

**Governance and Constitution
Review Committee**

**Thursday 12 April 2018, at 2.00 pm
Committee Room 2, Sandwell Council House, Oldbury**

Agenda

1. Apologies.
2. Members to declare any interest in matters to be discussed at the meeting.
3. Constitution Update 2018.
4. Appointment of Statutory Officers: Senior Information Risk Owner, Data Protection Officer and Statutory Scrutiny Officer.

**J. Britton
Chief Executive**

Sandwell Council House,
Freeth Street, Oldbury











Distribution:

Councillors Eling [Chair], Hevican, P Hughes, Khatun, Lewis, Preece,
Trow and Underhill.

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REPORT TO GOVERNANCE AND CONSTITUTION REVIEW COMMITTEE

12 April 2018

Subject:	Constitution Update 2018
Director:	Surjit Tour Director – Monitoring Officer
Contribution towards Vision 2030:	         
Contact Officer(s):	Suky Suthi-Nagra Democratic Services Manager suky_suthi-nagra@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Governance and Constitution Review Committee:

1. **Members Allowance Scheme 2018-19**
 - a) Consider the revised Members Allowance Scheme 2018-19;
 - b) Provide a steer on the reinstatement of a taxi provision for members;
 - c) Recommend the Members Allowance Scheme 2018-19 to Council for approval;
2. **Programme of Committee Meetings 2018-19**
 - a) Consider the Programme of Committee Meetings 2018-19;
 - b) Recommend the Programme of Committee Meetings 2018-19 to Council for approval;
3. **Sandwell Children's Trust**
 - a) Consider changes necessary to the Council's Scheme of Delegation to Officers for the Chief Executive, Executive Director of Children's Services and Miscellaneous Officers to incorporate the provisions of the Sandwell Children's Trust;
 - b) Request the Leader of the Council to consider amending the executive portfolios for the Leader and Cabinet Member for Children's Services to incorporate the provisions of the Sandwell

- Children's Trust and to provide an update to the Council in May 2018;
- c) Consider changes necessary to amend the Terms of Reference for Scrutiny Boards (Children's Services and Education Scrutiny Board) to incorporate the provisions of the Sandwell Children's Trust;
 - d) Recommend the proposed changes to the Council for approval;

4. Miscellaneous Officers

- a) Consider a change to the Scheme of Delegation to Officers (Miscellaneous Officers) to enable to Conservation Officer to sign off notices as required by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 notifying owners/occupiers that a building has become listed;
- b) Recommend the proposed changes to the Council for approval;

5. Policy Review Select Committee

- a) To provide a steer on the future of the Policy Review Select Committee.

1 PURPOSE OF THE REPORT

1.1 Members will be aware that before the Annual Meeting each year, officers review the Council's Constitution to ensure it remains fit for purpose and to take account of any new changes in legislation or policy. This report outlines the areas that are currently under review, including:-

- update to Members' Allowances Scheme to reflect the recommendations of the Independent Remuneration Panel following their review in 2017 and to provide greater flexibility to meet changing demands;
- proposed programme of committee meetings 2018-19;
- future of the Policy Review Select Committee;
- proposed changes to the Scheme of Delegation to Officers and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The proposals enable the Council and the Executive to review and refresh the Council's constitutional framework and governance arrangements and to re-design and revise them to ensure they are effective to deliver the council's statutory functions and Vision 2030.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Council has a duty under Section 37 of the Local Government Act 2000 to keep its Constitution up to date. The Monitoring Officer is responsible for monitoring and reviewing the Constitution on behalf of the Council. This exercise is carried out on an annual basis to ensure that in-year amendments approved by the Council have been included and to identify any areas in need of review and revision.
- 3.2 An in-depth governance review will be undertaken to ensure the council's governing frameworks, constitutional arrangements and working practices and procedures remain effective and fit for purpose in addressing changes in the council's circumstances, legislation and business needs and are aligned to Sandwell's Vision 2030. A further report will be submitted in due course.

4 THE CURRENT POSITION

Members Allowance Scheme 2018-19

- 4.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2001, as amended, independent representatives of Sandwell formed an Independent Remuneration Panel to make recommendations on a suitable remuneration scheme for elected Members. The Panel met on several occasions to undertake their work and during August 2017, the Panel met with various elected members who had expressed an interest in making representations to the Panel.

Having considered this information alongside comparative data and benchmarking evidence, the Panel produced a report, which set out their considered recommendations for the Members' Allowances Scheme at Sandwell MBC. This was considered by the Council on 17th October 2017.

- 4.2 The Panel recommended that members basic allowance should be uplifted in line with any pay awards given to staff. Once the National Pay Offer is agreed, a further report will be submitted to the Council to recommend approval including the budgetary implications.
- 4.3 In response to the recommendations of the Panel, the Members Allowances Scheme has been amended to:-

- provide clarity on childcare provision available for those members who are primary carers, whilst undertaking approved duties, for e.g. attendance at meetings;
- clarity on the ICT and member mobile phone policy.

However, a steer is now required from the Committee on whether to reinstate a taxi scheme for members. Travel and subsistence is payable in connection with undertaking duties specified by the Council. No separate amount is be payable for travel and subsistence within the West Midlands conurbation area as the basic allowance is deemed to include an element for travel and subsistence. However, in previous years, a transport scheme was made available for members. Those members whom utilised the scheme would pay monthly towards the cost of the scheme and the Council would reimburse a sum of money to that member if they had made less than 99 journeys in a year. In 2016, the decision was taken to remove this provision so that payment for taxis may only be made in cases of urgency or where public transport is not reasonably available. The previous scheme was utilised by one member and was costing the Council approximately £700 per year. Having heard representations from a member, the Independent Remuneration Panel felt that the transport plan issue should be revisited to consider whether it should be reintroduced.

Sandwell Children's Trust

- 4.4 Whilst a governance review is underway, it has become necessary to make minor changes to the Council's Scheme of Delegation to Officers (Non-Executive function) and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust and any additional delegation that are required in order for the Council to carry out its functions. These will be recommended for approval by the Council in May 2018.

The Leader will be requested to consider any proposed amendments to the executive portfolios for the Leader and the Cabinet Member for Children's Services to incorporate the Children's Trust provisions and to update the Council in May 2018 on any changes.

Policy Review Select Committee

- 4.5 A steer from the Committee is sought on whether the Policy Review Select Committee will continue for a third year. The Select Committee was set up in 2016 and has met on five occasions to review the Council's strategic policy framework and bring forward recommendations for policy refresh to ensure alignment with the Council's corporate policy priorities. With the inception of the Sandwell Vision 2030, clarification is now sought on whether the Select Committee should be dissolved in May 2018.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 An Independent Remuneration Panel was appointed in 2017 to advise on the terms and conditions of the scheme of Members Allowances.

6 ALTERNATIVE OPTIONS

- 6.1 Once a steer is obtained from the Committee in relation to the future of the Policy Review Select Committee and the taxi provision for members, officers will be able to provide alternative options to members for consideration.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 Any proposed changes to the Members Allowance Scheme, the Special Responsibility Allowance and the provision of a taxi scheme will have a budgetary impact. A further report will be submitted to the Council in the event that the National Pay Offer is agreed which will result in an increase in members basic allowance, to outline the financial implications.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council has a duty under Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 There are no equality issues arising from the proposals.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The proposals are in line with data protection implications.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no crime or disorder implications arising from the proposals.

12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE) (

- 12.1 The proposals have no implications on health and wellbeing.

13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 13.1 There are no implications for Council managed land or property.

14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 It is proposed to recommend to Council:-

- The revised Members Allowance Scheme 2018-19;
- The Programme of Committee Meetings 2018-19;
- Proposed changes to the Scheme of Delegation to Officers and the Terms of Reference for Scrutiny Boards to incorporate the provisions of the Sandwell Children's Trust.

15 BACKGROUND PAPERS

15.1 Report of the Independent Remuneration Panel to Council – 17 October 2017.

16 APPENDICES:

Revised Members Allowance Scheme 2018–19 – Appendix 1

Programme of Committee Meetings 2018-19 – Appendix 2

Scheme of Delegation to Officers (Chief Executive) – Appendix 3

Scheme of Delegation to Officers (Executive Director of Children's Services) – Appendix 4

Scheme of Delegation to Officers (Miscellaneous Officers) – Appendix 5

Terms of Reference for Scrutiny Boards – Appendix 6

Members' Allowances Scheme 2018/19

Sandwell Metropolitan Borough Council

MEMBERS' ALLOWANCES SCHEME

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1. Introduction

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

The Council has had regard to the recommendations of the Independent Panel on Members' Remuneration of **August 2017**. The Panel is the independent remuneration panel required to be established by the Regulations.

The scheme is reviewed annually.

1.2 Definitions

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

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

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

1.5 Approved Duties

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

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

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

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

Duties which are not “approved duties”

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

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

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

2. Basic Allowance

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

3. Special Responsibility Allowance

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

4. Dependants' Carers' Allowance

- 4.1 A dependants' Carers' Allowance is payable to those elected members who incur expenditure for the care of children, for whom they are the primary carers, whilst undertaking approved duties as set out in paragraph 1.5 of this Scheme, with the proviso that this is only applicable to meetings held at Sandwell Council House and for use of the Sandwell Council House Workplace Nursery. Members are to give as much notice as possible, as this provision is subject to available places in the Workplace Nursery.
- 4.2 The amount of the dependants' carers' allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

5. Travelling and Subsistence Allowance

- 5.1 Travel and subsistence is payable relating to undertaking duties specified by the Council. The duties specified are those set out in paragraph 1.5 of this Scheme.
- 5.2 No separate amount will be payable for travel and subsistence within the West Midlands Conurbation Area. The basic allowance will be deemed to include an element for travel and subsistence.
- 5.3 The Leader, Cabinet, Mayor and Deputy Mayor (or their nominated representatives) in their roles as ambassadors and representatives for

Sandwell MBC will be entitled to the provision of transport without charge.

5.4 Travel and subsistence outside the West Midlands Conurbation Area

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

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

Members may claim a Subsistence Allowance, not exceeding the prescribed rates which are available via Member Services.

5.5 Car Parking Permits

All Members that wish to use the car parks including the Members Car Park in Church Street will need to purchase a parking permit (excluding blue badge holders) there are three options available:

- 1) Members Car Park Permit – £5.00 per month. This is valid only for Members using the car park in Church Street. It can be used on any day, for any duration.
- 2) Annual Sandwell Car Park Permit - £240.00 per year. This permit is valid every day on all long stay council car parks across the borough and also for the Members Car Park in Church Street.
- 3) Annual 3-Day Sandwell Car Park Permit - £144.00 per year. This permit is valid for 3 days a week (which you must specify at the time of purchase) on all long stay council car parks across the borough and also for the Members Car Park in Church Street.

By paying for permits through a deduction from pay, Members have the option to pay through a 'salary sacrifice' scheme This scheme is tax efficient and saves, on average, 20% on the above costs for individuals.

6. Mobile Telephones

- 6.1 The Council will provide mobile telephones and reimburse expenses related to their use to assist Members in the discharge of their statutory and policy making functions:
- 6.2 The Council through its Member Services Unit (MSU) will issue mobile telephones for Councillors.

All Elected Members are eligible to be issued with a mobile telephone.

Upon issue of a mobile telephone the user must comply with all legislation covering the safe and effective use of mobile telephones.

All users will contribute £7 per month towards the cost of their monthly tariff charge. This contribution will be reviewed in the event of new tariffs being introduced. MSU will contribute £3 towards a handset's insurance. Anything over this amount will be charged to the user.

The tariffs include inclusive calls (some calls may be chargeable, for example, premium rate numbers), inclusive texts, inclusive data and 4G in the U.K. and EU Member countries. (A full list is available from MSU)

- 6.3 Some services are not included in our inclusive tariff, these include, but are not limited to;

Picture messages, (However, third party apps can be used to send pictures and videos etc.). premium rate numbers, international premium rate numbers, any in app charges (games, media etc.) or texts to make charitable donations will be charged to the number.

- 6.4 Inclusive data is subject to a fair usage policy. Members are encouraged to manage data use responsibly, for example, using Wi Fi when available.
- 6.5 Travelling abroad - Cabinet Members need to consider their portfolio responsibilities before travelling abroad and advise MSU 7 days prior to travel if they require access to data. To avoid excessive data charges a data bundle may be added that should be adequate for business purposes.

Other Members travelling abroad can request data bundles, if they wish, but must meet the costs of non-U.K. and E.U. voice, data use and the bundle.

- 6.6 It is the responsibility of Member Services to monitor adequate control of the supply and costs associated with mobile telephones.

The Member Services Unit will maintain and update records of all supplied mobile phones.

Upon issue of a Council mobile telephone all users will be required to complete a Registration Form and be recorded as the registered user.

Once a mobile telephone is issued the registered user is required to keep the handset for a minimum period of 2 years in line with the current Council Contract or buy out the remainder of the contract.

- 6.7 The Council will contribute £150 towards the cost of the handset. If Members wish to purchase more expensive handsets, they must meet the additional costs.

If Members contribute the remaining cost of the handset, they will be entitled to keep it at the end of the contract period.

The remaining cost of the handset can be spread across a maximum of two years, or the remaining duration of a member's term, if they are standing down. All other handsets must be returned to Member Services.

- 6.8 Members requesting new phones have entered into a firm commitment. As there is no "cooling off" period for Corporate Contracts.

If MSU is unable to allocate the phone to another user, Members will be liable for the full cost of the handset (including the £150 met by the Council) if they change their minds after the phone has been ordered.

- 6.9 It is recognised that the working requirements of Cabinet Members are such that they will invariably require enhanced functionality. The Council will meet the full cost of these handsets, which will remain the property of the Council at the end of the contract period, if no contribution is made.

- 6.10 If Members choose to upgrade to a higher specification and value handset, they must meet any additional costs incurred which will be deducted from their Allowances.

- 6.11 The terms for the agreement will apply from when the member enters it. e.g. a Member who becomes a Cabinet Member will still pay any contributions to a handset they ordered when they were not on Cabinet. A Cabinet Member who leaves the Cabinet, will not be charged for any contribution for a handset they ordered when they were on it. If a member loses their seat, whilst money is still owed, the remaining amount will be deducted from the last payment of allowances if possible, and if not, the member will arrange to pay the balance.
- 6.11 If an elected member that has not contributed to the cost of their handset stands down or loses their seat, then the phone **must** be returned to the Member Services Unit. Member Services have the authority to transfer the use of a mobile telephone to another user. Mobile phones provided before November 2015, remain the property of the council. Arrangements can be made for members to retain their number when no longer on the MSU contract. This must be done through Member Services. If a member stands down, resigns or loses their seat, they will have three working days to make arrangements for a new phone. After this, bars will be put in place to prevent use of the connection. If a member wants to keep the number, these bars will not affect the PAC (Porting Authorisation Code).

7. Conferences and Seminars

- 7.1 Sandwell MBC will provide support to enable all elected members to attend two external conferences/seminars per Municipal Year in connection with Council business, in addition to events organised by the West Midlands Local Government Association.
- 7.2 All elected members will submit an application form (Conference 1) providing full details of the Conference/Seminar and proposed method of travel, to the Member Services Unit. Elected members will be asked to detail the perceived benefits of attending the conference/seminar.
- A condition of approval being granted will be the consent of elected members to complete an Evaluation Form upon their return.
- 7.3 Approval in each instance is to be provided by the **Director – Monitoring Officer**, in consultation with the appropriate Senior Member.

- 7.4 All of the costs associated with attendance at conferences and seminars will be funded from the Member Services budget for non-portfolio specific events.
- 7.5 The conference or seminar fee for portfolio specific events is to be met by Service Areas on the agreement of the appropriate Service Director. All other costs associated with the event are to be met by Member Services.
- 7.6 Any requests by a member to attend more than two external conferences/seminars in one Municipal Year and any disputes over whether an event is “in connection with Council business” will be referred to the Director – Monitoring Officer in consultation with the Leader of the Council.
- 7.7 Applications to attend political or non-council related conferences will not be administered by Sandwell MBC.

8. Co-optees Allowance

- 8.1 The Council has decided not to pay any allowance to co-opted members of the Council (i.e. a person who, not being an elected Member of the Council, has been appointed to membership of a standing body of the Council) in respect of attendance at meetings.
- 8.2 Co-opted members of standing bodies will be entitled to claim travel and subsistence costs.
- 8.3 Co-opted members of standing bodies may claim Dependant Carer's Allowance up to a total annual cost of 10% of the elected Members' basic allowance. (Only applicable for approved meetings at Sandwell Council House. When using the Council Workplace Nursery)

9. Foregoing of Allowances

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

10. Amendments to the Scheme

- 10.1 The Members' Allowances Scheme will be reviewed annually. If the scheme is amended and any amendment is made which affects an allowance payable for the year in which the

amendment is made then entitlement to such allowance as amended may apply (if the Council so determines) with effect from the beginning of the Municipal Year in which the amendment is made or any other date in that year as is determined by the Council.

11. Annual Adjustment of Allowance levels

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

12. Tax and National Insurance treatment of Members' Allowances

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

13. Amendments and Revocation of the Scheme

- 13.1 Each year the Council will review the scheme as required by the Regulations for the payment of allowances in respect of the year.
- 13.2 The Scheme may be amended at any time, but may only be revoked with effect from the beginning of a year.
- 13.3 If the Mayor will be unavailable for a period of 4 weeks or more, the Deputy Mayor will receive the Mayoral Allowance pro rata.

14. Claims and Payment Timescales

- 14.1 Claims for dependants' carers' allowance, travelling and subsistence outside the West Midlands Conurbation allowance must be claimed within one month of the date on which entitlement to the allowance arose.
- 14.2 Any claims received later than one month following the date on which the entitlement arose will be considered by the Director – Monitoring Officer.
- 14.3 Unless otherwise agreed, payment of the basic allowance and SRAs (Special Responsibility Allowances) will be made monthly in arrears.
- 14.4 Members can request the Director – Monitoring Officer to backdate a claim but for no longer than a six-month period from the date on which the request is made.

15. Records of Allowances

- 15.1 The Council will keep a record of payments made by it in accordance with the Scheme. The record will contain the information required by the Regulations.
- 15.2 As soon as reasonably practicable after the end of a year to which the Scheme related the Council will publish details in accordance with the Regulations of allowances paid.

16. Publicity

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

17. Schedule of Allowances (see over)

Members Allowance Scheme Schedule of Allowances

<u>Title</u>	<u>£</u>
Leader	26,278
Deputy Leader (90% of LA)	23,650
Cabinet Member (60% of LA)	15,768
Budget and Corporate Scrutiny Management Board Chair (60% of LA)	15,768
Scrutiny Board Chair (33.3% of LA)	8,751
Scrutiny Board Vice Chair (20% of LA)	5,256
Chair of Planning Committee (40% of LA)	10,512
Vice Chair of Planning Committee (20% of Chair of Planning's Allowance)	5,256
Chair of Licensing Committee (40% of LA)	10,512
Vice Chair of Licensing Committee (20% of LA)	5,256
Chair of General Purposes and Arbitration Committee (20% of LA)	5,256
Vice Chair of General Purposes and Arbitration Committee (10% of LA)	2,628
Chair of Land and Asset Management (33.3% of LA)	8,751
Chair of Audit and Risk Assurance Committee (33.3% of LA)	8,751
Chair of Select Committee (33.3% of LA)	8,751
Town Chair Member (33.3% of LA)	8,751
Deputy Town Chair Member (20% of LA)	5,256
Chair of Ethical Standards and Member Development Committee (33.3% of LA)	8,751
Vice Chair of Ethical Standards and Member Development Committee (10% of LA)	2,628
Adoption/Fostering Panel Councillor representative (20% of LA)	5,256
Member Champion (33.3% of LA)	8,751
Chair of Joint Consultative Panel (20% of LA)	5,256

[IL0: UNCLASSIFIED]

Leader of Main Opposition Party (Variable)	% of size of controlling group	Rate £
	5 (min)	1,314
	10	2,627
	15	3,942
	20	5,256
	25	6,569
	30	7,883
	35 (max)	9,197
Ceremonial Mayor	20,000	
Ceremonial Deputy Mayor	0	

Basic Allowance

*£10,620

***This shall be altered to reflect any employee increase**

(LA = Leader's Allowance)

Programme of Meetings - 21 Programme of Meetings - 2018/19

April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July																
1			1		1									1																	
2	Bank Holiday		2		2	1						1		3	1																
3			3		3	2			1	Bank Holiday		2		4	2																
4			4	Planning Committee	4	Planning Committee	3	Planning Committee		2		3	Budget and Corporate Scrutiny Management Board	5	3																
5		3	Election		5	2	Safer Neighbourhoods and Active Communities Scrutiny Board;	6	Land and Asset Management Committee	4	Safer Neighbourhoods and Active Communities Scrutiny Board;	1	Land and Asset Management Committee	6	4																
6		4		1	Licensing Committee	6		3	7	Ethical Standards and Member Development Committee	5	2		7	5																
7		5		2	7	4		3	1	5	2	2		6	6																
8		6		3	8	5		4	2	6	3	3		7	7																
9		7	Bank Holiday	4	9	Health and Adult Social Care Scrutiny Board	6	10	General Purposes and Arbitration Committee	8	5	3	7	Children's Services and Education Scrutiny Board	4	General Purposes and Arbitration Committee	4	Group Meetings	8	Group Meetings	6	Bank Holiday	10	8							
10		8		5	10	Licensing sub committee 3	7	Licensing Sub Committee 2	11		9	Licensing sub committee 3	6	Licensing sub committee 2	4	Licensing sub committee 1	8	Licensing sub committee 3	5	Licensing sub committee 2	5	Council (Budget), Licensing sub committee 1	9	Council Licensing sub committee 3	7		11	9			
11		9	Chief Officer Terms and Conditions Committee	6	Planning Committee	11		8	Planning Committee	12	Chief Officer Terms and Conditions Committee	10	Budget and Corporate Scrutiny Management Board	7	Planning Committee	5	Budget and Corporate Scrutiny Management Board; Chief Officer Terms and Conditions Committee	9	The Cabinet	6	The Cabinet	6	Chief Officer Terms and Conditions Committee	10	Planning Committee	8		12	Cabinet	10	
12		10		7	Health and Wellbeing Board	12	Economy, Skills, Transport and Environment Scrutiny Board,	9		13	Health and Wellbeing Board	11		8	Economy, Skills, Transport and Environment Scrutiny Board	6		10	Audit and Risk Assurance Committee	7	Economy, Skills, Transport and Environment Scrutiny Board	7	Economy, Skills, Transport and Environment Scrutiny Board	11		9		13		11	Health and Wellbeing Board
13		11		8		13		10		14		12		9		7	Ethical Standards and Member Development Committee;	11		8		8	Ethical Standards and Member Development Committee	12		10		14		12	
14		12		9		14		11		15		13		10		8		12		9		9		13		11		15		13	
15		13		10		15		12		16		14		11		9		13		10		10		14		12		16		14	
16		14		11	General Purposes and Arbitration Committee	16	Group Meetings	13		17	Health and Adult Social Care Scrutiny Board	15	Group Meetings	12	Children's Services and Education Scrutiny Board	10	General Purposes and Arbitration Committee	14	Group Meetings	11		11	Children's Services and Education Scrutiny Board; General Purposes and Arbitration Committee	15		13		17		15	Group Meetings
17		15		12	Licensing Sub Committee 1	17	Council	14		18	Licensing Sub Committee 2	16	Council	13		11		15	Council	12	Budget and Corporate Scrutiny Management Board	12	Licensing Committee	16		14		18		16	Council
18		16	The Cabinet	13	The Cabinet; Planning Committee	18		15	Budget and Corporate Scrutiny Management Board	19	The Cabinet	17	The Cabinet	14	The Cabinet	12	The Cabinet	16	Planning Committee	13	The Cabinet	13	Planning Committee	17	The Cabinet	15	The Cabinet	19		17	
19		17		14	Land and Asset Management Committee	19	Health and Wellbeing Board	16		20	Audit and Risk Assurance Committee	18		15	Health and Wellbeing Board	13		17	Health and Wellbeing Board;	14		14	Health and Wellbeing Board	18		16		20		18	
20		18		15		20		17		21		19		16		14		18		15		15		19	Bank Holiday	17		21		19	
21		19		16		21		18		22		20		17		15		19		16		16		20		18		22		20	
22		20		17		22		19		23		21		18		16		20		17		17		21		19		23		21	
23		21		18		23	Children's Services and Education Scrutiny Board	20		24	Children's Services and Education Scrutiny Board	22		19	Health and Adult Social Care Scrutiny Board	17		21	Health and Adult Social Care Scrutiny Board	18		18	General Purposes and Arbitration Committee	22	Bank Holiday	20		24	Children's Services and Education Scrutiny Board	##	
24		22	Annual Council	19		24	Licensing sub committee 1	21	Licensing sub Committee 3	25		23	Licensing sub committee 1	20	Licensing sub committee 3	18	Licensing sub committee 2	22	Licensing sub committee 1	19	Licensing sub committee 3	19	Licensing sub committee 2	23	Licensing sub committee 1	21	Annual Council	25	##		
25		23		20	Budget and Corporate Scrutiny Management Board	25	The Cabinet	22		26		24		21		19	Planning Committee	23		20	The Cabinet	20	The Cabinet	24		22		##	The Cabinet	##	
26		24		21		26	Audit and Risk Assurance Committee	23		27	Economy, Skills, Transport and Environment Scrutiny Board	25		22	Safer Neighbourhoods and Active Communities Scrutiny Board	20		24	Land and Asset Management Committee	21		21	Audit and Risk Assurance Committee	25		23		27	Economy, Skills, Transport and Environment Scrutiny Board	##	Budget and Corporate Scrutiny Management Board; Audit and Risk Assurance Committee
27		25		22		27		24		28		26		23		21		25		22		22		26		24		##		##	
28		26		23		28		25		29		27		24		22		26		23		23		27		25		##		##	
29		27		24		29		26		30		28		25		23		27		24		24		28		26		##		##	
30		28	Bank Holiday	25		30		27	Bank Holiday			29		26		24	Bank Holiday	28		25		25	Health and Adult Social Care Scrutiny Board	29		27	Bank Holiday	##		##	
		29		26	Licensing Committee 2	31		28		30		27		26		25	Bank Holiday	29		26		26		30		28					##
		30		27	The Cabinet			28	The Cabinet			31		28		26	Bank Holiday	30	The Cabinet	27	Planning Committee	27		29		31				31	
		31		28				30						29		27		31	Safer Neighbourhoods and Active Communities Scrutiny Board	28		28	Safer Neighbourhoods and Active Communities Scrutiny Board;			30					
				29	Ethical Standards and Member Development Committee			31						30		28						29				31					
				30										31								30									
																29															
																30															
																31															

Chief Executive/Head of Paid Service	
Delegation	Commentary
Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.	
Assuming Responsibility for the Management of Budgets In consultation with the Section 151 Officer, where, in their opinion, the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council's overall financial management situation, to determine whether the management of that budget will be assumed by the 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). Section 28 of the Local Government Act 2003	
Birmingham International Airport Shares The Chief Executive and the Chief Finance Officer of the Council be authorised severally, in consultation with the Leader and Deputy Leader of the Council, to take such action as may be required for the purpose of implementing any decision of the Cabinet in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited. 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.	A number of decisions within this delegation may be exempt from publication: Exemptions 3 and 5
Birmingham International Airport Districts Side Agreement 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 - Monitoring Officer and the Chief Finance Officer of the Council where appropriate and reasonably practicable.	A number of decisions within this delegation may be exempt from publication: Exemptions 3 and 5

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.

Sandwell Children's Trust

Dispute Resolution

In consultation with the Leader of the Council, to undertake any measures, conducive and incidental, in order to resolve any disputes relating to Sandwell Children's Trust during the Final Resolution Period and to undertake any such responsibilities as set out in the contract.

Schedule 12: Dispute Resolution, **title of document**

Minor Variations of Contract

To approve minor variations to the Service Delivery Contract and any financial approvals required below £XX

Schedule 7: Change Control Procedure, **title of document**

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

Chief Executive (cont)	
Delegation	Commentary
Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.	
Representation of the People Act 1983 – Proper Officer 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).	

Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
Birmingham International Airport The Chief Executive, the Chief Finance Officer of the Council and Director – 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.	
Signing of Documents / Common Seal To sign on behalf of the Council, and to attest the fixing of the Common Seal of the Council to documents (in consultation with the Director - Monitoring Officer where appropriate).	

Chief Executive (cont)	
Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
Longlisting and Shortlisting of Candidates for Chief Officer Posts 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
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
None	

Executive Director – Children’s Services	
Delegation	Commentary
Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.	
Children and Young People with Special Educational Needs or Disabilities Where not otherwise delegated to another Chief Officer, to exercise the Council’s statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.	A number of decisions within this delegation may be exempt from publication: Exemption 1 and 2
Sandwell Children’s Trust Dispute Resolution In consultation with the Cabinet Member for Children’s Services, to undertake any measures, conducive and incidental, in order to resolve any disputes relating to Sandwell Children’s Trust during the Second Resolution Period and to undertake any such responsibilities as set out in the contract.. Schedule 12: Dispute Resolution, title of document Minor Variations of Contract To approve minor variations to the Service Delivery Contract and any financial approvals required below £XX Schedule 7: Change Control Procedure, title of document	A number of decisions within this delegation may be exempt from publication:
Statutory Provision for Education and School Services Where not otherwise delegated to another chief officer, to exercise the Council’s statutory executive functions in respect of education and school services. Section 579(1) and Schedule 36A para 1 of the Education Act 1996	A number of decisions within this delegation may be exempt from publication: Exemption 1 to 7

Director - Children & Families (cont)	
Delegation	Commentary
Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.	
Statutory Provision for Education and School Services Where not otherwise delegated to another chief officer, to exercise the Council's statutory non-executive functions in respect of education and school services. Section 579(1) and Schedule 36A para 1 of the Education Act 1996	

Director - Children & Families (cont)	
Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None.	

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

Director - Children & Families (cont)	
Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Statutory Responsibility for the Social Care of Children Where not otherwise delegated to another chief officer, to exercise the Council's statutory responsibilities for the social care of children. Section 1A and Schedule 1 of the Local Authority Social Services Act 1970	

Miscellaneous Officers	
Delegation	Commentary
Category A – Executive Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.	
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 Transport Act 1985 Part I Criminal Justice and Public Order Act 1994 Part XII Road Traffic Act 1988 Section 143 Immigration Act 2016 Legal Manager Licensing Manager	
Sandwell Children's Trust Dispute Resolution 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, title of document Minor Variations of Contract To approve minor variations to the Service Delivery Contract. Schedule 7: Change Control Procedure, title of document POSITION TITLE (representative)	A number of decisions within this delegation may be exempt from publication:

<p>Legal Proceedings 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>Service Manager – Legal Legal Manager Principal Solicitor Solicitor</p>	
<p>Mental Capacity Act 2005 To act as Financial Deputy under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act:</p> <p>Finance Business Partner (Adults)</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
Category B – Non- Executive Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.	
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 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 Legal Manager Licensing Manager	Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt Exemptions 1, 2, 6 and 7 may apply
Legal Proceedings 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: Service Manager – Legal Legal Manager Principal Solicitor Solicitor	Individual Rights: All decisions within this delegation are to be published unless exempt Exemptions 1,2, 6 and 7 may apply
Street Trading – 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. Markets Manager	

Miscellaneous Officers (cont)	
Private Hire Vehicles and Hackney Carriages and Vehicle and Driver Licensing <p style="text-align: right;">Legal Manager 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</p>	
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 <p style="text-align: right;">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</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
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)	
<p>CCTV To approve requests in relation to advertisements on CCTV screens in private hire vehicles and hackney carriages.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>
<p>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.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>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.</p>	
<p>Exemption to Displaying Plates and Signs To grant an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, where appropriate.</p>	
<p>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.</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>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.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p>Medical Officer Certification To determine applications including the decision to refuse to grant a licence for a driver of a private hire vehicle or hackney carriage when the Medical Officer has certified that the applicant is unfit to be a licensed driver.</p> <p>Power to grant a hackney carriage and/or private hire drivers licence for the specific period of validity of a Certificate of Fitness to Work, should the certificate be valid for less than 12 months.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>

Miscellaneous Officers (cont)	
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 Local Government (Miscellaneous Provisions) Act 1976.	
Sign and Attest Documents 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"> - 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 - Building Act 1984 Development Management and Regulatory Services Manager Spatial Planning and Development Manager	
Suspension of Driver's Licence Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.	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
Suspension of Driver's Licence Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage Section 61 of the Local Government (Miscellaneous Provisions) Act 1976	
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. 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.

Exemptions 1, 2, 6 and 7 may apply

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.

Miscellaneous Officers (cont)	
Delegation	Commentary
Category C – Ancillary to an Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
Freedom of Information and Environmental Information To deal with all issues relating to Freedom of Information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 including: <ul style="list-style-type: none"> - <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply. - <u>Public Interest Test</u> - To determine whether in any particular case it serves the interests of the public better to withhold or to disclose information. 	
Corporate Information Governance Manager Sign and Attest Documents – 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.	
Service Manager - Legal Sign and Attest Documents – 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	
Legal Manager Statements of truth To sign statements of truth on behalf of the Council in the course of legal proceedings.	
Service Manager – Legal Legal Manager Principal Solicitor Solicitor	

Miscellaneous Officers (cont)	
Delegation	Commentary
Category D – Ancillary to a Non- Executive Decision Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.	
Sign and Attest Documents – 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. Service Manager - Legal	
Sign and Attest Documents – 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 Legal Manager	
Statements of truth To sign statements of truth on behalf of the Council in the course of legal proceedings. Service Manager – Legal Legal Manager Principal Solicitor Solicitor	
Undertakings for Disposal and Acquisition of Land 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. Service Manager – Legal Legal Manager Principal Solicitor	

Miscellaneous Officers (cont)	
Authority to Act	Commentary
Category E Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
Data Protection Act 1998 and subsequent Data Protection Legislation 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.	
Corporate Information Governance Manager	
Licensing Act 2003 – Designation as Responsible Officer To act as the designated appropriate officer for the purpose of discharging the functions of the Council as the responsible authority under Sections 13 and 69 of the Licensing Act 2003.	
Trading Standards and Licensing Manager	
Signing of Notices 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	
Conservation Officer	
Solicitor to the Council In the absence or inability to act of the Solicitor to the Council or in the event of a vacancy in that office and only in consultation with the Chief Executive or another person authorised to act for him/her, to act as the Solicitor to the Council in relation to all matters for which the Solicitor to the Council is the Proper Officer and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council.	
Deputy Monitoring Officer	

<p>Statutory Scrutiny Officer 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>Service Manager - Governance</p> <p>Traffic Management Act 2004 Designated Traffic Manager for Sandwell Metropolitan Borough Council in accordance with the requirements of section 17(2) of the Traffic Management Act 2004.</p> <p>Service Manager – Highways</p>	

Terms of Reference of Scrutiny Boards 2017/18

**Budget and Corporate Scrutiny Management Board
Children's Services and Education Scrutiny Board
Economy, Skills, Transport and Environment Scrutiny Board
Health and Adult Social Care Scrutiny Board
Safer Neighbourhoods and Active Communities Scrutiny Board**

Budget and Corporate Scrutiny Management Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (a) budget strategy;
- (b) asset management;
- (c) procurement;
- (d) revenues and benefits;
- (e) corporate governance;
- (f) information management;
- (g) risk management;
- (h) human resources, including organisational development;
- (i) information and communication technology;
- (j) complaints handling;
- (k) the West Midlands Combined Authority.

In addition the Budget and Corporate Scrutiny Management Board will have the following responsibilities:

- (1) to approve an annual overview and scrutiny work programme, including the programme of any other scrutiny boards appointed by the Council, to ensure that there is efficient use resources, and that the potential for duplication of effort is minimised;

- (2) where matters fall within the remit of more than one scrutiny board, to determine which board will assume responsibility for any particular issue, and to resolve any issues of dispute between scrutiny boards;
- (3) to receive requests from the executive and/or the full Council for reports from scrutiny boards and to allocate them, if appropriate, to one or more scrutiny boards;
- (4) to put in place and maintain a system to ensure that referrals from scrutiny to the executive either by way of report or for consideration are managed efficiently and do not exceed the limits of the Constitution;
- (5) in the event of the Board being aware that the number of reports it is to put before the executive exceeds the limits in this Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business, the Board shall make recommendations to the Leader about the priority of referrals made;
- (6) to consider and respond to calls for evidence from the Overview and Scrutiny Committee of the West Midlands Combined Authority.

Children's Services and Education Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (a) all of the functions of the Council as an authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time (i.e. pre-school, statutory and post 16 education);
- (b) any other education related services for children and young people;
- (c) services for children, young people and families;
- (d) any trust or partnership, including the Sandwell Children's Trust, which involves the care of local children and young people and to review and scrutinise the performance of the Sandwell Children's Trust including consideration of quarterly performance reports, the Annual Report and the Improvement Plan.
- (e) local safeguarding arrangements for children and young people including the Multi-Agency Safeguarding Hub and the Safeguarding Children Board;
- (f) corporate parenting, including services and support to care leavers;
- (g) early years services;
- (h) Targeted Youth Support.

Economy, Skills, Transport and Environment Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (a) sustainability within the Borough, including climate change;
- (b) environment and energy;
- (c) development control;
- (d) highways management;
- (e) environmental services management;
- (f) transport and public infrastructure;
- (g) environmental health functions;
- (h) the visual appearance of the Borough (the 'streetscene');
- (i) emergency planning and civil resilience;
- (j) policies and strategies of the Council and partners that affect the economic development of the borough;
- (k) regeneration and investment;
- (l) development control;
- (m) the development and management of town centres;
- (n) skills, worklessness and economic inclusion;
- (o) initiatives to support the development and sustainability of new businesses and social enterprise;
- (p) the work of any relevant partnerships, including the Local Enterprise Partnership, or public bodies that deliver services to local people in relation to skills, work and enterprise;

In relation the Council's scrutiny functions as set out in Flood and Water Management Act 2010, and the Localism Act 2011 (Schedule 2, paragraph 54 of the FWMA 2010 amends the Local Government Act 2000; Section 9FH of the Localism Act 2011) the Board will scrutinise the activities of Risk Management Authorities in implementing flood risk management functions that may affect the local authority's area.

Health and Adult Social Care Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (1) services for older and vulnerable adults;
- (2) local safeguarding arrangements for adults;
- (3) whole life services for people with disabilities and/or learning disabilities;
- (4) mental health services;
- (5) dementia services;
- (6) Public Health;
- (7) the activities of NHS Trusts, Clinical Commissioning Groups (CCGs), NHS England, Health and Wellbeing Board and Healthwatch;
- (8) the Better Care Fund;

In relation to the council's relevant regulations and directions made under the Health and Social Care Act 2001; all functions of the Council contained in the National Health Service Act 2006; the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002; the Health and Social Care Act 2012 and related regulations the Board will;

- (a) make reports and recommendations to relevant NHS bodies, relevant health service providers and commissioners, the Secretary of State or Regulators;
- (b) be responsible for initiating the response to any formal consultation undertaken by relevant NHS Trusts and CCGs or other health providers or commissioners on any substantial development or variation in services;
- (c) participate with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services;

- (d) refer a proposed substantial variation in service delivery to the Secretary of State, subject to the agreement of the Chair of the Scrutiny Board who will hold the power of veto in respect of any proposed referral of a substantial variation to the Secretary of State.
- (e) review and scrutinise the decisions made or actions of the Health and Wellbeing Board.

Safer Neighbourhoods and Active Communities Scrutiny Board

Terms of Reference

As set out in the Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution to scrutinise recommendations, consider referrals under the Call for Action process, and contribute to decision making and policy development through pre-decision scrutiny processes in relation to the following matters:-

- (1) crime and community safety;
- (2) trading standards;
- (3) emergency planning and civil resilience;
- (4) leisure and tourism opportunities in the borough;
- (5) libraries, museums and the Community History and Archive Service;
- (6) the planning and provision of green spaces including parks and local nature reserves;
- (7) voluntary and community sector support;
- (8) partnership working to strengthen the third sector in Sandwell;
- (9) community development;
- (10) strategic housing policy;
- (11) social housing;
- (12) private rented sector rented accommodation;
- (13) homelessness.


In relation to the Council's scrutiny functions as set out in section 19 Police and Justice Act 2006, the Board will:

- (a) scrutinise decisions and actions of the Council and "responsible bodies" (as defined in section 5 Crime and Disorder Act 1998) relating to the performance of crime and disorder functions;

- (b) consider local crime and disorder matters referred to the Board by a councillor;
- (c) make reports and recommendations to the Council and responsible bodies.

REPORT TO GOVERNANCE AND CONSTITUTIONAL REVIEW COMMITTEE

12 April 2018

Subject:	Appointment of Statutory Officers: Senior Information Risk Owner, Data Protection Officer and Statutory Scrutiny Officer
Director:	Executive Director – Resources - Darren Carter)
Contribution towards Vision 2030:	
Contact Officer(s):	Darren Carter darren_carter@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Council be recommended to:

1. Appoint Surjit Tour (Director – Monitoring Officer) as the Council’s Senior Information Risk Owner (SIRO) with immediate effect.
2. Appoint Stuart Taylor (Corporate Information Governance Manager) as the Council’s Statutory Data Protection Officer (DPO) with immediate effect.
3. Appoint Suky Suthi-Nagra (Democratic Services Manager) as the Council’s Statutory Scrutiny Officer (SSO) with immediate effect.

1 PURPOSE OF THE REPORT

- 1.1 To seek Council approval to the appointment of three key/statutory posts within the Council that need to have a named officer associated.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Appointing to the three named posts relates directly to Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters

3 BACKGROUND AND MAIN CONSIDERATIONS

3.1 Senior Information Risk Owner (SIRO)

In 2013, the Information Commissioner (ICO) and the then Permanent Secretary for the Department for Communities and Local Government wrote to councils to raise awareness of the significant new powers available to the ICO to penalise local authorities for data security breaches. They made recommendations on how local authorities may avoid such penalties. One key recommendation, which still remains valid today, is the appointment of a Senior Information Risk Owner (SIRO) who is member of the council's Leadership Team.

The Senior Information Risk Owner (SIRO) is the officer responsible across the whole Council for Information Governance. The SIRO is responsible for the council's information management and governance strategy, acts as an advocate for good practice in Information Governance, and is required to provide a statement of assurance as part of the Council's Annual Governance Statement.

Information governance means the effective management of information in all its forms and locations. It encompasses efficient ways of handling information, robust management of the risks involved in the handling of information, and compliance with regulatory and statutory guidance including General Data Protection Regulation (GDPR) and Freedom of Information. Information governance includes electronic and paper based information, how it is held, used and shared.

Information governance is also concerned with keeping information safe and secure and ensuring it is appropriately shared when necessary to do so. This is a significant challenge for all organisations but particularly so for large complex public-sector organisations such as Sandwell Council dealing with a wide range of functions.

The SIRO will take overall ownership of the Council's Information Risk Policy, act as champion for information risk on the Leadership Team and provide advice on the content of the Council's Statement of Internal Control regarding information risk.

The SIRO will lead on and implement the Information Governance risk assessment and management processes within the Council and advise the Executive, Elected Members and the Officer Leadership Team on the effectiveness of information risk management across the Council.

3.2 Statutory Data Protection Officer (DPO)

The forthcoming General Data Protection Regulations (GDPR) (to be implemented on 25th May 2018) require each Public Authority to appoint a named officer to the post of Statutory Data Protection Officer (DPO), there has been no requirement prior to this to have this post.

The Council currently has a Corporate Information Governance Officer that currently fulfils most of the expected role.

This role encompasses the implementation of GDPR as well as the enforcement of GDPR from 25th May 2018. The DPO will be the council's main point of contact for any data protection issues and provides both the interpretation of legislation as well as the practical implementation on operational issues. The DPO will also be the single point of contact with the Information Commissioner's Office.

The role requires the named post to be independent of processing personal information to ensure that no conflict of issue can occur between the processing and the advice around processing. This does not preclude the named officer undertaking management functions over other employees (e.g. appraisals, 1-2-1, absence monitoring etc).

3.3 Statutory Scrutiny Officer (SSO)

All Local Authorities are required under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 to have a named officer appointed to the Statutory Scrutiny Officer post. The current named officer retired from service on 31st March 2018.

The scrutiny function is managed and supported through the Democratic Services Team, which is overseen by the Democratic Services Manager. Given the nature of the role (see below) it is appropriate to appoint the Democratic Services Manager as the council's Statutory Scrutiny Officer.

The SSO will:

- Promote the role of the authority's scrutiny committee(s);
- Provide support to the authority's scrutiny function and to local councillors; and
- Provide guidance to members and officers of the council in relation to scrutiny functions.

The SSO cannot be the council's Head of Paid Service, Section 151 Officer or Monitoring Officer.

4 THE CURRENT POSITION

- 4.1 The Council is required to have the three posts allocated to a named officer, and if the recommendations within this report are approved, then service continuation will progress unimpeded.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 The three relevant officers have been consulted and have agreed to undertake the roles.

6 ALTERNATIVE OPTIONS

- 6.1 Given the nature of the roles and current structures within the council, it is possible to allocate the roles to other officers within the council; however, the most suitable officers have been proposed and recommended in this report.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The proposed job roles affected would be amended to reflect the statutory roles. Any additional budgetary expenditure will be met from existing approved budget

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The council is required to appoint an officer as the Senior Information Risk Owner, Data Protection Officer and Statutory Scrutiny Officer. The relevant legal implications have been set out in this report.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 Relevant and applicable equality issues have been considered and no such issues arise.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 The proposals will enable compliance with General Data Protection Regulations.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 The proposed appointments will assist the council in addressing the council's risks associated with information governance including GDPR. The council will also avoid a challenge for failing to appoint appropriate officers to the roles.

12 SUSTAINABILITY OF PROPOSALS

12.1 The proposals will ensure that the Council is compliant with regulations.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE) (

13.1 The proposals have no implications on health and wellbeing.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are no implications for Council managed land or property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

16.1 The Council is required to appoint a named officer to the following posts:

- Senior Information Risk Owner;
- Statutory Data Protection Officer; and
- Statutory Scrutiny Officer.

17 BACKGROUND PAPERS

None

18 APPENDICES:

None

Darren Carter
Executive Director – Resources