

Miscellaneous Officers	
Delegation	Commentary
<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.	
<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:  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 <b>Legal Manager</b> <b>Licensing Manager</b>	
<b>Sandwell Children's Trust</b>  <b>Dispute Resolution</b> To undertake any measures, conducive and incidental, in order to resolve any disputes relating to Sandwell Children's Trust during the First Resolution Period and to undertake any such responsibilities as set out in the contract..  Schedule 12: Dispute Resolution, <b>title of document</b>  <b>Minor Variations of Contract</b> To approve minor variations to the Service Delivery Contract.  Schedule 7: Change Control Procedure, <b>title of document</b>  <b>POSITION TITLE (representative)</b>	A number of decisions within this delegation may be exempt from publication:

<p><b>Legal Proceedings</b> In the absence of the Director – 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
<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>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.  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  <b>Legal Manager</b> <b>Licensing Manager</b>	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
<b>Legal Proceedings</b> In the absence of the Director – 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:  <b>Service Manager – Legal</b> <b>Legal Manager</b> <b>Principal Solicitor</b> <b>Solicitor</b>	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1,2, 6 and 7 may apply
<b>Street Trading –</b> To approve fees relating to approved consent streets for the purposes of street trading.  Paragraph 9 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.  <b>Markets Manager</b>	

<b>Miscellaneous Officers (cont)</b>	
<b>Private Hire Vehicles and Hackney Carriages and Vehicle and Driver Licensing</b>  <p style="text-align: right;"><b>Legal Manager</b> <b>Licensing Manager</b> <b>Senior Licensing Officer in the absence of the Legal Manager or Taxi Licensing Manager</b> <b>Senior Licensing Enforcement Officer in the absence of the Legal Manager or Taxi Licensing Manager</b></p>	
<b>Advertising on Hackney Carriages</b> 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
<b>Applications for Private Hire and Hackney Carriage Licences</b> 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  <p style="text-align: right;"><b>Legal Manager</b> <b>Taxi Licensing Manager</b> <b>Senior Licensing Officer in the absence of the Legal Manager or Taxi Licensing Manager</b> <b>Senior Licensing Enforcement Officer in the absence of the Legal Manager or Taxi Licensing Manager</b></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
<b>Approved List of Vehicles</b> 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

<b>Miscellaneous Officers (cont)</b>	
<p><b>CCTV</b> To approve requests in relation to advertisements on CCTV screens in private hire vehicles and hackney carriages.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>
<p><b>Consideration of Driving Experience</b> 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.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Disclosure Barring Service Disclosure</b> 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.</p>	
<p><b>Exemption to Displaying Plates and Signs</b> To grant an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, where appropriate.</p>	
<p><b>Knowledge Test - Decision to Refuse to Grant a licence if Knowledge test failed three times;</b> 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.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>
<p><b>Leave of Absence to Remain in the UK</b> 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.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Medical Officer Certification</b> To determine applications including the decision to refuse to grant a licence for a driver of a private hire vehicle or hackney carriage when the Medical Officer has certified that the applicant is unfit to be a licensed driver.</p> <p>Power to grant a hackney carriage and/or private hire drivers licence for the specific period of validity of a Certificate of Fitness to Work, should the certificate be valid for less than 12 months.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>

Miscellaneous Officers (cont)	
<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.	
<b>Security Screens</b> To approve requests for advertisements on security screens in private hire vehicles  Local Government (Miscellaneous Provisions) Act 1976.	
<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: - <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> <b>Development Management and Regulatory Services Manager</b> <b>Spatial Planning and Development Manager</b>	
<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  Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.	Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt  Exemptions 1, 2. 6 and 7 may apply
<b>Suspension of Driver's Licence</b> Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage  Section 61 of the Local Government (Miscellaneous Provisions) Act 1976	
<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.  Local Government (Miscellaneous Provisions ) Act 1976	

## Miscellaneous Officers (cont)

### **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.

Local Government (Miscellaneous Provisions) Act 1976.

### **Undertakings for Disposal and Acquisition of Land**

In the absence of the Director – 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.

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

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

### **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.

Local Government (Miscellaneous Provisions) Act 1976.

### **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.

Exemptions 1, 2, 6 and 7 may apply



Miscellaneous Officers (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>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: <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>	
<b>Corporate Information Governance Manager</b> <b>Sign and Attest Documents –</b> In the absence of the Director - Monitoring Officer, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.	
<b>Service Manager - Legal</b> <b>Sign and Attest Documents –</b> In the absence of the Director - 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	
<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.	
<b>Service Manager – Legal</b> <b>Legal Manager</b> <b>Principal Solicitor</b> <b>Solicitor</b>	

Miscellaneous Officers (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>Sign and Attest Documents –</b> In the absence of the Director – Monitoring Officer, to sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.  <b>Service Manager - Legal</b>	
<b>Sign and Attest Documents –</b> In the absence of the Director - 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 <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.  <b>Service Manager – Legal</b> <b>Legal Manager</b> <b>Principal Solicitor</b> <b>Solicitor</b>	
<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.  <b>Service Manager – Legal</b> <b>Legal Manager</b> <b>Principal Solicitor</b>	

Miscellaneous Officers (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>Data Protection Act 1998 and subsequent Data Protection Legislation</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.	
<b>Corporate Information Governance Manager</b>	
<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.	
<b>Trading Standards and Licensing Manager</b>	
<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  Planning (Listed Buildings and Conservations Areas) Act 1990	
<b>Conservation Officer</b>	
<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.	
<b>Deputy Monitoring Officer</b>	

<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>Service Manager - Governance</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>	