Letting of Garage Plots</b> 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 Executive Director – Neighbourhoods in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</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>

## Director of Law and Governance and Monitoring Officer (cont)

<p><b>Listed Buildings and Conservation Areas - Prosecution</b>                  In consultation with the Director - Regeneration and Planning, 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"> <li>- Sections 7 and 9 as amended by the Planning and Compensation Act 1991 (Prosecution).</li> <li>- Section 11(6) and Section 21(7) (Prosecution for false information).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Lost and Uncollected Property</b>                  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>
<p><b>Management of Leased Premises</b>                  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 Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Members Interests Dispensation - Localism Act 2011</b>                  To grant dispensations under grounds (a) and (d) of Section 33(2) of the Localism Act 2011.</p>	
<p><b>Mineshafts - Acquisition</b>                  To acquire mineshafts where required in connection with Council developments, on terms to be agreed by the Director - Regeneration and Planning.</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><b>Monitoring Officer (Executive Authority) - Local Government and Housing Act 1989 –</b>                  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><b>Notice to Treat and of Entry and Action to Obtain Possession</b>                  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>

Director of Law and Governance and Monitoring Officer (cont)

**Notices to Quit/Notices of Seeking Possession**

To sign and issue notices to quit and notices of seeking possession on behalf of the Council.

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

Exemptions 1, 2, 3 5 and 6

**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).

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

Exemptions 1, 2 and 3

Sections 55, 341 Housing Act 1985.

**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 Planning.

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

Exemptions 1,2 and 3

Section 9 of the Open Spaces Act 1906.

**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).

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

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).

Exemptions 1 and 2 and 7

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.

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.

**Director of Law and Governance and Monitoring Officer (cont)**

<p>Section 338(1), Housing Act 1985 In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, 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.</p>	
<p><b>Parades and Processions</b> To make orders for parades and processions under the Town Police Clauses Act, 1847, in consultation with the Director – Regeneration and Planning.</p>	
<p><b>Planning Contravention and Enforcement Notices</b> 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.</p> <p>In consultation with the Director – Regeneration and Planning, 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.</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><b>Powers of Entry over Land and Buildings</b> In consultation with the Director - Regeneration and Planning:</p> <p>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).</p> <p>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>To exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 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.</p> <p>To authorise appropriate officers to enter premises under Section 95 of the Building Act, 1984</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, and 6 may apply.</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Procurement of External Legal Services</b>                  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.</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemption 3</p>
<p><b>Prohibition and Demolition Orders:</b>                   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 Executive Director – Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises.                  Section 265 Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p>To make a Demolition Order under Section 265 of the Housing Act 1985 where the Executive Director - Adult Social Care, Health and Wellbeing 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 has 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</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p><b>Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Prosecution for False Information</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 194 of the Town and Country Planning Act 1990 (Prosecution for false information).                   In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 8(6) of the Planning (Hazardous Substances) Act 1990 (Prosecution for false information).                   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                   Exemptions 1, 2, 3 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Prosecutions for Damage</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1, 2, 3 and 7</p>
<p><b>Protection From Eviction Act 1977 - Section 1</b>                  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                   Exemptions 1, 2, 3 and 7</p>
<p><b>Purchase Notices</b>                  Upon receipt of a purchase notice, following consultation with the Director - Regeneration and Planning 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 Planning.                   Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p><b>Purchase of Properties in Clearance Areas</b>                  At the request of the Executive Director – Adult Social Care, Health and Wellbeing or Executive Director - Neighbourhoods, 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 Planning.                   Section 290 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication                   Exemptions 1, 2, 3 and 6</p>
<p><b>Registering Legal Charges against a Private Property when the occupier becomes a permanent resident in Residential and Nursing Homes</b>                  In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, 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.                   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                   Exemptions 1, 2, 3 and 5</p>

Director of Law and Governance and Monitoring Officer (cont)

**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.

**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

**Rent Matters - Rent Act 1977**

**Section 81.**

To take proceedings relating to requiring or receiving a payment in excess of the registered rent under a restricted contract.

**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.

**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

**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

**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.

**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.

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

Exemptions 1, 2 and 3



**Director of Law and Governance and Monitoring Officer (cont)****Removal of Lift Equipment**

In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to seek court orders for the removal of lift equipment provided to disabled persons, which in the opinion of the Director - Housing and Communities is dangerous or faulty.

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

Exemptions 1, 2

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

In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, 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.

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

Exemption 1,2 and 5

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

**Rights of Entry for Enforcement Purposes**

In consultation with the Director - Regeneration and Planning, 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 Planning 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.

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

Exemptions 1, 2, 3 and 5

Section 123 of the Local Government Act 1972.

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Right-of Way - Transfers</b>                  Subject to the Executive Director - Neighbourhoods and the Director - Regeneration and Planning 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><b>Road Works – Public Notices</b>                  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 and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 6</p>
<p><b>School Companies</b>                  In consultation with the –Director – Education, Skills and Employment, 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><b>Service Charges for Housing - Housing Act 1985</b>                  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 Executive Director - Neighbourhoods, 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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Service Tenancy Agreements</b> 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><b>Temporary Traffic Regulation Orders/Notices for Temporary Road Closures</b> In consultation with the Director – Regeneration and Planning, 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><b>Use of Premises in Connection with Elections</b> 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><b>Vehicular Right of Way Over Housing Land</b> Grants/requests for vehicular rights-of-way over housing land at rents to be determined by the Director - Regeneration and Planning, in consultation with the Executive Director – Neighbourhoods.</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><b>Wildlife and Countryside Act 1981</b> 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>
<p><b>Withdrawal of Completion Notices</b> In consultation with the Director - Regeneration and Planning 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>

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Civil Marriages - Licensing of Premises</b>  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 Executive Director - Resources considers it appropriate to do so;  To determine fees for a review undertaken by the Licensing Committee of a decision by the Executive Director - Resources 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><b>Commons Land</b></p> <p>Section 41 of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, 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>Section 45(2) (a) of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, 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 Planning, 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>Individual Rights:</p>
<p><b>Completion Notices</b>  In consultation with the Director - Regeneration and Planning, 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>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Cross Border Prosecutions in Non-Executive Matters</b>                  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</p>
<p><b>Discontinuance Notices</b>                  In consultation with the Director - Regeneration and Planning, 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>
<p><b>Employment Tribunals</b>                  In consultation with the Executive Director - Resources, 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><b>Education Statutory Appeals Panels</b>                  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 above to act as Chairs of Appeals Panels.</p>	
<p><b>Electoral Fees</b>                  In consultation with the appropriate Cabinet Member, to approve the fees payable to Polling Station, Counting and Poll Card Delivery staff for local elections.</p> <p>Section 54 of the Representation of the People Act 1983.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Enforcement of Conditions</b> In consultation with the Director - Regeneration and Planning, 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><b>Enforcement Notices</b> In consultation with the Director - Regeneration and Planning, 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>
<p><b>Entry to Properties or Land</b> 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><b>High Hedges</b> In consultation with the Director - Regeneration and Planning, 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><b>Highways Act 1980</b> 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><b>Injunctions</b> In consultation with the Director - Regeneration and Planning, 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 Planning, 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>

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Injunctions in Respect of Tree Preservation Orders</b>                  In consultation with the Director - Regeneration and Planning, 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>
<p><b>Interests in Land</b>                  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><b>Legal Proceedings (Non-Executive Matters)</b>                  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</p>
<p><b>Licensing Sub Committee</b>                  In consultation with the Chair of the Licensing Committee, to select replacement members from the Licensing Committee as necessary to serve on Licensing Sub Committees 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><b>Local Government and Housing Act 1989 – Monitoring Officer – Non-Executive Matters</b>                  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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Members' Allowances</b></p> <ul style="list-style-type: none"> <li>- To approve attendance of members at conferences and/or seminars;</li> <li>- In consultation with the appropriate Cabinet Member:—             <ul style="list-style-type: none"> <li>(a) to consider and determine any dispute regarding the interpretation of the approved duties set out in Schedule 1 to the Members Allowances Scheme;</li> <li>(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”;</li> </ul> </li> <li>- 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.</li> </ul>	
<p><b>Minor Amendments to Section 106 Agreements and Community Infrastructure Levy (CIL) arrangements.</b> To deal with minor variations or minor amendments, 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</p>
<p><b>New Roads and Street Works Act 1991 Section 50 - Street works licence Applications</b> 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</p>
<p><b>Planning Agreements Section 106, Town and Country Planning Act 1990</b> 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 of Law and Governance and Monitoring Officer (cont)**

<p><b>Planning Contravention and Enforcement Notices</b>                  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.                   - 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                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Powers of Entry over Land and Buildings</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2 6 and 7 may apply</p>
<p><b>Repairs Notice</b>                  In consultation with the Director - Regeneration and Planning 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                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Require Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Rights of Entry in connection with Tree Preservation Powers</b>                  In consultation with the Director - Regeneration and Planning, 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                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Senior Information Risk Owner</b>                  To act as the officer responsible across the whole Council for Information Governance.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<p><b>Special Events on Roads</b> In consultation with the Director – Regeneration and Planning, to make Orders under Section 16A of the Road Traffic Regulation Act 1984 for special events on roads.</p>	
<p><b>Stop Notices</b> In consultation with the Director - Regeneration and Planning, to issue Stop Notices under Sections 183, 184 and 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><b>Temporary Listing: Building Preservation Notices</b> In consultation with the Director - Regeneration and Planning, 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><b>Town and Village Green Applications</b> 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><b>Tree Preservation Orders</b> To exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 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><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer.</p>	
<p><b>Wildlife and Countryside Act 1981 - Section 53</b> 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 of Law and Governance and Monitoring Officer (cont)

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>                      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><b>Council Dwelling Sales</b>                      In consultation with the Director – Regeneration and Planning, to complete all legal documentation in relation to the sale of a Council dwelling in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Decant Accommodation</b>                      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.                      Section 123 Local Government Act 1972.</p>	
<p><b>Freedom of Information and Environmental Information</b>                      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>	
<p><b>Form of Identification for Members</b>                      To issue a form of identification to members on request.</p>	

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Documents</b> To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p><b>Improving or Perfecting Title to Council Land and Premises</b> In consultation with the appropriate Directors 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><b>Mutual Undertakings in Conjunction with Compulsory Purchase Orders Under Part II of the Housing Act 1985</b> 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><b>Recovery of Legal Costs for Disposal of Land</b> In consultation with the Director - Regeneration and Planning, 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><b>Sandwell Land and Property Company</b> 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>	
<p><b>Statements of Truth</b> To sign statements of truth on behalf of the Council in the course of legal proceedings</p>	

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Statutory Transfers</b> 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><b>Supply of Committee Agenda and Reports</b> To supply copies of Committee agenda and reports prior to Committee meetings at the request of individual Council members.</p>	

Director of Law and Governance and Monitoring Officer (cont)	
Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Public Paths</b> 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>	
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Land and Buildings Protocol 2016.</p>	

Director of Law and Governance and Monitoring Officer(cont)	
Authority to Act	Commentary
<p><b>Category E</b> 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><b>Agriculture (Miscellaneous Provisions) Act 1968 (Section 6)</b> 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 and Planning to carry out functions under the provisions of the said Act.</p>	

**Director of Law and Governance and Monitoring Officer (cont)**

<b>Data Protection</b> To act as the Proper Officer in relation to all matters relating to Data Protection.	
<b>Local Authority Companies</b> 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).	
<b>Obtaining Legal Support and Advice</b> 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.	
<b>Proper Officer and Solicitor to the Council</b> 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.	
<b>Representation of the People Act 1983</b> 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.	
<b>Deputy Monitoring Officer</b>  To delegate all powers exercisable to the Deputy Monitoring Officer in their absence.	

## Executive Director – Adult Social Care, Health & Wellbeing

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Accumulations of Rubbish - Public Health Act 1961 Section 34</b>                      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><b>Animal Health Cross Border Warrant</b>                      To authorise named officers to act in accordance with a Memorandum of Understanding in relation to Animal Health Cross Border Warrants and to exercise the powers conferred in the Animal Health Act 1981, the Animal Health Act 2002, the Animal Health and Welfare Act 1984, the Animal Welfare Act 2006, the Environmental Protection Act 1990 and the European Communities Act 1972</p>	
<p><b>Approved Mental Health Practitioners</b>                      To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983 and to exercise the functions pursuant to that Act.                      Section 114(1) of the Mental Health Act 1983 (as amended by the Mental Health Act 2007).</p>	
<p><b>Assistance to Home Owners</b>                      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.</p> <p>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</p> <p>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.</p> <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</p>	

<p>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><b>Director - Adult Social Care, Health &amp; Wellbeing (cont)</b></p>	
<p><b>Assistance to home owners - Policy for the provision of assistance to home owners</b></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><b>Assistance to Meet a Person's Needs</b></p> <p>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>Care Act 2014 Part 1 (Care and Support)</p>	
<p><b>Assistance to Residential Occupiers</b></p> <p>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><b>Authority to Enter Premises</b></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 Schedule 3 of the Environmental Protection Act 1990.</p>	
<p><b>Cleansing of Premises - Section 83 of the Public Health Act 1936</b></p> <p>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>	



**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 of the ASBCP Act 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 of the ASBCP Act 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 of the ASBCP Act 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.

**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.

**Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007**

In consultation with the Director of Law and Governance and Monitoring Officer and the Director - Children & Families, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-S of the Act.

Part 4A Family Law Act 1976  
 Part 11 Family Procedure Rules 2010  
 Antisocial Behaviour, Crime and Policing Act 2014

<p><b>Criminal Behaviour Order (CBO) - Anti-Social Behaviour Crime and Policing Act 2014</b>  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><b>Director - Adult Social Care, Health &amp; Wellbeing (cont)</b></p>	
<p><b>Debt Recovery and Enforced Sale</b>  In consultation with Director of Law and Governance and Monitoring Officer, 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><b>Deprivation of Liberty Safeguards</b>  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><b>Determination/Application of Charges for meeting need</b>  To make charges for meeting needs in accordance with the prescribed method of assessment under section 14 Care Act 2014</p> <p>Part I section 14 Care Act 2014</p>	
<p><b>Disabled Facilities Grants</b>  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><b>Disabled Facilities Grants - Standards of Work</b>          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>	
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<b>Director - Adult Social Care, Health &amp; Wellbeing (cont)</b>	
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<p><b>Enforcement of Grant Conditions</b>          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.</p> <p>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.</p>	
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<p><b>Financial Deputy - Deputyship Accounts</b>          To act as and authorise others to act on his/her behalf 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>	
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<p><b>Guardianship</b>          To accept or authorise others 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>	
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<p><b>Payments and Contributions to Care</b>          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>	
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<p><b>Removal of Accumulations - Public Health Act 1936 - Section 78</b>          To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of</p>	
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accumulations from common courts, yards or passages.	
<b>Removal of noxious matter from premises - Public Health Act 1936 - Sections 79</b> 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.	
<b>Statutory Responsibility for the social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's executive statutory responsibilities under the Care Act 2014.	
Clean Neighbourhoods and Environment Act 2005 <b>The Smoke and Carbon Monoxide (England) Regulations 2015</b>  To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.	

Director – Adult Social Care, Health & Wellbeing (cont)		
Delegation		Commentary
<b>Category B – Non- Executive</b> 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.		
<b>Criminal Justice and Police Act 2001</b> To act and authorise others to act on his/her behalf under S13(2) of the Council's powers in the Act.		
<b>Licensing Act 2003</b> 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.  To determine the following applications in the circumstances indicated:-  Note:- The delegations are in accordance with those recommended in DCMS Guidance issued under Section 182 of the Licensing Act 2003		
Application for personal licence	If no objection made	Grant of Permission or Licence and/or Individual

Application for grant or variation of a premises licence /club premises certificate.	No relevant representation made	Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1,2 6 and 7 may apply
Application for provisional statement.	No relevant representations made	
Application to vary designated premises supervisor.	If no Police objection	
Request to be removed as designated premises supervisor.	All cases	
Application for a Minor Variation of a premises licence/club premises certificate	All cases	
Application for transfer of premises licence	If no Police objection	
Application for interim authorities.	If no Police objection	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc	By officer in consultation with Chair [having sought prior legal advice]	
<b>Director - Adult Social Care, Health &amp; Wellbeing (cont)</b>		
<b>Statutory Responsibility for social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's non-executive statutory responsibilities under the Care Act 2014.		

<b>Director – Adult Social Care, Health &amp; Wellbeing (cont)</b>	
<b>Delegation</b>	<b>Commentary</b>
<b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
<b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.  Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248	
<b>Power to Recommend Legal Proceedings</b> To recommend legal proceedings for:  - obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.	

<ul style="list-style-type: none"> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> </ul>	
<ul style="list-style-type: none"> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	

**Director - Adult Social Care, Health & Wellbeing (cont)**

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>            Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	

Authority to Act	Commentary
<p><b>Category E</b>            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><b>Membership of Panels</b>            To liaise with or authorise others 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.</p> <p>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 - Prevention and Protection

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Abatement of Statutory Nuisance - Part III of the Environmental Protection Act 1990</b>                      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><b>Air Quality Inspection of – Processes Environment Act 1995</b>                      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><b>Animal Health Cross Border Warrant</b>                      To authorise named officers to act in accordance with a Memorandum of Understanding in relation to Animal Health Cross Border Warrants and to exercise the powers conferred in the Animal Health Act 1981, the Animal Health Act 2002, the Animal Health and Welfare Act 1984, the Animal Welfare Act 2006, the Environmental Protection Act 1990 and the European Communities Act 1972</p>	
<p><b>Appointment of Inspectors - Weights and Measures Act 1985</b>                      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.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b>                      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</p>	



**Director - Prevention and Protection (cont)**

**Authorisation of officers to enforce the Food and Environment Protection Act 1985 Part III and the Control of Pesticides Regulations 1986 -**

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.

Section 19(1C) of the Food and Environment Protection Act 1985).

**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.

**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.

**Building Act 1984 - Service of Various Notices -**

- 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.

**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.

**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.

**Director - Prevention and Protection (cont)**

**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.

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.

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.

Powers relating to recovery of expenses incurred by Section 81 (above) action under Section 81A and 81B of the Environmental Protection Act 1990.

**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.

**Control of Asbestos Regulations 2012**

The powers and duties contained in the Control of Asbestos Regulations 2012.

**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.

Regulation 19 of the Consumer Protection from Unfair Trading Regulations 2008

Director - Prevention and Protection (cont)

Delegation	Commentary
<p><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>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.</p>	
<p><b>Domestic WCs - Public Health Act 1936</b> Service of notice in connection with repair of domestic WCs under Section 45 of the Public Health Act 1936.</p>	
<p><b>Enforcement of Grant Conditions</b> 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.</p> <p>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.</p>	

**Director - Prevention and Protection (cont)**

**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 Health and Welfare – ECA 1972 including:-

**Food legislation**

- Food Safety & Hygiene (England) Regulations 2013
- General Food Regulations 2004
- Official Feed and Food Controls (England) Reg 2009
- Contaminants in Food (England) Regulations 2013
- Transmissible Spongiform Encephalopathies (England) Regulations 2010 (as amended)
- The Food Information Regulations 2014

**Safety legislation**

- Radio Equipment & Telecommunications Terminal Equipment Regulations 2000
- Personal Protective Equipment Regulations 2002
- Recreational Craft Regulations 2004
- Supply of Machinery (Safety) Regulations 2008
- Construction Products Regulations 2013
- Cosmetic Products Enforcement Regulations 2013
- Pyrotechnic Articles (Safety) Regulations 2015
- Electrical Equipment (Safety) Regulations 2016
- Simple Pressure Vessels (Safety) Regulations 2016
- Pressure Equipment (Safety) Regulations 2016
- Electromagnetic Compatibility Regulations 2016
- Standardised Packaging of Tobacco Products Regulations 2015
- The Tobacco and Related Products Regulations 2016
- General Product Safety Regulations 2005
- Lifts Regulations 1997
- Animal and Animal Products (Import and Export)(England and Wales) Regulations 2000
- Animal By-products Regulations 2003
- Breeding of Dogs Act 1973 and 1999
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Cattle Database Regulations 1998
- Cattle Identification Regulations 1998

## Director - Prevention and Protection (cont)

Official Feed and Food Controls (England) Reg 2009  
 Performing Animals (Regulations) Act 1925  
 Pet Animals Act 1951  
 Police, Factories etc (Miscellaneous Provisions) Act 1916  
 Pollution Prevention and Control Act 1990  
 Pollution Prevention and Control Act 1999  
 Prevention of Damage by Pests Act 1949  
 Processed Animal Protein (England) Regulations 2001  
 Protection Against Cruel Tethering Act 1988  
 Protection of Animals Act 1911 & 1970  
 Protection of Animals (Amendment) Act 2000  
 Public Health Acts 1936 and 1961  
 Public Health (Control of Diseases) Act 1984 (as amended)  
 Refuse Disposal (Amenity) Act 1978  
 Riding Establishment Acts 1964 and 1970  
 Road Traffic Acts 1988 & 1991  
 Specified Risk Material Regulations 1997  
 Sunbeds (Regulation) Act 2010  
 Sunday Trading Act 1994  
 Trade in Animals and Related Products Regulations 2011 (made under the European Communities Act 1972)  
 T.S.E (England) Regulations 2002  
 Water Act 1989  
 Welfare of Animals at Slaughter Act 1991  
 West Midlands County Council Act 1980  
 Zoo Licensing Act 1981  
 Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002

**Execution of Works in Default - Public Health Act, 1936, Section 290**The execution of work in default under Section 290 of the Public Health Act 1936.

**Fly tipping**  
 To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990

**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:-

- (a) 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;
- (c) Food Safety & Hygiene (England) Reg 2013
- (d) the Official Feed and Food Controls (England) Regulations 2009;
- (e) any modification or re-enactment of the foregoing.

## Director - Prevention and Protection (cont)

<p><b>Foul Drainage Connections</b>                  To exercise the Council's powers in relation to incorrect foul drainage connection to surface water drainage systems.                  Sections 59 and 60(4) of the Building Act 1984</p>		
<p><b>Health Act 2006 and Regulations Made Thereunder, Including the Smoke-Free (Premises and Enforcement) Regulations 2006</b>                  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><b>Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)</b>                  To exercise the Council's functions under the Housing Act 2004 as set out in the table below.</p>		
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)	
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	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
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	
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	

Director - Prevention and Protection (cont)

<p>S.49 and 50 (5)</p>	<ul style="list-style-type: none"> <li>• Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>• Serving an improvement notice under Section 11 or Section 12.</li> <li>• Making a prohibition order under Section 20 or Section 21.</li> <li>• Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>• Taking emergency remedial action under Section 40</li> <li>• Making an emergency prohibition order under Section 43.</li> <li>• Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
<p>Schedule 1 Part 2: Paragraph 6 Paragraph 8</p>	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
<p>Schedule 2 Part 2: Paragraph 3 Paragraph 5</p>	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
<p>Schedule 3 Paragraph 3(4)</p>	<p>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</p>	
<p>Schedule 3 Paragraph 4</p>	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

Director -Prevention and Protection (cont)

**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.	
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	
SCH. 5 Para. 1	Notice of intention to grant a licence	
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	



<b>Part 3: Selective Licensing of other Residential Accommodation</b>		
S.86	Serving of a Temporary Exemption notice	
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	
<b>Part 4: Additional Control Provisions in relation to Residential Accommodation</b>		
Chapter 1: Interim and Final Management Orders		
S.102	The making of an interim management order (IMO).	
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.	
S.113	The making of a final management order (FMO)	
S.126	Notice of renunciation of right to possession of furniture.	
S.127	Authorisation of expenditure to supply furniture	
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	
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	

Director - Prevention and Protection (cont)		
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	
<p>In consultation with the Director of Law and Governance and Monitoring Officer:</p>		
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	
S.135	Authorisation of expenditure to secure a dwelling subject to an interim EDMO	
S.136	The making of a final EDMO	
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.	

Director - Prevention and Protection (cont)

**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.	
S.139 (3)	Notice of intention to serve an overcrowding notice.	
S.144 (1) (a) and (b)	Notice of revocation of overcrowding notice. Notice of variation of overcrowding notice.	

**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.	
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. <i>NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.</i>	
S.243	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). Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Chief Executive or appointed Deputy Chief Executive.	
S.255	Authority to make a HMO declaration on behalf of the Council and to serve associated notice of the declaration.	

Director - Prevention and Protection (cont)

**General: Prosecution**

S.30	Failure without reasonable excuse to comply with an improvement notice.	
S.32	Knowingly contravenes a prohibition order without reasonable excuse.	
S.35	Failure without reasonable excuse to comply with a magistrate's order requiring an occupier or other relevant person to permit appropriate action to be taken.	
S.72 (1)	Failure to obtain a HMO licence without reasonable excuse.	
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 magistrate's 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 parag 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 - Prevention and Protection (cont)

### **General: Default Action**

SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement	
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	Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default). 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.	
SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative)	
<b>Housing Agency Service Fees</b> 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.  Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002.		
<b>Housing Renewal Grant Appeals</b> To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.		
<b>Housing and Planning Act 2016</b> a) to authorise the institution and enforcement of civil proceedings under section 126 and Schedule 9 b) to make application for a rent repayment order under section 41.		
<b>Land Contamination and Pollution Control</b> To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.  Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108		

## Director - Prevention and Protection (cont)

### Licensing Committee/Sub Committee

In the event that the Licensing Committee/Sub Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.

### 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. Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987

### 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.

### Noise on Construction Sites, Noise in Streets and Noise Abatement Zones

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.  
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.  
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.  
Control of Pollution Act 1974

### Persons Interested in Land

Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

### Prevention of Damage by Pests Act 1949

To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-  
- 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.

## Director - Prevention and Protection (cont)

### **Private Hire and Hackney Carriage Licensing - 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.

Fraud Act 2006

Equality Act 2010

Health Act 2006

Deregulation Act 2015

Public Health Act 1925 Part VIII

Transport Act 1980 – Section 64 – Roof signs Act 1985 (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

Immigration Act 2016

### **Property Appreciation Loans**

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.

Article 3 of the Order

### **Renovation Grants**

In consultation with the Executive Director - Resources, 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.

Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

### **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.

### **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.

Section 19 Compulsory Purchase Act 1965

Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.

Director - Prevention and Protection (cont)									
<p><b>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976</b> 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><b>Securing of Void Properties</b> 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><b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b> 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><b>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</b> To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p> <p>The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-</p> <table border="1" data-bbox="199 1512 574 1657"> <thead> <tr> <th>Offence</th> <th>Fine</th> </tr> </thead> <tbody> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </tbody> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<p><b>Smoke Control Area Grants</b> 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><b>Sunday Trading Act 1994</b> To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>									



Director - Prevention and Protection (cont)									
<b>Suspension Notices - The Construction Products Regulations 2013 –</b>									
To authorise the issue of suspension notices under the Construction Products Regulations 2013.									
<b>Suspension Notices - Consumer Protection Act 1987</b>									
To exercise the Council's functions under the Consumer Protection Act 1987. 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. Section 14 of the Consumer Protection Act 1987.									
<b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b>									
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.									
<b>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</b>									
To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.  The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-									
<table border="0"> <tr> <td>Offence</td> <td>Fine</td> </tr> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<b>Smoke Control Area Grants</b>									
To approve and authorise others to approve on his/her behalf smoke control area grants.  Section 26 and Schedule 2 of the Clean Air Act 1993.									
<b>Sunday Trading Act 1994</b>									
To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.									

<p><b>Suspension Notices - The Construction Products Regulations 2013 –</b> To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	
<p><b>Suspension Notices - Consumer Protection Act 1987</b> To exercise the Council's functions under the Consumer Protection Act 1987. 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. Section 14 of the Consumer Protection Act 1987.</p>	
<p><b>Trading Standards and Functions Authorised Officers</b> 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:</p> <p>Accommodation Agencies Act 1953 Administration of Justices Acts 1970 and 1985 Agricultural Produce (Grading and Marking) Act 1928 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 (PFT) 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 &amp; 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 Consumer Rights Act 2015 Development of Tourism Act 1969 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 Explosives Act 1875 Fair Trading Act 1973 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 2009 Health and Safety at Work etc Act 1974 House to House Collections Act 1939</p>	

## Director - Prevention and Protection (cont)

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  
Police, Factories etc (Miscellaneous Provisions) Act 1916  
Police Reform and Social Responsibility Act 2011  
Prices Acts 1974 and 1975  
Protection from Harassment Act 1997  
Registered Designs Act 1949  
Road Traffic Acts 1974, 1988 and 1991  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Offenders Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Scrap Metal Dealers Act 2013  
Solicitors Act 1974  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Tobacco Advertising and Promotion Act 2002  
Town Police Clauses Act 1847  
Trade Descriptions Act 1968  
Trade in Animals and Related Products Regs 2011 (made under the European Communities Act 1972)  
Trade Marks Acts 1994  
Transport Acts 1978, 1980, 1982 and 1985  
Unsolicited Goods and Services Acts 1971 and 1975  
Vehicle Crime Act 2001  
Video Recordings Act 1984 and 2010  
Weights and Measures Acts 1976 and 1985

### **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.

### **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

Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997

Director – Prevention and Protection (cont)	
<p><b>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</b></p> <p>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><b>Waste on Land - Environmental Protection Act 1990 Part II</b></p> <p>To act and authorise others to act on his/her behalf in relation to the Council's functions under:-</p> <ul style="list-style-type: none"> <li>- Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land.</li> <li>- 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.</li> <li>- Section 47 of the Environmental Protection Act 1990 in respect of the provision of receptacles for commercial or industrial waste.</li> <li>- Section 59 of the Environmental Protection Act 1990 in respect of the removal of unlawfully deposited waste.</li> </ul>	

Director – Prevention and Protection (cont)	
Delegation	Commentary
<b>Category B – Non- Executive</b> 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.	
<b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b> 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.	
<b>Control of Sex Establishments</b> 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.	
<b>Environmental Health Officers and Related Functions Authorised Officers</b> 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:-  Animal Boarding Establishments Act 1963 – Section 1 Breeding of Dogs Act 1973 – Section 1 Caravan Sites and Control of Develop Act 1960 – S 3(3) Cattle Identification Regulations 1998 – Article 5(2) Criminal Justice and Police Act 2001 – Section 13(2) Dangerous Wild Animals Act 1976 – Section 1 Food Safety Act 1990 – Section 19 Health and Safety at Work etc Act 1974 – Part 1	

**Director -Prevention and Protection (cont)**

<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 Schedule4  Noise and Statutory Nuisance Act 1993 – Schedule 2  Pet Animals Act 1951 – Section1;Performing Animals  (Regulation) Act 1925 Section 1  Police, Factories etc (Miscellaneous Provisions) Act 1916 –  Section 5;  Public Health Act 1931 – Section 269  Riding Establishment Act 1964 and 1970 – licence of pet  shops, etc  Zoo Licensing Act 1981 – Section 1</p>	
<p><b>Food and Feed Enforcement</b>  Section 19 of the Food Safety 1990 (Power of register and  license premises for the preparation of food under  Schedule1 of the Local Authorities (Functions and  Responsibilities) (England) Regulations 2000.</p>	
<p><b>Food and Feed Enforcement</b>  To act and authorise others to act on his/her behalf in all  non-executive matters under the following legislation:-  (a) the Food Safety Act 1990; and  (b) any Orders, or Regulations or other instruments:-  a. made thereunder; or  b. relating thereto; or  c. having effect by virtue of the European  Communities Act 1972 and relating to food  safety or animal feedstuff;  (c) the Official Feed and Food Controls (England)  Regulations 2009;  (d) any modification or re-enactment of the foregoing.</p>	
<p><b>Gambling Act 2005</b>  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>To determine the following applications in the  circumstances indicated:-</p>	
<p>Nature of Application</p>	<p>Prevailing Circumstance</p>
<p>Application for premises  licence.</p>	<p>No representations received  or where representations  have been withdrawn.</p>
<p>Application for  reinstatement of a premises  licence</p>	<p>No representations received  or where representations  have been withdrawn</p>

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	
Applications for other permits Cancellation of licensed premises gaming machine permits		
Consideration of temporary use notice		
<p><b>Health and Safety at Work Act 1974</b> 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"> <li>(a) Sections 20, 21, 22 and 25;</li> <li>(b) any Health and Safety Regulation;</li> <li>(c) provisions conferred in Schedule "1" of the Act.</li> </ul> <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>

## Director -Prevention and Protection (cont)

### **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;

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;

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.

Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

### **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.

Grant of Permission or Licence:

Exemptions 1, 2, 6 and 7

### **Private Hire and Hackney Carriage Licensing**

Local Government (Miscellaneous Provisions) Act 1976

### **Advertising on Hackney Carriages**

To interpret and to give express consent for advertising on hackney carriages, where appropriate.

To make amendments to the advertising provisions of the Hackney Carriage and Private Hire Vehicles Guidelines, where appropriate.

### **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.

### **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

Equality 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



## Director – Prevention and Protection (cont)

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

### **CCTV**

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

### **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.

### **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**

5. 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 vehicle or hackney carriage where the Council Knowledge Test has been failed three times.

### **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.

## Director – Prevention and Protection (cont)

### **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.

### **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, or hackney carriages.

### **Security Screens**

To approve requests for advertisements on security screens in private hire vehicles

### **Suspension of Driver's Licence**

Power to suspend or revoke a hackney carriage and/or private hire drivers licence under Section 61, including suspension 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

### **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.

### **Temporary Renewal of Driver's Licence**

To temporarily renew or extend a licence for a driver where the Legal Manager or the Licensing Manager considers it to be reasonable.

### **Warning for Failing to Declare or Report**

To issue a strong written warning to new or existing drivers of a private hire vehicle or hackney carriage who have failed to declare or report a minor traffic offence on the first occasion.

### **Warning for Points on Licence**

To issue a strong written warning to existing drivers of a private hire vehicle or hackney carriage who have more than six points on their licence.

Local Government (Miscellaneous Provisions) Act 1976.

## Director - Prevention and Protection (cont)

### **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.

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.

### **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

### **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:

Children and Young Persons Act 1933 – Section 12 Part II;

Criminal Justice and Police Act 2001 – Section 13(2);

Food Safety Act 1990 – Section 19

Gambling Act 2005

Health Act 2006

Health and Safety at Work etc Act 1974 – Part I

House to House Collections Act 1939 – Section 2

Licensing Act 2003

Local Government (Miscellaneous Provisions) Act 1982 – in relation to licensing

Poisons Act 1972 – Sections 3(1)(b)(ii), 5, 6, and 11;

Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5

Police Reform and Social Responsibility Act 2011 Chapter 2 Part 2

Director - Prevention and Protection (cont)	
Delegation	Commentary
<b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
<b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.  Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248	
<b>Pest Control - Authorisation of delegated powers for fees</b> In consultation with the appropriate Cabinet Member, to vary the Pest Control and other fees and charges.	
<b>Power to Recommend Legal Proceedings</b> To recommend legal proceedings for: <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	

Director - Prevention and Protection(cont)

Delegation	Commentary
<b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	

Authority to Act	Commentary
<b>Category E</b> 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.	
<b>Membership of Panels</b> To liaise with or authorise others 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.	

## Director – Public Health

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Exclusions from Schools</b>                      Ordering exclusions from schools under Regulation 2 of the Health Protection (Local Authority Powers) Regulations 2010.                       Public Health (Control of Disease) Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1 and 2</p>
<p><b>Health Annual Report</b>                      Producing and publishing an annual report on the health of the local population.                       National Health Service Act 2006 Section 73B (as amended by the Health and Social Care Act 2012 Section 31)</p>	
<p><b>Improving the Health of Local People</b>                      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                       National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)</p>	
<p><b>Local Authority Public Health Functions</b>                      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><b>Notifiable Disease – Request for Information</b>                      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.                       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:                       Exemptions 1 and 2</p>
<p><b>Prevention of the Spread of Disease</b>                      Requiring any person to discontinue work with a view to preventing the spread of disease.                       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:                       Exemptions 1,2, 3 and 6</p>
<p><b>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984</b>                      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:                       Exemptions 1, and 2</p>

Director – Public Health (cont)	
<p><b>Removal to a Place of Care - National Assistance Act 1948</b> 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:  Exemptions 1 and 2</p>
<p><b>Verminous Articles for Sale - Public Health Act 1961</b> 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:  Exemptions 1, 2 and 3</p>
<p><b>Verminous People and Articles</b> 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:  Exemptions 1 and 2</p>

Director – Public Health (cont)	
Delegation	Commentary
<p><b>Category B – Non- Executive</b> 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.	

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

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

Director – Public Health (cont)	
Authority to Act	Commentary
<b>Category E</b> 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.	
<b>NHS Constitution - Health Act 2009</b> Ensuring that the Council has regard to the NHS Constitution when carrying out its public health function.	
<b>Proper Officer - Public Health (Control of Disease) Act 1984</b> 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.	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2, 5 & 6 may apply



Director – Children’s Services	
Delegation	Commentary
<p><b>Category A – Executive</b>            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><b>Children and Young People with Special Educational Needs or Disabilities</b>            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><b>Statutory Provision for Education and School Services</b>            Where not otherwise delegated to another chief officer, to exercise the Council's statutory executive functions in respect of education and school services.             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:             Exemption 1 to 7</p>

Director – Children’s Services (cont)	
Delegation	Commentary
<p><b>Category B – Non- Executive</b>            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><b>Statutory Provision for Education and School Services</b>            Where not otherwise delegated to another chief officer, to exercise the Council's statutory non-executive functions in respect of education and school services.             Section 579(1) and Schedule 36A para 1 of the Education Act 1996</p>	

**Director – Children’s Services (cont)**

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

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

**Director – Children’s Services (cont)**

Authority to Act	Commentary
<b>Category E</b> 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.	
<b>Statutory Responsibility for the Social Care of Children</b> Where not otherwise delegated to another chief officer, to exercise the Council's statutory responsibilities for the social care of children.  Section 1A and Schedule 1 of the Local Authority Social Services Act 1970	

## Director - Children & Families

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Adoption Panel – Appointment of Panel Members</b>                      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><b>Adoption and Permanency Arrangements</b>                      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.</p> <p>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><b>Child Safety Orders</b>                      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><b>Children and Young People with Special Educational Needs or Disabilities</b>                      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><b>Disabled People – Applications for Assistance</b>                      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.</p> <p>Sections 2 and 2(a) Chronically Sick and Disabled Persons</p>	<p>A number of decisions within this delegation may be exempt from publication:                      Exemption 1 and 2</p>
<p><b>Holiday Grants</b>                      To approve holiday grants to foster parents in respect of children in their care up to and including the approved amount 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:                      Exemption 1, 2 and 3</p>

## Director - Children & Families (cont)

<p><b>Nurseries</b> 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><b>Youth Justice Service and Plan</b> 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><b>Category B – Non- Executive</b> 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	

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

Director - Children & Families (cont)	
Authority to Act	Commentary
<b>Category E</b> 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.	
<b>Review Panels - Membership</b> 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.	
<b>Youth Work Visits to Outside England and Wales</b>  To approve youth work visits to outside England and Wales  Sections 507A and 507B of the Education Act 1996	

## Director – Education, Skills and Employment

Delegation	Commentary
<p><b>Category A – Executive</b> 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><b>Admissions to Special Schools and Units</b> 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 (as amended)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p><b>Attendance of Pupils at School</b> 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 (as amended) 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 Education and Inspections Act 2006 (as amended) 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 (as amended) 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><b>Children and Young People with Special Educational Needs or Disabilities</b> 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><b>Further Education Awards</b> 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 1998 (section 23 ).</p>	

## Director – Education, Skills and Employment (cont)

<p><b>Pay Policy for Teaching Staff</b> 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 2015.</p> <p>SI 2013/1932</p>	
<p><b>Promoting the effective participation of young people in education and training - Education Act 1996</b> 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><b>Removal of persons from school premises</b> To authorise persons under sections 547(3) of the Education Act 1996 to remove persons causing a nuisance from school premises.</p>	
<p><b>School Terms and Holidays</b> To agree and publish each year a schedule of school terms and holidays for community and voluntary controlled schools.</p>	
<p><b>Service Tenancies</b> 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><b>Tuition Fees for Non-Vocational Provision</b> 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><b>Unattached Teachers - Discretionary compensation</b> To consider and decide upon discretionary payments, including early retirement, for unattached teachers.</p> <p>Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015</p>	

Director – Education, Skills and Employment (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      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><b>Exclusion and Reinstatement of Pupils</b>                      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>	

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

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      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><b>Category E</b>                      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>	
None	



## Executive Director – Neighbourhoods

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Community Protection Notice (CPN)</b>                      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><b>Possession Proceedings</b>                      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>	
<p><b>Concessionary Charges for Facilities</b>                      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><b>Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007)</b>                      In consultation with the Director of Law and Governance and Monitoring Officer and the Director - Children &amp; Families, 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 1996                      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, 3,5 and 7</p>
<p><b>Gifted and Talented Grant Panel</b>                      To consider the recommendations of the Gifted and Talented Grant Panel in respect of applications for grants to individual athletes living within Sandwell, and to determine the level of grant up to a maximum of £500.00, to individual athletes per funding round, in accordance with the approved criteria.</p>	

## Executive Director – Neighbourhoods (cont)

<p><b>Grant Applications -</b> To approve applications for grants in accordance with the approved and appropriate 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:  Exemptions 1, 2 and 3</p>
<p><b>Gypsy/Traveller</b> 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><b>Housing Fraud Investigation</b> To authorise and to give authorisation to others to investigate housing fraud and to require information from specified persons for housing fraud investigation purposes.  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  Exemptions 1, 2, 3 and 6</p>
<p><b>Interest in Land –</b> The power of local authorities to obtain particulars of persons with interests in land.  Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 6</p>
<p><b>Local Area budget – Use of funds</b> 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 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.  Section 137 Local Government 1972</p>	
<p><b>Right to Buy Properties – Buy Back Provisions</b> Re-purchase of Former Right to Buy Properties To enter into formal negotiations with homeowners of properties bought under the Right to Buy legislation, in accordance with the provisions within the Housing Act 2004 and the Housing Act 1985, and that subject to the satisfactory outcome of the value for money evaluation of such applications, in consultation with the Executive Director - Resources, 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:  Exemptions 1, 2 and 7</p>

Executive Director – Neighbourhoods (cont)	
<p><b>Service Tenancy Agreements</b> 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:  Exemptions 1,2 and 3</p>
<p><b>Fly tipping</b> To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990.</p>	
<p><b>Microchipping of Dogs</b> To act and authorise others to act on his/her behalf under the provisions of the Animal Welfare Act 2006 together with any regulations or orders made thereunder.</p>	

Executive Director – Neighbourhoods (cont)	
Delegation	Commentary
<p><b>Category B – Non- Executive</b> 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>	

Executive Director – Neighbourhoods (cont)	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Bankruptcy Proceedings</b> To swear affidavits on behalf of the Council in bankruptcy proceedings involving Council tenants who are in rent arrears.</p>	
<p><b>Charging for information provided to solicitors</b> 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><b>Concessionary Charges for Facilities</b></p> <p>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.</p> <p>Y</p>	
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## Executive Director – Neighbourhoods (cont)

Delegation	Commentary
<b>Category D – Ancillary to a Non- Executive Decision</b> 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
<b>Category E</b> 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.	
<b>Charge for erection of trade stands</b> To determine the charge to non-profit organisations who apply to erect trade stands at Council events.	
<b>Recommendations of the Tenants Funding Panel</b> 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.  Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.	
<b>Sandwell's Framework for Blue Plaques</b> Determine applications for Blue Plaques in accordance with the Blue Plaque Criteria Assessment Framework.	
<b>Security Industry Authority</b> Responsibilities to ensure employees are licensed.	

## Director – Regeneration and Growth

Delegation	Commentary
<p><b>Category A – Executive</b> 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><b>Abandoned Vehicles - Refuse Disposal (Amenity) Act 1978</b> 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><b>Applications for Grant</b> 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. 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:  Exemptions 1, 2 and 3</p>
<p><b>Acquisition In Advance of Programmed Highway Schemes</b> 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.  Section 248 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3 and 5</p>
<p><b>Acquisition of Land up to £50,000</b> In consultation with the appropriate Director(s) and where it is confirmed that funding is available to negotiate and agree terms for the acquisition of land and premises up to a value of £50,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.  Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 3 and 5</p>

**Director – Regeneration and Growth (cont)**

**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).

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

Exemptions 1, 2 and 3

**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 Anti-Social Behaviour, Crime and Policing Act 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 Anti-Social Behaviour, Crime and Policing Act 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 Anti-Social Behaviour, Crime and Policing Act 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.

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

Exemptions 1, 2, 3, 6 and 7

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

## Director – Regeneration and Growth (cont)

### **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

### **Blight Notices - Acquisitions**

To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has accepted a Blight Notice.

Section 246 of the Highways Act 1980.

### **Building Act 1984**

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:

Sections 8 to 11 – The relaxation of Building Regulations

Section 35 - The investigation of breaches of building regulations.

Section 36 - To take action for the removal or alteration of offending work.

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.

Section 79 – Duties of a local authority to deal with dilapidated buildings and neglected sites under section 79 of the Building Act 1984.

Section 86 - Appeals to the Crown Court.

Section 91 - Duty of local authority under section 91.

Section 91A - The keeping of a Register of all documents, notices and plans retained by the Local Authority under the Building Act 1984.

Sections 106 to 111 – Compensation and recovery of expenses and arbitration.

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.

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

Exemptions 1, 2 3 and 5

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

Exemptions 1, 2, 3, 6 and 7



## Director – Regeneration and Growth (cont)

<p>Section 22 – Power to require that buildings be drained in combination and the giving notice thereof to each owner affected.</p> <p>Sections 47 to 55, 57 to 58 – The supervision of plans and work by Approved Inspectors other than Local Authorities.</p> <p>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.</p> <p>Sections 59 to 66 – The drainage and provision of sanitary conveniences</p> <p>Sections 69 and 70 – The provision of food storage accommodation.</p> <p>Section 72 – Means of escape</p> <p>Sections 74 and 75 – Consents for cellars and rooms below subsoil water level</p> <p>Sections 77 and 78 – Applications to Magistrates' Court concerning dangerous buildings or structures, including emergency powers.</p> <p>Sections 80 to 83 – The demolition of buildings.</p> <p>Sections 92 to 94 - The form of notices etc and "proper officer"</p> <p>Sections 95 and 96 – The power of entry to premises and appointment of "proper officers"</p> <p>Sections 97 and 99 - The execution of works on behalf of owner or occupier.</p> <p>Section 100 - The power to sell materials.</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><b>Certificate of Appropriate Alternative Development</b> Powers of the local planning authority under section 17 of the Land Compensation Act 1961 (part iii) (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><b>Cesspools - Section 50 of the Public Health Act 1936</b> 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><b>Clean Neighbourhoods and Environment Act 2005</b> 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>

## Director – Regeneration and Growth (cont)

### Community Infrastructure Levy

To apportion liability in default pursuant to Regulation 33 and Regulation 34 Community Infrastructure Levy Regulations 2010.

To issue and serve an information notice under Regulation 35 Community Infrastructure Levy Regulations 2010.

To determine a transfer of liability under Regulation 36 Community Infrastructure Levy Regulations 2010.

To calculate the chargeable amount of CIL payable under part 5 of Community Infrastructure Levy Regulations 2010 (reg 40)

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 41-57)

To apply CIL to administrative expenses incurred by the Authority in connection with CIL in accordance with regulation 61 Community Infrastructure Levy Regulations 2010

To arrange for the publication of the annual report under Regulation 62 Community Infrastructure Levy 2010

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 regulations 88-111 Part 9 Community Infrastructure Levy Regulations 2010 (Enforcement) up to but not including the instigation of legal proceeding

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

Exemptions 1, 2, 3, 6 and 7

## Director – Regeneration and Growth (cont)

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

### **Compulsory Purchase Orders – Acquisitions**

In cases where the relevant Director 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 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

In consultation with the Director of Law and Governance and Monitoring Officer and the relevant Director, 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, discretionary payments and/or expenses as may be agreed.

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

Exemptions 1, 2, 3 and 5

### **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 and negotiate agreed terms for discretionary payments ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

Sections 584A and 584B of the Housing Act 1985.  
Compulsory Purchase Act 1965.

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

Exemptions 1, 2 and 3

## Director – Regeneration and Growth (cont)

<p><b>Control of Horses Act 2015</b> To act and authorise others to act under the Control of Horses Act 2015.</p>	
<p><b>Declaration of Clearance Areas</b> 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><b>Defective Dwellings</b> 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><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>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.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Disabled road markings on the highway</b> 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>

## Director – Regeneration and Growth (cont)

### **Disposal of Land and Property**

To negotiate and agree terms for the disposal of land and property by the most appropriate method of sale ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Planning on terms for the disposal of land and property in the event that there is a potential conflict including where there is a relevant entry in the Members' Register of Interests and the Employees' Register of Interests.

Sections 120 – 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

### **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 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016, including consultation with the Director of Law and Governance and Monitoring Officer in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests. (see point 4.8 of the protocol)

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

Exemptions 1, 2, 3 and 5

### **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 ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

That the Director of Law and Governance and Monitoring Officer advises the Director – Regeneration & Planning of the successful bidder and whether or not there is a potential conflict including where there is a relevant entry in the Members' Register of Interests and the Employees' Register of Interests.

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

Exemptions 1, 2, 3 and 5

## Director – Regeneration and Growth (cont)

### **Disturbance Payments**

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 of Law and Governance and Monitoring Officer.

Section 37 of the Land Compensation Act 1973

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

Exemptions 1,2 and 6

### **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

Sections 120 and 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

### **Flood and Water Management Act 2010**

In consultation with the Director of Law and Governance and Monitoring Officer, to undertake all Council functions, duties and responsibilities as the lead local flood authority in accordance with the Flood and Water Management Act 2010.

To exercise functions under the following sections of the Flood and Water Management Act 2010:

- Section 14 - Power to request information
- Section 15 - Civil Sanctions
- Section 19 - Local authorities: investigations
- Section 30 - Designation of features
- Section 31 - Amendment of other Acts
- 

### **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.

Section 106 of the Building Act 1980.

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

Exemptions 1, 2 and 3

## Director – Regeneration and Growth (cont)

<p><b>Goods Vehicle Licensing</b> 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><b>Grant of Leases – Managed Workspace</b> To negotiate, and where a precedent lease has been prepared by the Director of Law and Governance and Monitoring Officer, to grant a lease of in accordance with the precedent lease, in respect of occupation of offices within Applewood Grove, Sandwell Business Centre, and Smethwick Enterprise Centre by third parties.</p>	
<p><b>Growth and Infrastructure Act 2013</b> 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>
<p><b>Health and Safety – Non-Housing Property</b> 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><b>Highways Act 1980</b> To exercise functions under the following sections of the Highways Act 1980:</p> <p>Sections 219 and 220 - Advance payments code Section 38 - Adoption of highways; Sections 115(A-K) - Applications for the placing of furniture etc on highways Section 177 - Granting licences and determining terms and conditions Section 4 - Agreement for improvement of roads which cross or enter trunk roads Section 8 - Agreements between adjoining highway authorities to enable traffic calming measures to be carried out under section 90A Section 36 - Keeping a list of highways maintained at the public expense 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 Section 41 - Duty to maintain highways maintained at the public expense</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 Growth (cont)

Section 56 - Proceedings for an order to repair highway / enforcement of liability for maintenance  
Section 57 - Default powers of highway authorities in respect of private maintainable highways  
Section 59 - Recovery of expenses due to extraordinary traffic.  
Section 72 - Power to widen highways by dedication agreement  
Section 73 - Power to prescribe improvement line for widening the street  
Section 79 - Prevention of obstruction to view at corners  
Section 116 - Power of Magistrates' to authorise stopping up or diversion of highways  
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

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

Exemptions 1, 2, 3, 6 and 7



## Director – Regeneration and Growth (cont)

<p>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                  Section 177 - Restriction on construction of buildings over highways                  Section 184 - Approval and rejection of requests to provide vehicles crossings over footways                  Section 185 - Power to install refuse or storage bins                  Section 205 - Carrying out of street works in private streets                  Section 228 - To authorise the adoption of highways                  Section 230 - To authorise notices requiring owners to carry out repairs in a private street                  Section 278 - To enter into highway agreements                  Section 286 - Power to require angles of new buildings at street corners to be rounded off                  Section 289 - Power of entry for the purposes of survey                  Section 291 - Powers of entry for maintenance purposes                  Section 303 - Obstruction during execution of provisions of the Act.                  Section 305 - Recovery of expenses                  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><b>Historic Buildings Grants</b>                  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><b>Intermediate Leasehold Interests - Sale of</b>                  To deal with applications for the sale of intermediate leasehold interests owned by the Council in residential properties and if appropriate negotiate the terms of sale ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</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 Growth (cont)**

**Land Drainage Act 1991**

In consultation with the Director of Law and Governance and Monitoring Officer, to undertake all Council functions, duties and responsibilities in accordance with the Flood Land Drainage Act 1991.

To exercise functions under the following sections of the Land Drainage Act 1991:

- of entry for IDB and local authorities
  
- Section 14 - General drainage powers of boards and local authorities (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 29)
  
- Section 15 - Disposal of spoil by boards and local authorities
  
- Section 23 - Prohibitions on obstructions etc. in watercourses (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 32)
  
- Section 25 - Powers to require works for maintaining flow of watercourse (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 33)

Section 64 - Powers

**Leasehold Interests - Assignments and Sub-Letting**

To determine applications for assignments and sub-letting of leasehold interests in land and property managed by the Council.

Sections 120 – 123 of the Local Government Act 1972.

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

Exemptions 1, 2 and 3

**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 including, if necessary, repossession of the land/premises.

Sections 120 – 123 of the Local Government Act 1972.

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

Exemptions 1, 2 and 3

## Director - Regeneration and Growth (cont)

### **Rights of Pre-Emption**

To deal with rights of pre-emption, including re-possession, contained in leases granted by the Council and/or freehold disposals and if appropriate to negotiate the proposed terms of acquisition.

Sections 120 – 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

### **Leases/Licences – Surrender of**

To authorise acceptance of the surrender of leases/licences where such action would not involve the Council in additional expenditure and to recover possession of premises in the event of breach of conditions.

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

### **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 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.

Sections 120 and 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

### **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.

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 – Regeneration and Growth (cont)

<p><b>Localism Act 2011</b> 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 of Law and Governance and Monitoring Officer</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 of Law and Governance and Monitoring Officer</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>
<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><b>Local land drainage problems</b> In consultation with the Director of Law and Governance and Monitoring Officer, 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>

## Director – Regeneration and Growth (cont)

### **Mineshafts - Acquisition**

To purchase of mine shafts where required in connection with Council developments, on terms agreed ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.

Schedule 2 of the Acquisition of Land Act 1981.

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

Exemptions 1, 2 and 3

### **Naming of roads**

To deal with the naming of roads under section 64 of the Town Improvement Clauses Act 1847.

### **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.

### **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).

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

Exemptions 1, 2 and 3

### **Notices under the Leasehold Reform Act 1967 (as amended) and Negotiations for the Sale of Reversions**

In accordance with prevailing Council policy 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 in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

Sections 120 – 123 of the Local Government Act 1972.

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

Exemptions 1, 2, 3, 5 and 6

**Director – Regeneration and Growth (cont)**

<p><b>Number and renumber properties</b> To number and renumber properties on streets under section 64 of the Town Improvement Clauses Act 1847.</p>	
<p><b>Open Space Land and Areas of Laid Out Open Space with Known Contamination, Potential Contamination, Other Ground Condition Problems /Encumbrances or Legal Problems</b> 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. Section 9 of the Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3 and 5</p>
<p><b>Placards and Posters - Right to Obliterate/Remove</b> 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:  Exemptions 1, 2 and 3</p>
<p><b>Planning and Compulsory Purchase Act 2004</b> In consultation with the Director of Law and Governance and Monitoring Officer, to take any appropriate executive action permitted by this legislation ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2,3 and 6</p>
<p><b>Planning Committee</b> In the event that the Planning Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	

**Planning Contravention Notices / Planning Enforcement Notices**

In consultation with the Director of Law and Governance and Monitoring Officer, to act and authorise others to act and serve notices in relation to the Council duties and responsibilities on the following matters:-

To exercise powers under Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and 171C - 171D 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.

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).

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

Exemptions 1, 2, 3, and 7

## Director – Regeneration and Growth (cont)

<p><b>Public Path Orders - Claims for Compensation</b> 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><b>Purchase Notices</b> To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has issued a response to a Purchase Notice indicating that a property will be purchased ensuring all necessary statutory or other authorities in connection with the acquisition have been agreed.</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><b>Persons Interested in Land</b> 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><b>Registration of bus services under the Transport Act 1985</b> To lodge objections to applications for the registration of bus services under section 6 Transport Act 1985.</p>	
<p><b>Removal and Disposal of Vehicles - Vehicle Excise Duty</b> 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><b>Right of Way Over Council Land</b> 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"> <li>(a) when such rights have previously been granted to former Council tenants;</li> <li>(b) when property with an existing agreement changes hands;</li> <li>(c) when a request is received for a new agreement to be granted.</li> </ul> <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 Growth (cont)

<p><b>Road Traffic Regulation Act 1984</b>                  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:                  - 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>	
<p><b>Road Traffic Regulations Act 1984</b>                  Section 23 - Notices to establish, alter or remove pedestrian crossings on roads.</p>	
<p><b>Road Closures for Public Events</b>                  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><b>Securing of Void Properties</b>                  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>
<p><b>Service Contracts</b>                  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>
<p><b>Stall Licences and Car Boot Sales</b>                  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><b>Site Investigations</b>                  To carry out site investigations, where appropriate, prior to land being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	

<p><b>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</b> 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:  Exemptions 1, 2, 3 and 6</p>
<p><b>Traffic Regulation Orders - Amendments</b> 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. Road Traffic Regulation Act 1984 Sch 9 Part IV para 27</p>	
<p><b>Traffic Signs</b> In accordance with the Traffic Signs Regulations and General Directions 2016, to undertake all Council functions, duties and responsibilities as a Highway Authority in relation to traffic signs.  Traffic Signs Regulations and General Directions 2016 Road Traffic Regulation Act 1984 Road Traffic Act 1988</p>	
<p><b>Traffic Regulation Orders</b> To authorise the advertisement and making of new permanent Traffic Regulation Orders and, subject to no unresolved objections, to implement the necessary legal procedures to bring the Traffic Regulation Order into effect.</p>	
<p><b>Trees in Private Ownership - Local Government (Miscellaneous Provisions) Act 1976</b> To exercise powers in respect of trees in private ownership that threatens damage to persons or property.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3 and 6</p>
<p><b>Urgent Works of Preservation</b> 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:  Exemptions 1, 2 and 3</p>
<p><b>Uncollected Property</b> To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.  Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3, 6 and 7</p>

<p><b>Unauthorised encampments</b>  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>
<b>Director – Regeneration and Growth (cont)</b>	
<p><b>Voluntary Organisations - Terms of Model Lease of Council Property</b>  In consultation with the appropriate director and in accordance with prevailing policy, to conclude terms of leases approved by Cabinet for occupation of Council property by 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>
<p><b>Wayleaves and Easements for the Planting of Apparatus</b>  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>

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Advertisement Consent</b>  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><b>Application by an interested Planning Authority</b>  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><b>Applications for Prior Approval - Town and Country Planning (General Permitted Development) (England) Order 2015</b>  To deal with applications for prior approval in respect of domestic extensions and any other operational matters to enable the Director -Regeneration and Planning to comply with the statutory obligations pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Boards on street lamp columns</b>  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>
<p><b>Breaches of Planning, Advertisement and Hazardous Substances Control</b>  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><b>Building Preservation Notices Temporary Listing:</b>  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>

**Director – Regeneration and Growth (cont)****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).

**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).

**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.

**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.]

**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

**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.

## Director – Regeneration and Growth (cont)

### **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 of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Section 102, Section 102(4)(5) and Sections 107 and 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 Planning 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 and where the application for development is submitted by the Council.

That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Economy when undertaking those functions of the local planning authority in the event that there is a potential conflict including where there is a relevant entry in the Members' Register of Interests and the Employees' Register of Interests.

### **Government Planning Policy Guidance on Telecommunications - Permitted Development Rights - Delegation of Powers**

To determine the detail of the sitting and appearance of telecommunications apparatus.

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.

### **Heritage Partnership Agreement**

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

Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990

## Director – Regeneration and Growth (cont)

### **High Hedges**

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.

Grant of Permission or Licence:  
All decisions within this delegation are to be published unless exempt  
1, 2, 3 and 7

### **Highways Act 1980**

To exercise functions under the following sections of the Highways Act 1980:  
 Section 25 - Power to create footpaths, bridleways and restricted byways by agreement  
 Section 26 - Power to create footpaths, bridleways and restricted byways by order  
 Section 31A - Duty to keep a register of information in respect of maps, statements and declarations  
 Section 118 - Power to stop up footpaths, bridleways and restricted byways  
 Section 118A - Power to make a Rail Crossing Extinguishment Order  
 Section 118ZA - Application for Public Path Extinguishment Order for land used as a forestry or for the breeding or keeping of horses  
 Section 119 - Power to divert footpaths, bridleways and restricted byways in the interest of the owner, lessee or occupier of land  
 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

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 Growth (cont)	
<p>Section 135A - Power to temporarily divert footpath, bridleway or restricted byway</p> <p>Section 135B - Power to make good any damage or remove any obstruction</p> <p>Section 139 - Control of builders skips; - Section 142 - Licence to plant trees, shrubs etc in the highway</p> <p>Section 149 - Things deposited on highways as a nuisance</p> <p>Section 169 - Control of scaffolding on highway</p> <p>Section 171 - Deposit of building materials and making of excavations in streets</p> <p>Section 172 - Control of hoardings to be set up during building construction</p> <p>Section 178 - Restriction on placing rails, beams over highways</p> <p>Section 179 - Control of construction of cellars under street</p> <p>Section 180 - Control over openings into cellars</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>
<p><b>Housing Developments</b></p> <p>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><b>Interests in Land - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</b></p> <p>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 1, 2, 6 and 7</p>
<p><b>Listed Building Consent</b></p> <p>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 S178 – Town and Country Planning Act 1990 – execution of works required by enforcement</p>	<p>Grant of Permission or Licence:</p>
<p><b>Markets Falling on Bank Holidays</b></p> <p>To make suitable arrangements to transfer markets falling on bank holidays to "non-market" days.</p>	



**Director – Regeneration and Growth (cont)**

**Planning and Contravention Notices**

In consultation with Director of Law and Governance and Monitoring Officer, 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:-

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.

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.

Individual Rights:

All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

**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 of Law and Governance and Monitoring Officer 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

Individual Rights:

All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

## Director – Regeneration and Growth (cont)

### **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 of Law and Governance and Monitoring Officer, 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 of Law and Governance and Monitoring Officer 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) In consultation with the Director of Law and Governance and Monitoring Officer, 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

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 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

### **Parking of vehicles on footways, verges and central reservations**

To display notices on vehicles parking on footways, verges and central reservations.

Section 130 Highways Act 1980

#### Individual Rights:

All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

**Director – Regeneration and Growth (cont)**

**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.

**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).

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

Exemptions 1, 2, 6 and 7 may apply

**Reserved Matters - Determination of Applications**

Determination of applications for the approval of “reserved matters” and the discharge of conditions imposed under Sections 70 and 72 of the Town and Country Planning Act 1990.

Grant of Permission or Licence:

**Rights of Entry for Enforcement**

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Sections 178, 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).

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

Exemptions 1, 2, 6 and 7 may apply

**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.

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.

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

Exemptions 1, 2. 6 and 7 may apply

## Director – Regeneration and Growth (cont)

### **Section 106 Agreements and Community Infrastructure Levy (CIL)**

To refuse all planning applications and other related consents where the section 106 planning obligation or CIL 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  
Planning Act 2008  
Community Infrastructure Levy Regs 2010

### **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).

### **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).

### **Town and Village Green Applications**

In consultation with the Director of Law and Governance and Monitoring Officer 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 2014.

## Director – Regeneration and Growth (cont)

<p><b>Tree Preservation Orders</b> In consultation with the Director of Law and Governance and Monitoring Officer e to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	
<p><b>Urgent Works of Preservation</b> 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</p>
<p><b>Works in Default</b> In consultation with the Director of Law and Governance and Monitoring Officer, 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>
<p><b>Consent to Alter and Erect Premises or Change the Use of Land and Premises</b> To determine applications for consent to alter and erect premises or to change the use of land and premises either comprised or owned or previously owned by the Council and where any covenant may require consent, and where, appropriate, to negotiate the terms and conditions of any such consent</p>	

**Director – Regeneration and Growth (cont)**

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      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><b>Appropriation of Council Owned Land and Property</b>                      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><b>Building Act 1984 - Proper Officer-</b>                      To sign orders, notices and documents as appropriate for the purposes of the Building Act 1984.</p>	
<p><b>Compulsory Purchase Orders - Acquisitions</b>                      Approval of Valuation Compensation and related reports on land and property in confirmed Compulsory Purchase Orders.</p>	
<p><b>Doors in Streets - Highways Act 1980</b>                      Doors in streets not to open outwards under section 153 of the Highways Act 1980.</p>	
<p><b>Emergencies – Erection of Barriers, Highways Act 1980</b>                      The power to erect barriers in streets in cases of emergency under section 287 of the Highways Act 1980.</p>	
<p><b>Emergency Works Affecting the Highway</b>                      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><b>Employment and Skills Interventions</b>                      To commission employment and skills interventions from the private and voluntary sectors in accordance with the approved Working Neighbourhoods Fund Commissioning Framework.</p> <p>Localism Act 2011.</p>	

## Director – Regeneration and Growth (cont)

### **Highways Act 1980**

To enter into highway agreements under section 278 of the Highways Act 1980.

### **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.

## Director – Regeneration and Growth (cont)

### **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 and Compensation Act 1991);

Planning (Listed Buildings and Conservations Areas) Act 1990;

Planning (Hazardous Substances) Act 1990.

### **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.

### **Public Conveniences,**

To extend normal Sunday opening hours of Public Conveniences when necessary.

Section 87 of the Public Health Act 1936.

### **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:

- 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.

### **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.

Section 48 of the Local Government Act 1985.



## Director – Regeneration and Growth (cont)

**Surveyors' and Legal Costs and Expenses**

To agree the Council's surveyors' and in consultation with the Director of Law and Governance and Monitoring Officer legal costs and expenses as part of the terms for the disposal of Council owned land and premises.

**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.

**Director – Regeneration and Growth (cont)**

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Commuted Sum with Vendors to Meet Ongoing Management, Maintenance and Monitoring of Matters Associated with the Future Use of the Land</b>                      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>Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Consultations from Adjoining Local Planning Authorities on Planning Applications</b>                      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><b>Consultation under the Planning Act 2008</b>                      Authority to respond to consultations under the Planning Act 2008.</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>	
<p><b>Emergency Works affecting the Highway</b>                      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><b>Notices Refusing Planning Permission</b>                      Despatch of notices refusing planning permission where directed by central government or otherwise in accordance with the appropriate legislation.</p>	
<p><b>Queens Square, Sandwell Centre - Displays and Exhibitions</b>                      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>	

Authority to Act	Commentary
<p><b>Category E</b> 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><b>Festive Lights</b> 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.</p> <p>Section 144 of the Local Government Act 1972.</p>	
<p><b>Local Land Charges Act, 1975 – Maintenance of Register</b> To keep the local Land Charges Register and sign all certificates and documents in connection therewith on behalf of the Council.</p>	
<p><b>Survey of Area</b> 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.</p>	

## All Directors

Delegation	Commentary
<p><b>Category A – Executive</b>            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><b>Acquisitions</b>            Where it is confirmed that appropriate funding is available, to authorise the acquisition of land and premises required for operational purposes up to a value of £50,000 subject to the terms and conditions of the acquisition being approved by the Director – Regeneration and Planning</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	
<p><b>Leases to Voluntary Organisations</b>            In consultation with the Director - Regeneration and Planning, 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><b>Ombudsman Findings - Payment of Compensation</b>            In consultation with the Director of Law and Governance and Monitoring Officer, 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><b>Power of local authorities to prosecute or defend legal proceedings</b>            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 and Governance and Monitoring Officer to prosecute or defend legal proceedings.</p>	
<p><b>Supply of Services to External Bodies (under Executive Law)</b>            In consultation with the Executive Director - Resources, 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>	

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  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><b>Planning and Building Regulation Applications by the Council</b>  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><b>Power of local authorities to prosecute or defend legal proceedings</b>  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 of Law and Governance and Monitoring Officer to prosecute or defend legal proceedings.</p>	
<p><b>Settlement for Civil Litigation – below £250,000</b>  With the exception of employment related matters or matters deemed to be of a routine or operational nature by the Director of Law and Governance and Monitoring Officer, and where the Director of Law and Governance and Monitoring Officer 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 &amp; 7 may apply</p>
<p><b>Simple Cautions</b>  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 of Law and Governance and Monitoring Officer, 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 &amp; 7 may apply</p>

**All Directors (cont)**

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

In consultation with the Executive Director - Resources 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 Executive Director - Resources, 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)

**All Directors (cont)**

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Award of Contracts</b> In accordance with the Council’s Procurement and Contract Procedures rules and Voluntary and Community Sector Grant Guidance and Procedures, as appropriate, 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"> <li>- to authorise the letting of contracts/grants up to £100,000; and</li> <li>- to authorise the letting of contracts/grants between £100,000 and £250,000, in consultation with the Executive Director - Resources.</li> </ul> <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 current employment law, the Council's corporate pay, terms and conditions and grading structure and in consultation with the Executive Director - Resources:-

- to deal with the appointment, promotion, redesignation, resignation, redundancy (voluntary or otherwise), 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 the approved corporate job evaluation process.

Local Government and Housing Act 1989 and Section 112 of the Local Government Act

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 Planning to negotiate terms for disposal in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

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.

### 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 and Section 112 of the Local Government Act 1972

All Directors (cont)	
Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Award of Contracts</b>  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"> <li>- to authorise the letting of contracts up to £100,000; and</li> <li>- to authorise the letting of contracts between £100,000 and £250,000, in consultation with the Executive Director – Resources</li> </ul> <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 &amp; 5 may apply</p>
<p><b>Retirement</b>  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 Executive Director - Resources 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><b>Use of Their Car by Members of Staff</b>  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
<p><b>Category E</b>                      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><b>Attendances of Staff at Conferences and on Courses</b>                      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.</p> <p>Section 112 of the Local Government Act 1972</p>	
<p><b>Affidavits and Declarations</b>                      For the purposes of, or in anticipation of any proceedings involving the Council, to:-</p> <ul style="list-style-type: none"> <li>(a) swear affidavits;</li> <li>(b) make declarations and statements;</li> <li>(c) execute any other documents;</li> <li>(d) and to authorise any employees, for whom they have management responsibility, to do likewise.</li> </ul>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 &amp; 5 may apply</p>

## Miscellaneous Officers

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>Authorisation of Officers</b>                      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                      Equality 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                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></p>	
<p><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, 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><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	
<p><b>Mental Capacity Act 2005</b>                      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><b>Finance Business Partner (Adults)</b></p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption to 7</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;**

**Directors;**

**Audit Services Manager;**

**Counter Fraud Unit Manager;**

**Trading Standards and Licensing Manager;**

**Environmental Health Manager**

(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)

(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 – Adult Social Care, Health and Wellbeing;**  
**Trading Standards and Licensing Manager**

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

Exemption, 2 and 3

**Miscellaneous Officers (cont)**

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      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><b>Authorisation of Officers</b>                      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                      Equality 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                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Part 2 of the Local Government (Miscellaneous Provisions) Act 1976                      Town Police Clauses Act 1847                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></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><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, 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><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></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><b>Street Trading –</b>                      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: right;"><b>Markets Manager</b></p>	

**Miscellaneous Officers (cont)****Private Hire Vehicles and Hackney Carriages and Vehicle and Driver Licensing**

**Legal Manager  
Licensing Manager  
Senior Licensing Officer in absence of the Legal  
Manager or Taxi Licensing Manager  
Senior Licensing Enforcement Officer in the absence of  
the Legal Manager or Taxi Licensing Manager**

**Advertising on Hackney Carriages**

To interpret and to give express consent for advertising on hackney carriages, where appropriate.

To make amendments to the advertising provisions of the Hackney Carriage and Private Hire Vehicles Guidelines, where appropriate.

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

**Applications for Private Hire and Hackney Carriage Licences**

To deal with applications for Private Hire and Hackney Carriage Licences

Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 and under the Town Police Clauses Act 1847

**Legal Manager  
Taxi Licensing Manager  
Senior Licensing Officer in the absence of the Legal  
Manager or Taxi Licensing Manager  
Senior Licensing Enforcement Officer in the absence of  
the Legal Manager or Taxi 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

**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.

Local Government (Miscellaneous Provisions) Act 1976.

Grant of Permission or Licence

**Miscellaneous Officers (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.

**Disclosure Barring Service 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 vehicle 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.

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

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

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><b>Non-Compliance with the Colour Policy</b> 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, or hackney carriages.</p>	
<p><b>Security Screens</b> To approve requests for advertisements on security screens in private hire vehicles</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Sign and Attest Documents</b> To sign decision notices for applications for planning permission which have otherwise been delegated to the Director – Regeneration and Economy, dealt with under: -</p> <ul style="list-style-type: none"> <li>- Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991);</li> <li>- Planning (Listed Buildings and Conservations Areas) Act 1990;</li> <li>- Planning (Hazardous Substances) Act</li> <li>- Building Act 1984</li> </ul> <p style="text-align: center;"><b>Development Management and Regulatory Services Manager Spatial Planning and Development Manager</b></p>	
<p><b>Suspension of Driver's Licence</b> 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><b>Suspension of Driver's Licence</b> 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><b>Suspension of Vehicle Licences</b> 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>	

Miscellaneous Officers (cont)

<p><b>Temporary Renewal of Driver's Licence</b> To temporarily renew or extend a licence for a driver where the Legal Manager or the Licensing Manager considers it to be reasonable.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Undertakings for Disposal and Acquisition of Land</b> In the absence of the Director and Governance and Monitoring Officer, to sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Service Manager – Legal Legal Manager Principal Solicitor</p>	
<p><b>Warning for Failing to Declare or Report</b> To issue a strong written warning to new or existing drivers of a private hire vehicle or hackney carriage 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><b>Warning for Points on Licence</b> To issue a strong written warning to existing drivers of a private hire vehicle or hackney carriage who have more than six points on their licence.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	

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)**

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Freedom of Information and Environmental Information</b>                      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"> <li>- <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply.</li> <li>- <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.</li> </ul>	
<p><b>Service Manager - Governance</b>  <b>Sign and Attest Documents –</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p><b>Service Manager - Legal</b>  <b>Sign and Attest Documents –</b>                      In the absence of the Director of Law and Governance and Monitoring Officer 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><b>Legal Manager</b>  <b>Statements of truth</b>                      To sign statements of truth on behalf of the Council in the course of legal proceedings.</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	

Miscellaneous Officers (cont)

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Sign and Attest Documents –</b>                      In the absence of the Director and Governance and Monitoring Officer, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p> <p><b>Service Manager - Legal</b></p>	
<p><b>Sign and Attest Documents –</b>                      In the absence of the Director of Law and Governance and Monitoring Officer 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><b>Legal Manager</b></p>	
<p><b>Statements of truth</b>                      To sign statements of truth on behalf of the Council in the course of legal proceedings.</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	
<p><b>Undertakings for Disposal and Acquisition of Land</b>                      In the absence of the Director – Governance, to sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b></p>	

## Miscellaneous Officers (cont)

Authority to Act	Commentary
<p><b>Category E</b> 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><b>Data Protection Act 1980</b> To undertake or commission investigations into alleged breaches of Data Protection legislation, including the interviewing of relevant persons and the inspection of all relevant records and recorded data.</p> <p><b>Service Manager – Governance; Governance Services Manager</b></p>	
<p><b>Licensing Act 2003 – Designation as Responsible Officer</b> 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.</p> <p><b>Trading Standards and Licensing Manager</b></p>	
<p><b>Signing of Notices</b> To sign notices as required by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 notifying owners/occupiers that a building has become listed</p> <p>Planning (Listed Buildings and Conservations Areas) Act 1990</p> <p><b>Conservation Officer</b></p>	
<p><b>Solicitor to the Council</b> 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.</p> <p><b>Deputy Monitoring Officer</b></p>	
<p><b>Statutory Data Protection Officer</b> To undertake the duties of the Statutory Data Protection Officer.</p> <p>General Data Protection Regulations</p> <p><b>Deputy Monitoring Officer</b></p>	

<p><b>Statutory Scrutiny Officer</b>          To undertake the duties of the statutorily designated Scrutiny Officer.</p> <p>Local Democracy, Economic Development and Construction Act 2009          – Section 31          Local Government Act 2000 – Section 9FB          Localism Act 2001</p>	
<p><b>Democratic Services Manager</b></p> <p><b>Traffic Management Act 2004</b>          Designated Traffic Manager for Sandwell Metropolitan Borough Council in accordance with the requirements of section 17(2) of the Traffic Management Act 2004.</p> <p><b>Service Manager - Highways</b></p>	

## Non Council Employees

Delegation	Commentary
<p><b>Category A – Executive</b>                      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><b>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</b>                      From the West Midlands West Public Health England Team:  <b>Unit Director</b>  <b>Consultants in Communicable Disease Control</b>  <b>Consultant In Public Health</b>  <b>Regional Epidemiologist</b></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>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p><b>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984</b>                      Removal of a body to a mortuary as required by section 48.</p>	
<p><b>Removal to a Place of Care - National Assistance Act 1948</b>                      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><b>Verminous Articles for Sale - Public Health Act 1961</b>                      Disinfecting, destroying or removing from premises verminous articles intended for sale under section 37</p>	
<p><b>Verminous People and Articles – Public Health Act 1936</b>                      Cleansing or destroying filthy or verminous articles under section 84;</p> <p>Cleansing verminous persons and their clothing under section 85.</p>	

## Non Council Employees (cont)

### Regional Scambuster Team

To exercise the Council's functions relating to the enforcement and prosecution of offences by the Regional Scambusters Investigation Service under the following legislation and all secondary legislation made under any of the specified legislation:-

### Birmingham City Council

Companies Act 2006  
 Consumer Protection Act 1987  
 Copyright Designs and Patents Act 1988  
 Criminal Attempts Act 1981  
 Enterprise Act 2002  
 European Communities Act 1972  
 Fair Trading Act 1973  
 Forgery and Counterfeiting Act 1981  
 Fraud Act 2006  
 Proceeds of Crime Act 2002  
 Theft Acts 1968 and 1978  
 Trade Marks Act 1994  
 Video Recordings Acts 1984 and 1993  
 Weights and Measures Act 1985  
 Consumer Rights Act 2015

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

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

## Non Council Employees (cont)

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

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

Non Council Employees (cont)	
Authority to Act	Commentary
<b>Category E</b> 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.	
<b>Consumer Credit Act 1974 -</b> 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.  <b>Trading Standards Services of Birmingham City Council</b>	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2 & 5 may apply
<b>Proper Officer - Public Health (Control of Disease) Act 1984</b> 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: <b>Unit Director</b> <b>Consultants in Communicable Disease Control</b> <b>Regional Epidemiologist</b>  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><b>Category A – Executive</b>                      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><b>Black Country Executive Joint Committee - City Deal and Growth Deal</b></p> <ol style="list-style-type: none"> <li>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"> <li>▪ Providing a coherent single position on the major strategic City Deal and Growth Deal issues</li> <li>▪ Agreeing allocation of spending</li> <li>▪ Agreeing major priorities</li> </ul> </li> <li>2. Agreeing lead and/or accountable body status for a body or organisation.</li> <li>3. Agree, review and amend options at any time for City Deal and Growth Deal governance which is fit for purpose.</li> <li>4. Influence and align government investment in order to boost economic growth.</li> <li>5. Have regard to the duty to co-operate and the Joint Committee's overall function as set out above.</li> <li>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.</li> <li>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.</li> <li>8. Decide on capital expenditure programmes and ensuring policy and programmes are delivered effectively through partners.</li> </ol>	



Partnership Arrangements (cont)	
Delegation	Commentary
<b>Category B – Non- Executive</b> 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
<b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None.	

Delegation	Commentary
<b>Category D – Ancillary to a Non- Executive Decision</b> 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
<b>Category E</b> 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.	