

# Summons and Agenda Annual Council

**You are hereby summoned to attend the Annual Meeting of the Sandwell Metropolitan Borough Council, to be held at the Sandwell Council House, Oldbury on Tuesday 25 May 2021 at 6.00pm for the purpose of transacting the following business:-**

**1 Apologies for Absence**

To receive apologies for absence (if any).

**2 Declarations of Interest**

Declarations of interests in any matters to be discussed at the meeting.

**3 Election of Mayor and Deputy Mayor**

To carry out the election and ceremonial inauguration of the Mayor and Deputy Mayor for the ensuing Municipal Year.

**4 Minutes**

7 - 118

To approve as a correct record the minutes of the meeting of Council held on 23 March 2021.

**5 Additional Items of Business**

To consider any urgent business (with prior approval by the Mayor).



6	<b>Election of Leader of the Council</b>	119 - 356
7	<b>Appointment to Committees</b>	357 - 602
8	<b>Nominations to Other Bodies</b>	603 - 624
9	<b>Recommendations of Independent Remuneration Panel</b>	625 - 634

## **D Stevens**

### **Chief Executive**

Sandwell Council House

Freeth Street

Oldbury

West Midlands

### **Distribution**

Councillor M Hussain (Chair)

Councillors Abrahams, Ahmed, Akhtar, Akhter, Akpoteni, Ali, Allcock, Allen, Anandou, Ashman, Bhullar, Bostan, Carmichael, Chambers, Chapman, Chidley, Costigan, Crompton, Davies, Dhallu, Fenton, Fisher, Gavan, E A Giles, E M Giles, L Giles, G Gill, M Gill, S Gill, W Gill, Hackett, Hadley, Hartwell, Hinchliff, Hughes, M Y Hussain, Z Hussain, Jalil, O Jones, R Jones, S Jones, Kalari, Kaur, Kausar, Khatun, Mabena, McVittie, Melia, Millar, Millard, Moore, Owen, C Padda, I Padda, Phillips, Piper, Randhawa, Rollins, Rouf, Shackleton, Shaeen, Simms, K Singh, R Singh, S Singh, Smith, Tagger, Taylor, Webb and Williams.

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## Minutes of Council

**23<sup>rd</sup> March 2021 at 6:00 pm**  
**Online Virtual Meeting**

**Present:** Her Worship The Mayor Councillor Dr Jaron (in the Chair);  
  
Councillors Ahmed, Akhtar, Akhter, Allcock, Allen, Ashman, Bawa, Carmichael, Cherrington, Chidley, Costigan, Crompton, Y Davies, S Davies, Dhallu, Eaves, Edwards, Gavan, E M Giles, E A Giles, L Giles, G Gill, M Gill, Hackett, Hadley, Hartwell, Horton, P M Hughes, P Hughes, M Hussain, M Y Hussain, Z Hussain, Jarvis, I Jones, O Jones, R Jones, S Jones, Kausar, Mabena, McVittie, Melia, Millar, Millard, Padda, Phillips, Piper, Preece, Rollins, Rouf, Shackleton, Shaeen, Simms, Singh, Taylor, Webb and White.

**Also present:** David Stevens – Chief Executive; Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Service Manager - Democracy; Suky Suthi-Nagra – Democratic Services Manager; Stephnie Hancock – Senior Democratic Services Officer and Trisha Newton – Senior Democratic Services Officer.

### 30/21 **Minute Silence**

The Council observed a minute silence to mark the passing of Councillor Sandra Hevican.

Councillor Hevican was elected in May 2014 and served the Tividale Ward. Councillor Hevican's most current positions within the Council included Vice Chair of the Planning Committee and member of the Ethical Standards and Member Development and Audit and Risk Assurance Committees.

## Meeting of Sandwell Metropolitan Borough Council – 23<sup>rd</sup> March 2021

Councillor Hevican also served on various other Committees and Panels during her term of office including Vice Chair of Safer Neighbourhoods and Active Communities Scrutiny Board, Housing, Jobs and Economy Scrutiny Board, Rowley Regis Town Improvement Board and Children's Services and Education Scrutiny Board.

Members paid tribute to Councillor Hevican and joined the Mayor in extending their condolences to her family.

### 31/21 **Apologies for Absence**

Apologies for absence were received from Councillors Ali, Bostan, Downing, Khatun, Moore, Tagger and Worsey.

### 32/21 **Declarations of Interest**

Councillor R Jones declared a personal interest in Minute No. 42/21 – Nomination for the Office of Deputy Mayor.

### 33/21 **Minutes**

**Resolved** that the minutes of the meeting of Council held on 2<sup>nd</sup> March 2021 be agreed as a correct record and signed by the Chair.

### 34/21 **Mayor's Announcements**

The Mayor announced that the meeting was the last of the current Municipal year and the final Council meeting for Councillors Horton, Bawa and P M Hughes who would be retiring from the Council at the end of the Municipal year.

The Mayor stated that a minute silence had been observed on 23<sup>rd</sup> March 2021 and at 8.00pm that day a nationwide 'Beacon of Remembrance' would be observed by people on their doorsteps. As proposed and developed by Marie Curie Care, this formed part of a Day of Reflection, which marked the anniversary of the start of the UK's first Covid-19 lockdown, to remember those that had lost their lives during the pandemic.

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The Mayor asked Members to join her to observe a minute silence in remembrance of all those who lost their lives over the past year.

35/21

### **Urgent Item - Proposed Departure from the Local Development Plan in respect of Land Adjacent West Bromwich Crematorium, Newton Road, West Bromwich**

At the Planning Committee held on 10<sup>th</sup> February 2021, consideration was given to planning application DC/20/65053 - proposed change of use to cemetery with parking, lighting, and associated works, on land adjacent to West Bromwich Crematorium, Newton Road, West Bromwich.

Due to the sites' intrusion into the Green Belt, the proposal was a departure from the Local Development Plan. However, Section 145 of the National Planning Policy Framework provided that developments such as cemeteries were considered acceptable in the Green Belt.

The Green Belt was considered an appropriate site for the development as it would increase Sandwell's burial provision. Furthermore, the original planning application had attracted no objections.

Planning Committee approved the planning application with conditions subject to the application being referred to Full Council as a departure from the Local Development Plan.

**Resolved** that an exception to the Local Development Plan be allowed in respect of planning application DC/20/65053 - proposed change of use to cemetery with parking, lighting, and associated works at land adjacent to West Bromwich Crematorium, Newton Road, West Bromwich.

36/21

### **Petitions Under Standing Order No. 5**

No petitions were received under Standing Order No. 5.

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### 37/21 Questions under Standing Order No. 6

No questions were received under Standing Order No. 6.

### 38/21 Pay Policy 2021 and Gender Pay Gap Reporting

The Council considered the Pay Policy Statement and Gender Pay Gap data.

The Council was required by the Localism Act 2011 to annually prepare and publish a Pay Policy Statement setting out its policies relating to the remuneration of their chief officers and employees.

The Council was required by the Equality Act (Specific Duties and Public Authorities) Regulations 2017, to prepare and publish its Gender Pay Gap data on an annual basis. This formed part of an equality measure and transparency obligation placed upon local authorities to illustrate the difference in average earnings between men and women.

The work undertaken in Sandwell to reduce the gender pay gap was highlighted and included the implementation of the revised National Joint Council for Local Government Services (NJC) pay spine from 1<sup>st</sup> April 2019 which incorporated a starting rate of £9.00 per hour.

The new NJC pay spine also introduced equal steps of 2% between spinal points 1 to 22. This consistent and fair approach applied to all employees on Bands A to E.

To support employees at the lower end of the pay scale, the Council had started to pay the Living Wage, as a minimum, to all its internal employees from 1<sup>st</sup> April 2018.

Over the last two years, the number of females employed in senior roles had increased.

#### **Resolved:**

- (1) that the Pay Policy Statement 2021 be approved and be published prior to 31 March 2021;

- (2) that the Gender Pay Gap data be approved and published prior to 30 March 2021.

39/21 **Air Quality Action Plan**

The Council considered the Air Quality Action Plan (AQAP).

The AQAP had been produced to fulfil the Council's statutory duty to make progress regarding the Air Quality Strategy (AQS) objectives, as set out by The Environment Act 1995 (Part IV) and to satisfy the requirements of the Local Air Quality Management (LAQM) statutory process.

The Council acknowledged the significant impact that air pollution had on the health and wellbeing of Sandwell residents. Air pollution particularly affected vulnerable individuals, such as children and older people and those with heart and lung conditions. There was also a strong correlation with equality issues, as areas with poor air quality were often the less affluent areas.

The AQAP underwent a local consultation for six weeks from 20<sup>th</sup> January to 15<sup>th</sup> March 2020. A second period of consultation, for statutory consultees, was conducted between 7<sup>th</sup> July and 1<sup>st</sup> September 2020.

Nitrogen Dioxide (NO<sub>2</sub>) levels were measured across Sandwell continuously. Currently, seven locations in Sandwell exceeded the annual objectives for NO<sub>2</sub> concentrations.

Approval of Sandwell's AQAP 2020-2025 would address the concerns associated with air pollution in Sandwell.

In response to a question regarding the impact of exposure on school crossing operatives, the Cabinet Member undertook to investigate the matters and report back directly.

**Resolved:-**

- (1) that Sandwell's Air Quality Action Plan (AQAP) 2020-2025 be approved;
- (2) that the Director of Public Health be authorised to address air quality according to the actions outlined in the Air Quality Action Plan.

40/21

**Amendments to the Council's Procurement and Contract Procedure Rules**

The Council considered amendments to the Council's Procurement and Contract Procedure Rules. The revised Rules had also been considered by the Audit and Risk Assurance Committee on 18<sup>th</sup> March 2021.

The first amendment was in response to advice from the Cabinet Office regarding reservation of contracts below the financial thresholds, as set out in Public Contracts Regulations 2015. The Council would have the ability to reserve contracts that were below the threshold based on either or both geographic location or sector. This placed a greater freedom to reserve contracts to voluntary and community sector organisations and small and medium sized enterprises. Furthermore, this would help achieve best value for money and aligned with the requirements of the Council Constitution and the Inclusive Economic Strategy.

Secondly, in response to advice from the Cabinet Office concerning pressures faced by all contracting authorities resulting from the response of the impact of Covid-19, advice issued in March 2020 and January 2021 outlined that unavailability of resources to undertake tender processes had resulted from the impact of Covid-19. This constituted grounds for modifying existing contracts, or negotiation of contracts, without prior issue of contract notice. It was proposed that rule 13 of the council's current contract procedure rules should be suspended and the Chief Executive and Section 151 Officer be authorised to approve the extension of existing contracts due to expire in 2021.

## Meeting of Sandwell Metropolitan Borough Council – 23<sup>rd</sup> March 2021

Furthermore, it was proposed that approval should be given for direct award of contracts below the thresholds set out in the Public Contracts Regulations 2015, in circumstances where the response to Covid-19 had resulted in lack of resources to undertake procurement processes.

Every six months, the Audit and Risk Assurance Committee would consider reports of each individual contract extension or direct award.

Amendments were a temporary measure and would be reviewed later in the year upon completion of a full review of the Council's Contract Procedure Rules.

### **Resolved:-**

- (1) that the revised Procurement and Contract Procedure Rules be approved, as follows:
  - a) suspension of rule 13 regarding contract extension to permit extension of contracts in circumstances where response to impact of Covid 19 has resulted in lack of resources to undertake procurement processes;
  - b) approval to make direct award of contracts below the thresholds set out in the Public Contracts Regulations 2015 in circumstances where response to impact of Covid 19 has resulted in lack of resources to undertake procurement processes;
  - c) incorporation of Cabinet Office advice regarding reserving contracts below the thresholds set out in the Public Contracts Regulations 2015 by geographical location or specified sectors;
  - d) the Chief Executive and the Section 151 Officer be authorised to approve the extension of existing contracts due to expire in 2021.

**41/21      Review of Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Member Social Media Policy**

Over the 2020/21 municipal year, the Ethical Standards and Member Development Committee had engaged in a full-scale review of the Code of Conduct and arrangements.

The Committee on Standards in Public Life had published its final report in January 2019, which included a recommendation that the Local Government Association should draft a Model Code of Conduct.

The Model Code of Conduct was drafted in consultation with representative bodies of Councillors and officers of the local government. In August 2020, a formal consultation was conducted by the Committee.

The Ethical Standards Working Group was established to work alongside the Monitoring Officer and his team to support and guide the improvement in the Ethical Framework. This included extensive engagement with the members to gain an in depth understanding of members' thoughts, views and recommendations on the Code of Conduct and Arrangements.

In December 2020, five engagement sessions were held. Each session was run three times to allow for maximum attendance. The sessions were based on a separate subject matter and facilitated a discussion regarding the Code and arrangements:

- Review of the Member Code of Conduct
- Spotlight on Social Media
- Spotlight on Members Interests
- Review of the Arrangements for Dealing with Complaints under the Code
- Duty to Promote and Maintain High Standards of Conduct

For those members who were not able to attend, a questionnaire was also circulated.

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The Vice Chair placed on record his thanks to all members for their attendance, participation and feedback. The engagement had helped inform the review of the Review of Member Code of Conduct, the Arrangements for Dealing with Complaints under the Code and associated member policy/protocols.

A Protocol had also been developed for meetings between Senior Officers, Group Leaders and Chief Whips to discuss Standards Issues (as recommended by the Committee on Standards in Public Life) and there would be a review carried out regarding the recruitment of Independent Persons.

The Vice Chair also placed on record his gratitude to the Monitoring Officer, Surjit Tour and his Team for their efforts and support throughout the review.

In response to questions from members, the Vice-Chair of the Ethical Standards and Member Development Committee confirmed:-

- that members were recommended to have separate personal and professional social media accounts;
- all Members would receive training on the revised Member Code of Conduct in the upcoming Municipal year.

### **Resolved:-**

- (1) that the revised Member Code of Conduct, as set out in Appendix A, be approved, with effect from the 2021-22 municipal year;
- (2) that the revised Arrangements for Dealing with Complaints under the Code, as set out in Appendix B, be approved, with effect from the 2021-22 municipal year;
- (3) that the revised Social Media Policy and Incident Reporting Form, as set out in Appendix C, be approved, with effect from the 2021-22 municipal year;

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- (4) that the Director of Law and Governance and Monitoring Officer be authorised to make any revisions/updates to the guidance which accompanies the social media policy, in consultation with the Chair of the Ethical Standards and Member Development Committee;
- (5) that the revised Gifts and Hospitality Guidance, as set out in Appendix D, be approved, with effect from the 2021-22 municipal year;
- (6) that the protocol for meetings to take place on a regular basis between senior officers, group leaders and chief whips to talk about standards issues, as set out in Appendix E, be approved;
- (7) that, in connection with (1), (2), (3) and (5) above, the Director of Law and Governance and Monitoring Officer be authorised to update the Council's Constitution accordingly.

42/21

### **Nomination to the Office of Civic Deputy Mayor**

The Council considered the recommendation of the General Purposes and Arbitration Committee in respect of the nomination for the Office of Deputy Civic Mayor of the Borough of Sandwell for the 2021/22 Municipal Year.

**Resolved** that Councillor Richard Jones be nominated to the office of Deputy Civic Mayor of the Borough of Sandwell for the 2021/22 Municipal Year.

## **Meeting of Sandwell Metropolitan Borough Council – 23<sup>rd</sup> March 2021**

### **43/21 West Midlands Fire and Rescue Update**

Council received an update on the work of the Fire Authority from Councillor Edwards, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the West Midlands Fire and Rescue Authority.

### **44/21 Transport for West Midlands Update**

Council received an update on the work of the Transport Authority from Councillor Akhter, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of Transport for West Midlands.

In response to questions regarding:-

- Tipton Railway Station still awaiting competition of its car park;
- consideration of the road layout adjacent to the Metro to mitigate and address congestion issues;

the lead member confirmed she would refer the matters back to Transport for West Midlands for comment and respond directly to members.

### **45/21 West Midlands Police and Crime Panel Update**

Council received an update on the work undertaken by the West Midlands Police and Crime Panel from Councillor R Jones, the Council's representative on the Panel.

### **46/21 West Midlands Combined Authority**

Council received an update on the work undertaken by the West Midlands Combined Authority from the Deputy Leader of the Council.

**47/21 Annual Report of the Planning Committee 2019-2020**

On behalf of the Chair, Councillor Allen presented the Annual Report of the Planning Committee 2019-20.

The report highlighted the work of the committee over a two year period.

The large percentage of applications approved in part reflected the openness of the service in encouraging developers and prospective applicants to engage in pre-application discussions which were currently provided free at Sandwell. This approach had been worked up into a more formal 'Development Agency' approach in order to send the message that the Council, despite the existing economic difficulties, was very much open for business and ready to facilitate development opportunities.

The positive outcome of the vast majority of planning applications submitted at Sandwell was also in part a reflection of where there were problems with a proposed scheme, officers would endeavour to negotiate workable solutions within the prescribed time scales.

On behalf of the Chair, Councillor Allen expressed his thanks to the Committee and staff within Planning for their continued support and efforts.

**48/21 Annual Report of the Ethical Standards and Member Development Committee 2019-2021**

Council received the Ethical Standards and Member Development Committee Annual Report 2019-2021.

During 2019-20, the Committee had reviewed the approach to member development. The revised Member Development Programme sought to encourage and assist members to lead their own development and ensure that they secured the necessary skills and experience to succeed within their role as elected members.

## Meeting of Sandwell Metropolitan Borough Council – 23<sup>rd</sup> March 2021

The Committee had reviewed the personal safety of elected Members, as part of the Member Development Programme. As requested by Members, this included training, support and well-being interventions. This programme would continue to develop over the year and would incorporate the new 'My Councillor' Portal. The portal sought to assist Members with casework management, general enquiries and signposting to latest information at ward level.

The Vice Chair acknowledged the work and efforts of the former Chair, Councillor Geoff Lewis, who had passed away in April 2020.

The Vice Chair reminded members of the importance of attending the Code of Conduct training that was offered every year to enhance understanding and provided an opportunity for Members to discuss ethical issues. Additionally, once the new Member Code of Conduct was adopted, training would be provided to all members.

The Vice Chair expressed his gratitude to the members of the Committee, the Independent Persons and the Monitoring Officer for their support and work over the past year.

The Vice Chair also echoed the earlier comments in respect of Councillor Hevican who had been a member of the Committee.

### 49/21 **Cabinet**

The minutes of the meeting of the Cabinet held on 24<sup>th</sup> February 2021 were received.

### 50/21 **Budget and Corporate Scrutiny Management Board**

The minutes of the meeting of the Budget and Corporate Scrutiny Management Board held on 24<sup>th</sup> February 2021 were received.

## Meeting of Sandwell Metropolitan Borough Council – 23<sup>rd</sup> March 2021

### 51/21 **Audit and Risk Assurance Committee**

The minutes of the meeting of the Audit and Risk Assurance Committee held on 11<sup>th</sup> February 2021 were received.

### 52/21 **Thanks to Retiring Members**

The Mayor was joined by members in thanking all those members who were retiring for their service.

Meeting ended at 8:19pm.

The meeting was broadcast live and is available to view [Full Council – 23rd March 2021](#)

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)



# **Sandwell Metropolitan Borough Council**

## **Members' Code of Conduct**

# **Member's Code of Conduct**

## **Introduction**

All councils are required to have a local Councillor Code of Conduct.

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of Local government to continue to aspire to high standards of leadership and performance.

During the 2020/21 municipal year the Council's Member Development and Ethical Standards Committee undertook a comprehensive review of the Council's ethical framework and following consultation with elected members recommended this code to full council.

## **Definitions**

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

For the purpose of registration of your interest (Part C of the Registration of Interest Form), "potential conflicts of interests" includes relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent, or a person with whom you have a close association (meaning someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts) in relation to a council decision or contract.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

**As a councillor:**

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

**As a councillor:**

##### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**8. As a councillor:**

**8.1 I do not misuse council resources.**

**8.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **9. Complying with the Code of Conduct**

**As a Councillor:**

**9.1 I undertake Code of Conduct training provided by my local authority.**

**9.2 I cooperate with any Code of Conduct investigation and/or determination.**

**9.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**9.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **10. Interests**

**As a councillor:**

#### **10.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

## Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

You have a personal interest if your family member or close associate(s) either works for the Council or has a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

**Sandwell Metropolitan Borough Council**

**REGISTER OF MEMBERS INTERESTS**

(Pursuant to Sandwell Metropolitan Borough Council's Code of Conduct for Members and Part 1, Chapter 7 of the Localism Act 2011).

**Please refer to the Code of Conduct and the accompanying Notes of Guidance before completing this form.**

I,

an **Elected/Co-opted/Appointed** (*delete as appropriate*) member of Sandwell Metropolitan Borough Council give notice that I have set out below my interests and in so far as I am aware of the existence of the interests of my spouse or civil partner or any person with whom I am living as husband and wife or as if we were civil partners (relevant persons).

I have also set out in so far as I am aware of the existence of the names of any members of my family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

I have put 'None' where I/we have no such interest under any heading.

**PART A**  
**DISCLOSABLE PECUNIARY INTERESTS**

1. Any employment, office, trade, profession or vocation carried on for profit or gain (Including employment outside of the Borough of Sandwell). Please give details of (i) every employment, job, trade, business or vocation you and/or your partner have, for which you and/or your partner receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. accountant or plumber and (ii) the name of any employer or body, firm or company which you and/or your partner own or in whose securities you and/or your partner have any beneficial interest. This must include remuneration as a director.

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2. **Sponsorships** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. **Contracts** - any contract which is made between you and/or your partner (or a body in which you and/or your partner have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

4. **Land** - any beneficial interest in land which is within the area of the Borough of Sandwell. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner have a beneficial interest, indicating whether you and/or your partner are the owner or lessee or a tenant. Include any house you rent from Sandwell Borough Council.

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5. **Licences** - any licence (alone or jointly with others) to occupy land in the area of the Borough of Sandwell for a month or longer. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner licence.

6. **Corporate tenancies** - any tenancy where (to your knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which you and/or your partner have a beneficial interest. Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Council by you and/ or your partner or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest

7. **Securities** - any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of the Borough of Sandwell ; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. Note it is not necessary to declare the nature or size of the holding, simply the name of the company or other body.



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PART B  
OTHER REGISTERABLE INTERESTS

8. Any body of which you and/ or your partner are a member or in a position of general control or management and to which you and/ or your partner are appointed or nominated by the Council.

9. Any body of which you and/ or your partner are a member or in a position of general control or management and which
- (a) exercises functions of a public nature;
  - (b) is directed to charitable purposes; or
  - (c) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes any political parties or trade union).

10. Any person from whom you and/or your partner have received a gift, or hospitality with an estimated value of at least £50 (you must register any gifts and hospitality worth over £50 that you receive personally in connection with official duties).

PART C  
MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. The names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

## **Voluntary Registration of Other Interests**

Please list below any other interests that you wish to declare in accordance with the General Principles of Conduct as set out in the Code of Conduct or which you think may lead to a conflict of interests between your personal interests and the public interest.

## Confirmation

I understand that:-

- (a) I may be committing a criminal offence if I:-
- (i) fail to register or declare disclosable pecuniary interests as required, without reasonable excuse;
  - (ii) participate or vote or take steps in Council business at meetings or when acting alone when prevented from doing so;
  - (iii) knowingly or recklessly provide information that is false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests, provide written notification to the Monitoring Officer.

- (b) I will be in breach of Sandwell Metropolitan Borough Council's Code of Conduct for Members if I:-
- (i) fail to meet the requirements in relation to disclosable pecuniary interests;
  - (ii) fail to register or declare other interests as required;
  - (iii) take part in Council business at meetings or when acting alone when prevented from doing so;
  - (iv) provide information that is materially false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests provide written notification to the Monitoring Officer.

Signed: .....

Dated: .....

Please sign and return this Notice to the Democratic Services Unit, Sandwell Council House, P.O. Box 2374, Oldbury, West Midlands, B69 3DE.

Date received by the Monitoring Officer: ...../...../.....

## Notes of Guidance to Register of Interests

You should complete the register with sufficient detail to identify clearly what the interest is. Do not use abbreviations, initials or acronyms. You are personally responsible for the accuracy of the contents of the register.

Information on your register of interests will be published. Should you have any concerns regarding the information on your register of interests been publicly available please discuss these with the Monitoring Officer who will consider whether the information should be redacted and moved to the sensitive register.

### PART A DISCLOSABLE PECUNIARY INTERESTS

Disclosable Pecuniary interests are prescribed by Regulation. Please refer to Part A of the Code of Conduct when completing questions 1 - 7.

### PART B OTHER REGISTERABLE INTERESTS

8. List all the bodies that are not committees or sub committees of the Council to which you have been appointed by the Council. Give the full name of the body (not acronyms or initials). If in doubt, ask the Monitoring Officer or the Service Manager - Governance for the list of Outside Bodies. Appointments or nominations may include local committees and charities, partnerships and companies in which the Council is involved, and other related organisations. Include nominations to regional and national bodies such as local authority associations.
9. Include any public bodies of which you are a member (e.g. school governor, health authority, government agency, other non-profit organisation in the public sector, local committee). Include any charity of which you are a trustee or member and any non-profit making body such as a cultural, sporting, environmental or social association, club or organisation. Include the name of any political party of which you are a member, any national or local body operating as a pressure group and any trade union or trade association.
10. This requirement is not intended to cover gifts and hospitality received by you in your private capacity (i.e. when you are not acting as a Councillor). The requirement covers gifts and hospitality received by you as a Councillor. With some hospitality, for example, weddings and special events, you will need to consider in what capacity you are involved. You are advised to register all gifts that you accept, and all hospitality (other than incidental refreshment of a modest nature). You must register the nature and approximate value of the gift and hospitality, and the person or body giving it. You should register it as soon as possible after receiving it.

Make sure that you indicate the date when you register as this is important to determine how long you will need to disclose the receipt of the gift or hospitality in the event of any business of the authority relating to it (three years from the date of registration). Please see Guidance on Gifts and Hospitality.

PART C  
MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. List the names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

PLEASE NOTE

In the context of BOTH Disclosable Pecuniary Interests and Other Registerable Interests you are required to set out your own interests AND in so far as you are aware of their existence the interests of your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners.

In circumstances where the interest is not your own, you are not required to identify the interest as being your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners. However, you may wish to do so should you wish to provide further clarity where appropriate.

In this Code a 'member of your family' includes the following relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent.

In this Code 'a person with whom you have a close association' means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

Guidance revised March 2021

## **Arrangements for dealing with standards allegations under the Localism Act 2011**

### **1. Context**

These “Arrangements” set out how to make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct. There is a separate procedure for dealing with Whistleblowing complaints

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s member Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

### **2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from the Sandwell Council House, Oldbury.

### **3. Making a complaint**

To make a complaint, please write to or email –

**Surjit Tour**  
Monitoring Officer  
Director of Law and Governance  
Sandwell Council House  
Oldbury  
B69 3DE

[surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk)

Or

Maria Price  
Deputy Monitoring Officer  
Service Manager - Legal

[maria\\_price@sandwell.gov.uk](mailto:maria_price@sandwell.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In the event of there being a conflict of interest in relation to both the Monitoring Officer and Deputy Monitoring Officer, the Monitoring Officer will, in consultation with the Chief Executive, seek to appoint another Deputy Monitoring Officer, or alternatively, refer the matter to a Monitoring Officer from another Authority.

Complaints should be submitted using the Complaint Form for Allegation of Breach(es) of Code of Conduct for Members.

In order to ensure that all the information needed to be able to process a complaint is included, please complete and send the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Sandwell Council House, Oldbury.

The complainant should provide their name and a contact address or email address, so that the complaint can be acknowledged and they can be kept informed of its progress. If the complainant wants to keep their name and address confidential, they should indicate this in the space provided on the complaint form, in which case their name and address will not be disclosed to the member against whom the complaint is made without their prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The process for deciding how to deal with anonymous complaints is set out in the attached charts.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

#### **4. Confidential Informant Process**

Any member of staff (including schools staff) within Sandwell Metropolitan Borough Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion.

This process is only available to employees of Sandwell Metropolitan Borough Council. If the employee came under duress or other pressure from Councillors or Senior Officers to undertake improper behaviour the Monitoring Officer will expect them to be candid about that and it is unlikely any action will be taken against them. If the employee has colluded with the wrongdoing and benefitted from it then they cannot expect any sympathetic treatment.

## 5. Will your complaint be investigated?

### Preliminary tests

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint.

The complaint will be assessed by the Monitoring Officer, or in their absence the Deputy Monitoring Officer, in consultation with the Independent Person (see paragraph 12 – ‘Who is the independent person?’ for further information) against the Stage One Legal Threshold set out in paragraph 5.1 and, if applicable, the Stage Two Initial Assessment test set out in paragraph 5.2 below.

#### 5.1 Stage One - Legal Threshold:

- (a) Was the person complained of a member of the Council at the time of the alleged conduct?
- (b) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (c) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct in force at the material time?
- (d) The complaint is about dissatisfaction with the Council’s decisions, policies and priorities, etc.

If the complaint fails one or more of the 1<sup>st</sup> Stage Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

#### 5.2 Stage Two – Initial Assessment

If the complaint satisfies the Stage One Legal Threshold test, the Monitoring Officer will then apply the following Initial Assessment criteria test:

- (a) The complaint is a ‘repeat complaint’, unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous (unless paragraph 4 applies);
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or ‘tit-for-tat’;
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 6 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers’ and Members’ time and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph xx;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;

- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a Councillor.

If one or more of the Stage Two Initial Assessment test applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If none of the criteria in the Stage Two Initial Assessment apply, the Monitoring Officer will go on to apply the Public Interest Test at 5.3.

### **5.3 Stage 3 – Public Interest Test**

Public interest is regarded as “something which is of serious concern and benefit to the public”. It has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public.

The Council is of the view that it should not use its resources to investigate matters which are trivial or which have little or no impact upon the public. It is important that the Council focuses on investigations where matters are serious and capable of undermining the relationship between councillors and the public they serve such as; corruption, bullying, damaging the Council's public image, bringing the Council into disrepute, or the misuse of power in public office.

When applying the public interest test, the Monitoring Officer and Independent Person shall consider each of the following public interest factors set out below. These factors are not exhaustive, and not all may be relevant in every case.

The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

- the seriousness of the breach, for example, has the Member brought the Council seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required;
- has the Member deliberately sought personal gain for himself or another person at the public expense? If there is evidence of this, it is likely that the complaint will be investigated and referred for further hearing;
- are the circumstances of the breach such that a Member has misused a position of trust or authority and caused harm to a person? If there is evidence of this it is likely that the complaint will be investigated and referred for further hearing;

- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a member's conduct is motivated by any form of discrimination it is likely that the complaint will be investigated and referred for further hearing;
- is there evidence of previous similar behaviour on the part of the Member? If so and the matter complained about is serious enough it is likely that the complaint will be investigated and referred for further hearing;
- is the breach such that an investigation or referral to the Standards Committee is required to maintain public confidence in elected Members? If so it is likely that the complaint will be investigated and referred for further hearing; and is investigation or referral to the Standards Committee a proportionate response? namely, would the cost of an investigation or hearing by the Standards Committee be regarded as excessive when weighed against any likely sanction?

## **6. What happens once the Monitoring Officer has reached a decision?**

Where the Monitoring Officer has taken a decision, they will inform the complainant of their decision and the reasons for that decision. The Monitoring Officer must consult with the Independent Person before deciding whether or not a formal investigation should be undertaken.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request further information from the complainant, and may request information from the member against whom the complaint is directed.

The member against whom the complaint is directed, may seek the views of the Independent Person at any stage in the process. This could be to provide a view on the complaint itself, the process under which the complaint will be dealt with or to provide a view on any other query the member may have relating to the complaint. An Independent Person's role is not to act as an 'advisor' to the subject member.

### **Local Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but the complainant does not agree with that offer, the Monitoring Officer will take account of those views in deciding whether the complaint merits formal investigation.

The Monitoring Officer will complete a decision notice, whether or not a matter is to be investigated, which will outline the reasons for the decision.

The Monitoring Officer will normally only decide to investigate a complaint about alleged conduct that happened within six months of the date of receipt of the complaint. If the Monitoring Officer is of the view that exceptional circumstances apply, then this time limit may be waived.

## **7. Referral for Investigation**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer/Officers, who may be another senior officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so the complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The investigation will be completed in accordance with the Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011, which is appended to these arrangements.

The Investigating Officer would normally write to the member against whom the complaint has been made and provide them with details of the complaint, within 5 working days of being appointed.

The Subject Member has the opportunity to provide an explanation of events, identify any documents they believe the Investigating Officer needs to see and who should be interviewed. This should be done within 5 working days of receiving the details of the complaint from the Investigating Officer.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

The Investigating Officer may ask the subject member to attend an interview about the complaint. The interview may be tape recorded, unless the Investigating Officer considers there to be good reason not to.

The disclosure of any evidence to the Subject Member at any stage of the investigation is a matter for the Investigating Officer, having regard to the rules of natural justice and ensuring fairness to all parties concerned.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage.

The Investigating Officer will endeavour to complete their investigation within 8 weeks (40 working days). However, **may**, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

- Medical reasons relating to the subject member (with evidence specifically addressing why the SM cannot engage in the investigation);
- To allow the subject member to seek legal advice and representation;
- In consideration of any personal or family circumstances of the subject member that impacts on their availability or ability to engage at the initial stage.
- Other exceptional circumstances determined on a case by case basis eg availability of a key or material witness.

Any extension will be determined by the Investigating Officer who will confirm the new timetable and notify the relevant parties.

The Investigating Officer reserves the right to proceed with the investigation in the absence of engagement of the subject member if they are satisfied that reasonable opportunity has been given to the subject member to engage in the process.

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 working days.

The evidence gathered during the course of the investigation is not disclosed to the complainant or the subject member at this stage.

The complainant and the subject member will be given a period of 10 working days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate. The Investigating Officer will endeavour to send their final report to the Monitoring Officer, within 5 working days.

#### **8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the subject member, notifying them that they are satisfied that no further action is required, and give provide both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or has other concerns relating to the complaint or the investigation report, they may ask the Investigating Officer to reconsider their report. The Monitoring Officer may consult the Independent Person about this.

## **9. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before a Sub Committee of the Standards Committee or, after consulting the Independent Person, seek local resolution.

### **9.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant. If the complainant does not agree with the suggested resolution, the Monitoring Officer will take account of their views in deciding whether to proceed with the local resolution or refer it for a local hearing. It is however, the Monitoring Officer's decision. The purpose of the local resolution is to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

The range of resolutions that can be imposed is wide and each resolution will be tailored to fit the particular behaviour that has resulted in a breach of the Member Code of Conduct, for example, training on a specific issue. The Monitoring Officer will set a reasonable timescale for compliance with the local resolution.

If the member complies with the suggested resolution, within the timescale set by the Monitoring Officer, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If the member fails to comply with the resolution within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

The breach of the Member Code of Conduct and the resolution imposed will be publicised on the member's profile on the Council's website for a period to be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

### **9.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to a Sub-Committee of the Standards Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The local hearing will normally take place within six weeks (30 working days) of the decision to proceed to a local hearing being made.

Within 5 working days of the decision being made to proceed with a local hearing, the Monitoring Officer shall provide the complainant and the subject member with a copy of the bundle containing the supporting evidence.

The Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give their response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Sub-Committee of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. If the matter to be heard is particularly complex, consideration may be given, by the Monitoring Officer and the Chair of the Committee, to have the hearing in front of the full Standards Committee rather than a sub-committee.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Member Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Sub Committee as to why they consider that they did not fail to comply with the Member Code of Conduct.

If the Sub-Committee, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Member Code of Conduct, they may dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member’s failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person.

**10. What action can the Sub Committee of the Standards Committee take where a member has failed to comply with the Member Code of Conduct?**

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly a Sub-Committee, on behalf of the Standards Committee, will publish the breach of the code of conduct and the sanction imposed on the member’s profile on the Council’s website for a period of time to be determined by the Sub Committee, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved. The Sub Committee will also report its findings to Council for information.

The Standards Committee may –

- 10.1 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the subject member be removed from any or all Committees or Sub Committees of the Council;
- 10.2 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 10.3 Instruct the Monitoring Officer to arrange training for the member;
- 10.4 Recommend to Council to remove from all outside appointments to which the member has been appointed or nominated by the authority;
- 10.5 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- 10.6 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 10.7 Recommend to the Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion.
- 10.8 Instruct the Monitoring Officer to apply the informal resolution process.
- 10.9 Recommend the Council to issue a press release or other form of publicity.
- 10.10 Recommend that the subject member makes an apology at the next full Council meeting.
- 10.11 Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

The Standards Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **11. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Sub Committee as to whether the member failed to comply with the Member Code of Conduct and as to any actions which the Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, and within 5 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member and make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

If the member complies with the sanction imposed by the Standards Committee, within the timescale set, the Monitoring Officer will report the matter to the Standards Committee for information. If the member fails to comply with the sanction within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

## **12. Who are the Standards Committee?**

The Standards Committee is appointed each year by the Council. Details of the current membership of the Committee can be found on the Council's web site on the Committee Management Information System.

The Independent Person(s) is/are invited to attend all meetings of the Standards Committee and their views are sought and taken into consideration before a Sub Committee of the Standards Committee takes any decision on consideration of an investigation report on whether the member's conduct constitutes a failure to comply with the Member Code of Conduct and as to any action to be taken following a finding of failure to comply with the Member Code of Conduct.

## **13. Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Is a relative, or close friend, of a person within paragraph 13.1 above. For this purpose, "relative" means –
  - 13.2.1 Spouse or civil partner;
  - 13.2.2 Living with the other person as husband and wife or as if they were civil partners;
  - 13.2.3 Grandparent of the other person;
  - 13.2.4 A lineal descendent of a grandparent of the other person;
  - 13.2.5 A parent, sibling or child of a person within paragraphs 13.2.1 or 13.2.2;
  - 13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or
  - 13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

## **14. Publication of Standards Investigations**

The Council acknowledges that there is a need to balance the public interest in transparency of these types of matters with the requirement of fairness to a member who is subject to an allegation.

The contents of the initial assessment of a complaint and the investigation will remain confidential.

When a matter progresses to a local hearing before a Sub Committee of the Standards Committee, the hearing will be in public, unless there is a particular reason for the information that will be disclosed during it, to be exempt. The Monitoring Officer will make this decision prior to the hearing in consultation with the Independent Persons and the Chair of the Committee. Each case will be determined on its own merits.

In making this decision, particular consideration will be given to the necessity of transparency, the requirements of witnesses, any Data Protection issues that may become relevant and schedule 12A of the Local Government Act 1972 which outlines what exempt information is.

Consideration will also be given to the disclosure of the papers prior to and or after the hearing and whether any redactions of the papers need to be made.

## **15. Access to Information during an Investigation**

During an investigation and any subsequent hearing, it is important to ensure that information and evidence that has been gathered, is kept confidential in order to protect the integrity of the process. With that in mind, the access to certain information will be restricted.

### **15.1 Subject Access Requests**

The Data Protection Act 1998 entitles individuals (both members of the public and employees) to access personal data held about them by Sandwell Metropolitan Borough Council. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Council can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions. Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Management Unit of the Council.

## **15.2 Freedom of Information Requests**

The Freedom of Information Act 2000 places a statutory requirement on Sandwell Metropolitan Borough Council to provide information to the public. Any individual has a right to request information held by the Council, regardless of where they reside. This right also extends to employees, pressure groups, businesses, politicians and members of the press. There are certain circumstances where information is exempt from disclosure. Information which has been obtained during an investigation under these arrangements is likely to be exempt as it is likely that the information is being held for the purposes of a criminal investigation; is or has been held for criminal proceedings conducted by a public authority; or was obtained or recorded for various investigative functions and relates to the obtaining of information from confidential sources.

The information described is exempt only where the public authority has a duty, or the power, to carry out investigations. The Council does have a duty and/or power to carry out an investigation in accordance with the Localism Act 2011, therefore, if a Freedom of Information Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Management Unit of the Council.

## **16. Review Meetings**

There will be quarterly meetings between the CEO, MO, group leader(s) and group whips, to consider themes across any standards complaints/investigations for the purpose of identifying training needs and member development opportunities (or any other improvements) in order to prevent recurrence of incidents.

## **17. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee in consultation with the Monitoring Officer and/or Independent Person as appropriate the right to depart from these arrangements in exceptional circumstances (as far as they relate to the business of a Sub Committee of the Standards Committee for the administration of the fair hearing of a matter) where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

There shall be a desktop review of the Code of Conduct and these Arrangements undertaken by the Committee with the Monitoring Officer annually, and an in depth review undertaken every 2 years.

## **18. Appeals**

There is no right of appeal against a decision of a Sub Committee of the Standards Committee.

If the complainant or subject member feels that the authority has failed to deal with the complaint properly, they may seek independent legal advice.

## Glossary of Key Terms

Complainant(s)	The person/people making the complaint.
Preliminary tests and assessment stages.	The process undertaken by the Monitoring Officer to determine if a complaint merits formal investigation. There are three assessment stages; legal threshold, initial assessment and public interest.
Local Hearing	A meeting of a sub-committee of the Standards Committee at which they consider whether the "Subject Councillor" has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person's views before it takes decision on a complaint that it has decided to investigate. The Independent Person's views can also be sought by the council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice to a Subject Councillor.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Sub-committee of the Standards Committee conducting the Local Hearing. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.
Monitoring Officer	The Monitoring Officer is a senior officer of the council who has statutory responsibility for maintaining the register of councillors' interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
Public Interest	Public interest considerations are part of the assessment of the complaint.
Subject Councillor	The councillor against whom an allegation has been made.

# COMPLAINT FORM

## Allegation of Breach(es) of Code of Conduct for Members

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

### Your details

- Please provide us with your name and contact details. Anonymous complaints may be investigated if they indicate a potentially exceptionally serious or significant matter and the complaint is accompanied by sufficient documentary or other supportive evidence.**

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- Members of the Assessment Sub-Committee
- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.
- The Independent Person
- Standards Panel and parties to any Hearing

A summary of your complaint will be shared with the subject member and their representative.

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section 6** of this Form and you may also discuss your reasons or concerns with the Council's Monitoring Officer.

Reference to member also includes a co-opted member of the Council.

**2. Please tell us which complainant type best describes you:**

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of the Standards Committee
- A Member of Parliament
- Chief Executive or other Council employee, contractor or agent of the Council.
- A Monitoring Officer
- Other ( )

**3. Equality Monitoring Form - Please complete the Form attached at the back.**

**4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct for Members of the Council:**

Title	First name	Last name

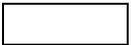
**5. Please explain in this section (or on separate sheets) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the alleged breach(es).**

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

***Complete on separate sheet(s), as necessary***



Please identify, if possible, which part of the Members Code of Conduct you consider has not been complied with.

**Only complete this next section if you are requesting that your identity is kept confidential**

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances that indicate that this should be done (please see Information for Potential Complainants).

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. . The Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your personal and complaint details even if you have expressly asked us not to.

Please be aware that there is a Confidential Informant Process for Sandwell Metropolitan Borough Council employees; any member of staff within Sandwell Metropolitan Borough Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion. Please see a copy of the Council's 'arrangements for dealing with standards allegations under the Localism Act 2011' or speak to the Monitoring Officer for full details.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.**

(Continue on separate sheet(s), as necessary)

8. **Please indicate whether you have raised your complaint directly with the member concerned and if so what response you received.**

(Continue on separate sheet(s), as necessary)

**Additional Information**

9. Complaints must be submitted in writing. This includes electronic submissions. Please use this Form to submit your complaint.
10. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
11. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.
12. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered in accordance with these Arrangements. You will be notified of the decision and any further stages in the process.

**Sandwell Metropolitan Borough Council  
Equality Monitoring Form  
Information for Monitoring Purposes Only**

**Ethnic Classification Categories to be used by Sandwell Metropolitan Borough:-**

**1. White**

- British
- Irish
- Any other White background (please write in)

**2. Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background (please write in)

**3. Asian or Asian British**

- Indian
- Sikh
- Pakistani
- Bangladeshi
- Any other Asian background (please write in)

**4. Black or Black British**

- Caribbean
- African
- Any other Black background (please write in)

**5. Other ethnic group**

- Chinese
- Yemeni
- Any other (please write in)

# Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011

## 1 Context

This protocol is to be used when conducting investigations into standards allegations under the Localism Act 2011. It should be read in conjunction with the 'arrangements' made under the Localism Act 2011.

## 2 Steps of the investigation Initial Decision

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

The Monitoring Officer will complete a decision notice, which can be found at appendix 1, whether or not a matter is to be investigated, which will outline the reasons for the decision. This will be sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

If the Monitoring Officer decides that the complaint merits investigation, investigators will be appointed.

### Investigation Procedure

At the beginning of the investigation an investigation plan will be completed by the investigators overseen by the Monitoring Officer, which can be found at appendix 2. The plan will identify key dates, behaviour alleged, the relevant parts of the code of conduct, issues for determination, evidence required/obtained and the witnesses to be interviewed.

When witnesses are interviewed, a statement will be taken from them which they will be able to check and sign. The format for such a statement can be found at appendix 3.

It is likely that the subject member will be interviewed at the end of the investigation; however this will be decided on a case by case basis. The interview may be tape recorded, unless the member objects to this. This ensures that there is no ambiguity as to the matters discussed in interview. A template interview plan can be found at appendix 4

The investigation will be reviewed on a fortnightly basis by the investigators, in consultation with the monitoring officer. The investigation review sheet will be completed on each occasion, which can be found at appendix 5.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage. The Monitoring Officer will complete a Decision Notice to Cease an Investigation, which can be found at appendix 6.

### **Completion of Investigation**

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 working days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 10 working days to comment on the draft report.

Having received any comments, the Investigating Officer will assess them and complete a Comments Assessment Form which can be found at appendix 7. Once the Investigating Officer has completed this analysis and made any necessary amendments to the report, the Investigating Officer will send their final report to the Monitoring Officer.

## **Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011**

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment :**

**Date of Assessment:**

### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]

### **Stage One - Legal Threshold**

The Monitoring Officer shall determine whether any of the Stage One – Legal Threshold criteria test are met as set out in paragraph 5.1 of the Arrangements.

## Stage Two Initial Assessment

The Monitoring Officer shall determine whether any of the Stage Two – Initial Assessment criteria test are met as set out in paragraph 5.2 of the Arrangements.

### Public Interest Test

The Monitoring Officer shall apply the Public Interest Test in accordance with paragraph 5.3 of the Arrangements.

### Decision

Having consulted and considered the views of the Independent Person, the Monitoring Officer decided to [refer the complaint for investigation] [offer a local resolution] [take no further action].

At this stage, the Monitoring Officer is not required to decide if the Members Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

### If referring for Investigation

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

### Parameters of Investigation

[Include brief instruction to investigators on the scope of the investigation; possible witnesses, relevant documents, issues to focus on and timescales]

### If referring for Local Resolution:

The terms of the local resolution are as follows [insert terms that subject member must comply with]

Compliance with these terms is required within [insert weeks] of this decision notice.

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the standards committee for hearing.

## **If No further action**

The Monitoring Officer has decided that no further action will be taken in relation to this complaint and therefore the matter is concluded.

## **Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

## **Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

**The Monitoring Officer**

Law and Governance  
Sandwell Metropolitan Borough Council  
Oldbury Council House  
Freeth Street  
Oldbury  
B69 3DE

## Investigation Plan For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Date received by monitoring officer:</b>	
<b>Date referred to investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
<b>Authority:</b>		<b>Investigator:</b>	

**Target for monitoring officer's receipt of draft report**

<b>Date due:</b>	
<b>Explanation:</b>	

**Target for issue of draft report**

<b>Date due:</b>	
<b>Explanation:</b>	

**Target for issue of final report**

<b>Date due:</b>	
<b>Explanation:</b>	

## Case analysis

<b>Behaviour alleged</b>	
<b>Relevant Code paragraphs</b>	
<b>Issues for determination</b>	
<b>Evidence required</b>	
<b>Evidence obtained</b>	

## Possible witnesses

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Possible witnesses**

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Possible witnesses**

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

## Other Matters

**Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.**

**Completed by:**

**Date:**



**Interview Plan For Dealing with Standards Allegations Under the  
Localism Act 2011**

**Case No:**

<b>Interviewee:</b>	
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<b>Subject member:</b>		<b>Interviewer:</b>	
<b>Authority:</b>		<b>Date:</b>	

<b>Nature of complaint</b>

<b>Purpose of interview</b>

**Facts already established** (which relate to purpose of interview)

--

**Facts to be established** (which relate to purpose of interview)

--

**Record of disclosure to witness before interview**

--

**Planned disclosure to witness during interview**

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Areas to be covered in interview	Key questions

## Investigation Plan Review Sheet For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Date:</b>	
<b>Investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
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### Reason for Review

<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

### Details relating to above

### Review of Targets

<b>Revised draft report target:</b>	
<b>Revised date of final report target:</b>	

**Reasons for revisions**



**Completed by:**

**Date:**

## **Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011 to Cease an Investigation**

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment:**

**Date of Assessment:**

### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Original Decision**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation on the [insert date].

### **Investigation Summary**

The investigation began on the [insert date]. To date, the investigation has revealed that [insert brief description of what has happened in the investigation so far].

### **Decision to Cease Investigation**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to cease the investigation. The reasons for this decision are as follows [insert reasons].

## **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]

## **Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

## **Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

## **The Monitoring Officer**

Governance Services

Sandwell Metropolitan Borough Council

Oldbury Council House

Freeth Street

Oldbury

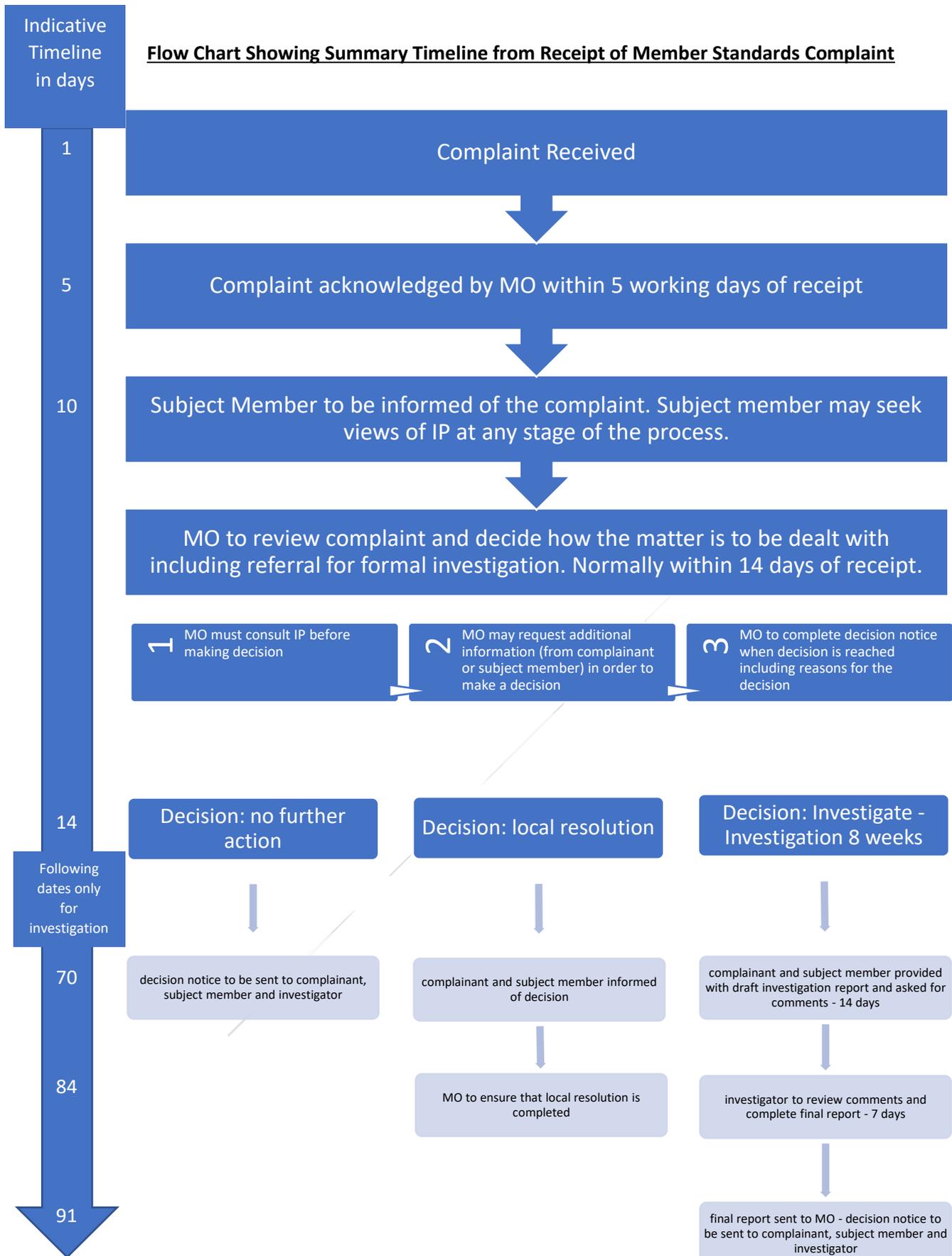
B69 3DE

**Comments Assessment Matrix For Dealing with Standards Allegations  
Under the Localism Act 2011**

**Case No:**

<b>Date:</b>			
<b>Investigator:</b>			
<b>Subject member:</b>			<b>Complainant:</b>
<b>Comments Made by:</b>			
<b>Date Received:</b>			

<b>Comment Received</b>	<b>Response</b>	<b>Amendment Necessary?</b>

*This flowchart should be read in conjunction with the Council's Arrangements for dealing with member standards complaints. The timeline provided here is subject to change depending on the circumstances of the particular complaint.*

## **SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY FOR ELECTED MEMBERS**

### **1. Introduction**

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Social media and other electronic communications such as e-mail, WhatsApp, Facebook, Twitter, LinkedIn, YouTube, blogs, enable members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, Zoom, WhatsApp, tiktok, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

Electronic communications includes the use of e-mail, private messaging on sites (in a councillor capacity) and forums such as WhatsApp.

This policy should be read in conjunction with the social media guidance for elected members, which is attached at appendix 1.

### **2. Aims of this policy**

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The Council acknowledges social media as a useful tool and supports members in the use of social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose elected members or the Council to security risks, legal or reputational damage or breach of the GDPR (data protection Act 2018).

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Disclosing commercially sensitive information
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding for vulnerable adults or children)
- Unwanted conduct from individuals misusing social media (often referred to as trolls)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

### **3. Members' responsibilities**

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In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media
- That social media is used in line with this policy

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended, or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with individual constituents regarding council matters
- Communications with constituents at large about local issues in your ward or matters of local political interest.
- Making reference to the Council in tweets, blogs, Facebook etc with your council accounts or private accounts where the audience believe you are doing so as a councillor identifying issues discussed by the Council or matters which are within your knowledge due to your position as a councillor.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

#### **4. Advice for members using social media**

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Members should be aware that they are personally responsible for any content they publish on any form of social media.

The Council reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and comments/content remains available on the internet as a permanent record unless specifically removed. It is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control, it can be shared on other sites, and may be manipulated without their consent, used in different contexts, or further distributed.

## Members SHOULD:

- When sharing information with constituents such as through a local Facebook or WhatsApp group ensure that only factual information is shared on the group
- Set up admin rights on local groups and only allow the posting of comments once the admin have reviewed them to ensure that inappropriate/offensive or confidential information is not inadvertently shared on local groups which you manage.
- Make use of privacy settings for personal accounts - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately to the Monitoring Officer, the LADO and or the Police depending upon the circumstances of the matter.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- If you load any images of yourself or council pictures on local sites agree these with the press office and have a rider on the site which states "These images are owned by the council (you as an individual) and the council ("I") do not agree to the publication/ sharing/ retweeting of these images without our consent".

- Report any threats, abuse or harassment via their use of social media to their political group leader, the Monitoring Officer, Members' Services and/or the police. Any incidents should be recorded on an incident log sheet and if harassment is alleged they should be reported on the complaint form at appendix 2.

**(hyperlinks to both forms – need logging on the system)**

- If any information is shared with third parties that should not have been shared this may be considered as a data breach and should be reported to the Council's DPO.
- [https://intranet.sandwell.gov.uk/downloads/file/11680/data\\_breach\\_form](https://intranet.sandwell.gov.uk/downloads/file/11680/data_breach_form)

### **Members should NOT:**

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's Data Protection Policy.
- Publish or report or share with third parties meetings or information which are private or internal council business (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors, any partnering organisations or officers either in or outside the work environment.

## 5. Principles when using social media

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Members should follow the following five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **6. Further information**

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If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer. Incidents should be recorded on an incident log sheet and when formalising a complaint collated into the complaint form at Appendix 2. Upon receipt of a complaint the Monitoring Officer will consider the complaint, provide advice and guidance and update the Member of the potential options available including an investigation where appropriate.

Hyperlink to forms once loaded  
[http//](http://)

## **Social Media and Electric Communications Guidance for Councillors**

### **1. Introduction**

- 1.1 The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
- 1.2 Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
- 1.3 There are also some pitfalls to be aware of, and this Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

## **2. Legal Considerations**

- 2.1 Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
- 2.2 In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
  - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
  - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
  - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
  - e. **Incitement:** it is an offence to incite any criminal act;
  - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
  - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications

- 2.3 Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
- 2.4 Additional considerations apply to Councillors.

#### Bias and pre-determination

- Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

#### Equality and discrimination

- The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

#### Electioneering

- Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

## Human Rights

- Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

## Code of Conduct

- Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

### **3. Responsibilities of Councillors**

- 3.1 Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.
- 3.2 Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
- 3.3 Beyond that it is generally best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
- 3.4 Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

- 3.5 Promptly admit to mistakes.
- 3.6 Avoid using social media when you are tired, angry, upset or your judgment may be impaired as something permanently published can't be easily taken back
- 3.7 Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
- 3.8 Always ensure the security of your devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

#### 4. Principles for using Social Media

You should follow these five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.

- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **5. Use of Social Media during Committee Meetings**

- 5.1 Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
- 5.2 Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

## **6. Inappropriate use of Social Media by Others**

- 6.1 Anyone receiving threats, abuse or harassment via their use of social media should report it to the police and the Monitoring Officer. Member are asked to complete an incident log sheet for each incident and then to collate all of these into the complaint form at appendix 2.

- 6.2 Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

## **7. Further Reading Materials**

- 7.1 Connected Councillors – A guide to using social media to support local leadership. Local Government Association.  
[https://hedonblog.files.wordpress.com/2010/04/connected\\_councillors.pdf](https://hedonblog.files.wordpress.com/2010/04/connected_councillors.pdf)
- 7.2 The Local Government Association’s webpage on social media  
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

## **8. Complaints**

- 8.1 These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors’ use of social media amounts to a breach of the Member’s Code of Conduct and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.

## **9. Contact details**

For further information please contact:

Surjit Tour, Monitoring Officer on 0121 569 3172  
Email: [Surjit\\_Tour@Sandwell.gov.uk](mailto:Surjit_Tour@Sandwell.gov.uk)

Maria Price, Deputy Monitoring Officer and DPO on 0121 569 3175.  
Email: [Maria\\_Price@Sandwell.gov.uk](mailto:Maria_Price@Sandwell.gov.uk)

# Social Media Incident Report Form

**Reporting incidents of abusive/harassing behaviour**  
**You should report and incidents of harassing behaviour**  
**directly to the police.**

Unfortunately, there are rare circumstances where individuals abuse social media. We recognise that this can have an unpleasant and profound effect on you and your emotional wellbeing. The Council can support and assist you and in certain circumstances can take action on your behalf to manage such behaviours. In order to assist you we require you to provide some information.

Please refer to the Social media and policy guidance for members. This form should not be used to report incidents/allegations of breach of the social media policy by other elected members. In such circumstances the members code of conduct/arrangements should be referred to.

## Your details

1. Please provide us with your name and contact details.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.

2. Please provide us with the name of the Individuals(s) you believe have harassed/abused you on social media:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) exactly what has occurred, when it occurred, why you feel it is harassing and or abusive and what action you have taken to ask the individual(s) to stop the behaviour. In order to progress this matter you will need to provide screen shots of all of the messages/tweets/ re-tweets and or blogs. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the allegations.

Please include the following,

- If you asked for the conduct to stop and when
- Details of any reports you have made to the Police about this allegation and when
- All correspondence that you have had with this individual (s)
- Details of if you reported to the incident to a host site, when and what action was taken such as taking posts down.
- You should be specific, wherever possible, about exactly what you are alleging and what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Details of any incidents that have occurred of a harassing/abusive nature in addition to those on social media
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

**Please provide us with the details of your complaint.**

Please provide the relevant screen captures at the back of this form

**Only complete this next section if you are requesting that your identity is kept confidential**

4. Please indicate the remedy or remedies you are looking for or hoping to achieve. i.e. taking offensive posts down, apology, other action

5. Please indicate whether you have raised your complaint directly with the individual(s) concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

### **Additional Information**

6. Your concerns need to be submitted in writing along with supporting evidence in order of the Monitoring Office to properly consider the options available to you and the council. Please use this Form to submit your complaint.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you raising your concerns. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

**PLEASE RETURN YOUR COMPLETED FORM TO:**

**Surjit Tour**

Director of Law and Governance  
& Monitoring Officer

Sandwell Metropolitan Borough Council  
Law and Governance  
Sandwell Council House  
PO Box 2374  
Oldbury  
West Midlands  
B69 3DE

T: 0121 569 3264

E: [surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk)

W: [www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## **PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY**

### **1. Introduction**

This Protocol applies to members of the Authority and co-opted members (voting and non-voting).

### **2. General Caution**

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

### **3. Criminal Law**

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do or forbear to do anything in respect of any transaction involving the Authority.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

## **4. Limits of Guidance**

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

## **5. Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event (including tickets to events).

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, chocolates, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

## 6. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small gifts of token value, ie estimated to be below £50:
  - (a) given by way of trade advertisement to a wide range of people, eg pens, calendars, diaries and key-rings; or
  - (b) given on the occasion of a courtesy visit, eg to a factory or other business premises; or
  - (c) received from a recipient of a Council service, where it would give offence to reject it.
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

- Invitations to attend functions where you represent the Council (eg dinners where you are invited to speak, opening ceremonies and trade shows) or to functions when you attend by virtue of your position on the Council.
- Hospitality provided at public events, where a formal invitation has been received at Council offices and the attendance is in a civic capacity.

## **7. Inappropriate Gifts and Hospitality**

- Free or subsidised holidays or travel.
- Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- Personal invitations to socialise with representatives from a company or organisation that has business or other dealings with the Council.
- Offers of any free or subsidised accommodation (ie hotel, flat, villa or holiday home).
- Any offer whatsoever of free services.
- Any other hospitality offered by a company or organisation that has business or other dealings with the Council, which is not linked to its normal course of business with the Council (ie not part of business meetings or offered to officers representing the Council at events).

In exceptional circumstances, it may be permissible to accept travel, accommodation and hospitality from a company or organisation, which has or may have business with the Council, when the assessment and evaluation of bids or tenders necessitates visiting reference sites, provided that this facility is also offered/applied to other tenderers. In such a situation, you must be accompanied by an officer of the Council, whose attendance has been approved by his Director/Service Manager or in appropriate cases the Chief Executive.

## **8. Principles to Apply in Relation to Gifts and Hospitality**

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it. “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - a) From parties involved with the Authority in a competitive tendering or other procurement process except in the limited circumstances referred to in paragraph 7 above.
  - b) From applicants for planning permission and other applications for licences, consents and approvals.
  - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - d) From applicants for benefits, claims and dispensations.
  - e) From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

## **9. Gifts Received and Donated to the Mayor’s Charities or Appeals**

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Mayor’s Office for use in relation to the Mayor’s Charities or Appeals.

Members should indicate this intention to the provider and make this clear on the register of interests.

## **10. Registration of Gifts and Hospitality**

The Code of Conduct for Members and Co-opted Members states that ‘You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.00.’

This interest (gifts or hospitality worth £50.00 or over that you receive in connection with your official duties as a member and its source) must be registered in the register of members’ interests within 28 days of receiving it. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You should also register any such gift or hospitality, which you decide to refuse or decline.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality it is recommended that you register it or at least seek advice from the Monitoring Officer.

If you have not registered your gift or hospitality in accordance with the requirements set out in your Code of Conduct then you must declare or disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality).

Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £50.00, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a declaration or disclosure in relation to gifts and hospitality on the register which are below £50.00 in value.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £50.00 or over should be registered.

## **11. Reporting of Inappropriate Gifts and Hospitality offered**

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

## **12. Gifts to Mayor and Deputy Mayor**

As part of their civic duties the Mayor and/or Deputy Mayor will receive a number of gifts and offers of hospitality.

The provisions of this protocol applicable to all members of the Authority apply equally to the Mayor and Deputy Mayor, insofar as they are not inconsistent with the following provisions.

As a general principle all gifts made to the Mayor and/or Deputy Mayor during the exercise of their civic duties belong to the Council and must be passed to the Mayor's Secretary as soon as possible. However, small token gifts, e.g. estimated to be below £50.00, received by the Mayor/Deputy Mayor in their civic capacity which are personalised, e.g. a cup with their names on it, flowers, etc may be retained by the Mayor/Deputy Mayor.

The Mayor's Secretary keeps a Declaration of Gifts log book. It is the responsibility of the Mayor/ Deputy Mayor to ensure that gifts received are declared to the Mayor's Secretary and recorded in the log book.

Offers of hospitality to the Mayor/ Deputy Mayor in their civic capacity will normally be made through the Mayor's office. In those cases, details of the hospitality received will be recorded and retained by the Mayor's Secretary.

In the event of gifts or hospitality being offered to the Mayor/ Deputy Mayor other than in their civic capacity, ie as members of the Council or as private individuals, the Mayor/ Deputy Mayor must deal with such offers in the same way as any other member of the Council.

### **13. Enforcement**

Allegations of any failure to meet the Protocol must be made in writing to the Monitoring Officer. The Monitoring Officer has responsibility for overseeing compliance with this Protocol.

**SANDWELL METROPOLITAN BOROUGH COUNCIL**

**REGISTRATION OF GIFTS AND HOSPITALITY**

Please read the rules and guidance on Gifts and Hospitality before completing this form. The form should be returned to Sandwell Council House, Oldbury, Sandwell, West Midlands, B69 3DE.

Nature of gift/hospitality.

Estimated value of the gift/hospitality.

Name of individual or organisation arranging/ providing gift/hospitality.

Relationship with the individual/organisation.

Is the individual/ organisation dealing with you or the Council in relation to any legal, statutory or enforcement matters, such as planning applications? If so, please give details.

Is the individual/ organisation seeking grants/benefits/ dispensations from the Council? If so, please give details,

Is the individual/organisation providing goods/services to the Council or hoping to do so in future? If so, please give details.

Was the gift/hospitality accepted or refused?

When was the gift/hospitality received/refused?

Name of Member

Signature of Member

Date

### **Protocol for Meetings between Senior Officers and Chief Whips**

#### **Introduction**

The Committee on Standards in Public Life, in addition to publishing its report on local authority ethical standards, published a list of Best Practice Recommendations. Best Practice Recommendation 15 states that senior officers should meet regularly with political group leaders and group whips to discuss standards issues. One of the outcomes of the Member Engagement Sessions was that a Protocol for these meetings should be drafted.

The purpose of this Protocol is to guide Officers and Members of the Council when meeting to discuss Standards Issues. The Council has adopted a Protocol for Member/Employee Relations and it is expected that the respective parties conduct themselves in accordance with this Protocol when attending these meetings, as well as adhering to their own Codes of Conduct.

#### **Meetings**

##### **Attendees**

Chair: Monitoring Officer

Chief Whip(s)

Leader(s) of Political Groups

Chair of the Ethical Standards and Member Development Committee

Deputy Monitoring Officer(s)

Chief Executive of the Council

Section 151 Officer

##### **Frequency**

Meetings will take place on a quarterly basis, or more frequently if required by the Monitoring Officer and/or the Chief Whip(s), Leader(s) of Political Groups.

##### **Agenda**

An agenda will be agreed between the Monitoring Officer and the Chair of the Ethical Standards Committee. The agenda will be circulated three working days before the meeting, together with any relevant documentation. Meetings will be confidential.

## **Terms of Reference**

The purpose of the meetings is to discuss common issues that have arisen as a result of standards matters and strategies to deal with these. This will assist the political parties in the resolution of matters and locally and deal with common issues that affect members generally. **These meetings will not discuss individual matters or the statutory functions of the Monitoring Officer and the way that he manages the arrangements.** Area for discussion may include:

- Common or reoccurring Code of Conduct complaint themes
- Identifying trends
- Discussions about particular difficulties encountered with progressing complaints
- Statistical data
- Exploring outcomes available for complaints
- Promoting the Duty to Promote and Maintain High Standards

## **Confidentiality**

All discussions at these meetings will remain confidential and the parties agree that they will not be shared with any third parties.

# Report to Council

25 May 2021

<b>Subject:</b>	Election of Leader of the Council
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Suky Suthi-Nagra Democratic Services Manager suky_suthinagra@sandwell.gov.uk

## 1 Recommendations

That Council:

- (1) elects an Elected Member as Leader of the Council, for a four year term of office, or for the remainder of their current term of office as councillor, subject to that person remaining as an elected member of the Council or otherwise not having been removed from office by a decision of the Council or resigned as leader, with immediate effect pursuant to the Local Government Act 2000 (as amended) and Articles 4.02(d) and 7.03 of the Council’s Constitution; and
- (2) That subject to (1) above, requests the duly elected Leader of the Council to:
  - a) confirm the Statutory Deputy Leader of the Council pursuant to Article 7.04 of the Constitution;
  - b) confirm the Cabinet Members pursuant to Article 7.06 of the Constitution;
  - c) confirm the Cabinet Portfolios pursuant to Article 7.06 of the Constitution.



- (d) receive the appointments made to Executive bodies;
- (e) receive the Scheme of Delegations to Officers (executive side functions).

## 2 Reasons for Recommendations

- 2.1 To elect the Leader of the Council with immediate effect in accordance with the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011) and Articles 4.03(d) and 7.03 of the Council's Constitution.
- 2.2 Under the Local Government Act 2000 (as amended) and Article 7.03 of the Council's Constitution, the appointed Leader will hold office (subject to specific caveats detailed within Article 7.03) for four years or until his/her term of office as Councillor expires, if this is less than four years.
- 2.3 Subject to the election of the Leader of the Council, the duly elected Leader is statutorily required to appoint a Deputy Leader of the Council.
- 2.4 The Leader of the Council has the discretion to appoint up to nine Cabinet Members (which includes the Deputy Leader of the Council) and to determine their portfolios.
- 2.5 The Leader of the Council will therefore be invited to confirm the:
  - Statutory Deputy Leader of the Council; and
  - Cabinet Members and their Portfolios.



### 3 How does this deliver objectives of the Corporate Plan?

		All executive functions vest in the Leader of the Council, who together with Cabinet Members, the Cabinet and officers discharge those functions. Vision 2030 will influence and help determine how those executive functions will be discharged.
		
		

### 4 Context and Key Issues

4.1 The Local Government Act 2000, when it came into force, required almost all principal local authorities to adopt “executive arrangements” in one of three forms, namely:-

Mayor and Cabinet Executive;  
Leader and Cabinet Executive; or  
Mayor and Council Manager.

4.2 In England, Part 3 of the Local Government and Public Involvement in Health Act 2007 abolished the ‘Mayor and Council Manager’ model of governance and amended Section 11 of the Local Government Act 2000 to replace the ‘Leader and Cabinet Executive’ model with the ‘Leader and Cabinet Executive (England)’ model.

4.3 The Local Government and Public Involvement in Health Act 2007, required Metropolitan Borough Councils to approve a move to a new form of executive arrangement by 31 December 2009.

4.4 The Council’s revised governance arrangements were considered and approved by Full Council at its meeting on 1 December 2009, and the arrangements subsequently came into force on 6 May 2010, three days after the May 2010 Local Elections.

4.5 Further subsequent amendments to the executive model of governance were made by the Localism Act 2011.



4.6 Under the current Leader and Cabinet Executive (England) model, Full Council elects the Leader of the Council; however, the Leader is responsible for: -

- determining the membership size of the Cabinet (which can be between 3 and 10 excluding the Statutory Deputy Leader);
- appointing the Members of the Cabinet;
- allocating portfolios or areas of responsibility to the Cabinet Members, Cabinet, Committees of the Cabinet, and/or officers;
- allocating decision-making powers to the Cabinet and to individual Cabinet Members, Cabinet, Committees of Cabinet and officers; and
- removing and replacing Cabinet Members.

### **Cabinet Members**

4.7 Article 7.06 of the Constitution provides that Cabinet Members are appointed by the Leader of the Council and will hold that office until he/she is removed by the Leader or resigns, is suspended, or ceases to be a councillor. The Leader of the Council will advise the Council at the meeting of any appointments he/she intends to make.

4.8 Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) details the information relating to each Cabinet Member that must be submitted to the Annual Meeting of the Council (ie name, address and ward).

4.9 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of which member of the Cabinet is responsible for the exercise of a particular executive function.

Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the delegations to Cabinet Members to the Annual Meeting of the Council, i.e. the Executive Portfolios. The allocation of portfolio responsibilities is the sole responsibility of the Leader of the Council.



## 5 Alternative Options

- 5.1 In the absence of a new Leader of the Council being elected, under the Local Government Act 2000 (as amended) and Article 7.04 of the Constitution, the Deputy Leader of the Council must act in the place of the Leader of the Council.

## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report. The Council has in place an approved Members' Allowances Scheme.
<b>Legal and Governance:</b>	These considerations are set out in the main body of the report.
<b>Risk:</b>	The Council is legally required to elect a Leader of the Council. In the absence of a new Leader of the Council being elected, the Deputy Leader must act.
<b>Equality:</b>	There is no requirement for an equality assessment. However, any Elected Member is eligible to be nominated as Leader of the Council. The Council has appropriate policies, procedures and practices in place to enable any Elected Member to be nominated and be supported in the role of Leader of the Council.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no social value implications arising from this report.

## 7. Appendices

None. Details of the Statutory Deputy Leader of the Council, Cabinet Members, Cabinet Portfolios and Appointments to Executive Bodies will be provided at the meeting.

## 8. Background Papers

None.



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## Appointments made by the Executive

### Health and Wellbeing Board (2021/22)

(4 members)  
(Lab 4)

Leader of the Council  
Cabinet Member for Best Start in Life  
Cabinet Member for Living Healthy Lives  
Cabinet Member for Homes

Non voting members:

Chair – Health & Adult Social Care Scrutiny Board  
Chair – Children’s Services & Education Scrutiny Board

Other Board members as agreed by Council:-

Director – Adult Social Care (without voting rights)  
Director of Children’s Services (without voting rights)  
Director of Public Health (without voting rights)  
NHS Commissioning Board:  
One representative of the NHS England - Birmingham, Solihull and the Black Country Area Team (without voting rights)  
Sandwell and West Birmingham Clinical Commissioning Group:  
Four representatives (three votes)  
Healthwatch Sandwell:  
One representative (with voting rights)  
Black Country Partnership NHS Foundation Trust (without voting rights)  
One representative of West Midlands Police (without voting rights)  
One representative of West Midlands Fire and Rescue Service (without voting rights)  
One representative of Sandwell Council of Voluntary Organisations (without voting rights)  
Sandwell and West Birmingham Hospitals NHS Trust (without voting rights)  
Sandwell Children’s Trust (without voting rights)

## Strategic Waste Partnership Board (2021/2022)

(3 members)  
(Lab 3)

Leader of the Council  
Deputy Leader  
Cabinet Member

(and representatives of Serco)

## Cabinet Petitions Committee 2021/2022)

(10 members)  
(Lab 10)

**Chair**      Cabinet Member

Members of the Cabinet x 9

# Scheme of Delegation

## Introduction

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

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

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

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

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

### **Category A - Executive Decisions**

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

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

### **Category B - Non-executive Decisions**

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

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

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

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

### **Category C – Executive Administrative Decisions**

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

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

### **Category D - Non-executive Administrative Decisions**

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

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

### **Category E**

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

There is no requirement to publish these decisions.

## Approved Decision Maker

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

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

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

## Principles of Delegation

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

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

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

3. Authority to Act:

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

### Exemptions to Publication

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

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

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

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

## Scheme of Delegation - Index

Approved 'Decision Maker'
Chief Executive/Head of Paid Service
Deputy Chief Executive
Adult Social Care
Borough Economy
Business Change and Strategy
Children's Services/Children and Families
Education, Skills and Employment
Finance
Housing
Law & Governance and Monitoring Officer
Regeneration and Growth
All Directors
Miscellaneous Officers
Non-council employees
Partnering Arrangements

## Chief Executive/Head of Paid Service

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Assuming Responsibility for the Management of Budgets</b>                      In consultation with the Section 151 Officer, where, in their opinion, the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council’s overall financial management situation, to determine whether the management of that budget will be assumed by the Executive Director – Resources acting in conjunction with the Head of the Paid Service, or directly by the Head of the Paid Service themselves (or such other officers as they may determine).</p> <p>Section 28 of the Local Government Act 2003</p>	
<p><b>Birmingham International Airport Shares</b>                      The Chief Executive and the Chief Finance Officer of the Council be authorised severally, in consultation with the Leader and Deputy Leader of the Council, to take such action as may be required for the purpose of implementing any decision of the Cabinet in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p> <p>Section 12 of the Local Government Act 2003 grants a local authority the power to invest:                      (a) for any purpose relevant to its functions under any enactment, or                      (b) for the purposes of the prudent management of its financial affairs.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>
<p><b>Birmingham International Airport Districts Side Agreement</b>                      The Chief Executive, or in his/her absence, the appointed Deputy Chief Executive, in consultation with the Chair or Vice Chair of the Joint Committee, be authorised to discharge all functions in relation to Birmingham Airport Holdings Limited, as provided for at Clause 5.4 of the Birmingham Airport Districts Side Agreement, and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith, in consultation with the Council’s Director of Law and Governance and Monitoring Officer and the Chief Finance Officer of the Council where appropriate and reasonably practicable.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>

## Chief Executive (cont)

### **Civil Contingencies and Civil Emergencies**

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

Civil Contingencies Act 2004

### **Closure Powers -**

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

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

Anti-Social Behaviour, Crime and Policing Act 2014

### **Political Restriction of Officer Posts**

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

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

### **Mental Capacity Act 2005**

To act as authorised signatory in the absence of the Director of Adult Social Care under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act.

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

Exemptions 1, 2 and 5

## Chief Executive (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>Representation of the People Act 1983 – Proper Officer</b> To act as the Proper Officer for the purposes of Section 8(2) of the Representation of the People Act 1983 (officer of the Council to be the Registration Officer).	
<b>Civil Contingencies and Civil Emergencies</b> To exercise the Council’s functions under and to authorise Officers to enforce those provisions of the Civil Contingencies Act 2004 and to respond in the event of civil emergencies and to commit budgets as necessary.  The power to take decisions which are determined to be urgent when the Cabinet or a Committee is unable to meet, in consultation as appropriate with the Chair of the relevant Overview and Scrutiny Committee or the Mayor or Deputy Mayor.  The taking of any action necessary, including the incurring of expenditure in accordance with Financial Regulations, in connection with an emergency or disaster in the Borough.  The exercise of powers delegated to any Officer when that Officer is unavailable or unable to act.	

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>Birmingham International Airport</b> The Chief Executive, the Chief Finance Officer of the Council and Director of Law and Governance and Monitoring Officer be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form or proxy, consent to short notice or other document or to attend any meeting of shareholders as representatives of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.	
<b>Signing of Documents / Common Seal</b> To sign on behalf of the Council, and to attest the fixing of the Common Seal of the Council to documents (in consultation with the Director of Law and Governance and Monitoring Officer where appropriate).	

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

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

Deputy Chief Executive	
Delegation	Commentary
<b>Categories A – E</b>	
<p><b>To exercise all functions outlined in the schemes of delegation to the following Directors:</b></p> <p>Director of Adult Social Care            Director of Borough Economy            Director of Children and Education            Director of Housing            Director of Public Health</p>	
<p><b>To exercise all functions of the Chief Executive/ Head of Paid Service in their absence.</b></p>	

## Director – Adult Social Care

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Mental Health Practitioners</b>                      To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983 and to exercise the functions pursuant to that Act.                      Section 114(1) of the Mental Health Act 1983 (as amended by the Mental Health Act 2007).</p>	<p>Was EDASC</p>
<p><b>Assistance to Home Owners</b>                      To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments</p> <p>To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	

## Director - Adult Social Care

### **Assistance to home owners - Policy for the provision of assistance to home owners**

To make amendments to the Policy for the Provision of Assistance to Home Owners to take account of operational issues and changes in statute in order to enable its fair and effective delivery.

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

### **Assistance to Meet a Person's Needs**

To promote well-being when carrying out any care and support functions in respect of an individual and provide or arrange services that reduce need for support amongst people and their carers in the local area by assessing need and meeting those needs via the provision of care and support as appropriate..

Care Act 2014 Part 1 (Care and Support)

### **Assistance to Residential Occupiers**

To assist residential occupiers whose supplies of gas, water or electricity have been cut off, or are about to be cut off, because their landlords or other persons to whom they had been paying for their supplies has failed to pay the relevant statutory undertakers (Local Government (Miscellaneous Provisions) Act 1976)

### **Authority to Enter Premises**

To authorise appropriate officers to enter Premises under:

Sections 337 and 340 and of the Housing Act 1985;

Schedule 3 of the Environmental Protection Act 1990.

Power to apply for a Warrant of Entry under Schedule 3 of the Environmental Protection Act 1990.

### **Cleansing of Premises - Section 83 of the Public Health Act 1936**

To act and authorise others to act on his/her behalf under Section 83 of the Public Health Act 1936 concerning the cleansing of filthy and verminous premises (as amended by the Public Health 1961).

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

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

Part 4A Family Law Act 1976

Part 11 Family Procedure Rules 2010

Antisocial Behaviour, Crime and Policing Act 2014

**Director - Adult Social Care**

**Deprivation of Liberty Safeguards**

To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities for the Mental Capacity Act 2005 - Deprivation of Liberty Safeguards.

Mental Capacity Act 2005

**Determination/Application of Charges for meeting need**

To make charges for meeting needs in accordance with the prescribed method of assessment under section 14 Care Act 2014

Part I section 14 Care Act 2014

**Disabled Facilities Grants**

To approve or refuse applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To authorise payments for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To impose and enforce conditions in respect of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996, mainly sections 24, 35, 37 and 52.

**Replicated in Housing**

Director - Adult Social Care,	
<p><b>Disabled Facilities Grants - Standards of Work</b>            To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and any other type of assistance made available by the Council under its policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and any subsequent amendments or enactments including the siting of amenities.</p>	<b>Replicated in Housing</b>
<p><b>Enforcement of Grant Conditions</b>            To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.            To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<b>Replicated in Housing</b>
<p><b>Financial Deputy - Deputyship Accounts</b>            To act as and authorise others to act on his/her behalf as Financial Deputy under the Mental Capacity Act 2005, for those persons incapable of managing their own affairs and to take such "Best Interest Decisions" as necessary in accordance with the Act</p> <p>Mental Capacity Act 2005</p>	
<p><b>Guardianship</b>            To accept or authorise others to accept Guardianship under sections 7 and 37 of the Mental Health Act 1983 on behalf of the Local Authority.            To discharge Guardianship in consultation with the appropriate Cabinet Member.</p>	
<p><b>Payments and Contributions to Care</b>            To determine further payments to a home after the death of a client. To disregard property values in assessing a client's ability to contribute towards accommodation costs if property is shared with a carer, or where it is considered to be appropriate</p> <p>Section 22 of the National Assistance Act 1948 (Charges to be made for Accommodation) and associated Regulations.</p>	

<p><b>Statutory Responsibility for the social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's executive statutory responsibilities under the Care Act 2014.</p>	
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**Director – Adult Social Care**

Delegation	Commentary
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**Category B – Non- Executive**  
Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.

<p><b>Criminal Justice and Police Act 2001</b> To act and authorise others to act on his/her behalf under S13(2) of the Council's powers in the Act.</p>	
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**Director - Adult Social Care**

<p><b>Statutory Responsibility for social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's non-executive statutory responsibilities under the Care Act 2014.</p>	
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**Director – Adult Social Care**

Delegation	Commentary
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**Category C – Ancillary to an Executive Decision**  
Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.

<p><b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
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**Director - Adult Social Care**

Delegation	Commentary
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**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.

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

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Abandoned Vehicles - Refuse Disposal (Amenity) Act 1978</b>                      To exercise and to authorise others to exercise the Council's functions under the Act dealing with the removal and disposal of abandoned vehicles.</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 2 and 6</p>
<p><b>Abatement of Statutory Nuisance - Part III of the Environmental Protection Act 1990</b>                      To act and authorise others to act on his/her behalf under Part III of the Environmental Protection Act 1990 concerning the abatement of statutory nuisances.</p>	<p>Was P&amp;P</p>
<p><b>Accumulations of Rubbish - Public Health Act 1961 Section 34</b>                      To act and authorise others to act on his/her behalf under the Council's functions in Section 34 of the Public Health Act 1961 concerning Abatement</p>	<p>Formerly ED of Adult Social Care (EDASC)</p>
<p><b>Air Quality Inspection of – Processes Environment Act 1995</b>                      To act and authorise others to act on his/her behalf under the provisions of the Environment Act 1995 in connection with the inspection of processes under local authority control and the monitoring of air quality.</p>	<p>Was P&amp;P</p>
<p><b>Animal Health Cross Border Warrant</b>                      To authorise named officers to act in accordance with a Memorandum of Understanding in relation to Animal Health Cross Border Warrants and to exercise the powers conferred in the Animal Health Act 1981, the Animal Health Act 2002, the Animal Health and Welfare Act 1984, the Animal Welfare Act 2006, the Environmental Protection Act 1990 and the European Communities Act 1972</p>	<p>Formerly ED ASC and Director P&amp;P (duplicated delegation)</p>

<p><b>Anti-Social Behaviour</b></p>	
<p><b>Closure Powers -</b>  To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Community Protection Notice (CPN)</b>  To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	

<p><b>Criminal Behaviour Order (CBO)</b> To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	
<p><b>Blight Notices - Acquisitions</b> To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has accepted a Blight Notice.</p> <p>Section 246 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Cesspools - Section 50 of the Public Health Act 1936</b> To take all necessary actions to remedy overflowing and leaking cesspools under section 50 of the Public Health Act 1936.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

<p><b>Control of Horses Act 2015</b> To act and authorise others to act under the Control of Horses Act 2015.</p>	
<p><b>Appointment of Inspectors - Weights and Measures Act 1985</b> The appointment of Chief Inspector and Deputy Chief Inspector of Weights and Measures responsible to the local Weights and Measures Authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area and for the operation of the arrangements made to give effect in that area for the purpose of the Weights and Measures Act 1985. Section 72 of the Weights and Measures Act 1985.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b> To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 in connection with taking action against letting agents and property managers who have not joined a redress scheme when required to do so. Enterprise and Regulatory Reform Act 2013</p>	
<p><b>Authorisation of officers to enforce the Food and Environment Protection Act 1985 Part III and the Control of Pesticides Regulations 1986 -</b> To authorise other categories of staff within the Environmental Health and Trading Standards Division to enforce Part III of the Food and Environment Protection Act 1985 and the Control of Pesticides Regulations 1986, subject to such officers meeting the requirements specified by DEFRA. Section 19(1C) of the Food and Environment Protection Act 1985).</p>	
<p><b>Blocked or Defective Drains - Public Health Act 1961, Section 17</b> To act and authorise others to act on his/her behalf under the Council's powers in relation to drains which are stopped up or require repair.</p>	

<p><b>Blocked Private Sewers - Local Government (Miscellaneous Provisions) Act 1976 Section 35</b> To act and authorise others to act on his/her behalf under the Council's powers in relation to blocked private sewers.</p>	
<p><b>Building Act 1984 - Service of Various Notices -</b>          · Service of notice in connection with inadequate drainage in houses under Section 59 of the Building Act 1984.          · Service of notice requiring correct use and ventilation of soil pipes in house under Section 60 of the Building Act 1984.          · Service of notice in connection with a building with insufficient wc accommodation under Section 64 of the Building Act 1984.          · Service of notice in connection with buildings with insufficient or unsuitable accommodation for the storage of food under Section 70 of the Building Act 1984.          · Service of notice, carrying out of work and reclaiming of expenses incurred as they relate to buildings in such a state as to be prejudicial to health or nuisance where undue delay would occur carrying out action under Section 80 of the Environmental Protection Act 1990, (under Section 76 of the Building Act 1984).          Service of notice in connection with defective yards and passages relating to buildings under Section 84 of the Building Act 1984.</p>	
<p><b>Clean Air Act 1993</b> To act and authorise others to act on his/her behalf under the Council's functions in the Clean Air Act 1993.</p>	
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	

<p>Clean Neighbourhoods and Environment Act 2005  <b>The Smoke and Carbon Monoxide (England) Regulations 2015</b></p> <p>To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p>	<p>Was EDASC</p>
<p><b>Closure Powers - Anti-Social Behaviour Crime and Policing Act 2014</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p>	<p>Was EDASC</p>

<p><b>Community Protection Notice (CPN) - Anti-Social Behaviour Crime and Policing Act 2014</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p>	<p>Was also in Exec Director of Neighbourhoods</p>
<p><b>Conditions Prejudicial to Health - Environmental Protection Act 1990</b></p> <p>Power to investigate if a house is in such a state as to be prejudicial to health or a nuisance under Section 79 of the Environmental Protection Act 1990.</p> <p>Service of notice in connection with a house in such a state as to be prejudicial to health or a nuisance under Section 80 of the Environmental Protection Act 1990.</p> <p>Power to take action to abate a nuisance and to recover expenses, as they relate to a house which is in such a state as to be prejudicial to health or a nuisance under Section 81 of the Environmental Protection Act 1990.</p> <p>Powers relating to recovery of expenses incurred by Section 81 (above) action under Section 81A and 81B of the Environmental Protection Act 1990.</p>	
<p><b>Contaminated Land - Part IIA of the Environmental Protection Act 1990 -</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part IIA of the Environmental Protection Act 1990 concerning the identification and remediation of contaminated land.</p>	
<p><b>Control of Asbestos Regulations 2012</b></p> <p>The powers and duties contained in the Control of Asbestos Regulations 2012.</p>	

<p><b>Consumer Protection from Unfair Trading Regulations 2008</b>  To act and authorise others to exercise powers under the Consumer Protection from Unfair Trading Regulations 2008 made under the European Communities Act 1972.</p> <p>Regulation 19 of the Consumer Protection from Unfair Trading Regulations 2008</p>	
<p><b>Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007</b>  In consultation with the Director of Law and Governance and Monitoring Officer and the Director - Children &amp; Families, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-S of the Act.</p> <p>Part 4A Family Law Act 1996  Part 11 Family Procedure Rules 2010  Antisocial Behaviour, Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2, 3,5 and 7</p>
<p><b>Disabled road markings on the highway</b>  To agree the provision of advisory road markings to indicate dedicated parking spaces for use by disabled people.</p> <p>Section 32 Road Traffic Regulation Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

<p><b>Demolition Orders</b></p> <p>Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p>	
<p><b>Domestic WCs - Public Health Act 1936</b></p> <p>Service of notice in connection with repair of domestic WCs under Section 45 of the Public Health Act 1936.</p>	
<p><b>Enforcement of Grant Conditions</b></p> <p>To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.</p> <p>To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<p>Was P&amp;P and ERASC – now replicated in D of Housing</p>

**Director – Borough Economy**

**Environmental Health Officers and Related Functions  
Authorised Officers**

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

Abandonment of Animals Act 1960  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Welfare Act 2006  
Animal Health and Welfare Act 1984  
Animal Health and Welfare – ECA 1972 including:-

**Flood and Water Management Act 2010**

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

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

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

**Food legislation**

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

<p><b>Gable Walls - Side Effects of Demolition</b>  In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair.  Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Gifted and Talented Grant Panel</b>  To consider the recommendations of the Gifted and Talented Grant Panel in respect of applications for grants to individual athletes living within Sandwell, and to determine the level of grant up to a maximum of £500.00, to individual athletes per funding round, in accordance with the approved criteria.</p>	
<p><b>Goods Vehicle Licensing</b>  To lodge or withdraw objections to the granting of operators' licences.   Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Growth and Infrastructure Act 2013</b>  To exercise powers in relation to the provisions contained in the Growth and Infrastructure Act 2013.</p>	<p>In B Econ and R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Health and Safety – Non-Housing Property</b>  To approve the taking of measures /carrying out of works to enable the Council to comply with health and safety regulations relating to its non-housing property portfolio in order to seek to protect the Council from possible prosecution.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>

<p><b>Highways Act 1980</b> To exercise functions under the following sections of the Highways Act 1980:</p> <p>Sections 219 and 220 - Advance payments code Section 38 - Adoption of highways; Sections 115(A-K) - Applications for the placing of furniture etc on highways Section 177 - Granting licences and determining terms and conditions Section 4 - Agreement for improvement of roads which cross or enter trunk roads Section 8 - Agreements between adjoining highway authorities to enable traffic calming measures to be carried out under section 90A Section 36 - Keeping a list of highways maintained at the public expense Section 37 - To deal with notices of proposals to dedicate a way as a highway and certify that it has been dedicated in accordance with the terms of the notice Section 41 - Duty to maintain highways maintained at the public expense</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Section 56 - Proceedings for an order to repair highway / enforcement of liability for maintenance Section 57 - Default powers of highway authorities in respect of private maintainable highways Section 59 - Recovery of expenses due to extraordinary traffic. Section 72 - Power to widen highways by dedication agreement Section 73 - Power to prescribe improvement line for widening the street Section 79 - Prevention of obstruction to view at corners Section 116 - Power of Magistrates' to authorise stopping up or diversion of highways Section 131 - Damage to highways Section 132 - Unauthorised marks on highways Section 134 - Enforcing an acceptable surface of a path after ploughing Section 136 - Damage to highway consequent of exclusion of sun and wind Section 137 - Wilful obstruction Section 138 - Erection of building etc in the highway Section 140 - Removal of builders skips Section 143 - Removal of structures from highway Section 144 - Power to erect flagpoles on highway Section 145 - Gates across highways Section 146 - Duty to maintain styles on footpaths, bridleways and restricted bridleways and service of notice on owners</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

<p>Section 147(A) - Road side sales  Section 148 - Deposition of things or booths etc on the highway  Section 151 - Prevention of soil etc being washed onto street  Section 152 - Powers as to removal of projections from buildings  Section 153 - Doors etc in streets not to open outwards  Section 154 - Power to require cutting or felling of trees that overhang or are a danger to users  Section 161 - Causing danger or annoyance  Section 162 - Placing rope / wire or other apparatus across highway  Section 163 - Prevention of water flowing onto a highway  Section 164 - Power to remove barbed wire  Section 165 - Dangerous land adjoining street</p>	
<p>Section 166 - Forecourt abutting on streets  Section 170 - Control of mixing mortar etc on highways  Section 173 - Control of hoardings to be set up during building construction  Section 176 - Restriction on construction of bridges over highways  Section 177 - Restriction on construction of buildings over highways  Section 184 - Approval and rejection of requests to provide vehicles crossings over footways  Section 185 - Power to install refuse or storage bins  Section 205 - Carrying out of street works in private streets  Section 228 - To authorise the adoption of highways  Section 230 - To authorise notices requiring owners to carry out repairs in a private street  Section 278 - To enter into highway agreements  Section 286 - Power to require angles of new buildings at street corners to be rounded off  Section 289 - Power of entry for the purposes of survey  Section 291 - Powers of entry for maintenance purposes  Section 303 - Obstruction during execution of provisions of the Act.  Section 305 - Recovery of expenses  Schedule 12A - Powers in relation to interference with highways</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3, 6 and 7</p>

<p><b>Land Drainage Act 1991</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to undertake all Council functions, duties and responsibilities in accordance with the Flood Land Drainage Act 1991.</p> <p>To exercise functions under the following sections of the Land Drainage Act 1991:</p> <ul style="list-style-type: none"> <li>- of entry for IDB and local authorities</li> <li>- Section 14 - General drainage powers of boards and local authorities (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 29)</li> <li>- Section 15 - Disposal of spoil by boards and local authorities</li> <li>- Section 23 - Prohibitions on obstructions etc. in watercourses (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 32)</li> <li>- Section 25 - Powers to require works for maintaining flow of watercourse (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 33)</li> </ul> <p>Section 64 - Powers</p>	
<p><b>Local land drainage problems</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to carry out works to alleviate local land drainage problems, dealing with complaints in order of their receipt.</p> <p>Land Drainage Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption Paragraphs 1, 2, and 6 ?</p>
<p><b>Naming of roads</b>  To deal with the naming of roads under section 64 of the Town Improvement Clauses Act 1847.</p>	

<p><b>Public Path Orders - Claims for Compensation</b> To assess and pay any claims for compensation pursuant to section 28 of the Highways Act 1980 (compensation for loss caused by Public Path Creation Order)</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>
<p><b>Removal and Disposal of Vehicles - Vehicle Excise Duty</b> To exercise the Council's functions under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 7</p>
<p><b>Road Traffic Regulation Act 1984</b> To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984: Section 14(1) - Orders for temporary prohibitions or restrictions on roads; Section 14(2) - Notices for temporary</p>	
<p><b>Road Traffic Regulations Act 1984</b> Section 23 - Notices to establish, alter or remove pedestrian crossings on roads.</p>	
<p><b>Road Closures for Public Events</b> To undertake the functions, duties and responsibilities relating to road closures in connection with public events.  Section 16A of the Road Traffic Regulation Act 1984 and section 21 of the Town Police Clauses Act 1847</p>	
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated B Econ, Housing, R&amp;G  A number of decisions within this delegation may be exempt from publication:</p>
<p><b>Stall Licences and Car Boot Sales</b> To determine routine applications for licences to operate stalls in the Council's Markets and commercial car boot sales within the Policy.  Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>

**Safety legislation**

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

**Director - Borough Economy (cont)**

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

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

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

**Food and Feed Enforcement of Legislation relating to**  
 To act and authorise others to act on his/her behalf on all executive matters under the following legislation:-

- (a) The Food Safety Act 1990; and
- (b) any Orders, or Regulations or other instruments:-
  - (i) made thereunder; or
  - (ii) relating thereto; or
  - (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff;
- (c) Food Safety & Hygiene (England) Reg 2013
- (d) the Official Feed and Food Controls (England) Regulations 2009;
- (e) any modification or re-enactment of the foregoing.

<p><b>Foul Drainage Connections</b> To exercise the Council's powers in relation to incorrect foul drainage connection to surface water drainage systems. Sections 59 and 60(4) of the Building Act 1984</p>	
<p><b>Gifted and Talented Grant Panel</b> To consider the recommendations of the Gifted and Talented Grant Panel in respect of applications for grants to individual athletes living within Sandwell, and to determine the level of grant up to a maximum of £500.00, to individual athletes per funding round, in</p>	Was EDN
<p><b>Health Act 2006 and Regulations Made Thereunder, Including the Smoke-Free (Premises and Enforcement) Regulations 2006</b> To act and authorise others to act on his/her behalf under the Council's powers in the Act and Regulations made thereunder.</p>	
<p><b>Land Contamination and Pollution Control</b> To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.  Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108</p>	
<p><b>Licensing Committee/Sub Committee</b>  In the event that the Licensing Committee/Sub Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	
<p><b>Microchipping of Dogs</b> To act and authorise others to act on his/her behalf under the provisions of the Animal Welfare Act 2006 together with any regulations or orders made thereunder.</p>	
<p><b>Motor Cycles Noise Act 1987</b>  To act and authorise others to act on his/her behalf under the Council's functions in the Motor Cycles Noise Act 1987.  Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987</p>	

<p><b>Noise on Construction Sites, Noise in Streets and Noise Abatement Zones</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 60 and 61 of the Control of Pollution Act 1974 in respect of noise from construction sites. To act and authorise others to act on his/her behalf under the Council's functions in Sections 62 of the Control of Pollution Act 1974 in <b>respect of noise in streets</b></p>	
<p><b>Possession Proceedings</b></p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>Duplicated in housing</p>
<p><b>Prevention of Damage by Pests Act 1949</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-</p> <ul style="list-style-type: none"> <li>- <b>Section 4 - the power to require action for the destruction of rats or mice or for keeping land free from rats and mice;</b></li> <li>- <b>Section 22 – Power of entry.</b></li> </ul>	

<p><b>Private Hire and Hackney Carriage Licensing - Authorisation of Officers</b></p> <p>To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006</p> <p>Equality Act 2010</p> <p>Health Act 2006</p> <p>Deregulation Act 2015</p> <p>Public Health Act 1925 Part VIII</p> <p>Transport Act 1980 – Section 64 – Roof signs Act 1985 (I)</p> <p>Disability Discrimination Act 1995 Part V</p> <p>Criminal Justice and Public Order Act 1994 Part XII Private Hire Vehicles (Carriage of Guide Dogs etc) 2002 Road Traffic Act 1988 Section 143</p> <p>Immigration Act 2016</p>	
<p><b>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-</p> <p>Section 20 - the provision of sanitary accommodation at places of entertainment.</p>	
<p><b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b></p> <p>To exercise and authorise others to exercise powers on his/her behalf for the retention, forfeiture and disposal of noise equipment seized under Section 81(3) of the Environmental Protection Act 1990, contained in Section 10 and the Schedule to the Noise Act 1996.</p>	
<p><b>Smoke Control Area Grants</b></p> <p>To approve and authorise others to approve on his/her behalf smoke control area grants.</p> <p>Section 26 and Schedule 2 of the Clean Air Act 1993.</p>	

<p><b>Sunday Trading Act 1994</b></p> <p>To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>	
<p><b>Suspension Notices - The Construction Products Regulations 2013 –</b></p> <p>To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	
<p><b>Suspension Notices - Consumer Protection Act 1987</b>  <b>To exercise the Council’s functions under the Consumer Protection Act 1987.</b></p> <p>To issue and to delegate authority to others to issue suspension notices in relation to goods when it is suspected that relevant safety provisions have been contravened.</p> <p>Section 14 of the Consumer Protection Act 1987.</p>	
<p>Trading Standards and Functions Authorised Officers To act and authorise others to act on his/her behalf under the provisions of the following statutes together with any regulations or orders made thereunder in respect of the following legislation:</p>	

<p>Accommodation Agencies Act 1953 Administration of Justices Acts 1970 and 1985 Agricultural Produce (Grading and Marking) Act 1928 Agriculture Act 1970 Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Cancer Act 1939 Charities Act 1992 Children and Families Act 2014 Children and Young Persons Act 1933 Children and Young Persons (PFT) Act 1991 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Climate Change Act 2008 – Single Use Carrier Bags Charges (England) Order 2015 Companies Act 2006 Consumer Credit Act 1974 &amp; 2006 Consumer Protection Act 1987 Control of Pollution Act 1974 Copyright, Designs and Patents Act 1988 Criminal Attempts Act 1981 Criminal Damage Act 1971 Criminal Justice and Police Act 2001 Criminal Law Act 1977 Consumer Rights Act 2015 Development of Tourism Act 1969 Education Reform Act 1988 Employment Agencies Act 1973 Energy Acts 1976 and 1983 Enterprise Act 2002 Environmental Protection Act 1990 Estate Agents Act 1979 European Communities Acts 1972 and 1986 Explosives Act 1875 Fair Trading Act 1973 Fireworks Act 2003 Food Safety Act 1990 Food and Environmental Protection Act 1985 Forgery and Counterfeiting Acts 1981 Fraud Act 2006 Hallmarking Act 1973 Health Act 2009 Health and Safety at Work etc Act 1974 House to House Collections Act 1939</p>	
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<p>Intellectual Property Act 2014</p> <p>Intoxicating Substances (Supply) Act 1985</p> <p>Local Government (Miscellaneous Provisions) Acts 1976 and 1982</p> <p>London Olympic Games and Paralympic Games Act 2006</p> <p>Malicious Communications Act 1988 Medicines Act 1968</p> <p>Motor Cycle Noise Act 1987</p> <p>Motor Vehicles (Safety Equipment for Children) Act 1991 Olympic Symbols etc (Protection) Act 1995</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916</p> <p>Police Reform and Social Responsibility Act 2011 Prices Acts 1974 and 1975</p> <p>Protection from Harassment Act 1997 Registered Designs Act 1949</p> <p>Road Traffic Acts 1974, 1988 and 1991</p> <p>Road Traffic (Consequential Provisions) Act 1988 Road Traffic Offenders Act 1988</p> <p>Road Traffic (Foreign Vehicles) Act 1972 Scrap Metal Dealers Act 2013</p> <p>Solicitors Act 1974</p> <p>Telecommunications Act 1984</p> <p>Theft Acts 1968 and 1978</p> <p>Tobacco Advertising and Promotion Act 2002 Town Police Clauses Act 1847</p> <p>Trade Descriptions Act 1968</p> <p>Trade in Animals and Related Products Regs 2011 (made under the European Communities Act 1972)</p> <p>Trade Marks Acts 1994</p> <p>Transport Acts 1978, 1980, 1982 and 1985 Unsolicited Goods and Services Acts 1971 and 1975 Vehicle Crime Act 2001</p> <p>Video Recordings Act 1984 and 2010</p> <p>Weights and Measures Acts 1976 and 1985</p>	
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<p>Under Age Sale of Fireworks - Explosives Act 1875 Section 31</p> <p>To act and authorise others to act on his/her behalf under the provisions of Section 31 of the Explosives Act 1875 to take enforcement action against under age sales of fireworks.</p>	
<p><b>Traffic Regulation Orders - Amendments</b> To approve proposals for amendments to Traffic Regulation Orders and to implement the necessary legal procedures to bring the revised Traffic Regulation Order into effect. Road Traffic Regulation Act 1984 Sch 9 Part IV para 27</p>	
<p><b>Traffic Signs</b> In accordance with the Traffic Signs Regulations and General Directions 2016, to undertake all Council functions, duties and responsibilities as a Highway Authority in relation to traffic signs.  Traffic Signs Regulations and General Directions 2016 Road Traffic Regulation Act 1984 Road Traffic Act 1988</p>	
<p><b>Traffic Regulation Orders</b> To authorise the advertisement and making of new permanent Traffic Regulation Orders and, subject to no unresolved objections, to implement the necessary legal procedures to bring the Traffic Regulation Order into effect.</p>	
<p><b>Unauthorised encampments</b> To approve and to authorise others to approve the taking of steps including legal proceedings, to deal with unauthorised encampments in appropriate cases and to take such steps as are reasonably necessary to ensure that those persons occupying the land comply with any direction served by the Council and/or any orders issued by Courts under the Act.  Part 55 of the Civil Procedure Rules 1998 Criminal Justice and Public Order Act 1994, Common Law Powers to recover land from trespassers</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 6 and 7</p>

<p>Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>To exercise the Council's functions under and to authorise Officers to enforce the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p>	
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	
<p>Waste on Land - Environmental Protection Act 1990 Part II</p> <p>To act and authorise others to act on his/her behalf in relation to the Council's functions under:-</p> <ul style="list-style-type: none"> <li>- Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land.</li> <li>- Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of the Duty of Care with regard to waste.</li> <li>- Section 47 of the Environmental Protection Act 1990</li> </ul>	

Director – Borough Economy (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>                      To act and authorise others to act on his/her behalf under the Council's functions under Part viii - Acupuncture, Tattooing, Ear Piercing and Electrolysis of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p><b>Control of Sex Establishments</b>                      To act and authorise others to act on his/her behalf under the Council's functions under Part ii, Control of Sex Establishments of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p><b>Conditions Prejudicial to Health - Environmental Protection Act 1990</b>                      Power to investigate if a house is in such a state as to be prejudicial to health or a nuisance under Section 79 of the Environmental Protection Act 1990.</p>	
<p><b>Contaminated Land - Part IIA of the Environmental Protection Act 1990 -</b>                      To act and authorise others to act on his/her behalf under the Council's functions in Part IIA of the Environmental Protection Act 1990 concerning the identification and remediation of</p>	
<p><b>Control of Asbestos Regulations 2012</b>                      The powers and duties contained in the Control of Asbestos Regulations 2012.</p>	
<p><b>Consumer Protection from Unfair Trading Regulations 2008</b>                      To act and authorise others to exercise powers under the Consumer Protection from Unfair Trading Regulations 2008 made under the European Communities Act 1972.</p>	
<p><b>Cycle Tracks Act 1984</b>                      Power of the Local Highway Authority to designate footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.</p>	

<p><b>Demolition Orders</b>  Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	
<p><b>Domestic WCs - Public Health Act 1936</b>  Service of notice in connection with repair of domestic WCs under Section 45 of the Public Health Act 1936.</p>	
<p><b>Enforcement of Grant Conditions</b>  To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.</p>	

**Environmental Health Officers and Related Functions  
Authorised Officers**

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

Abandonment of Animals Act 1960

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Animal Boarding Establishments Act 1963 Animal Health Act 1981

Animal Health Act 2002

Animal Welfare Act 2006

Animal Health and Welfare Act 1984

Animal Health and Welfare – ECA 1972 including:-

**Food legislation**

Food Safety & Hygiene (England) Regulations 2013

General Food Regulations 2004

Official Feed and Food Controls (England) Reg 2009

Contaminants in Food (England) Regulations 2013

Transmissible Spongiform Encephalopathies (England) Regulations 2010 (as amended)

The Food Information Regulations 2014

**Safety legislation**

Radio Equipment & Telecommunications Terminal Equipment Regulations 2000

Personal Protective Equipment Regulations 2002

Recreational Craft Regulations 2004

Supply of Machinery (Safety) Regulations 2008 Construction Products Regulations 2013

Cosmetic Products Enforcement Regulations 2013

Pyrotechnic Articles (Safety) Regulations 2015

Electrical Equipment (Safety) Regulations 2016

Simple Pressure Vessels (Safety) Regulations 2016

Pressure Equipment (Safety) Regulations 2016

Electromagnetic Compatibility Regulations 2016

Standardised Packaging of Tobacco Products Regulations 2015

The Tobacco and Related Products Regulations 2016

General Product Safety Regulations 2005

Lifts Regulations 1997

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

Animal By-products Regulations 2003

Breeding of Dogs Act 1973 and 1999

Building Act 1984

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Cattle Database Regulations 1998

Cattle Identification Regulations 1998

<p>Official Feed and Food Controls (England) Reg 2009  Performing Animals (Regulations) Act 1925  Pet Animals Act 1951  Police, Factories etc (Miscellaneous Provisions) Act 1916  Pollution Prevention and Control Act 1990  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Processed Animal Protein (England) Regulations 2001  Protection Against Cruel Tethering Act 1988 Protection of  Animals Act 1911 &amp; 1970  Protection of Animals (Amendment) Act 2000  Public Health Acts 1936 and 1961  Public Health (Control of Diseases) Act 1984 (as amended)  Refuse Disposal (Amenity) Act 1978 Riding  Establishment Acts 1964 and 1970  Road Traffic Acts 1988 &amp; 1991  Specified Risk Material Regulations 1997  Sunbeds (Regulation) Act 2010  Sunday Trading Act 1994  Trade in Animals and Related Products Regulations 2011  (made under the European Communities Act 1972)  T.S.E (England) Regulations 2002  Water Act 1989  Welfare of Animals at Slaughter Act 1991  West Midlands County Council Act 1980  Zoo Licensing Act 1981  Zoo Licensing Act 1981 (Amendment) (England and  Wales) Regulations 2002</p>	
<p><b>Environmental Health Officers and Related Functions  Authorised Officers</b>  To act and authorise others to act on his/her behalf under  the provisions of the following statutes, together with any  regulations or orders made thereunder:-  Animal Boarding Establishments Act 1963 – Section 1  Breeding of Dogs Act 1973 – Section 1  Caravan Sites and Control of Develop Act 1960 – S 3(3)  Cattle Identification Regulations 1998 – Article 5(2)  Criminal Justice and Police Act 2001 – Section 13(2)  Dangerous Wild Animals Act 1976 – Section 1  Food Safety Act 1990 – Section 19  Health and Safety at Work etc Act 1974 – Part 1</p>	
<p>Local Government (Miscellaneous Provisions) Act 1982  Section 2,  Section 4;  Sections 13-17;  Part 1 of and Schedules 1 and 2;  Part III of and Schedule4</p>	

<p>Noise and Statutory Nuisance Act 1993 – Schedule 2  Pet Animals Act 1951 – Section 1; Performing Animals (Regulation) Act 1925 Section 1  Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5;  Public Health Act 1931 – Section 269  Riding Establishment Act 1964 and 1970 – licence of pet shops, etc  Zoo Licensing Act 1981 – Section 1</p>	
<p><b>Execution of Works in Default - Public Health Act, 1936, Section 290</b>  The execution of work in default under Section 290 of the Public Health Act 1936.</p>	
<p><b>Fly tipping</b>  To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990</p>	
<p><b>Food and Feed Enforcement</b>  Section 19 of the Food Safety 1990 (Power of register and license premises for the preparation of food under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.</p>	
<p><b>Food and Feed Enforcement</b>  To act and authorise others to act on his/her behalf in all non-executive matters under the following legislation:-  (a) the Food Safety Act 1990; and  (b) any Orders, or Regulations or other instruments:-  a. made thereunder; or  b. relating thereto; or  c. having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff;  (c) Food Safety &amp; Hygiene (England) Reg 2013  (d) the Official Feed and Food Controls (England) Regulations 2009;  (e) any modification or re-enactment of the foregoing.</p>	
<p><b>Gambling Act 2005</b>  To enforce the provisions of the Gambling Act 2005, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice and to authorise persons in accordance with Section 304 of the Act.</p>	
<p>To determine the following applications in the circumstances indicated:-</p>	
<p>Nature of Application</p>	<p>Prevailing Circumstance</p>
<p>Application for premises licence.</p>	<p>No representations received or where representations have been withdrawn.</p>

Application for reinstatement of a premises licence	No representations received or where representations have been withdrawn	
Application for a variation to a licence.	No representations received or where representations have been withdrawn.	
Application for a transfer of a licence	No representations received from the Gambling Commission	
Application for a provisional statement.	No representations received or where representations have been withdrawn	
Application for club gaming/club machine permits.	No objections made or where objections have been withdrawn	
Applications for other permits		
Cancellation of licensed premises gaming machine permits		
Consideration of temporary use notice		
<p><b>Health and Safety at Work Act 1974</b>  To exercise the powers of appointment contained in Section 19 of the Health and Safety of Work etc. Act 1974 (Authorisation to Assist and Accompany Inspectors).</p> <p>The appointment of Inspectors under Section 19(1) of the Act.</p> <p>To appoint persons as necessary as inspectors to exercise powers specified in:-</p> <ul style="list-style-type: none"> <li>(a) Sections 20, 21, 22 and 25;</li> <li>(b) any Health and Safety Regulation;</li> <li>(c) provisions conferred in Schedule "1" of the Act.</li> </ul> <p>To exercise the powers to authorise persons to accompany an Inspector under Section 20(2)(c)(i) of the Health and Safety at Work.</p>		<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 6 and 7 may apply</p>

<p><b>Health and Safety Authorisation</b></p> <p>To agree transfer of premises between the Local Authority and the Health and Safety Executive (HSE) and vice-versa in accordance with Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To agree with the HSE on the assignment of enforcement responsibility in cases of uncertainty in accordance with Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To appoint as an inspector person(s) who may assist an already duly appointed Inspector employed by the Council in discharging his/her duties in accordance with the requirements of Section 19 of the Health and Safety at Work Act 1974.</p> <p>Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>	
<p><b>High Hedges</b></p> <p>To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities in relation to complaints about high hedges under Part 8 of the Anti-</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be</p>

**Highways Act 1980**

To exercise functions under the following sections of the Highways Act 1980:

Section 25 - Power to create footpaths, bridleways and restricted byways by agreement

Section 26 - Power to create footpaths, bridleways and restricted byways by order

Section 31A - Duty to keep a register of information in respect of maps, statements and declarations

Section 118 - Power to stop up footpaths, bridleways and restricted byways

Section 118A - Power to make a Rail Crossing

Extinguishment Order

Section 118ZA - Application for Public Path Extinguishment Order for land used as a forestry or for the breeding or keeping of horses

Section 119 - Power to divert footpaths, bridleways and restricted byways in the interest of the owner, lessee or occupier of land

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

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

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

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

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

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

Section 121C - Power to decline to determine certain applications

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

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

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

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

Individual Rights:

All decisions within this delegation are to be published unless exempt

Exemptions 1 and 2 may apply 6 and 7 may apply

<p>Section 135A - Power to temporarily divert footpath, bridleway or restricted byway  Section 135B - Power to make good any damage or remove any obstruction  Section 139 - Control of builders skips; - Section 142 - Licence to plant trees, shrubs etc in the highway  Section 149 - Things deposited on highways as a nuisance  Section 169 - Control of scaffolding on highway  Section 171 - Deposit of building materials and making of excavations in streets  Section 172 - Control of hoardings to be set up during building construction  Section 178 - Restriction on placing rails, beams over highways  Section 179 - Control of construction of cellars under street  Section 180 - Control over openings into cellars</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 and 2 may apply 6 and 7 may apply</p>	
<p><b>Licensing Act 2003</b>  To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and / or codes of practice.</p>	<p>Grant of Permission or Licence:   Exemptions 1, 2, 6 and 7</p>	
<p><b>Licensing Act 2003</b>  To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice.</p> <p>To determine the following applications in the circumstances indicated:-</p> <p>Note:- The delegations are in accordance with those recommended in DCMS Guidance issued under Section 182 of the Licensing Act 2003</p>		
<p>Application for personal licence</p>	<p>If no objection made</p>	<p>Grant of Permission or Licence and/or Individual</p>
<p>Application for grant or variation of a premises licence /club premises certificate.</p>	<p>No relevant representation made</p>	<p>Rights:  All decisions within this delegation are to be published unless exempt</p>
<p>Application for provisional statement.</p>	<p>No relevant representations made</p>	<p>Exemptions 1,2 6 and 7 may apply</p>
<p>Application to vary designated premises supervisor.</p>	<p>If no Police objection</p>	
<p>Request to be removed as designated premises supervisor.</p>	<p>All cases</p>	
<p>Application for a Minor Variation of a premises licence/club premises certificate</p>	<p>All cases</p>	

Application for transfer of premises licence	If no Police objection	
Application for interim authorities.	If no Police objection	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc	By officer in consultation with Chair [having sought prior legal advice]	
<b>Markets Falling on Bank Holidays</b> To make suitable arrangements to transfer markets falling on bank holidays to "non-market" days.		
<b>Parking of vehicles on footways, verges and central reservations</b> To display notices on vehicles parking on footways, verges and central reservations.  Section 130 Highways Act 1980		
<b>Private Hire and Hackney Carriage Licensing</b> Local Government (Miscellaneous Provisions) Act 1976 <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.		
<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.		
<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 Disability Discrimination Act 1995 Part V Criminal Justice and Public Order Act 1994 Part XII		

## Director – Borough Economy

Private Hire Vehicles (Carriage of Guide Dogs etc) 2002  
Road Traffic Act 1988 Section 143  
Part 2 of the Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

### **CCTV**

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

### **Consideration of Driving Experience**

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

### **DBS Disclosure**

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

### **Exemption to Displaying Plates and Signs**

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

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

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

### **Leave of Absence to Remain in the UK**

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

<p><b>Medical Officer Certification</b></p> <p>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><b>Non-Compliance with the Colour Policy</b></p> <p>To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles, or hackney carriages.</p>	
<p><b>Security Screens</b></p> <p>To approve requests for advertisements on security screens in private hire vehicles</p>	
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend or revoke a hackney carriage and/or private hire drivers licence under Section 61, including suspension where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner</p>	
<p><b>Suspension of Vehicle Licences</b></p> <p>The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p>	
<p><b>Temporary Renewal of Driver's Licence</b></p> <p>To temporarily renew or extend a licence for a driver where the Legal Manager or the Licensing Manager considers it to be reasonable.</p>	
<p><b>Warning for Failing to Declare or Report</b></p> <p>To issue a strong written warning to new or existing drivers of a private hire vehicle or hackney carriage who have failed to declare or report a minor traffic offence on the first occasion.</p>	
<p><b>Warning for Points on Licence</b></p> <p>To issue a strong written warning to existing drivers of a private hire vehicle or hackney carriage who have more than six points on their licence.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	

## Director – Borough Economy

### **Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)**

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

S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>• Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>• Serving an improvement notice under Section 11 or Section 12.</li> <li>• Making a prohibition order under Section 20 or Section 21.</li> <li>• Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>• Taking emergency remedial action under Section 40</li> <li>• Making an emergency prohibition order under Section 43.</li> <li>• Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	<p>Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection</p>	
Schedule 3 Paragraph 4	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

<p><b>Land Contamination and Pollution Control</b> To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.</p> <p>Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108</p>	
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<p><b>Licensing Committee/Sub Committee</b></p> <p>In the event that the Licensing Committee/Sub Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	
<p><b>Motor Cycles Noise Act 1987</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the Motor Cycles Noise Act 1987.</p> <p>Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987</p>	
<p><b>New Homes Grant</b></p> <p>To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	
<p><b>Noise on Construction Sites, Noise in Streets and Noise Abatement Zones</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 60 and 61 of the Control of Pollution Act 1974 in respect of noise from construction sites.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 62 of the Control of Pollution Act 1974 in respect of noise in streets offences.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 63 -67 of the Control of Pollution Act 1974 in respect of Noise Abatement Zones.</p> <p>Control of Pollution Act 1974</p>	
<p><b>Persons Interested in Land</b></p> <p>Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	

<p><b>Prevention of Damage by Pests Act 1949</b>  To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-  - Section 4 - the power to require action for the destruction of rats or mice or for keeping land free from rats and mice;  - Section 22 – Power of entry.</p>	
<p><b>Private Hire and Hackney Carriage Licensing - 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 Act 1985 (I)  Disability Discrimination Act 1995 Part V  Criminal Justice and Public Order Act 1994 Part XII  Private Hire Vehicles (Carriage of Guide Dogs etc) 2002  Road Traffic Act 1988 Section 143  Immigration Act 2016</p>	
<p><b>Property Appreciation Loans</b>  To deliver and manage Property Appreciation Loans to residents affected by Clearance Areas in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.   Article 3 of the Order</p>	

**Director – Borough Economy**

**Public Right of Way Extinguishment - Housing Act 1985**

To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.

Duplicated in Reg & Gr

**Renovation Grants**

In consultation with the Executive Director - Resources, the Council having given a house renovation grant in respect of a dwelling on the basis of a satisfactory future life, to not seek to enforce repayment of any part of the grant if they subsequently decide to include the dwelling in a Compulsory Purchase Order, during the term of the life of the dwelling estimated when the grant was approved.

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

**Renovation within target areas**

To use the powers delegated to ensure the complete renovation of properties within streets or blocks in identified target areas under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

**Rents under a General Vesting Declaration**

Authority to set a rent for properties that lie within a confirmed Compulsory Purchase Order which are occupied upon the commencement of a General Vesting Declaration and that rent be set at 50% of the rent due on a similar but fit acquired property to reflect the poor condition associated with unfit properties.

Section 19 Compulsory Purchase Act 1965  
Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.

<p><b>Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sports Act 1987 (as amended by the Regulatory Reforms (Fire Safety) Order 2005)</b>  To exercise and discharge duties and powers in relations to:</p> <p>To issue notices, certificates, exemptions, cancellations or other directions or take any steps on behalf of the Council and to instigate any legal proceedings from the operation the Safety of Sports Grounds Act 1975 or any regulations issued under them.</p> <p>To designate officers as authorised officers for the purposes of Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sports Act 1987 to exercise powers of entry, investigation, enforcement, monitoring of the provisions of the safety certificates and any variations.</p>	<p>Grant of Permission or Licence:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2. 6 and 7 may apply</p>
<p><b>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976</b>  To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-  Section 20 - the provision of sanitary accommodation at places of entertainment.</p>	
<p><b>Scrap Metal Dealers</b>  To enforce the provisions of the Scrap Metal Dealers Act 2013, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice, and to authorise persons to act on the Director's behalf in the conduct of this delegation.</p> <p>To issue or refuse applications under the Scrap Metal Dealers Act 2013 for the grant of a Site Licence and/or a Collectors Licence, impose conditions, or vary, or renew or revoke a licence, or any other material change to a licence once granted.</p>	
<p><b>Securing of Void Properties</b>  Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	

<p><b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b>  To exercise and authorise others to exercise powers on his/her behalf for the retention, forfeiture and disposal of noise equipment seized under Section 81(3) of the Environmental Protection Act 1990, contained in Section 10 and the Schedule to the Noise Act 1996.</p>									
<p><b>Signs for public facilities</b>  To provide signs giving details of facilities available to the public where they are necessary.</p>									
<p><b>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</b>  To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p> <p>The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-</p> <table border="0" data-bbox="199 1238 574 1384"> <tr> <td>Offence</td> <td>Fine</td> </tr> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<p><b>Smoke Control Area Grants</b>  To approve and authorise others to approve on his/her behalf smoke control area grants.</p> <p>Section 26 and Schedule 2 of the Clean Air Act 1993.</p>									
<p><b>Stopping-up of highways and rights of way - Town and Country Planning Act 1990</b>  Section 247 - To authorise the stopping up or diversion of a highway;  Section 257 - To authorise the stopping up or diversion of a footpath, bridleway or restricted byway;  Section 258 - To extinguish public rights of way over land held for planning purposes.</p>	Replicated R&G B Econ								

<p><b>Street Trading</b> To act and authorise others to act on his/her behalf under the Council's functions under Part iii - Street Trading of the Local Government (Miscellaneous Provisions) Act 1982</p>	
<p><b>Street Works Licensing - New Roads and Street Works Act 1991</b> To act and authorise others to act in relation to the Council's functions under section 50 of the New Roads and Street Works Act 1991 (power to grant a street works licence).</p>	
<p><b>Sunday Trading Act 1994</b> To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>	
<p><b>Suspension Notices - The Construction Products Regulations 2013 –</b> To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	
<p><b>Suspension Notices - Consumer Protection Act 1987</b> To exercise the Council's functions under the Consumer Protection Act 1987. To issue and to delegate authority to others to issue suspension notices in relation to goods when it is suspected that relevant safety provisions have been contravened. Children and Young Persons Act 1933 – Section 12 Part II; Criminal Justice and Police Act 2001 – Section 13(2); Food Safety Act 1990 – Section 19 Gambling Act 2005 Health Act 2006 Health and Safety at Work etc Act 1974 – Part I House to House Collections Act 1939 – Section 2 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1982 – in relation to licensing Poisons Act 1972 – Sections 3(1)(b)(ii), 5, 6, and 11; Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5 Police Reform and Social Responsibility Act 2011 Chapter 2 Part 2</p>	

## **Trading Standards and Functions Authorised Officers**

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

Accommodation Agencies Act 1953 Administration of Justices Acts 1970 and 1985

Agricultural Produce (Grading and Marking) Act 1928 Agriculture Act 1970

Anti-Social Behaviour Act 2003

Anti-Social Behaviour, Crime and Policing Act 2014 Cancer Act 1939

Charities Act 1992

Children and Families Act 2014 Children and

Young Persons Act 1933

Children and Young Persons (PFT) Act 1991 Clean

Air Act 1993

Clean Neighbourhoods and Environment Act 2005 Climate

Change Act 2008 – Single Use Carrier Bags Charges

(England) Order 2015

Companies Act 2006

Consumer Credit Act 1974 & 2006

Consumer Protection Act 1987 Control of

Pollution Act 1974

Copyright, Designs and Patents Act 1988 Criminal

Attempts Act 1981

Criminal Damage Act 1971

Criminal Justice and Police Act 2001

Criminal Law Act 1977

Consumer Rights Act 2015 Development of

Tourism Act 1969 Education Reform Act 1988

Employment Agencies Act 1973 Energy Acts

1976 and 1983

Enterprise Act 2002 Environmental

Protection Act 1990 Estate Agents Act

1979

European Communities Acts 1972 and 1986

Explosives Act 1875 Fair

Trading Act 1973

Fireworks Act 2003 Food

Safety Act 1990

Food and Environmental Protection Act 1985 Forgery

and Counterfeiting Acts 1981

Fraud Act 2006

Hallmarking Act 1973

Health Act 2009

Health and Safety at Work etc Act 1974

House to House Collections Act 1939

<p>Intellectual Property Act 2014  Intoxicating Substances (Supply) Act 1985  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  London Olympic Games and Paralympic Games Act 2006  Malicious Communications Act 1988  Medicines Act 1968  Motor Cycle Noise Act 1987  Motor Vehicles (Safety Equipment for Children) Act 1991  Olympic Symbols etc (Protection) Act 1995  Police, Factories etc (Miscellaneous Provisions) Act 1916  Police Reform and Social Responsibility Act 2011  Prices Acts 1974 and 1975  Protection from Harassment Act 1997  Registered Designs Act 1949  Road Traffic Acts 1974, 1988 and 1991  Road Traffic (Consequential Provisions) Act 1988  Road Traffic Offenders Act 1988  Road Traffic (Foreign Vehicles) Act 1972  Scrap Metal Dealers Act 2013  Solicitors Act 1974  Telecommunications Act 1984  Theft Acts 1968 and 1978  Tobacco Advertising and Promotion Act 2002  Town Police Clauses Act 1847  Trade Descriptions Act 1968  Trade in Animals and Related Products Regs 2011 (made under the European Communities Act 1972)  Trade Marks Acts 1994  Transport Acts 1978, 1980, 1982 and 1985  Unsolicited Goods and Services Acts 1971 and 1975  Vehicle Crime Act 2001  Video Recordings Act 1984 and 2010  Weights and Measures Acts 1976 and 1985</p>	
<p>Tree Preservation Orders</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer e to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	<p>Replicated in R&amp;G</p>

<p>Under Age Sale of Fireworks - Explosives Act 1875 Section 31</p> <p>To act and authorise others to act on his/her behalf under the provisions of Section 31 of the Explosives Act 1875 to take enforcement action against under age sales of fireworks.</p>	
<p>Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>To exercise the Council's functions under and to authorise Officers to enforce the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p>	
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	
<p>Waste on Land - Environmental Protection Act 1990 Part II</p> <p>To act and authorise others to act on his/her behalf in relation to the Council's functions under:-</p> <ul style="list-style-type: none"> <li>- Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land.</li> <li>- Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of the Duty of Care with regard to waste.</li> <li>- Section 47 of the Environmental Protection Act 1990 in respect of the provision of receptacles for commercial or industrial waste.</li> <li>- Section 59 of the Environmental Protection Act 1990 in respect of the removal of unlawfully deposited waste.</li> </ul>	

Director – Borough Economy	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Charging for information provided to solicitors</b>  To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
<p><b>Concessionary Charges for Facilities</b>  Determine applications for free or concessionary use of facilities within the remit of the Director which are not provided for within the fees and charges policy; and to determine applications for concessionary use of facilities within his/her control from registered Sandwell Charities or non-profit making organisations.</p>	
<p><b>Doors in Streets - Highways Act 1980</b> Doors in streets not to open outwards under section 153 of the Highways Act 1980.</p>	
<p><b>Emergencies – Erection of Barriers, Highways Act 1980</b>  The power to erect barriers in streets in cases of emergency under section 287 of the Highways Act 1980.</p>	
<p>Emergency Works Affecting the Highway To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.</p> <p>Highways Act 1980</p>	
<p><b>Highways Act 1980</b>  To enter into highway agreements under section 278 of the Highways Act 1980.</p>	

<p><b>New Roads and Street Works Act 1991</b></p> <p>To act and authorise others to act in relation to the Council's functions in relation to the following sections of the New Roads and Street Works Act 1991 -</p> <ul style="list-style-type: none"> <li>- Section 51 - Prohibition of unauthorised works</li> <li>- Section 53 - Keeping of the Street Works Register;</li> <li>- Section 56 - Power to direct as to timing of works;</li> <li>- Section 56A - Power to give directions as to placing of apparatus;</li> <li>- Section 58 - Restriction on works following substantial road works;</li> <li>- Section 58A - Restriction on works following substantial road works (Schedule 3A);</li> <li>- Section 61 - Protected streets;</li> <li>- Section 62 - Supplementary provisions as to designated street;</li> <li>- Section 63 - Streets with special engineering difficulties;</li> <li>- Section 64 - Traffic sensitive streets;</li> <li>- Section 65 - Safety measures;</li> <li>- Section 66 - Avoidance of any unnecessary delay or obstruction;</li> <li>- Section 72 - Powers of a street authority in relation to reinstatement;</li> <li>- Section 74 - Charge for occupation of the highway where works unreasonably prolonged;</li> <li>- Section 76 - Liability for cost of temporary traffic management;</li> </ul> <p>Section 81 - Duty to maintain apparatus.</p>	
<p><b>Public Conveniences,</b></p> <p>To extend normal Sunday opening hours of Public Conveniences when necessary.</p> <p>Section 87 of the Public Health Act 1936.</p>	
<p><b>Road Traffic Regulation Act 1984</b></p> <p>To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984:</p> <ul style="list-style-type: none"> <li>- Section 21 - Issuing permits for heavy trailers;</li> <li>- Section 26 - To make arrangements with regard to the patrolling of school crossings;</li> <li>- Section 65 - Placing of traffic signs;</li> <li>- Section 68 - Placing of traffic signs;</li> <li>- Section 69 - Removal of unauthorised signs;</li> <li>- Section 71 - Power to enter land in connection with traffic signs;</li> </ul> <p>Section 125 - To give consent in relation to boundary roads where work is being carried out by a neighbouring authority.</p>	

<p><b>Service Level Agreements</b>  To negotiate and agree service level agreements between the Council and voluntary organisations in receipt of grant aid from the Regeneration Division.</p> <p>Section 48 of the Local Government Act 1985.</p>	
<p><b>Pest Control - Authorisation of delegated powers for fees</b>  In consultation with the appropriate Cabinet Member, to vary the Pest Control and other fees and charges.</p>	
<p><b>Power to Recommend Legal Proceedings</b>  To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	<p>Duplicated in Housing</p>

**Director – Borough Economy**

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Emergency Works affecting the Highway</b> To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.                       Highways Act 1980</p>	
<p><b>Queens Square, Sandwell Centre - Displays and Exhibitions</b>                      To approve displays and exhibitions in Queens Square, Sandwell Centre in accordance with the Council's policy.                       Section 5 of the Licensing Act 2003.</p>	

Authority to Act	Commentary
<p><b>Category E</b>                      Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Sandwell's Framework for Blue Plaques</b>                      Determine applications for Blue Plaques in accordance with the Blue Plaque Criteria Assessment Framework.</p>	
<p><b>Charge for erection of trade stands</b>                      To determine the charge to non-profit organisations who apply to erect trade stands at Council events.</p>	
<p><b>Festive Lights</b>                      To agree the use of the budget allocation from relevant service areas towards procurement, putting up and taking</p>	
<p><b>Membership of Panels</b>                      To liaise with or authorise others to liaise with independent providers, voluntary organisations and</p>	
<p><b>Security Industry Authority</b>                       Responsibilities to ensure employees are licensed.</p>	
<p><b>Removal of Accumulations - Public Health Act 1936 - Section 78</b>                      To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of accumulations from common courts, yards or passages.</p>	

<b>Removal of noxious matter from premises - Public Health Act 1936 - Sections 79</b>	
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To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of noxious matter from premises.

## Director – Business Change and Strategy

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>Employment Tribunals</b> Where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim, to determine the responsibility for resourcing a settlement.  Section 112 of the Local Government Act 1972	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1 & 2 may apply
<b>Longlisting and Shortlisting of Candidates for Chief Officer Posts</b> To longlist and shortlist candidates for a post of chief officer/deputy chief officer.  Section 112 of the Local Government Act 1972	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1 & 2 may apply

## Category C – Ancillary to an Executive Decision

Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.

### Crèche Charges

To review and vary the scale of charges in respect of the Sandwell Council House Childcare facility as necessary.

## 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.

### Politically Restricted Posts

With regard to the provisions of the Local Government and Housing Act 1989, to collate the list of politically restricted posts and act as the Proper Officer for the purposes of section 2 (the person with whom the list of politically restricted posts must be deposited). Local Government and Housing Act 1989 (as amended)



Director – Children’s Services	
Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Children and Young People with Special Educational Needs or Disabilities</b>            Where not otherwise delegated to another Chief Officer, to exercise the Council’s statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	<p>A number of decisions within this delegation may be exempt from publication:             Exemption 1 and 2</p>
<p><b>Statutory Provision for Education and School Services</b>            Where not otherwise delegated to another chief officer, to exercise the Council's statutory executive functions in respect of education and school services.             Section 579(1) and Schedule 36A para 1 of the Education Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication:             Exemption 1 to 7</p>

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

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

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

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

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

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

## Director - Children & Families

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

**Holiday Grants**

To commission arrangements with Sandwell Children's Trust to undertake the following:

To approve holiday grants to foster parents in respect of children in their care up to and including the approved amount in any one case.

To approve applications for additional grants to finance holidays abroad where the child concerned is on a long-term placement.

To make payments for holiday grants in respect of children in short term foster placements within approved criteria.

Section 22B of the Children Act 1989

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

Exemption 1, 2 and 3

**Director - Children & Families (cont)**

**Nurseries**

To waive charges for places in day nurseries in cases of exceptional financial hardship or in cases where the attendance is regarded as essential for the child's proper welfare and development and the parents are unwilling to pay, or where the child is severely handicapped, mentally or physically.

To deal with the registration of nurseries and child minders who have complied with statutory requirements.

Childcare Act 2006

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

Exemption 1, 2 and 3

**Youth Justice Service and Plan**

To exercise the Council's functions under Section 38 and 40 (Youth Justice Service and Plan) of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006.

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

Exemption 1, 2 and 5

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

Delegation	Commentary
<b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
<p><b>Early Help</b>            The responsibility for commissioning arrangements for:</p> <p>The co-ordination and integration of services, including those of partners to the Sandwell Children’s Safeguarding Partnership, concerned with the Borough's Early Help offer.</p> <p>The development and maintenance of an intelligence hub within Sandwell Trends which will identify family trends, provision and those services which should be commissioned.</p> <p>The development of locality teams within the Neighbourhood strategy which will form teams around the family.</p> <p>Section 13 (1) Children Act 2004 and the Local Safeguarding Children Board Regulations 2006 as amended by Children and Social Work Act 2017</p>	

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

Director - Children & Families (cont)

Authority to Act	Commentary
<b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
<b>Review Panels - Membership</b> To invite nominations from voluntary organisations to serve on Review Panels, and to convene and select an independent Chair and a member from the pools established for the Panels.	
<b>Youth Work Visits to Outside England and Wales</b>  To approve youth work visits to outside England and Wales  Sections 507A and 507B of the Education Act 1996	

## Director – Education, Skills and Employment

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Admissions to Special Schools and Units</b>                      To deal with the admission of children to special schools and units within and outside the Borough.</p> <p>Section 324 of the Education Act 1996 (as amended)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p><b>Attendance of Pupils at School</b>                      To act and authorise others to act to ensure the attendance of pupils at school and to enforce the provisions of the Education Act 1996 (as amended) and the Education and Inspections Act 2006 (as amended) relating to non-attendance at school, including the service of relevant notices.</p> <p>Where a pupil of compulsory school age is excluded from a relevant school on disciplinary grounds, whether for a fixed period or permanently, and notice under section 104 Education and Inspections Act 2006 (as amended) has been given to a parent of the pupil, to act and authorise others to act if the excluded pupil is present in a public place at any time during school hours on a relevant school day.</p> <p>To develop, implement and enforce a code(s) of conduct for penalty notices relating to section 444 of the Education Act 1996 (as amended) and the Education and Inspections Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
<p><b>Children and Young People with Special Educational Needs or Disabilities</b>                      Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	
<p><b>Further Education Awards</b>                      To deal with applications for further education awards under the Teaching and Higher Education Act 1998 and onwards from Education Trust Funds.</p> <p>Teaching and Higher Education Act 1998 (section 23 ).</p>	

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

<p><b>Pay Policy for Teaching Staff</b> To assess the pay of non-school based teachers and teachers in schools without delegated budgets and to provide each teacher with a written assessment as required under the School Teachers Pay and Conditions Document 2015.</p> <p>SI 2013/1932</p>	
<p><b>Promoting the effective participation of young people in education and training - Education Act 1996</b> To exercise the Council's functions under the Education Act 1996 in promoting the effective participation of young people in education and training, including the making of arrangements for the assessment of young people with a learning difficulty and putting in place the appropriate support.</p> <p>Section 15ZA of the Education Act 1996</p>	
<p><b>Removal of persons from school premises</b> To authorise persons under sections 547(3) of the Education Act 1996 to remove persons causing a nuisance from school premises.</p>	
<p><b>School Terms and Holidays</b> To agree and publish each year a schedule of school terms and holidays for community and voluntary controlled schools.</p>	
<p><b>Service Tenancies</b> To negotiate and agree terms for service tenancy agreements for the purposes of schools management.</p> <p>Section 123 of the Local Government Act 1972</p>	
<p><b>Tuition Fees for Non-Vocational Provision</b> To exercise discretion in the charging of tuition fees for non-vocational and recreational provision where those projects help engagement and contribution to Council policies concerning poverty, neighbourhood renewal and social inclusion.</p> <p>Section 137 Local Government Act 1972</p>	
<p><b>Unattached Teachers - Discretionary compensation</b> To consider and decide upon discretionary payments, including early retirement, for unattached teachers.</p> <p>Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015</p>	

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

Delegation	Commentary
<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>Exclusion and Reinstatement of Pupils</b> To carry out the Council's powers and duties under section 51A of the Education Act 2002 and related regulations relating to the exclusion and reinstatement of pupils.  School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012/1033 (specifically regulation 7).	

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

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

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

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

Director of Finance	
<p><b>Discretionary Housing Payments</b> To determine applications for Discretionary Housing Payments in accordance with the Policy for Administering Discretionary Housing Payments.</p> <p>Regulations 2 and 6 of the Discretionary Financial Assistance Regulations 2001.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p><b>Discretionary Rate Relief from Non-Domestic Rates</b> To determine applications from any ratepayer for rate relief in accordance with the Council's policy for administration of applications for Discretionary Rate Relief from Non-Domestic Rates.</p> <p>Sections 137 and 137A(2) Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p><b>Acquisition and Disposal of Council-Owned Land and Buildings</b></p> <p>To acquire and dispose of land and property in consultation with the Director – Regeneration and Planning and Director of Law and Governance and Monitoring Officer on terms to be agreed in accordance with authority delegated to him/her and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Investigation of Fraud</b> To act and authorise others to act in the investigations of matters relating to fraud to include, but not to the exclusion of others:- Blue Badge Grants Insurance Internal Fraud NNDR – Business Rates Personal Budgets Right to Buy Staff Theft of time/equipment etc. Supported Housing Tenancy Fraud Fraud Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p><b>Localism Act 2011 - List of Assets of Community Value</b> Section 92 - To review, and to authorise others to review, a decision of the Executive Director - Neighbourhoods to include land on the list of assets of community value. Section 99 - to administer compensation schemes.</p>	

<p><b>Local Council Tax Reduction and Housing Benefit</b> The administration of the Council's responsibilities relating to Council Tax Benefit and Housing Benefit investigations, to include social security legislation, the Theft Act 1968 and the Fraud Act 2006.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemption 1, 2, 3, 6 and 7</p>
<p><b>Director of Finance</b></p>	
<p><b>Local Welfare Provision</b> <i>To determine requests for local welfare provision in accordance with the Council's policy.</i>  <i>Welfare Reform Act 2012</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemption 1,2 and 3</i></p>
<p><b>Money Laundering Regulations 2007</b> <i>To act as the council's nominated Money Laundering Regulations Officer in accordance with the Money Laundering Regulations 2007.</i>  <i>Part 7 of the Proceeds of Crime Act 2002 (money laundering).</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2, 3,5 and 7</i></p>
<p><b>Mortgage Applications</b> <i>To determine mortgage applications and provide mortgages to approved applicants.</i>  <i>Section 435 of the Housing Act 1985</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2 and 3</i></p>
<p><b>Mortgaging of Interests</b> <i>To determine applications for the charging and mortgaging of interests.</i>  <i>Section 435 of the Housing Act 1985</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2 and 3</i></p>
<p><b>Non-Domestic Rates Reductions</b> <i>To determine individual applications for the reduction or remission of National Non-Domestic Rates for up to and including £20,000 in accordance with the policy for administering applications within:</i>  <i>Section 49 of the Local Government Finance Act 1988.</i></p>	
<p><b>Private Sector Housing - Civil Penalties</b> <i>Certify non-receipt of civil penalty imposed instead of prosecution for poor housing conditions and related offences</i>  <i>Housing and Planning Act 2016</i></p>	

<p><b>Sandwell Children's Trust – Reserved Matters</b></p> <p>(i) <i>enter into any future borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved in the Business Plan; (Articles of Association ref. 9.2.3);</i></p> <p>(ii) <i>deal with any future surpluses of the Sandwell Children's Trust, other than those surpluses which are agreed, pursuant to the Services Delivery Contract, shall be retained by the Sandwell Children's Trust (Articles of Association ref. 9.2.4);</i></p> <p>(iii) <i>amend the Sandwell Children's Trust's bank mandates (Articles of Association ref. 9.2.5);</i></p>	
<p>(iv) acquire or dispose of any assets of the Sandwell Children's Trust with an aggregate value not exceeding £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.8);</p> <p>(v) approve or amend the Business Plan (Articles of Association ref. 9.2.13);</p> <p>(vi) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by third parties to the Sandwell Children's Trust) with a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.15);</p> <p>(vii) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by the Sandwell Children's Trust to third parties) with either a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.16).</p>	

<p><b>Security for Unpaid Council Tax - Charge on properties</b></p> <p>To enter into agreements, in appropriate cases, with the owner of a domestic hereditament so that the Council Tax, plus interest, becomes a charge on the property to repay outstanding tax.</p> <p>Paragraph 4A of schedule 9 of the Local Government Finance Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p><b>Settlement for Civil Litigation not exceeding £250,000</b></p> <p>With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000, by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Use/Expenditure of Outstanding 1-4-1 Right to Buy Receipts</b></p> <p>(1) enter into formal negotiations with owners of land and property that provide an opportunity to increase the availability of council housing in the borough through the acquisition of land for future housing development, purchase of existing residential property/accommodation, other property suitable of conversion to residential accommodation or other land or property acquisition that provides an opportunity to increase the council housing stock/provision (“Suitable Assets”);</p> <p>(2) subject to the satisfactory determination of a value for money evaluation and negotiations, as necessary, in relation to all Suitable Assets, to complete the acquisition/purchase of any Suitable Assets to a maximum value of £1,000,000 per transaction;</p> <p>(3) all acquisitions made pursuant to (1) and (2) above shall be funded using 1-4-1 receipts (30%) and HRA (70%) approved budgets.</p>	
<p><b>Void Properties - Completion Notices</b></p> <p>To sign and serve on behalf of the rating authority such completion notices as are necessary for the proper charge in respect of newly erected property for Council tax and Non-Domestic Rates purposes.</p>	

<p>Paragraph 1 schedule 4A of the Local Government Finance Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Budgetary and Financial Reserve Management in response to an Civil Emergency or Civil Contingency</b></p> <p>In consultation with the relevant Cabinet Member, Chief Executive and Director, to repurpose budgets and financial reserves to meet service demand arising from the Covid-19 virus.</p>	

Delegation	Commentary
<p><b>Category B – Non- Executive</b>            Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Capital Expenditure and Capital Receipts</b>            Authorised to make the following capital determination under the Local Government Act 2003:-</p> <ul style="list-style-type: none"> <li>(a) the amount of capitalised expenditure to be reimbursed or met out of money provided by any other person;</li> <li>(b) the level of capital receipts applied to meet capital expenditure;</li> <li>(c) the amount set aside from revenue to meet debt redeem;</li> <li>(d) the amount of housing related receipts set aside under the pooling arrangements and the associated payment to Central Government.</li> </ul> <p>Chapter 1, Local Government Act 2003</p>	<p>Contract or Incurring Expenditure:</p>

<p><b>Employment Tribunals</b>  Where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim, to determine the responsibility for resourcing a settlement.</p> <p>Section 112 of the Local Government Act 1972</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 &amp; 2 may apply</p>
<p><b>Insurance</b>  To agree the Council's insurance arrangements.  Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Loans Management</b>  (a) appointment of Registrar - stocks and bonds etc.  (b) local authority (negotiable bonds);  (c) bank overdraft facilities;  (d) negotiate and arrange borrowing facilities which support the Council's investment plans</p> <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Management of Budgets</b>  To determine (in consultation with the Chief Executive) in circumstances where in their opinion the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council's overall financial management situation, whether the management of that budget will be assumed by another Director, the relevant Director acting in conjunction with themselves, or directly by themselves (or such other officers as they may determine).</p> <p>Section 151 Local Government Act 1972</p>	
<p><b>Service Level Agreements with Partnerships</b>  To negotiate and agree service level agreements between the Council and relevant external partnerships.   Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 ,2, 3 &amp; 5 may apply</p>

**Settlement for Civil Litigation not exceeding £250,000**

With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director - Governance recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000 by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.

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

Exemptions 1, 2, 3 & 5 may apply

**VAT Partial Exemption Arrangements**

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

Section 151 of the Local Government Act 1972.

**Write-off of Income**

To write-off as irrecoverable:-

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

Section 151 of the Local Government Act 1972.

Individual Rights and/or Contract or Incurring Expenditure:

All decisions within this delegation are to be published unless exempt

Exemptions , 1, 2, 5 & 6 may apply

Director of Finance	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>  The Chief Executive, the Chief Finance Officer of the Council and Solicitor to the Council be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form or proxy, consent to short notice or other document or to attend any meeting of shareholders as representatives of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p><b>Instruction of Enforcement Agents</b>  In circumstances by which a person, persons, body or organisation defaults on Council Tax, Non-Domestic Rates, General Debt and commercial or industrial rents, the provision of which is included in the lease agreement, to issue written instructions to Enforcement Agents to seize property, belongings and items of value provided for within relevant legislation, guidance and/or codes of conduct, as security or indemnity for a debt.    Section 121 of the Law of Property Act 1925  Tribunals, Courts and Enforcement Act 2007</p>	
<p><b>Loans Issued by the Council</b>  Authorised to compile and maintain the register giving particulars of all loans issued by, or to the Council, on or after 1<sup>st</sup> April 1990.    Section 1 Local Government Act 2003.</p>	
<p><b>Sandwell Land and Property Company</b>  Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.  Section 135 of the Local Government Act 1972    Section 95 Local Government Act 2003 (Power to trade in function-related activities through a company)</p>	

Director of Finance

**Mortgage Interest Rates**

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

Schedule 16 of the Housing Acts 1985.

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>Areas of Laid Out Open Space, and Open Space Land with Known Contamination, Potential Contamination, Other Ground Condition Problems/Encumbrances or Legal Problems</b>  To manage the income from the commuted sum payments made to meet future management, monitoring and maintenance costs associated with future use of the land and surface landscaping.  Section 106 of the Town and Country Planning Act 1990 and the Localism Act 2011 (in relation to the Community Infrastructure Levy)	
<b>Externally Funded Programmes - Administration and Monitoring Budget</b> To administer all externally funded programmes in respect of the Council, to include equipment purchase and the carrying out of monitoring and evaluation of externally funded programmes.  Section 151 of the Local Government Act 1972.	Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt  Exemption 1,2 and 3 may apply
<b>External Funding Awarded to Council</b>  To authorise the allocation of external funding awarded to the Council, subject to prior consultation with the Leader/Deputy Leader.	
<b>Local Government Pension Scheme Regulations 2013</b> In consultation with the appropriate Director, to determine requests for Re-Employed and Rejoining Deferred Members under the Local Government Pension Scheme Regulations 2013.	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1,2 and 3 may apply

Director of Finance	
Authority to Act	Commentary
<p><b>Category E</b>            Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Deputy Section 151 Officer</b></p> <p>To delegate all powers exercisable to the Deputy Section 151 Officer in his/her absence.</p>	

Director – Housing	
Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b>            To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme</p>	<p>Was P&amp;P</p>
<p><b>Compulsory Purchase Orders – Acquisitions</b>            In cases where the relevant Director considers that there may be undue hardship, to negotiate and agree terms for the acquisition of land and premises offered with vacant possession to the Council, in advance of the confirmation of compulsory purchase orders made under Part IX of the Housing Act 1985, including costs and fees ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer and the relevant Director, as necessary, to negotiate and agree acquisition of land and premises offered with vacant possession to the Council, in advance of confirmation of Compulsory Purchase Orders, together with the payment of costs, discretionary payments and/or expenses as may be agreed.</p>	<p>Duplicated in R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Compulsory Purchase, Demolition and Prohibition Orders - Compensation</b>            To negotiate and agree terms for the payment of appropriate compensation resulting from compulsory purchase, demolition and prohibition orders Part 1 claims on acquisition in advance thereof and negotiate agreed terms for discretionary payments ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Sections 584A and 584B of the Housing Act 1985. Compulsory Purchase Act 1965.</p>	<p>Replicated in R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

<p><b>Criminal Behaviour Order (CBO) - Anti-Social Behaviour Crime and Policing Act 2014</b> To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p>	<p>Was ASC replicated in B Econ</p>
<p><b>Debt Recovery and Enforced Sale</b> In consultation with Director of Law and Governance and Monitoring Officer, to recover money due to the Council, as a result of the exercise of its housing functions and to include the exercise of powers of sale arising from a local land charge over land and/or property.</p>	
<p><b>Declaration of Clearance Areas</b> To serve notices under Section 289 of the Housing Act 1985 (as amended) stating the Authority's intention to declare a Clearance Area.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3 and 6</p>
<p><b>Defective Dwellings</b> In respect of Smith-type dwellings requiring re-instatement of a party wall, to negotiate the terms of repurchase of those designated defective dwellings where it is impracticable for the eligible owner to re-convey his or her part of the party wall to the Council and reinstatement work could not be undertaken.  Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3 and 5</p>

<p><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	<p>Duplicated in Regen</p> <p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3 and 6</p>
<p><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	<p>Duplicated in B ECon</p>

<p><b>Disabled Facilities Grants</b> To approve or refuse applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To authorise payments for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To impose and enforce conditions in respect of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996, mainly sections 24, 35, 37 and 52.</p>	<p>Duplicated in ASC</p>
<p><b>Disabled Facilities Grants - Standards of Work</b> To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and any other type of assistance made available by the Council under its policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and any subsequent amendments or enactments including the siting of amenities.</p>	<p>Duplicated in ASC</p>
<p><b>Disposal of Land and Property</b> To negotiate and agree terms for the disposal of land and property by the most appropriate method of sale ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Planning on terms for the disposal of land and property in the event that that there is a potential conflict including where there is a relevant entry in the Members’ Register of Interests and the Employees’ Register of Interests. Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

<p><b>Disposal of Land and Premises up to £100,000</b> In consultation with the appropriate Director, to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016, including consultation with the Director of Law and Governance and Monitoring Officer in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests. (see point 4.8 of the protocol)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disturbance Payments</b> To make payments for disturbance resulting from prohibition and demolition orders, compulsory purchase orders or acquisition by agreement in advance thereof in consultation with the Director of Law and Governance and Monitoring Officer.</p> <p>Section 37 of the Land Compensation Act 1973</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 6</p>
<p><b>Enforcement of Grant Conditions</b> To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition. To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<p>Was P&amp;P and EDASC – now duplicated in B Econ</p>
<p><b>Gable Walls - Side Effects of Demolition</b> In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair. Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Gypsy/Traveller</b> To enter into pitch/tenancy agreements (Gypsy/ Traveller), the management of such agreements, issuing notices, authorising legal proceedings, authorising eviction under the Mobile Homes Act 1983 (as amended) including associated legislation, regulations, guidance and</p>	

the Council's approved policies.	
<p><b>Housing Fraud Investigation</b></p> <p>To authorise and to give authorisation to others to investigate housing fraud and to require information from specified persons for housing fraud investigation purposes.</p> <p>Fraud Act 2006 Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

<p><b>Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)</b></p> <p>To exercise the Council's functions under the Housing Act 2004 as set out in the table below.</p>		
S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	Was P&P now duplicated in Housing and R&G
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>• Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>• Serving an improvement notice under Section 11 or Section 12.</li> <li>• Making a prohibition order under Section 20 or Section 21.</li> <li>• Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>• Taking emergency remedial action under Section 40</li> <li>• Making an emergency prohibition order under Section 43.</li> <li>• Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3 Paragraph 5	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	<p>Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection</p>	
Schedule 3 Paragraph 4	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

## Director -Housing

### Part 2: Licensing of Houses in Multiple Occupation (HMOs)

S.80	To designate areas to be considered for Selective licensing in accordance with the provisions of Part Three of the Housing Act 2004.	
S.62	Serving of Temporary Exemption Notices.	
S.64	The authority to sign a Licence on behalf of the Local Housing Authority	
S.68(4)	To determine the length of licences required and grant accordingly, including any conditions which need to be included	
SCH. 5 Para. 1	Notice of intention to grant a licence	
SCH. 5 Para. 3	Notice of intention to grant a licence with modifications	
SCH. 5 Para. 5	Notice of intention to refuse a licence.	
SCH. 5 Para. 7	Notice of decision to grant a licence.	
SCH. 5 Para. 8	Notice of refusal to grant a licence.	
SCH. 5 Para. 14	Notice of intention to vary a licence	
SCH. 5 Para. 16	Notice of decision to vary a licence	
SCH. 5 Para. 19	Notice of intention to refuse to vary a licence	
SCH. 5 Para. 21	Notice of refusal to vary a licence	
SCH. 5 Para. 22	Notice of intention to revoke a licence	
SCH. 5 Para. 24	Notice of decision to revoke a licence.	
SCH. 5 Para. 26	Notice of intention to refuse to revoke a licence	
SCH. 5 Para. 28	Notice of refusal to revoke a licence	
S.73	Application to Residential Property Tribunal for Rent Repayment Order	

### Part 3: Selective Licensing of other Residential Accommodation

S.86	Serving of a Temporary Exemption notice	
S.88	The authority to sign a licence on behalf of the Local Housing Authority	
SCH. 5	All notices under Schedule 5 are as those relating to licensing of HMOs under Part 2 of the Act	

**Part 4: Additional Control Provisions in relation to Residential Accommodation**

Chapter 1: Interim and Final Management Orders

S.102	The making of an interim management order (IMO).	
S.106 (2)	Authorisation of expenditure to carry out works necessary for protecting health, safety or welfare of occupants or occupants of other premises in the vicinity.	
S.113	The making of a final management order (FMO)	
S.126	Notice of renunciation of right to possession of furniture.	
S.127	Authorisation of expenditure to supply furniture	
S.131	Power of entry to carry out works in connection with an IMO or FMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
SCH 6 Para 1	Notices of intention to make an FMO	
SCH 6 Para 3	Notice of intention to make an FMO with modifications	
SCH 6 Para 7 (2) & (5)	Notice of confirmation that an IMO or FMO has been made	
SCH 6 Para 9	Notice of intention to vary an IMO or FMO	
SCH 6 Para 11	Notice of decision to vary an IMO or FMO	
SCH 6 Para 14	Notice of intention to refuse to vary an IMO or FMO	
SCH 6 Para 16	Notice of decision not to vary an IMO or FMO	
SCH 6 Para 17	Notice of intention to revoke an IMO or FMO	
SCH 6 Para 19	Notice of decision to revoke an IMO or FMO	

**Director - Housing**

SCH 6 Para 20	Notice of intention to refuse to revoke an IMO or FMO	
SCH 6 Para 22	Notice of decision to refuse to revoke an IMO or FMO	

In consultation with the Director of Law and Governance and Monitoring Officer:		
S.133	The making of an interim Empty Dwelling Management Order – authorisation to apply to a residential property tribunal (RPT) on behalf of the local housing authority	
S.135	Authorisation of expenditure to secure a dwelling subject to an interim EDMO	
S.136	The making of a final EDMO	
S.138	Compensation payable to third parties	
SCH 6 Para 1	Notice of intention to make a final EDMO	
SCH 6 Para 3	Notice of intention to make a final EDMO with modifications.	
SCH 6 Para 7 (5)	Notice of confirmation that an interim EDMO or a final EDMO has been made.	
SCH 6 Paras 9, 11, 14, 16, 17, 19, 20, 22	Notices of variation, refusal to vary, revocation and refusal of revocation of interim and final EDMOs -- as for IMOs and EMOs but as amended by Schedule 7 Paragraphs 8 and 17.	
SCH 7 Para 21	Authorisation of expenditure to supply furniture to a dwelling subject to an interim or final EDMO.	
SCH 7 Para 25	Power of entry to carry out work in connection with an interim or final EDMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
Schedule 7, paragraphs 1 to 37	To comply with and exercise the provisions contained within Schedule 7, paragraphs 1 to 37.	

<b>Part 4 Chapter 3: Overcrowding Notices with Respect to HMOs</b>		
S.139 (2)	Overcrowding notice to remedy excessive number of persons accommodated or likely to be accommodated in a HMO.	
S.139 (3)	Notice of intention to serve an overcrowding notice.	
S.144 (1) (a) and (b)	Notice of revocation of overcrowding notice. Notice of variation of overcrowding notice.	
<b>Part 7: Supplementary Provisions and Powers of Entry</b>		

S.235	Notice requiring production of documents for any purpose connected with the exercise of any of the Council's functions under Parts 1 to 4 of the Act or investigating whether any offence has been committed.	
239 (3)	Authority to enter any premises for the purposes of survey or examination with respect to any of the Council's functions under Parts 1 to 4 of the Act or to ascertain whether any offence has been committed. <i>NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.</i>	
S.243	Authorisations for enforcement purposes. Such authorisations as required by this section have already been incorporated within the appropriate parts of this schedule of delegations. (Section 131; Section 235; Section 239; ACH 3 Para 3(4); and SCH 7 Para 25). Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Chief Executive or appointed Deputy Chief Executive.	
S.255	Authority to make a HMO declaration on behalf of the Council and to serve associated notice of the declaration.	

Director - Housing		
General: Prosecution		
S.30	Failure without reasonable excuse to comply with an improvement notice.	
S.32	Knowingly contravenes a prohibition order without reasonable excuse.	
S.35	Failure without reasonable excuse to comply with a magistrate's order requiring an occupier or other relevant person to permit appropriate action to be taken.	
S.72 (1)	Failure to obtain a HMO licence without reasonable excuse.	
S.72 (2)	Knowingly permits occupation in excess of the maximum permitted by a licence.	
S.72 (3)	Failure without reasonable excuse to comply with a licence condition.	
S.95 (1)	Failure to obtain a licence for a house subject to Selective Licensing (without reasonable excuse).	

S.95 (2)	Failure to comply with a licence condition for a house subject to Selective Licensing (without reasonable excuse).	
S.131 (5)	Failure to comply with a magistrate's order requiring an occupier to allow access to carry out work in connection with an IMO or FMO.	
S.139	Contravention of an overcrowding notice (without reasonable excuse).	
S.234	Failure to comply with a HMO Management Regulation (without reasonable excuse).	
S.236	Failure to comply with a notice under Section 235 requiring production of documentation (without reasonable excuse) OR intentionally alters, suppresses or destroys any required documents.	
S.238	The supply of information required by local authority in carrying out any of its functions under Parts 1 to 4 which is false or misleading (knowingly or recklessly).	
S.241	Obstruction of an authorised officer in carrying out any duties under Parts 1 to 4 of the Act (without reasonable excuse). Includes offences under:- Schedule 3 Paragraph 5 (having contractor on site following service of notice of intention to carry out works in default under parag 4). Schedule 7 Paragraph 25 (4) (failure to comply with magistrates order requiring access to carry out work to dwelling subject to an EDMO)	

## Director - Housing

### General: Default Action

SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement	
SCH.3 Para 3	Authorisation of expenditure to carry out works in compliance with an improvement notice without agreement (by default)	
SCH.3 Para 4	Notice of intention to carry out works without agreement (by default)	
SCH.3 Para 9	Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default). NB. SCH 3 Paragraphs 3, 4 and 9, above also apply to works carried out in connection with emergency remedial action taken under Section 40.	

SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative)	
<p><b>Housing Agency Service Fees</b></p> <p>To review annually the fees to be charged to applicants by the Housing Agency Service and to determine the appropriate level of fees for costs incurred in assisting with the submission of an application for grant aided works or other types of assistance, and to implement increases as required.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England &amp; Wales) Order 2002.</p>		
<p><b>Housing Renewal Grant Appeals</b></p> <p>To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.</p>		
<p><b>Housing and Planning Act 2016</b></p> <p>a) to authorise the institution and enforcement of civil proceedings under section 126 and Schedule 9</p> <p>b) to make application for a rent repayment order under section 41.</p>		
<p><b>New Homes Grant</b></p> <p>To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>		Replicated in R&G
<p><b>Possession Proceedings</b></p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>		Duplicated in B Econ

<p><b>Property Appreciation Loans</b></p> <p>To deliver and manage Property Appreciation Loans to residents affected by Clearance Areas in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p> <p>Article 3 of the Order</p>	
<p><b>Renovation Grants</b></p> <p>In consultation with the Director of Finance/ Chief Finance Officer the Council having given a house renovation grant in respect of a dwelling on the basis of a satisfactory future life, to not seek to enforce repayment of any part of the grant if they subsequently decide to include the dwelling in a Compulsory Purchase Order, during the term of the life of the dwelling estimated when the grant was approved.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002</p>	
<p><b>Renovation within target areas</b></p> <p>To use the powers delegated to ensure the complete renovation of properties within streets or blocks in identified target areas under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	
<p><b>Rents under a General Vesting Declaration</b></p> <p>Authority to set a rent for properties that lie within a confirmed Compulsory Purchase Order which are occupied upon the commencement of a General Vesting Declaration and that rent be set at 50% of the rent due on a similar but fit acquired property to reflect the poor condition associated with unfit properties.</p> <p>Section 19 Compulsory Purchase Act 1965</p> <p>Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.</p>	

<p><b>Right to Buy Properties – Buy Back Provisions</b>  Re-purchase of Former Right to Buy Properties  To enter into formal negotiations with homeowners of properties bought under the Right to Buy legislation, in accordance with the provisions within the Housing Act 2004 and the Housing Act 1985, and that subject to the satisfactory outcome of the value for money evaluation of such applications, in consultation with the Director of Finance, negotiate terms and conditions, as necessary, to complete the acquisition of homes considered suitable additions to the Council’s housing stock.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p><b>Securing of Void Properties</b>  Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated in R&amp;G</p>
<p><b>Service Contracts</b>  To negotiate and agree the terms and conditions of any property interest where the Council has granted a Service Contract to a third party or partner of the Council.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>duplicate across regen and housing</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Site Investigations</b>  To carry out site investigations, where appropriate, prior to land being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	
<p><b>Service Tenancy Agreements</b>  To negotiate and agree terms for service tenancy agreements including but not limited to the management of the tenancies, authorisation of appropriate notices, legal proceedings and eviction.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>

<p><b>Tenant's Notice of Claim to exercise Right to acquire New Lease Notices under Section 42 of the Leasehold Reform, Housing and Urban Development Act 1993</b></p> <p>To accept and determine statutory notices served on the Council under the above act and to negotiate the terms of a new lease for an additional term not exceeding 90 years from the date of expiry of the tenants existing lease.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>								
<p>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</p> <p>To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p> <p>The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-</p> <table border="0"> <tr> <td>Offence</td> <td>Fine</td> </tr> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>									

<p><b>Power to Recommend Legal Proceedings</b> To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	
<p><b>Uncollected Property</b> To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Duplicated in regen and housing A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b> Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Housing Developments</b> To obtain deemed planning permission for development by the Council and development of land vested in the Council which it does not itself propose to carry out under the Town and Country Planning General Regulations, 1992, and to take any necessary action in connection therewith.</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	

<p><b>Public Right of Way Extinguishment - Housing Act 1985</b> To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.</p>	<p>Duplicate B Econ and Regen</p>
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Director – Housing	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Bankruptcy Proceedings</b> To swear affidavits on behalf of the Council in bankruptcy proceedings involving Council tenants who are in rent arrears.</p>	<p>Was EDN</p>
<p><b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	<p>Duplicated in ASC</p>
<p><b>Power to Recommend Legal Proceedings</b> To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> </ul>	
<ul style="list-style-type: none"> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	

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

## Director of Law and Governance and Monitoring Officer

Delegation	Commentary
<p><b>Category A – Executive</b> Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Acquisition and Disposal of Property</b> To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Planning, on terms to be agreed in accordance with authority delegated to him/her and with the Chief Finance Officer/Section 151 Officer and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Acquisition of Open Space Land by the Council</b> In consultation with the Director - Regeneration and Planning and in accordance with Minute No. 6/98 of the former Finance and Resources Strategy Committee, to acquire the freehold interest in such land for a nominal sum, and otherwise on terms and conditions to be agreed by the Director - Regeneration and Planning.</p> <p>Section 9 Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Adoption and Children Act 2002</b> In consultation with the Director - Children and Families, to authorise Court Proceedings under:</p> <ul style="list-style-type: none"> <li>- Section 22 (Application for a Placement Order);</li> <li>- Section 23 (Application to vary a Placement Order);</li> <li>- Section 24 (Application to revoke a Placement Order);</li> <li>- Section 26 (Contract - requiring the person with whom the child lives, or is to live, to allow the child to visit or stay with the person named in the Order);</li> <li>- Section 27 (Application to vary or revoke Contact Order); and</li> <li>- Section 28 (Application for a Recovery Order).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2 and 5</p>
<p><b>Advertisements - Town and Country Planning Act 1990 - Section 224(3)</b> In consultation with the Director - Regeneration and Economy, to prosecute any person displaying an advertisement in contravention of Section 224(3) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Advances for House Purchase</b> To accept any offers by Building Societies to assist the Council by accepting nominated applicants in respect of advances for house purchase.</p> <p>To approve applications for advances for the purchase of/or repair and improvement of dwellings except those which he/she considers should be referred for decision by the appropriate Cabinet Member, Committee or Sub-Committee. An applicant who is aggrieved by the decision of the Director – Housing and Communities shall have the right to have his application finally determined by the Cabinet Member, Committee or Sub-Committee.</p> <p>Part XIV of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Agreements in Respect of Land and Property</b> To enter into agreements for the licensing, letting and re-letting of land, properties and facilities in accordance with prevailing Council policy and on terms agreed by the Director - Regeneration and Planning in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Agricultural Rents - Rent (Agriculture) Act 1976 (as amended)</b> <b>Section 20</b> To take proceedings relating to avoidance of requirements for advance payment of rent under Section 20 of the Rent (Agriculture) Act 1976. <b>Section 21</b> To take proceedings relating to recovery from landlord of sums paid in excess of recoverable rent under Section 21 of the Rent (Agriculture) Act, 1976</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Attendance at Court</b> To authorise any officer of the Council to appear in Court on behalf of the Council in accordance with sections 223(1) of the Local Government Act 1972 and 60(2) of the County Courts Act 1984.</p>	
<p><b>Assets of Community Value</b> In consultation with the relevant Director, to exercise the function of the local authority in the determination of applications made to the Council regarding Assets of Community Value under the Localism Act 2011.</p>	
<p><b>Authorisation to Enter - Performing Animals (Regulation) Act 1925 (Section 3)</b> To issue written authorisations to enter upon land and premises under Section 3 of the Performing Animals (Regulation) Act 1925 to such members of the staff as are nominated by the relevant Director to carry out the functions under the provisions of the said Act.</p>	

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

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

**Birmingham International Airport**

- (a) In consultation with the Leader, or in his absence or inability to act, the Deputy Leader of the Council, to determine any request from Birmingham Airport Holdings Limited for the consent of the Council to any proposal affecting Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith;
- (b) To consider and determine any applications for consent from Birmingham Airport Holdings Limited to enter into easements and wayleave agreements with third party utility companies for the supply of gas water, electricity, communication cabling and foul and surface water drainage in the circumstances that such a proposal affects Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith

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

Exemptions 3 and 5

**Blight Notices**

Upon receipt of a Blight Notice, following consultation with the Director - Regeneration and Planning or the Executive Director - Neighbourhoods, to issue a counter-notice or in cases where the blight notice is considered to be valid, to proceed with the acquisition of the property on terms to be agreed by the Director - Regeneration and Planning or Lands Tribunal.

Section 151 of the Town and Country Planning Act 1990.

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

Exemptions 1, 2 and 3

**Building Regulations - Failure to Comply with**

To deal with the functions of the Council under Section 36 of the Building Act 1984 (Failure to comply with Building Regulations).

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

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

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

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Call Off Arrangements for Land Referencing Panel</b> To set up the Authority's call off arrangements for land referencing companies to support Compulsory Purchase Order (CPO) projects where the in-house service cannot provide the capacity to deliver the land referencing for CPO projects.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Change to a Child's Birth Certificate - Family Law Act 1986</b> In consultation with the Director - Children and Families, to authorise court proceedings to seek a declaration of non-parentage in relation to a child in order to seek a change to the child's birth certificate.</p> <p>Family Law Act 1986 (as inserted by section 83(2) of the Child Support, Pensions and Social Security Act 2000)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 5</p>
<p><b>Coat of Arms</b> To approve applications for the use of the Coat of Arms of Sandwell and the former Authorities falling within the Borough Boundaries.</p>	
<p><b>Community Right to Challenge</b> In consultation with the Chief Finance Officer, to take any steps to implement the arrangements arising from the Community Right to challenge and comply with any statutory requirements under Section 82-86 of the Localism Act 2011.</p>	
<p><b>Compensation under Compulsory Purchase, Demolition or Prohibition Orders</b> To make payment of appropriate compensation, on terms agreed by the Director - Regeneration and Planning, under compulsory purchase, demolition or prohibition orders.</p> <p>Sections 584A and 584B of the Housing Act 1985 Compulsory Purchase Act 1965</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Compulsory Purchase</b> In consultation with the Director - Regeneration and Planning, to take any appropriate action under the provisions of the Planning and Compulsory Purchase Act 2004.</p> <p>(Excludes Section 15 – Development Plans)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>

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

**Court Proceedings under the Children Act, 1989**

In consultation with the Director - Children and Families, to authorise court proceedings under:-  
 Section 8 (Specific Issue Orders and Prohibited Steps Orders);  
 Section 25 (Secure Accommodation for Children looked after by Local Authority);  
 Section 31 (Care/Supervision proceedings);  
 Section 34(4)(Refusal of Contact of Children in Care with Persons named in Order);  
 Section 39 (Discharge of Care or Supervision Order proceedings);  
 Section 39 (Variation of Care or Supervision Order Proceedings);  
 Section 43 (Child Assessment Order applications);  
 Section 44 (Orders for emergency protection of children);  
 Section 45(4)(Extensions to Emergency Protection Orders);  
 Section 48 (Application for a warrant in Emergency Protection Order proceedings);  
 Section 49 (Prosecution for Unlawful Abduction of a Child in Care).  
 Section 50 (Application for a Recovery Order in respect of a child);  
 Section 100 (To apply for leave to commence proceedings in the High Court under Section 100 of the Act).

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

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

Exemptions 1, 2, 5, 6 and 7

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

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

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

Exemptions 1, 2 and 5

**Coroners and Justice Act 2009**

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

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

Exemptions 1 and 2

**Cross Border Prosecutions (Executive Matters)**

To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.

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

Exemptions 1, 2, 3, 5 and 7

<p><b>Debt Recovery and Enforced Dwelling Sale</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to exercise the functions of the Council in relation to the recovery of money due to the Council and the exercise of powers of sale in respect of a local land charge arising, but not limited to, powers derived from the following statutes:-                  Public Health Act 1936;                  Public Health Act 1961;                  Prevention of Damage by Pests Act 1949;                  Local Government (Miscellaneous Provisions) Act 1976 and 1982;                  Building Act 1984;                  Environment Protection Act 1990;                  The Water Act 1989;                  Health and Safety at Work Act 1974;                  Food Safety Act 1990.                  Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1990</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings</b>                  To take such action as may be necessary, in respect of those single Smith-type dwellings requiring reinstatement, to release the owner/ occupiers from the covenant in the conveyance of the property which requires them to contribute towards the repair of the party wall, and to obtain the owner occupiers' agreement to be released from any future interest in the party wall (including, where applicable, the transfer back to the Council of this wall).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings - Repurchase</b>                  To repurchase those designated defective dwellings where it is impracticable for the eligible owner to re-convey his or her part of the party wall to the Council and reinstatement work could not be undertaken) on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Developments under Footpaths</b>                  To enter into agreements concerning applications to allow foundations of developments to extend beneath footpaths where the Director – Regeneration and Planning is satisfied as to the suitability of the proposed works.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Discontinuance of Deemed Consent</b>                  To exercise the powers of the local planning authority under Regulation 8 the Town and Country Planning (Control of Advertisements) Regulations 2007 (Discontinuance of deemed consent).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

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

<p><b>Discontinuance Orders - Enforcement</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under sections 189 and 190 of the Town and Country Planning Act 1990 (Enforcement of discontinuance orders made under Section 102) or paragraph 1 of Schedule 9).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disposal of Land and Premises at Auction</b>                  To dispose of land and/or premises at auction where the Director – Regeneration and Planning estimates the value of the land/property being offered for sale is less than £100,000 but the bid price exceeds that amount in accordance with the Disposal of Council-owned land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	
<p><b>Disposal of Land and Premises up to £100,000</b>                  To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Planning, in accordance with the authority delegated to him in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Disturbance Payments</b>                  To deal with the making of payments for disturbance in respect of properties acquired either by agreement or under Compulsory Purchase Orders.</p> <p>Part III of the Land Compensation Act 1973.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Electoral Registration</b>                  To recommend legal proceedings regarding the failure of any person to provide information to the registration officer for the purposes of maintaining registers of electors under Sections 13D and 23 of the Representation of the People (England and Wales) Regulations 2001</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 42 and 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>
<p><b>Enforcement Notice Securing Compliance</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 178 and 179 of the Town and Country Planning Act 1990 (Securing Compliance with an Enforcement Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Ethical Standards and Member Development Committee Independent Members</b> To make arrangements for the recruitment of independent members appointed pursuant to Section 28 of the Localism Act 2011 as vacancies arise, to advertise the vacancies and to shortlist applications received to fill vacancies for consideration by the Selection Panel.</p>	
<p><b>False Statements under the Housing Act 1996 – S14</b> To take proceedings relating to false statements, withholding of information and failure to disclose change in circumstances under Section 214 of the Housing Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication Exempt 1,2, 3</p>
<p><b>Former Mining Land - Entry to and works on land -</b> To take all necessary action to give effect to the powers available to the Council under Sections 7 and 8 of the Mineral Workings Act 1985.</p>	
<p><b>Hazardous Substances Authority - Planning (Hazardous Substances) Act 1990 - Section 23</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the Hazardous Substances Authority under section 23 of the Planning (Hazardous Substances) Act 1990 as amended by Schedule 3 of the Planning and Compensation Act 1991.</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p><b>Hazardous Substances Consents - Powers to revoke, modify, apply for confirmation and to pay compensation</b> In consultation with the Director - Regeneration and Planning to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) under sections 14, 15, 16 and 17 of the Planning (Hazardous Substances) Act 1990 in respect of hazardous substances consents.</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2 and 3</p>
<p><b>Hazardous Substances Contravention Notice</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p><b>Highways Act 1980</b></p> <ul style="list-style-type: none"> <li>- To enter into agreements pursuant to Sections 4, 8 and 38 of the Highways Act 1980</li> <li>- To instigate proceedings under Sections 132, 137, 140 and 143 of the Highways Act 1980 where he/she is satisfied as to the evidence.</li> <li>- Section 154 – Failure to Comply with Letters of Request</li> <li>- Section 177 – To grant a licence in consultation with the Director – Regeneration and Planning.</li> <li>- To instigate proceedings under Section 219 of the Highways Act 1980 in consultation with the Director – Regeneration and Planning.</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1,2, 3, 6 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Images of Council Buildings or Facilities or Historical Artefacts or Documents and Copyright</b>            To consider any applications for the use of images of Council buildings or facilities or historical artefacts or documents and to approve such use where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>To consider any applications for the use of any materials or items the subject of copyright to the Council and to approve such applications where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>Re-use of Public Sector Information Regulations 2005.</p>	
<p><b>Injunctions</b>            In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 26AA of the Planning (Hazardous Substances) Act 1990 (Injunctions).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 6</p>
<p><b>Interests in Land:            Section 297, Highways Act 1980</b>            To serve notices requiring information under the provisions of Section 297 of the Highways Act 1980 regarding the ownership of the land.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Sections 5A and 5B, Acquisition of Land Act 1981            Power to require information</b>            To serve notice to obtain information about ownership and occupation of land from freeholders, lessees, occupiers, mortgagees and those managing land pursuant to Section 5A Acquisition of Land Act 1981 as amended by Part 8 of the Planning and Compulsory Purchase Act 2004, and to take proceedings relating to failure to provide information under Section 5B of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Land and Premises Previously Owned by the Council - Consent to Alter or Erect Premises or Change the Use</b>            To enter into or execute, if necessary, under seal, any related documentation in connection with land previously owned by the Council on terms and conditions to be agreed by the Director - Regeneration and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

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

**Landlord and Tenant Act 1985**

**Section 1**

To deal with matters relating to a failure to comply with a tenant's request for the Landlord's name and address under Section 1 of the Landlord and Tenant Act 1985.

**Section 2**

To take proceedings relating to a failure to comply with a tenant's request for the name and address of each Director and Secretary where the landlord is a body corporate under Section 2 of the Landlord and Tenant Act 1985.

**Section 3**

To take proceedings relating to failure of a new landlord to notify a tenant of his name and address under Section 3 of the Landlord and Tenant Act, 1985.

**Section 7**

To take proceedings under Section 7 of the Landlord and Tenant Act 1985 relating to a failure of a landlord to comply with the requirements of Sections 4, 5 or 6 of the same.

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

Exemptions 1,2, 3 and 5

**Section 25** (as amended by Section 157, Schedule 10, paragraph 4 of the Commonhold and Leasehold Reform Act 2002)

To take proceedings under Section 25 of the Landlord and Tenant Act 1985 relating to failure to comply with duties imposed under the same Act. (Section 21 substituted by Section 303, Schedule 12, Paragraph 12 of the Housing and Regeneration Act 2008; Section 22 amendment by Section 303 of the Housing and Regeneration Act 2008; Section 23(1) amended by Section 303, Schedule 12, Paragraph 5 of the Housing and Regeneration Act 2008).

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

Exemptions 1,2, 3 and 5

**Legal Proceedings (Executive Matters)**

To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings.

A number of decisions within this delegation may be exempt from publication E 1 to 7

**Letting of Garage Plots**

To enter into Agreements for the letting of plots of land for the erection of garages for use in connection with Council Housing on terms to be agreed by the Executive Director – Neighbourhoods in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.

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

Exemptions 1, 2, 3 and 5

Section 123 of the Local Government Act 1972 and/or Section 5 of the Local Authorities (Land) Act 1963

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

<p><b>Listed Buildings and Conservation Areas - Prosecution</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under the Planning (Listed Buildings and Conservation Areas) Act 1990:</p> <ul style="list-style-type: none"> <li>- Sections 7 and 9 as amended by the Planning and Compensation Act 1991 (Prosecution).</li> <li>- Section 11(6) and Section 21(7) (Prosecution for false information).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Lost and Uncollected Property</b>                  To serve notice under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 to require a person to remove uncollected property from premises or land owned by the Council.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 6</p>
<p><b>Management of Leased Premises</b>                  Where appropriate, to enter into any legal documents in relation to the management and/or surrender of premises leased by or occupied by the Council, subject to any terms and conditions agreed by the Director - Regeneration and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Members Interests Dispensation - Localism Act 2011</b>                  To grant dispensations under grounds (a) and (d) of Section 33(2) of the Localism Act 2011.</p>	
<p><b>Mineshafts - Acquisition</b>                  To acquire mineshafts where required in connection with Council developments, on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Monitoring Officer (Executive Authority) - Local Government and Housing Act 1989 –</b>                  With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all Executive powers and duties under the Act be assigned to that post.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 to 7</p>
<p><b>Notice to Treat and of Entry and Action to Obtain Possession</b>                  To serve notice to treat and notice of entry where appropriate and take necessary action when possession is not given in all cases where Compulsory Purchase Orders are confirmed.</p> <p>Sections 5 and 11 of the Compulsory Purchase Act 1965.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

Director of Law and Governance and Monitoring Officer (cont)

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

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

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

Exemptions 1, 2, 3 5 and 6

**Obstruction of an Officer**

To take proceedings relating to the obstruction of an officer under Sections 55, 341 of the Housing Act 1985. (Section 55(1)(a) as amended by Section 194(1), Schedule 11, paragraph 65 of the Local Government and Housing Act 1989; Section 341(1)(2) amended by Section 194(1), Schedule 11, paragraph 74(1)(2) of the Local Government and Housing Act 1989).

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

Exemptions 1, 2 and 3

Sections 55, 341 Housing Act 1985.

**Open Space Land on Housing Developments**

To acquire land on housing estates offered to the Council by developers for public open space purposes where such developers make a commuted payment at a figure to be assessed by Director - Regeneration and Planning.

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

Exemptions 1,2 and 3

Section 9 of the Open Spaces Act 1906.

**Overcrowding:**

Section 327, Housing Act 1985

To take proceedings relating to an occupier causing or permitting overcrowding under Section 327 of the Housing Act 1985. (Section 327(3) amended by Section 194(1), Schedule 11, paragraph 71(a)(b) of the Local Government and Housing Act 1989).

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

Section 331, Housing Act 1985

To take proceedings relating to a Landlord causing or permitting overcrowding under Section 331 of the Housing Act 1985. (Section 331(3) amended by Section 194(1), Schedule 11, paragraph 72(a)(b) of the Local Government and Housing Act 1989).

Exemptions 1 and 2 and 7

Section 333, Housing Act 1985

To take proceedings relating to the duty to inform the local authority of overcrowding under Section 333 Housing Act 1985.

Section 335, Housing Act 1985

To take proceedings relating to requests for information about persons sleeping in a dwelling under Section 335 of the Housing Act 1985.

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

<p>Section 338(1), Housing Act 1985 In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to serve a notice to abate overcrowding under Section 338(1) of the Housing Act 1985 and make any application to the court under Section 338 (2) if required.</p>	
<p><b>Parades and Processions</b> To make orders for parades and processions under the Town Police Clauses Act, 1847, in consultation with the Director – Regeneration and Planning.</p>	
<p><b>Planning Contravention and Enforcement Notices</b> To serve notices under the following sections: Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.</p> <p>In consultation with the Director – Regeneration and Planning, to take proceedings pursuant to Sections 171D and 179 of the Town and Country Planning Act 1990 (Planning Contravention and Enforcement Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Powers of Entry over Land and Buildings</b> In consultation with the Director - Regeneration and Planning:</p> <p>To exercise the powers of the local planning authority under Sections 324 and 325 of the Town and Country Planning Act 1990 and to seek permission for entry in relation to Crown land under Section 325A of The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (Right of Entry).</p> <p>To exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991.</p> <p>To exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 36B of the Planning (Hazardous Substances) Act 1990 To seek permission for entry in relation to Crown land under Section 325A of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>To authorise appropriate officers to enter premises under Section 95 of the Building Act, 1984</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, and 6 may apply.</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Procurement of External Legal Services</b> To set up the Authority’s own panels of external legal advisors to service areas of work, which will need high level and/or specialised external legal support.</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemption 3</p>
<p><b>Prohibition and Demolition Orders:</b>  Sections 20 and 21 Housing Act 2004 To make a Prohibition Order under Sections 20 and 21 and Emergency Prohibition Order under Section 43 of the Housing Act 2004 where the Executive Director – Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises. Section 265 Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p>To make a Demolition Order under Section 265 of the Housing Act 1985 where the Executive Director - Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises. Sections 270 (2) Housing Act 1985 and Section 33, Housing Act 2004 Where in consequence of the making of a Prohibition or Demolition Order the Council has fulfilled any obligation it may have pursuant to Section 39(1) of the Land Compensation Act 1973, in regard to the provision of suitable alternative residential accommodation, to initiate proceedings under Section 270(2) of the Housing Act 1985 or Section 33 of the Housing Act 2004 as appropriate</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p><b>Proper Maintenance of Land</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 216 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Prosecution for False Information</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 194 of the Town and Country Planning Act 1990 (Prosecution for false information).  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 8(6) of the Planning (Hazardous Substances) Act 1990 (Prosecution for false information).  Town and Country Planning Act 1990 Planning and Compensation Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 7</p>

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

<p><b>Prosecutions for Damage</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Prosecutions for damage).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Protection From Eviction Act 1977 - Section 1</b>                  To take proceedings relating to unlawfully depriving a residential occupier of premises and doing acts which are calculated to cause a residential occupier to give up occupation of a property under Section 1 of the Protection From Eviction Act 1977.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Purchase Notices</b>                  Upon receipt of a purchase notice, following consultation with the Director - Regeneration and Planning and the Chief Finance Officer of the Council, to issue a response notice and where it is proposed to purchase the property, proceed with the acquisition, on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Purchase of Properties in Clearance Areas</b>                  At the request of the Executive Director – Adult Social Care, Health and Wellbeing or Executive Director - Neighbourhoods, to negotiate to acquire properties offered for sale to the Council that are included in Clearance Areas declared by the Council under the Housing Acts on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Section 290 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Registering Legal Charges against a Private Property when the occupier becomes a permanent resident in Residential and Nursing Homes</b>                  In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, to register legal charges with the Land Registry against a private property whose occupier becomes a permanent resident of a residential and nursing home and under ordinary residence rules, is the responsibility of Sandwell Metropolitan Borough Council.</p> <p>Section 22 of the Health and Social Services and Social Security Adjudications Act 1983.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

<p><b>Rent Books:</b></p> <p><b>Section 332, Housing Act 1985</b> To take proceedings relating to information to be contained in rent book under Section 332 Housing Act 1985.</p> <p><b>Section 336, Housing Act 1985</b> To require production of a rent book under Section 336 of the Housing Act 1985 and take any proceedings under Section 336 (3) relating to a default.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Rent Matters - Rent Act 1977</b></p> <p><b>Section 81.</b> To take proceedings relating to requiring or receiving a payment in excess of the registered rent under a restricted contract.</p> <p><b>Section 94(4), Rent Act 1977</b> To take proceedings relating to entry in a Rent Book showing a tenant in arrears on account of rent which is irrecoverable.</p> <p><b>Section 94(5), Rent Act 1977</b> To take proceedings relating to refusal of a Landlord upon request to delete an entry in a rent book or similar document</p> <p><b>Section 119, Rent Act 1977</b> To take proceedings relating to the payment of a premium as a condition of a grant renewal or continuance of a protected tenancy</p> <p><b>Section 122, Rent Act 1977</b> To take proceedings relating to the requirement to pay a premium as a condition of the grant renewal or continuance of a restricted contract.</p> <p><b>Section 124, Rent Act 1977</b> To take proceedings relating to excessive payment by a prospective tenant for furniture and failure by a Landlord to provide an inventory of furniture to be purchased</p> <p><b>Section 126, Rent Act 1977</b> To take proceedings relating to the avoidance of requirements for advance payments of rents.</p> <p><b>Section 151, Rent Act 1977</b> To deal with matters relating to failure to comply with a notice requiring the name and address of the Landlord.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

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

<p><b>Removal of Lift Equipment</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to seek court orders for the removal of lift equipment provided to disabled persons, which in the opinion of the Director - Housing and Communities is dangerous or faulty.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2</p>
<p><b>Repayment of Outstanding Accommodation Costs - Health and Social Services and Social Security Adjudications Act 1983</b>                  In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, to exercise the powers under section 22 of the Health and Social Services and Social Security Adjudications Act 1983, to swear statutory declarations to support and facilitate the creation of a legal charge, restriction or class B Land Charge under the Land Charges Act 1972 on a person's beneficial interest in any land to secure repayment of outstanding accommodation costs and to ensure that, in all appropriate cases, interest is charged upon such sum charged or secured from the day after that on which the person for whom the accommodation has been provided dies in accordance with section 24 of the said Act.</p> <p>In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, to discharge such legal charge, to remove such restriction or to cancel such class B Land Charge.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1,2 and 5</p>
<p><b>Rights of Entry for Enforcement Purposes</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Right of Way Over Council Land</b>                  Where appropriate, to offer and agree Right of Way agreements in perpetuity on terms to be agreed by the Director - Regeneration and Planning in the following instances, subject to payment of the Council's legal fees: -</p> <ul style="list-style-type: none"> <li>- when such rights have previously been granted to former Council tenants;</li> <li>- when property with an existing agreement changes hands;</li> <li>- when a request is received for a new agreement to be granted.</li> </ul> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

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

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

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

<p><b>Service Tenancy Agreements</b> To negotiate and agree terms for service tenancy agreements for the purposes of parks and countryside management.</p> <p>Section 123 of the Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Temporary Traffic Regulation Orders/Notices for Temporary Road Closures</b> In consultation with the Director – Regeneration and Planning, to make Temporary Traffic Regulation Orders and issue notices for temporary road closures under the provisions of Sections 14(1) and 14(2) of the Road Traffic Regulation Act 1984.</p>	
<p><b>Use of Premises in Connection with Elections</b> To deal with applications for the use of premises in connection with elections at rents to be agreed with the Chief Finance Officer of the Council.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 3</p>
<p><b>Vehicular Right of Way Over Housing Land</b> Grants/requests for vehicular rights-of-way over housing land at rents to be determined by the Director - Regeneration and Planning, in consultation with the Executive Director – Neighbourhoods.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Wildlife and Countryside Act 1981</b> To deal with legal proceedings under Part 1 of the Wildlife and Countryside Act 1981 or any Order.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Withdrawal of Completion Notices</b> In consultation with the Director - Regeneration and Planning to withdraw, if appropriate, completion notices under section 94(5) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Civil Marriages - Licensing of Premises</b>  To determine any applications for the licensing of premises for the solemnisation of civil marriages;  To waive or remit in part any fees in connection with licensing applications, where the Executive Director - Resources considers it appropriate to do so;  To determine fees for a review undertaken by the Licensing Committee of a decision by the Executive Director - Resources to refuse an approval to attach local conditions or to revoke an approval of an application of premises for the solemnisation of civil marriages.</p> <p>Section 46A of the Marriage Act 1949 (c 76)</p>	<p>Grant of Permission or Licence:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 6 may apply</p>
<p><b>Commons Land</b></p> <p>Section 41 of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, to make an application for an Enforcement Order against unlawful works on registered common land under Section 41 of the Commons Act 2006.</p> <p>Section 45(2) (a) of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, to make arrangements to protect unclaimed registered common land and unclaimed town or village agreements against unlawful interference under Section 45(2) (a) of the Commons Act 2006.</p> <p>Section 45(2)(b) of the Commons Act 2006  In consultation with the Director - Regeneration and Planning, to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p> <p>Individual Rights:</p>
<p><b>Completion Notices</b>  In consultation with the Director - Regeneration and Planning, to serve completion notices under section 94(2) of the Town and Country Planning Act 1990.</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

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

<p><b>Cross Border Prosecutions in Non-Executive Matters</b>                  To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7</p>
<p><b>Discontinuance Notices</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 102 of the Town and Country Planning Act 1990 (Discontinuance Notices).                  (Section 102(4)(5) substituted and Section 108 amended by Section 21, Section 32, Schedule 1 Paragraph 6, Schedule 7 Paragraph 21 of the Planning and Compensation Act 1991) and section 121 Localism Act 2011.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Employment Tribunals</b>                  In consultation with the Executive Director - Resources, where the legal advice indicates that it is in the best interests of the Council to do so, to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 3 6 and 7 may apply</p>
<p><b>Education Statutory Appeals Panels</b>                  To advertise for and appoint persons, subject to their eligibility in each case, to the pool from which members will be selected to form Education Statutory Appeals Panels to hear appeals in accordance with the School Standards and Framework Act 1998 and other relevant legislation;</p> <p>To select three or five members from the pool of persons to form Appeals Panels to hear appeals in accordance with the Schools Standards and Framework Act 1998 subject to eligibility in each case;</p> <p>To appoint as necessary persons from the pool referred to above to act as Chairs of Appeals Panels.</p>	
<p><b>Electoral Fees</b>                  In consultation with the appropriate Cabinet Member, to approve the fees payable to Polling Station, Counting and Poll Card Delivery staff for local elections.</p> <p>Section 54 of the Representation of the People Act 1983.</p>	

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

<p><b>Enforcement of Conditions</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under section 187A of the Town and Country Planning Act 1990 (Enforcement of conditions)</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Enforcement Notices</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Entry to Properties or Land</b> To authorise appropriate officers to enter premises pursuant to section 17 of the Local Government (Miscellaneous Provisions) Act 1982. To issue requisite cards of authority to officers required to enter land or premises for inspection purposes.</p>	
<p><b>High Hedges</b> In consultation with the Director - Regeneration and Planning, to exercise powers in relation to the issue of Remedial Notices pursuant to Sections 69 and 70 of the Anti-social Behaviour Act 2003.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Highways Act 1980</b> To enter into agreements pursuant to section 25 of the Highways Act 1980.</p> <p>Sections 139 and 149 To instigate proceedings under Sections 139 and 149 of the Highways Act 1980 where he/she is satisfied as to the evidence.</p> <p>Section 178 – Wayleave Applications To determine applications for Wayleaves under Section 178 of the Highways Act 1980</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Injunctions</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 187B of the Town and Country Planning Act 1990 (Injunctions).</p> <p>In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Injunctions).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>

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

<p><b>Injunctions in Respect of Tree Preservation Orders</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 214A of the Town and Country Planning Act 1990 (Injunctions in respect of Tree Preservation Orders).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p><b>Interests in Land</b>                  Sections 16(1) and 16(2), Local Government (Miscellaneous Provisions) Act, 1976                  To serve notices under Section 16(1) to obtain particulars of persons interested in land and to take proceedings relating to the failure to provide particulars as to persons interested in land under Section 16(2) of the Local Government (Miscellaneous Provisions) Act, 1976.</p> <p>Section 330, Town and Country Planning Act 1990                  To exercise the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p><b>Legal Proceedings (Non-Executive Matters)</b>                  To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 7</p>
<p><b>Licensing Sub Committee</b>                  In consultation with the Chair of the Licensing Committee, to select replacement members from the Licensing Committee as necessary to serve on Licensing Sub Committees to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.</p> <p>Section 9 of the Licensing Act 2003</p>	
<p><b>Local Government and Housing Act 1989 – Monitoring Officer – Non-Executive Matters</b>                  With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all powers and duties under the Act be assigned to that post.</p>	

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

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

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

<p><b>Planning Contravention and Enforcement Notices</b>                  To serve notices under:                  - Sections 171C 172, 172A, 183,184, 187, 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.                   - Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Powers of Entry over Land and Buildings</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 214A, 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (Right to Entry and Protected Trees)</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2 6 and 7 may apply</p>
<p><b>Repairs Notice</b>                  In consultation with the Director - Regeneration and Planning and the Chief Finance Officer of the Council, to exercise the powers of the local planning authority under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Repairs Notice).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Require Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Rights of Entry in connection with Tree Preservation Powers</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 214B and 214C of the Town and Country Planning Act 1990 (Rights of Entry in Connection with Tree Preservation Powers).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Special Events on Roads</b>                  In consultation with the Director – Regeneration and Planning, to make Orders under Section 16A of the Road Traffic Regulation Act 1984 for special events on roads.</p>	

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

<p><b>Stop Notices</b> In consultation with the Director - Regeneration and Planning, to issue Stop Notices under Sections 183, 184 and 187 of the Town and Country Planning Act 1990 (Stop notices) and temporary stop notices and prosecutions in respect thereof pursuant to section 171E of the Town and Country Planning Act 1990 as amended by Section 52 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Temporary Listing: Building Preservation Notices</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Temporary Listing: Building Preservation Notices).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Town and Village Green Applications</b> In consultation with relevant Directors as necessary, to exercise the powers in relation to applications for registration of town and village greens under the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p><b>Tree Preservation Orders</b> To exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer.</p>	
<p><b>Wildlife and Countryside Act 1981 - Section 53</b> To make and confirm both Modification and Reclassification Orders under Section 53 respectively of Part III of the Wildlife and Countryside Act 1981.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

Director of Law and Governance and Monitoring Officer (cont)

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>                      The Chief Executive, Chief Finance Officer of the Council and Solicitor to the Council be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p><b>Council Dwelling Sales</b>                      In consultation with the Director – Regeneration and Planning, to complete all legal documentation in relation to the sale of a Council dwelling in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Decant Accommodation</b>                      In consultation with the relevant Director, to prepare agreements with owners and tenants, as necessary, of privately owned houses where decant Council accommodation is offered to facilitate renovation.                      Section 123 Local Government Act 1972.</p>	
<p><b>Freedom of Information and Environmental Information</b>                      To deal with all issues relating to Freedom of Information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 including:                      - <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply.                      - <u>Public Interest Test</u> - To determine whether in any particular case it serves the interests of the public better to withhold or to disclose information.</p>	
<p><b>Form of Identification for Members</b>                      To issue a form of identification to members on request.</p>	

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Documents</b> To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p><b>Improving or Perfecting Title to Council Land and Premises</b> In consultation with the appropriate Directors and where no capital expenditure is required for the exercise and funding is available for any legal or other costs and expenses involved to deal with any process whether involving registration of title and/or the completion of any deed or other document necessary so as to improve or perfect the title of the Council to any of its land and premises.</p> <p>Section 120 of the Local Government Act 1972.</p>	
<p><b>Mutual Undertakings in Conjunction with Compulsory Purchase Orders Under Part II of the Housing Act 1985</b> To draw up a Mutual Undertaking, to be used as part of the Empty Property Strategy Compulsory Purchase Order (CPO) process, in relation to CPOs approved under Part II of the Housing Act 1985, to include the carrying out of enforcement of CPOs.</p>	
<p><b>Recovery of Legal Costs for Disposal of Land</b> In consultation with the Director - Regeneration and Planning, to recover the Council's legal costs and expenses as part of the terms for the freehold disposal of Council owned land.</p> <p>Section 123 Local Government Act 1972.</p>	
<p><b>Sandwell Land and Property Company</b> Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.</p>	
<p><b>Statements of Truth</b> To sign statements of truth on behalf of the Council in the course of legal proceedings</p>	

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Statutory Transfers</b> To complete, sign and seal all documents necessary to give effect to transfer of land and premises pursuant to a Statutory obligation placed upon the Council.</p>	
<p><b>Supply of Committee Agenda and Reports</b> To supply copies of Committee agenda and reports prior to Committee meetings at the request of individual Council members.</p>	

Director of Law and Governance and Monitoring Officer (cont)	
Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Public Paths</b> To consult organisations or persons who from time to time express an interest in particular orders relating to public paths.  Section 26 Highways Act 1980.</p>	
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Land and Buildings Protocol 2016.</p>	

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

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

<b>Data Protection</b> To act as the Proper Officer in relation to all matters relating to Data Protection.	
<b>Local Authority Companies</b> In consultation with the relevant Director, to act as the authorised representative of the Council in respect of all companies of which the Council is or may become a member or a shareholder (Companies Act 2006).	
<b>Obtaining Legal Support and Advice</b> Where the estimated cost of engaging the support is estimated to not exceed £40,000, to appoint Solicitors or Barristers to provide legal support and advice to, or act on behalf of the Council and seek Counsel's opinion without recourse to obtaining written quotes in accordance with Standing Orders.	
<b>Proper Officer and Solicitor to the Council</b> To act as the Solicitor to the Council and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council. To undertake all functions which may from time to time be designated to the Solicitor to the Council by any Statute, Statutory Instrument, Regulation, Government directive, or decision of the Council, where it is clearly identifiable that the reference to the officer implies that the Solicitor to the Council is, for the Council's purposes, the relevant officer.	
<b>Representation of the People Act 1983</b> To act as the Deputy to the Proper Officer for the purposes of the Representation of the People Act 1983. To exercise the Council's functions under the Representation of the People Act 1983.	
<b>Deputy Monitoring Officer</b>  To delegate all powers exercisable to the Deputy Monitoring Officer in their absence.	

**Regulation of Investigatory Powers Act (RIPA) 2000 Regulation of Investigatory Powers Act (RIPA) 2000**

In order to protect the Council's legal position, in consultation with the Leader/Deputy Leader where necessary, to amend the operational guidelines for the application of RIPA to reflect changes in legislation and guidance accordingly.

## Director – Public Health

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Exclusions from Schools</b>                      Ordering exclusions from schools under Regulation 2 of the Health Protection (Local Authority Powers) Regulations 2010.                       Public Health (Control of Disease) Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1 and 2</p>
<p><b>Health Annual Report</b>                      Producing and publishing an annual report on the health of the local population.                       National Health Service Act 2006 Section 73B (as amended by the Health and Social Care Act 2012 Section 31)</p>	
<p><b>Improving the Health of Local People</b>                      Taking steps considered appropriate to improve the health of people in the area as required by section 2B (added by section 12 Health and Social Care Act 2012); and                       National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)</p>	
<p><b>Local Authority Public Health Functions</b>                      Exercising the health service functions of a local authority under, or as/may be prescribed under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).</p>	
<p><b>Notifiable Disease – Request for Information</b>                      Requiring information to be furnished by the occupiers of premises in which any person is or has been suffering a notifiable disease or food poisoning.                       Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes)                      Health and Social Care Act 2008, Schedule 15(3) Paragraph 1</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1 and 2</p>
<p><b>Prevention of the Spread of Disease</b>                      Requiring any person to discontinue work with a view to preventing the spread of disease.                       Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes)</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1,2, 3 and 6</p>
<p><b>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984</b>                      Removal of a body to a mortuary as required by section 48.</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1, and 2</p>

Director – Public Health (cont)	
<p><b>Removal to a Place of Care - National Assistance Act 1948</b> Applying under Section 47 to remove to a suitable place persons who are suffering from grave chronic illness or, being aged infirm or physically incapacitated, are living in insanitary conditions.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1 and 2</p>
<p><b>Verminous Articles for Sale - Public Health Act 1961</b> Disinfecting, destroying or removing from premises verminous articles intended for sale under section 37.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>
<p><b>Verminous People and Articles</b> Cleansing or destroying filthy or verminous articles under section 84;  Cleansing verminous persons and their clothing under section 85.  Public Health Act 1936</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1 and 2</p>

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

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

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

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

## Director of Regeneration and Growth

Delegation	Commentary
<p><b>Category A – Executive</b> Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b> To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 in connection with taking action against letting agents and property managers who have not joined a redress scheme when required to do so.</p> <p>Enterprise and Regulatory Reform Act 2013</p>	<p>in both R&amp;G and Housing</p>
<p><b>Acquisition In Advance of Programmed Highway Schemes</b> To negotiate for and agree terms for the acquisition of any interest in land or property offered to the Council, within five years of a programmed highway scheme, whenever it appears that it would be in the Council's best interest to do so, subject to the approval of agreed terms by the appropriate Cabinet Member or Committee.</p> <p><small>Section 248 of the Highways Act 1980.</small></p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Acquisition of Land up to £50,000</b> In consultation with the appropriate Director(s) and where it is confirmed that funding is available to negotiate and agree terms for the acquisition of land and premises up to a value of £50,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p> <p><small>Sections 120 and 123 of the Local Government Act 1972.</small></p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Advertisements – Enforcement functions under the Town and Country Planning Act 1990</b> To exercise the Council's functions in relation to section 224 of the Town and Country Planning Act 1990 (Enforcement of control as to advertisements).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

**Building Act 1984**

To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities in relation to the following sections of the Act:

Sections 8 to 11 – The relaxation of Building Regulations

Section 35 - The investigation of breaches of building regulations.

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

Section 37 – Power to withdraw a Notice under section 36 after receipt of a written report from a qualified person and payment of their expenses reasonably incurred.

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

Section 86 - Appeals to the Crown Court. Section 91 - Duty of local authority under section 91.

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

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

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

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

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

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

Exemptions 1, 2, 3, 6 and 7

<p>Section 22 – Power to require that buildings be drained in combination and the giving notice thereof to each owner affected.</p> <p>Sections 47 to 55, 57 to 58 – The supervision of plans and work by Approved Inspectors other than Local Authorities.</p> <p>Section 56 - Duty to keep a Register of all initial notices under section 47 of the Building Act 1984 and acceptance of amendment notices under section 51A.</p> <p>Sections 59 to 66 – The drainage and provision of sanitary conveniences</p> <p>Sections 69 and 70 – The provision of food storage accommodation.</p> <p>Section 72 – Means of escape</p> <p>Sections 74 and 75 – Consents for cellars and rooms below subsoil water level</p> <p>Sections 77 and 78 – Applications to Magistrates’ Court concerning dangerous buildings or structures, including emergency powers.</p> <p>Sections 80 to 83 – The demolition of buildings.</p> <p>Sections 92 to 94 - The form of notices etc and “proper officer”</p> <p>Sections 95 and 96 – The power of entry to premises and appointment of “proper officers”</p> <p>Sections 97 and 99 - The execution of works on behalf of owner or occupier.</p> <p>Section 100 - The power to sell materials.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Certificate of Appropriate Alternative Development</b> Powers of the local planning authority under section 17 of the Land Compensation Act 1961 (part iii) (Certificate of Appropriate Alternative Development).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

**Community Infrastructure Levy**

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

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

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

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

To reconsider and determine applications and take all necessary steps in connection with the exemptions and relief under part 6 Community Infrastructure Levy Regulations 2010 (reg 41-57)

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

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

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

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

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

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

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

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

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

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

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

To exercise the functions of the collecting authority and a relevant authority under regulations 88-111 Part 9 Community Infrastructure Levy Regulations 2010 (Enforcement) up to but not including the instigation of legal proceeding

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

Exemptions 1, 2, 3, 6 and 7

<p>To determine reviews of chargeable amounts under Regulation 113 Community Infrastructure Levy Regulations 2010 (except where the original decision was taken by the Director and not by another officer under arrangements made by the Director).</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Compulsory Purchase Orders – Acquisitions</b>  In cases where the relevant Director considers that there may be undue hardship, to negotiate and agree terms for the acquisition of land and premises offered with vacant possession to the Council, in advance of the confirmation of compulsory purchase orders made under Part IX of the Housing Act 1985, including costs and fees ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer and the relevant Director, as necessary, to negotiate and agree acquisition of land and premises offered with vacant possession to the Council, in advance of confirmation of Compulsory Purchase Orders, together with the payment of costs, discretionary payments and/or expenses as may be agreed.</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3 and 5</p>
<p><b>Compulsory Purchase, Demolition and Prohibition Orders - Compensation</b>  To negotiate and agree terms for the payment of appropriate compensation resulting from compulsory purchase, demolition and prohibition orders Part 1 claims on acquisition in advance thereof and negotiate agreed terms for discretionary payments ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Sections 584A and 584B of the Housing Act 1985. Compulsory Purchase Act 1965.</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2 and 3</p>
<p><b>Declaration of Clearance Areas</b>  To serve notices under Section 289 of the Housing Act 1985 (as amended) stating the Authority’s intention to declare a Clearance Area.</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3 and 6</p>

<p><b>Disposal of Land and Premises up to £100,000</b> In consultation with the appropriate Director, to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016, including consultation with the Director of Law and Governance and Monitoring Officer in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests. (see point 4.8 of the protocol)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disposal of Land and Premises at Auction</b> In consultation with the appropriate Director, to offer land and/or premises for disposal at auctions where the estimate of value does not exceed £100,000 ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>That the Director of Law and Governance and Monitoring Officer advises the Director – Regeneration &amp; Planning of the successful bidder and whether or not there is a potential conflict including where there is a relevant entry in the Members’ Register of Interests and the Employees’ Register of Interests.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disturbance Payments</b> To make payments for disturbance resulting from prohibition and demolition orders, compulsory purchase orders or acquisition by agreement in advance thereof in consultation with the Director of Law and Governance and Monitoring Officer.</p> <p>Section 37 of the Land Compensation Act 1973</p>	<p>Replicated in R&amp;G A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 6</p>
<p><b>Easements - Acquisition up to £50,000</b> In consultation with the appropriate Director(s) (and where it is confirmed that funding is available) to negotiate and agree terms for the acquisition by the Council of easements over/under land and premises where each such easement has a value of up to £50,000 Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>

<p><b>Gable Walls - Side Effects of Demolition</b>  In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair.  Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Grant of Leases – Managed Workspace</b>  To negotiate, and where a precedent lease has been prepared by the Director of Law and Governance and Monitoring Officer, to grant a lease of in accordance with the precedent lease, in respect of occupation of offices within Applewood Grove, Sandwell Business Centre, and Smethwick Enterprise Centre by third parties.</p>	
<p><b>Growth and Infrastructure Act 2013</b>  To exercise powers in relation to the provisions contained in the Growth and Infrastructure Act 2013.</p>	<p>In B Econ and R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>
<p><b>Historic Buildings Grants</b>  Determine applications for grant under the Historic Buildings Grants Scheme in accordance with the approved criteria for such grants, and to approve individual payments up to a maximum of £2,000.</p> <p>Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Intermediate Leasehold Interests - Sale of</b>  To deal with applications for the sale of intermediate leasehold interests owned by the Council in residential properties and if appropriate negotiate the terms of sale ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p>

<p><b>Leasehold Interests - Assignments and Sub-Letting</b>  To determine applications for assignments and sub-letting of leasehold interests in land and property managed by the Council.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Leases - Rent Reviews and Clauses</b>  To negotiate and agree rent reviews, lease renewals and clauses in leases in land and property managed by or occupied by the Council.</p> <p>To activate any lease clause in existing leases and to take action if appropriate against the lessee for any breach including, if necessary, repossession of the land/premises.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Licenses or Leasehold Interests - Acquisition up to £50,000</b>  In consultation with the appropriate director(s) and upon it being confirmed that funding is available for any premium payable and to meet future rental and other payments and costs, to negotiate and agree terms for the acquisition by or grant to the Council of License or Leasehold Interests (or renewal of any such interests) where any premium payable for each such interest has a value of up to £50,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Licensing and Letting of Land - Terms for</b>  To negotiate and agree terms for the licensing, letting and re-letting of land, properties and facilities, with the exception of municipal dwellings, garages and premises provided under the Housing Acts, but including shops in accordance with prevailing Council policy.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

<p><b>Localism Act 2011</b> To act and authorise others to act on his/her behalf in relation to the Council's duties and Responsibilities in relation to the following sections of the Act:</p> <p>Section 87 - to maintain list of assets of community value</p> <p>Section 90 - to determine and to authorise others to determine whether a nominated property should be added to the list of Assets of Community Value in consultation with the Director of Law and Governance and Monitoring Officer</p> <p>Section 91 - to give notification of inclusion or removal of land from list of Assets of Community Value</p> <p>Section 92(4) - to remove entry from the list following a review in consultation with the Director of Law and Governance and Monitoring Officer</p> <p>Section 93 - to maintain a list of land nominated by an unsuccessful community nomination</p> <p>Section 94 - to publish and make available lists</p> <p>Section 97 - to give notice of and to publicise receipt of notice of intended disposal of land</p> <p>Section 98 - to inform owner of request to be treated as a bidder</p> <p>Section 102 - to co-operate with other local authorities</p> <p>Sections 114-115 - Community Infrastructure Levy Sections 116-121 - Neighbourhood Planning Sections 123-127 - Planning Enforcement</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Mineshafts - Acquisition</b> To purchase of mine shafts where required in connection with Council developments, on terms agreed ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

<p><b>New Homes Grant</b> To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	<p>Duplicated in Housing</p>
<p><b>Non-Material Changes to Planning Permissions</b> Power of the Local Planning Authority to make non-material changes to planning permission under Section 96A of the Town and Country Planning Act 1990 (as amended by Part 9 of the Planning Act 2008).</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>
<p><b>Notices under the Leasehold Reform Act 1967 (as amended) and Negotiations for the Sale of Reversions</b> In accordance with prevailing Council policy to accept and determine statutory notices served on the Council under the Leasehold Reform Act 1967 (as amended) and to negotiate for the sale of freehold and leasehold reversionary interest at market value in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.  Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 3, 5 and 6</p>
<p><b>Number and renumber properties</b> To number and renumber properties on streets under section 64 of the Town Improvement Clauses Act 1847.</p>	

<p><b>Open Space Land and Areas of Laid Out Open Space with Known Contamination, Potential Contamination, Other Ground Condition Problems /Encumbrances or Legal Problems</b> To negotiate and agree the acquisition of land offered to the Council as laid out open space in accordance with the criteria set out in Appendix 1 to Minute No. 6/98 of the former Finance and Resources Strategy Committee, subject to any requests which fall outside the policy being submitted to the appropriate Cabinet Member or Committee for consideration.</p> <p>Section 9 of the Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Placards and Posters - Right to Obliterate/Remove</b> Powers of the local planning authority under Sections 225, 225A, 225C, 225E, 225F, 225G, 225H 225J of the Town and Country Planning Act 1990 (Right to obliterate/remove placards and posters).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Planning and Compulsory Purchase Act 2004</b> In consultation with the Director of Law and Governance and Monitoring Officer, to take any appropriate executive action permitted by this legislation ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2,3 and 6</p>
<p><b>Planning Committee</b> In the event that the Planning Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	

<p><b>Planning Contravention Notices / Planning Enforcement Notices</b></p> <p>In consultation with the Director of Law and Governance and Monitoring Officer, to act and authorise others to act and serve notices in relation to the Council duties and responsibilities on the following matters:-</p> <p>To exercise powers under Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and 171C - 171D of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.</p> <p>To exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, and 7</p>
<p><b>Public Path Orders - Claims for Compensation</b></p> <p>To assess and pay any claims for compensation pursuant to section 28 of the Highways Act 1980 (compensation for loss caused by Public Path Creation Order)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Purchase Notices</b></p> <p>To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has issued a response to a Purchase Notice indicating that a property will be purchased ensuring all necessary statutory or other authorities in connection with the acquisition have been agreed.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Persons Interested in Land</b></p> <p>Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

<p><b>Right of Way Over Council Land</b> Where appropriate, to offer and agree Right of Way agreements in perpetuity, on terms to be agreed, in the following instances, subject to payment of the Council's legal fees: -</p> <ul style="list-style-type: none"> <li>(a) when such rights have previously been granted to former Council tenants;</li> <li>(b) when property with an existing agreement changes hands;</li> <li>(c) when a request is received for a new agreement to be granted.</li> </ul> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated B Econ, Housing, R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p><b>Service Contracts</b> To negotiate and agree the terms and conditions of any property interest where the Council has granted a Service Contract to a third party or partner of the Council.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Site Investigations</b> To carry out site investigations, where appropriate, prior to land being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	
<p><b>Possession Proceedings</b> To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	

<p><b>Concessionary Charges for Facilities</b> To determine applications for free or concessionary use of facilities from registered Sandwell charities or non-profit making organisations.</p> <p>Section 137 of the Local Government Act 1972</p>	Was in EDN
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<p><b>Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)</b> To exercise the Council's functions under the Housing Act 2004 as set out in the table below.</p>		
S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	duplicated in Housing and R&G
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

## Director – Regeneration & Growth (cont)

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>Serving an improvement notice under Section 11 or Section 12.</li> <li>Making a prohibition order under Section 20 or Section 21.</li> <li>Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>Taking emergency remedial action under Section 40</li> <li>Making an emergency prohibition order under Section 43.</li> <li>Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3 Paragraph 5	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	<p>Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection</p>	
Schedule 3 Paragraph 4	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

<p><b>Interest in Land</b> – The power of local authorities to obtain particulars of persons with interests in land.</p> <p>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 6</p>
<p><b>Local Area budget – Use of funds</b> to disburse funds from the local area budget to address local problems/needs and to assist local, voluntary and community sector groups in strengthening and building community cohesion ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Section 137 Local Government 1972</p>	
<p><b>New Homes Grant</b> To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	
<p><b>Persons Interested in Land</b> Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Duplicated in Housing</p>
<p><b>Trees in Private Ownership - Local Government (Miscellaneous Provisions) Act 1976</b> To exercise powers in respect of trees in private ownership that threatens damage to persons or property.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3 and 6</p>

<p><b>Urgent Works of Preservation</b> Powers of the local planning authority under Section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Uncollected Property</b> To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Voluntary Organisations - Terms of Model Lease of Council Property</b> In consultation with the appropriate director and in accordance with prevailing policy, to conclude terms of leases approved by Cabinet for occupation of Council property by Voluntary Organisations.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Wayleaves and Easements for the Planting of Apparatus</b> To negotiate and authorise the grant of licences for wayleaves and easements for the planting of apparatus in, under or over Council owned land on terms to be agreed.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b> Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Advertisement Consent</b> To deal with applications under regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Applications for Advertisement Consent).</p> <p>Section 220 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>

<p><b>Application by an interested Planning Authority</b> Powers of the local planning authority under Regulation 3 of the Town and Country Planning General Regulations 1992 (application by an interested planning authority).</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	
<p><b>Applications for Prior Approval - Town and Country Planning (General Permitted Development) (England) Order 2015</b> To deal with applications for prior approval in respect of domestic extensions and any other operational matters to enable the Director -Regeneration and Planning to comply with the statutory obligations pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Boards on street lamp columns</b> To deal with applications to attach boards, signs and other media to lamp columns.</p> <p>Town and Country Planning (Control of Advertisements) Regulations 2007 (SI 2007/783)</p>	<p>Grant of Permission or Licence:</p>
<p><b>Breaches of Planning, Advertisement and Hazardous Substances Control</b> The investigation of breaches of planning, advertisement and hazardous substances control, including the investigation of breaches in relation to Crown Land as provided for by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Building Preservation Notices Temporary Listing:</b> In consultation with the Director - Governance, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Certificate of lawful Use or Development or Proposed Use or Development</b> Determination of applications under Sections 191 and 192 of the Town and Country Planning Act 1990 (Applications for Certificate of Lawful Use or Development or Proposed Use or Development).</p>	<p><b>Certificate of lawful Use or Development or Proposed Use or Development</b> Determination of applications under Sections 191 and 192 of the Town and Country Planning Act</p>

<p><b>Conditions on the Grant of Planning Permission</b> Powers of the local planning authority under Section 72 of the Town and Country Planning Act 1990 where the application refers to a minor matter (power to impose conditions on the grant of planning permission).</p>	<p><b>Conditions on the Grant of Planning Permission</b> Powers of the local planning authority under Section 72 of the Town and Country Planning Act 1990 where the application refers to a minor</p>
<p><b>Decline to Determine an Application for Planning Permission</b> Powers of the local planning authority under Section 70A of the Town and Country Planning Act 1990 (decline to determine an application for planning permission) as amended by Section 43 of the Planning and Compulsory Purchase Act 2004 [and Section 70B and 70C of the Town and Country Planning Act as amended by Schedule 7 of the Planning Act 2008 and as amended by the Localism Act 2011.]</p>	
<p><b>Delegation Agreement</b> Where relevant, to determine those applications that are delegated to the Director under this scheme of delegation in accordance with any Delegation Agreement which may, from time to time, be approved and adopted by the Council's Planning Committee (reference to Appendix 1).  Schedule I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>	
<p><b>Demolition of Buildings</b> Powers of the local planning authority under Schedule 2 Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (Demolition of Buildings).</p>	
<p><b>Determination of Applications Under Section 70 of the Town and Country Planning Act 1990</b> Determination of all applications under Section 70 of the Town and Country Planning Act 1990, other than major developments, in accordance with any prevailing delegation agreement, and to accept or reject minor alterations to approved planning permissions.</p>	

<p><b>Development Carried out Before the Date of the Application</b>  Determination of applications under Section 73A of the Town and Country Planning Act 1990 where the application refers to a minor matter (development carried out before the date of the application).</p>	
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<p><b>Discontinuance of Use or Alterations or Removal of Buildings or Works</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Section 102, Section 102(4)(5) and Sections 107 and 108 of the Town and Country Planning Act 1990 (as amended)</p>	
<p><b>General Planning Delegation</b>  To undertake those functions of the local planning authority that arise from time to time pursuant to any statute, statutory instrument or government directive and which are required to administer and properly consider a planning application and give effect to planning decisions granted by the Council's Planning Committee, Council or by the Director - Regeneration and Planning under powers to determine applications for planning consent delegated to him by the Council, except for instances where to do so may be politically sensitive to the Council in terms of its effects upon the public at large and where the application for development is submitted by the Council.  That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Economy when undertaking those functions of the local planning authority in the event that there is a potential conflict including where there is a relevant entry in the Members' Register of Interests and</p>	
<p><b>Government Planning Policy Guidance on Telecommunications - Permitted Development Rights - Delegation of Powers</b>  To determine the detail of the sitting and appearance of telecommunications apparatus.  This decision is made pursuant to the non-executive power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	

<p><b>Heritage Partnership Agreement</b> To enter in to Heritage Partnership Agreements, the making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990</p>	
<p><b>Interests in Land - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</b> The power of local authorities to obtain particulars of persons with interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt 1, 2, 6 and 7</p>
<p><b>Listed Building Consent</b> The making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990 S178 – Town and Country Planning Act 1990 – execution of works required by enforcement</p>	<p>Grant of Permission or Licence:</p>
<p><b>Planning and Contravention Notices</b> In consultation with Director of Law and Governance and Monitoring Officer, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the following matters:-</p> <p>To exercise powers under Sections 171C, 172, 172A, 183,184, 187 and 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p> <p>To exercise powers under Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

<p><b>Planning (Hazardous Substances) Act 1990</b> To exercise all powers or duties with regard to issuing consents and certificates in respect of hazardous substances under sections 7, 8, 9 and 10</p> <p>The determination of applications for the removal o conditions attached to Hazardous Substances consents under section 8</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) in respect of hazardous substances consents under sections 14, 15,16 and 17</p> <p>The determination of applications for continuation of hazardous substances consents under section 18</p> <p>The determination of application for compensation under section 19</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
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**Powers of Entry over Land and Buildings**

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

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

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

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

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 36B of the Planning (Hazardous Substances) Act 1990 and to seek permission for entry in relation to Crown land under Section 36C of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004

**Individual Rights:**

All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

<p><b>Public Right of Way Extinguishment - Housing Act 1985</b>  To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.</p>	Duplicate B Econ and Regen
<p><b>Requisitions for Information - Section 330 of the Town and Country Planning Act 1990</b>  To act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Reserved Matters - Determination of Applications</b>  Determination of applications for the approval of “reserved matters” and the discharge of conditions imposed under Sections 70 and 72 of the Town and Country Planning Act 1990.</p>	Grant of Permission or Licence:
<p><b>Rights of Entry for Enforcement</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Sections 178, 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

<p><b>Section 106 Agreements and Community Infrastructure Levy (CIL)</b>  To refuse all planning applications and other related consents where the section 106 planning obligation or CIL has not been signed within a period of 12 months from the date of the committee resolution and no extension of time has been agreed by the Planning Committee.</p> <p>Town and Country Planning Act 1990  Planning Act 2008  Community Infrastructure Levy Regs 2010</p>	
<p><b>Stopping-up of highways and rights of way - Town and Country Planning Act 1990</b>  - Section 247 - To authorise the stopping up or diversion of a highway;  - Section 257 - To authorise the stopping up or diversion of a footpath, bridleway or restricted byway;  Section 258 - To extinguish public rights of way over land held for planning purposes.</p>	
<p><b>Telecommunication Code System Operators</b>  Powers of the local planning authority under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (Development by Telecommunication Code System Operators).</p>	
<p><b>Town and Village Green Applications</b>  In consultation with the Director of Law and Governance and Monitoring Officer to exercise the powers in relation to applications for registration of town and village greens under the Commons Registration Act 1965, Commons Act 2006 and the Commons Registration (England) Regulations 2014.</p>	
<p><b>Tree Preservation Orders</b>  In consultation with the Director of Law and Governance and Monitoring Officer e to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	Replicated in B Econ

<p><b>Urgent Works of Preservation</b> Powers of the local planning authority under Section 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7</p>
<p><b>Works in Default</b> In consultation with the Director of Law and Governance and Monitoring Officer, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Works in Default Section 215 Notice).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Consent to Alter and Erect Premises or Change the Use of Land and Premises</b> To determine applications for consent to alter and erect premises or to change the use of land and premises either comprised or owned or previously owned by the Council and where any covenant may require consent, and where, appropriate, to negotiate the terms and conditions of any such consent</p>	

Director – Regeneration & Growth	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Appropriation of Council Owned Land and Property</b> In consultation with the Chief Finance Officer of the Council and appropriate Directors, to deal with the appropriation of Council owned land and property between service areas and to instruct the Chief Finance Officer to amend the asset and ownership records and to adjust the accounts accordingly.</p>	
<p><b>Building Act 1984 - Proper Officer-</b> To sign orders, notices and documents as appropriate for the purposes of the Building Act 1984.</p>	

<p><b>Compulsory Purchase Orders - Acquisitions</b> Approval of Valuation Compensation and related reports on land and property in confirmed Compulsory Purchase Orders.</p>	<p>regen from asset management but replicated in housing</p>
<p><b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
<p><b>Employment and Skills Interventions</b> To commission employment and skills interventions from the private and voluntary sectors in accordance with the approved Working Neighbourhoods Fund Commissioning Framework.</p>	
<p><b>Planning Decision Notices</b> Designated as the Proper Officer for signing decision notices for applications for planning permission dealt with under: -</p> <p>Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991);</p> <p><b>Planning (Listed Buildings and Conservations Areas) Act 1990;</b></p>	
<p><b>Quarterly Reports</b> Preparation and publication of quarterly reports in accordance with the Code of Practice on the publication of information about the handling of planning applications.</p>	
<p><b>Service Level Agreements</b> To negotiate and agree service level agreements between the Council and voluntary organisations in receipt of grant aid from the Regeneration Division.</p> <p>Section 48 of the Local Government Act 1985.</p>	
<p><b>Surveyors' and Legal Costs and Expenses</b> To agree the Council's surveyors' and in consultation with the Director of Law and Governance and Monitoring Officer legal costs and expenses as part of the terms for the disposal of Council owned land and premises.</p>	

<p><b>Voluntary Organisations and Model Lease - Central Register of Properties</b>          To prepare and maintain a central register of all properties affected by the policy and the model lease.</p>	
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<p><b>Director – Regeneration and Growth (cont)</b></p>	
<p>Delegation</p>	<p>Commentary</p>
<p><b>Category D – Ancillary to a Non- Executive Decision</b>          Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	

<p><b>Commuted Sum with Vendors to Meet Ongoing Management, Maintenance and Monitoring of Matters Associated with the Future Use of the Land</b>  In consultation with the Chief Finance Officer of the Council, to agree a commuted sum with vendors to meet ongoing management, maintenance and monitoring of matters associated with the future use of the land, other than surface landscaping.</p> <p>Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Consultations from Adjoining Local Planning Authorities on Planning Applications</b>  Authority to respond to consultations from adjoining Local Planning Authorities on planning applications.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.</p>	
<p><b>Consultation under the Planning Act 2008</b>  Authority to respond to consultations under the Planning Act 2008.</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>	
<p><b>Notices Refusing Planning Permission</b>  Despatch of notices refusing planning permission where directed by central government or otherwise in accordance with the appropriate legislation.</p>	

<p>Authority to Act</p>	
<p><b>Category E</b>  Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Local Land Charges Act, 1975 – Maintenance of Register</b>  To keep the local Land Charges Register and sign all</p>	
<p><b>Survey of Area</b>  To keep under review the matters which may be expected to affect the development of Sandwell’s area or the planning of its development pursuant to section 13 of the Planning and Compulsory Purchase Act 2004.</p>	

## All Directors

Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Acquisitions</b>            Where it is confirmed that appropriate funding is available, to authorise the acquisition of land and premises required for operational purposes up to a value of £50,000 subject to the terms and conditions of the acquisition being approved by the Director – Regeneration and Planning</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	
<p><b>Leases to Voluntary Organisations</b>            In consultation with the Director - Regeneration and Planning, to determine the terms of leases of Council properties to voluntary organisations, any rental subsidy for new leasing arrangements with an annual rental under £20,000 per annum and all renewals of existing leases.</p> <p>Section 123 of the Local Government Act 1972. Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p><b>Ombudsman Findings - Payment of Compensation</b>            In consultation with the Director of Law and Governance and Monitoring Officer, to pay compensation up to a maximum of £2,000 in cases where it is likely that the Local Government Ombudsman would make a finding against the Council, subject to any necessary approval of the Secretary of State.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p><b>Power of local authorities to prosecute or defend legal proceedings</b>            Where it is considered expedient for the promotion or prosecution of the interests of the inhabitants of the Borough to act and authorise others to act under Section 222 of the Local Government Act 1972 and to instruct the Director and Governance and Monitoring Officer to prosecute or defend legal proceedings.</p>	
<p><b>Supply of Services to External Bodies (under Executive Law)</b>            In consultation with the Chief Executive or their nominee to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.</p> <p>Relevant provisions within legislation not listed in the Functions Regulations, determined on a case by case basis</p>	

**Grant Applications -**

To approve applications for grants in accordance with the approved and appropriate criteria and to approve payment up to a maximum of £10,000 in appropriate cases.

A number of decisions within this delegation may be exempt from publication:  
Exemptions 1, 2 and 3

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

All Directors (cont)	
<p><b>Supply of Services to External Bodies (under Non-Executive Law)</b>            In consultation with the Director of Finance, to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.</p> <p>Relevant provisions within legislation as listed in the Functions Regulations, determined on a case by case basis</p>	<p>Contract or Incurring Expenditure:            All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 &amp; 5 may apply</p>
<p><b>Transfers Between Budget Heads</b>            In consultation with the Director of Finance, to make individual transfers between budget heads of up to £100,000 or 5% of an approved target budget (whichever is the lower) in accordance with Financial Regulations.</p> <p>Section 151 Local Government Act 1972 (duty to make arrangements for proper administration of financial affairs)</p>	

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

## All Directors (cont)

### Changes to Establishment

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

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

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

All decisions within this delegation are to be published unless exempt

Exemptions 1, and 2, 4 and 7

### Disposal of Small Areas of Land

To determine that areas of land up to a value of £100,000 are no longer required for the purposes of the particular service area and to refer them to the Director - Regeneration and Planning to negotiate terms for disposal in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

Section 123 of the Local Government Act 1972

### Grants to Voluntary Organisations

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

Section 48 of the Local Government Act 1985

### Hire of Council Premises

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

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

### Recruitment Incentives

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

Local Government and Housing Act 1989 and Section 112 of the Local Government Act 1972

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

All Directors (cont)

Authority to Act	Commentary
<p><b>Category E</b>                      Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Attendances of Staff at Conferences and on Courses</b>                      To authorise the attendance of staff on courses and conferences in the United Kingdom of a duration not exceeding one week and/or an inclusive cost not exceeding £5,000. Costs in excess of £5,000 and periods exceeding one week will be subject to consultation with the appropriate Cabinet Member.</p> <p>Section 112 of the Local Government Act 1972</p>	
<p><b>Affidavits and Declarations</b>                      For the purposes of, or in anticipation of any proceedings involving the Council, to:-</p> <ul style="list-style-type: none"> <li>(a) swear affidavits;</li> <li>(b) make declarations and statements;</li> <li>(c) execute any other documents;</li> <li>(d) and to authorise any employees, for whom they have management responsibility, to do likewise.</li> </ul>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 &amp; 5 may apply</p>

## Miscellaneous Officers

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Authorisation of Officers</b>                      To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing:</p> <p>Fraud Act 2006                      Equality Act 2010                      Health Act 2006                      Deregulation Act 2015                      Public Health Act 1925 Part VIII                      Transport Act 1980 – Section 64 – Roof signs                      Transport Act 1985 Part I                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></p>	
<p><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, to institute, defend and withdraw legal proceedings arising from an executive function, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	
<p><b>Mental Capacity Act 2005</b>                      To act as Financial Deputy under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act:</p> <p><b>Finance Business Partner (Adults)</b></p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption to 7</p>

**Miscellaneous Officers (cont)**

**Regulation of Investigatory Powers Act 2000**

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

**Head of the Paid Service;**

**Directors;**

**Audit Services Manager;**

**Counter Fraud Unit Manager;**

**Trading Standards and Licensing Manager;**

**Environmental Health Manager**

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

**Head of the Paid Service,**

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

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

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

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

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

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

Exemption, 2 and 3

Miscellaneous Officers (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Authorisation of Officers</b>                      To authorise officers to enforce non-executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006                      Equality Act 2010                      Health Act 2006                      Deregulation Act 2015                      Public Health Act 1925 Part VIII                      Transport Act 1980 – Section 64 – Roof signs                      Transport Act 1985 Part I                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Part 2 of the Local Government (Miscellaneous Provisions) Act 1976                      Town Police Clauses Act 1847                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></p>	<p>Grant of Permission or Licence:                      Individual Rights                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, to institute, defend and withdraw legal proceedings arising from non-executive functions, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Street Trading –</b>                      To approve fees relating to approved consent streets for the purposes of street trading.</p> <p>Paragraph 9 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p style="text-align: right;"><b>Markets Manager</b></p>	

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

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

**Advertising on Hackney Carriages**

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

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

Local Government (Miscellaneous provisions) Act 1976.

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

Exemptions 1, 2. 6 and 7 may apply

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

To deal with applications for Private Hire and Hackney Carriage Licences

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

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

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

Exemptions 1, 2. 6 and 7 may apply

**Approved List of Vehicles**

To approve and add manufacturers/converters and vehicles to the approved list of vehicles permitted to be licensed as hackney carriages in Sandwell.

Local Government (Miscellaneous Provisions) Act 1976.

Grant of Permission or Licence

**Miscellaneous Officers (cont)**

**CCTV**

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

Local Government (Miscellaneous Provisions) Act 1976.

**Consideration of Driving Experience**

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

Local Government (Miscellaneous Provisions) Act 1976.

**Disclosure Barring Service Disclosure**

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

**Exemption to Displaying Plates and Signs**

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

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

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

**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.

**Medical Officer Certification**

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

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

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

**Miscellaneous Officers (cont)**

<p><b>Non-Compliance with the Colour Policy</b></p> <p>To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles, or hackney carriages.</p>	
<p><b>Security Screens</b></p> <p>To approve requests for advertisements on security screens in private hire vehicles</p>	
<p><b>Sign and Attest Documents</b></p> <p>To sign decision notices for applications for planning permission which have otherwise been delegated to the Director – Regeneration and Economy, dealt with under: -</p> <ul style="list-style-type: none"> <li>- Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991);</li> <li>- Planning (Listed Buildings and Conservations Areas) Act 1990;</li> <li>- Planning (Hazardous Substances) Act</li> <li>- Building Act 1984</li> </ul> <p style="text-align: center;"><b>Development Management and Regulatory Services Manager Spatial Planning and Development Manager</b></p>	
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage</p>	
<p><b>Suspension of Vehicle Licences</b></p> <p>The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p>	

Miscellaneous Officers (cont)

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

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

Exemptions 1, 2, 6 and 7 may apply

**Miscellaneous Officers (cont)**

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

Miscellaneous Officers (cont)

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

Miscellaneous Officers (cont)

Authority to Act	Commentary
<p><b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Data Protection Act 1980</b> To undertake or commission investigations into alleged breaches of Data Protection legislation, including the interviewing of relevant persons and the inspection of all relevant records and recorded data.</p> <p><b>Service Manager – Governance; Governance Services Manager</b></p>	
<p><b>Licensing Act 2003 – Designation as Responsible Officer</b> To act as the designated appropriate officer for the purpose of discharging the functions of the Council as the responsible authority under Sections 13 and 69 of the Licensing Act 2003.</p> <p><b>Trading Standards and Licensing Manager</b></p>	
<p><b>Signing of Notices</b> To sign notices as required by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 notifying owners/occupiers that a building has become listed</p> <p>Planning (Listed Buildings and Conservations Areas) Act 1990</p> <p><b>Conservation Officer</b></p>	
<p><b>Solicitor to the Council</b> In the absence or inability to act of the Solicitor to the Council or in the event of a vacancy in that office and only in consultation with the Chief Executive or another person authorised to act for him/her, to act as the Solicitor to the Council in relation to all matters for which the Solicitor to the Council is the Proper Officer and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council.</p> <p><b>Deputy Monitoring Officer</b></p>	
<p><b>Statutory Data Protection Officer</b> To undertake the duties of the Statutory Data Protection Officer.</p> <p>General Data Protection Regulations</p> <p><b>Deputy Monitoring Officer</b></p>	

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

## Non Council Employees

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

**Non Council Employees (cont)**

**Regional Scambuster Team**

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

**Birmingham City Council**

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

A number of decisions within this delegation may be exempt from publication:  
  
Exemptions 1, 2, 3, 5, 6 and 7

**Non Council Employees (cont)**

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

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

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

Non Council Employees (cont)	
Authority to Act	Commentary
<b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
<b>Consumer Credit Act 1974 -</b> Trading Standards Services of Birmingham City Council authorised to undertake the Council's function relating to the enforcement of Part III of the Consumer Credit Act 1974.  <b>Trading Standards Services of Birmingham City Council</b>	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2 & 5 may apply
<b>Proper Officer - Public Health (Control of Disease) Act 1984</b> Acting as Proper Officer in signing notices, orders or documents given, made or issued by the authority on behalf of the authority under section 59.  From the West Midlands West Public Health England Team: <b>Unit Director</b> <b>Consultants in Communicable Disease Control</b> <b>Regional Epidemiologist</b>  Section 270(3) of the Local Government Act 1972. Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2, 5 & 6 may apply

## Partnership Arrangements

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

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

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

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

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

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**LEADER OF THE COUNCIL**  
**CABINET MEMBER APPOINTMENTS AND PORTFOLIOS**

I, Councillor Rajbir Singh, Statutory Leader of Sandwell Council hereby confirm the Cabinet Portfolios and Cabinet Member appointments pursuant to the Local Government Act 2000(as amended), Local Government Public Involvement in Health Act 2007 (as amended) and associated Regulations with effect from 25 May 2021.

I confer all executive functions, powers and responsibilities falling within the scope of each Cabinet Portfolio to the respective Cabinet Member as detailed in Appendix 1 hereto (unless otherwise reserved to the Statutory Leader of the Council or the Cabinet or Council Officer under Appendix 1 and/or the Council's Executive's arrangements including the Scheme of Delegation to Officers). In the event that there is any dispute/ambiguity arising over the delegation/discharge of any executive functions, responsibilities and powers in respect of Appendix 1, the Statutory Leader shall resolve any such dispute/ambiguity.

	<b>Cabinet Portfolios</b>	<b>Cabinet Member</b>
1.	Strong and Resilient Communities	Cllr Maria Crompton (Deputy Leader)
2.	Best Start in Life	Cllr Karen Simms
3.	Connected and Accessible Sandwell	Cllr Jackie Taylor
4.	Finance, Council Sustainability and Transformation	Cllr Wasim Ali
5.	Governance and Democracy	Cllr Danny Millard
6.	Living and Ageing Well	Cllr Suzanne Hartwell
7.	Quality Homes and Thriving Neighbourhoods	Cllr Zahoor Ahmed
8.	Strong and Inclusive Economy	Cllr Iqbal Padda

Signed \_\_\_\_\_

Date: 25 May 2021

**Councillor Rajbir Singh**  
Leader of the Council



<p><b>Leader of the Council: Cllr Rajbir Singh</b></p>	
<p style="text-align: center;"><b>ONE COUNCIL ONE TEAM</b></p>	
<p><b>Scope</b></p> <ul style="list-style-type: none"> <li>• Vision 2030 and Corporate Plan Delivery</li> <li>• Combined Authority</li> <li>• Strategic Partnerships</li> <li>• Devolution</li> <li>• Public Relations</li> </ul>	
<p><b>Key Portfolio Responsibilities</b></p> <p>To provide overall political leadership and strategic policy direction in relation to all executive functions, duties and responsibilities falling within this Portfolio scope (and all other Portfolios as required/necessary) to the Council, the Cabinet, Partners and Stakeholders as deemed appropriate by the Leader of the Council.</p> <p>To act as the Council’s principal spokesperson on Council policy and/or matters affecting the Borough or its citizens at local, regional, national and international level.</p> <p>Notwithstanding any delegations approved by the Leader of the Council in this Appendix or otherwise, to undertake and discharge all Executive duties and responsibilities, and exercise all Executive powers and authority, required or expected of the Leader of the Council in accordance with the Leader and Cabinet Executive form of governance.</p> <p>To provide Executive leadership to the Council and Executive on overall strategic and policy direction to deliver Vision 2030 and the Corporate Plan.</p> <p>To lead and provide direction on all matters relating to the Combined Authority (unless otherwise delegated or required).</p> <p>To co-ordinate and determine the Executive roles and responsibilities of Cabinet Members, Cabinet (inc. Cabinet Committees) and Officers (as necessary) in relation executive functions, powers and responsibilities.</p> <p>Where not otherwise reserved to the Council, a Committee of the Council or other body under the Local Authority Functions Regulations, or where authority has not been delegated to a Chief Officer and, in consultation with a relevant Cabinet Member, as necessary, to take the lead responsibility within the Executive for: -</p>	
<ul style="list-style-type: none"> <li>• Overall responsibility for driving the delivery of Vision 2030 and</li> </ul>	<ul style="list-style-type: none"> <li>• The Local Economic Partnership, Black Country Consortium, Midland Engine,</li> </ul>

<p>Corporate Plan Priorities and Outcomes.</p> <ul style="list-style-type: none"> <li>To develop and lead strategic partnership relationships and provide strategic community leadership for partners, residents and stakeholders.</li> </ul> <p style="text-align: right;">Officer lead: Chief Executive</p>	<p>Association of Black Country Authorities including their inter-relationship with the functions of the Combined Authority, and any other strategic partnership(s) (not otherwise falling within another Cabinet Portfolio).</p> <p style="text-align: right;">Officer Lead: Chief Executive</p>
<ul style="list-style-type: none"> <li>The strategic lead for delivering the Corporate Plan priorities in collaboration with partners in Sandwell and the wider region and nationally.</li> </ul> <p style="text-align: right;">Officer lead: Chief Executive</p>	<ul style="list-style-type: none"> <li>All executive functions, powers, duties and responsibilities falling within all other areas of service provision or activities of the Council which are not otherwise delegated/allocated to a Cabinet Member, the Cabinet (inc. any Cabinet Committee) or Officer.</li> </ul> <p style="text-align: right;">Officer lead: Chief Executive</p>
<ul style="list-style-type: none"> <li>The formulation of proposals and/or making recommendations, as required, in relation to the political management and/or decision-making structures/arrangements of the Council, including the Council's Constitution.</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive Director of Law and Governance &amp; Monitoring Officer</p>	<ul style="list-style-type: none"> <li>Engagement in and making recommendations in relation to key civic and ceremonial functions, events and related matters.</li> </ul> <p style="text-align: right;">Officer lead: Chief Executive Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>The strategic lead for the development of and to represent the Council's interests in the Combined Authority.</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive</p>	<ul style="list-style-type: none"> <li>Press and media relations; communications; marketing and the image of the Council, including the development, promotion and marketing of public events.</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive</p>
<ul style="list-style-type: none"> <li>The strategic lead in maintaining the Council's interest in the economic development and regeneration of the Borough and the wider region, through the work of the Combined Authority, including the effectiveness and efficiency of transport.</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive Director – Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>Any formal dispute resolution exercise/mechanism with Sandwell Children's Trust (as deemed necessary).</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive</p>
<ul style="list-style-type: none"> <li>The strategic lead for and oversight of the Council's shareholding in Birmingham Airport Holdings Limited.</li> </ul> <p style="text-align: right;">Officer Lead: Chief Executive</p>	

## Cabinet Member for Strong and Resilient Communities –

Cllr Maria Crompton (Deputy Leader of the Council)

### Scope

 <p>QUALITY HOMES IN THRIVING NEIGHBOURHOODS</p>  <p>STRONG RESILIENT COMMUNITIES</p>	<ul style="list-style-type: none"> <li>• Town and Neighbourhood Development and Working</li> <li>• Safer Neighbourhoods</li> <li>• Leisure and Recreation</li> <li>• Local Environment (inc. Waste and Streets Cleaning)</li> <li>• Emergency Planning and Resilience</li> <li>• Culture and Tourism</li> <li>• Regulatory Services (exc. Licensing)</li> </ul>
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### Key Portfolio Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

To be the Executive lead with the Combined Authority in relation to all the functions, duties and responsibilities falling within this Portfolio.

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

<ul style="list-style-type: none"> <li>• The strategic delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>• Community safety and the development and implementation of the Council's Community Safety policies.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>• Emergency planning and civil resilience.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Public Health And Chief Executive and all other Directors as required</p>	<ul style="list-style-type: none"> <li>• Sandwell local neighbourhood working and the co-ordination and delivery of services through a neighbourhood delivery model.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>• Developing and implementing town working, cross-town working and town champions.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>• Town management, tasking and cross-organisational service delivery at a town level.</li> <li>• Community Services, including community centres and shop mobility.</li> </ul>

	<p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>The Council's domestic violence agenda and related services.</li> </ul> <p>Officer Lead: Director of Borough Economy Director of Adult Social Care Director of Public Health Director of Children and Education</p>	<ul style="list-style-type: none"> <li>The improvement of the visual appearance of the Borough (the 'streetscene') to create a better place to live.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>Environmental services including cleansing, grounds maintenance, and public conveniences.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>The waste strategy and waste collection and disposal services, including the Council's direction and input to the integrated waste management contract.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>Operational oversight of the countryside, nature reserves, parks, green spaces and visitors' centres within the Borough.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>Sports and leisure including the Council's interests in, and the strategic direction of, the Council's oversight and input to the Sandwell Leisure Trust.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>Oversight and delivery of the Commonwealth Games Aquatics Centre, Smethwick and other key leisure facilities within the Borough.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>Policy and funding strategies for the voluntary and community sector, including applications for discretionary relief from national non-domestic rates.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>The effective delivery of library and archive services within the Borough,</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>The development and commissioning of cultural and artistic opportunities and events in the Borough, support of the arts and heritage, including museums, art galleries, and archaeology.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>Consumer Protection: Environmental Health Trading Standards</li> </ul>	<ul style="list-style-type: none"> <li>Oversight and the effective delivery of Fleet Services.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>

<p>Officer Lead: Director of Borough Economy</p>	
<ul style="list-style-type: none"> <li>• Celebrating citizenship.</li> <li>• Promoting community and resident recognition initiatives and celebrating significant achievement.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>• Promoting and embedding community cohesion.</li> </ul> <p>Officer Lead: Director of Borough Economy Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>• With Partners, stakeholders, communities, promoting equality, inclusion and tolerance across the Borough, including through Contest and Prevent.</li> </ul> <p>Officer Lead: Director of Borough Economy Director of Law and Governance &amp; Monitoring Officer</p>	<ul style="list-style-type: none"> <li>• Preventing violence and extremism; and working with Partners stakeholders and the public on local, regional and national related initiatives.</li> </ul> <p>Officer Lead: Director of Borough Economy Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>• Tackling Modern Day Slavery in all its forms – working with Partners stakeholders and the public on local, regional and national related initiatives.</li> </ul> <p>Officer Lead: Director of Borough Economy</p>	

## Cabinet Member for Best Start in Life: Cllr Karen Simms

### Scope



THE BEST START IN  
LIFE FOR CHILDREN  
AND YOUNG PEOPLE

- Children Safeguarding
- Sandwell Children's Trust
- Corporate Parent
- Children's Commissioning
- Statutory Children Services
- Schools and Education
- Early Years, Children and Young People
- Engaging Young People
- Young Carers
- Adoption

### Key Portfolio Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

To be the Executive lead with the Combined Authority in relation to all the functions, duties and responsibilities falling within this Portfolio.

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

- The strategic delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.

Officer lead: Director of Children and Education

- Schools and School Improvement.

Officer lead: Director of Children and Education

- The strategic overview and development of education provision within the Borough, including adult education, community and family learning.

Officer lead: Director of Children and Education

- Schools governing bodies and the making of new or amended Instruments and Articles of Government for schools.

Officer lead: Director of Children and Education

- The 14-19 year olds strategy and the determination of fees and charges in adult education.

- Improving educational attainment and school attendance.

<p>Officer lead: Director of Children and Education</p>	<ul style="list-style-type: none"> <li>The development of and compliance with educational statutory requirements placed on the Council.</li> <li>Non-school attendance prosecutions.</li> </ul> <p>Officer lead: Director of Children and Education</p>
<ul style="list-style-type: none"> <li>SEND Commissioning.</li> <li>The provision of transport for children and young people with special education needs.</li> </ul> <p>Officer lead: Director of Children and Education</p>	<ul style="list-style-type: none"> <li>Early Years Partnership.</li> </ul> <p>Officer lead: Director of Children and Education</p>
<ul style="list-style-type: none"> <li>Detached Youth Work.</li> <li>The development and co-ordination of youth opportunities in the Borough, including The Sandwell Youth Service, and the Council's links with the Sandwell Youth Forum and the Youth Parliament.</li> <li>Developing the potential of children and young people through education, training, personal development and preparation for working life.</li> </ul> <p>Officer Lead: Director of Children and Education</p>	<ul style="list-style-type: none"> <li>Monitoring performance and strategic development of health visitors and school nurses in driving wellbeing of young persons.</li> <li>Promoting good health and health awareness in children and young people.</li> </ul> <p>Officer Lead: Director of Children and Education Director of Public Health</p>
<ul style="list-style-type: none"> <li>To provide leadership in relation to the Youth Offending Service.</li> </ul> <p>Officer Lead: Director of Children and Education</p>	<ul style="list-style-type: none"> <li>The safeguarding and social care needs of children and young people in the Borough.</li> <li>Protecting children, young people and families from harm.</li> </ul> <p>Officer Lead: Director of Children and Education</p>
<ul style="list-style-type: none"> <li>Provide leadership in relation to the Council's Corporate Parenting role.</li> </ul> <p>Officer Lead: Director of Children and Education</p>	<ul style="list-style-type: none"> <li>Leading the establishment and development of the Children's Strategic Commissioning Partnership.</li> </ul> <p>Officer lead: Director of Children and Education</p>
<ul style="list-style-type: none"> <li>To support the Council's statutory duties for the protection of children</li> </ul>	<ul style="list-style-type: none"> <li>The Council's statutory requirements in relation to child and family poverty and in</li> </ul>

<p>through the development and delivery of effective health care services for young people and a robust Children’s health agenda.</p> <p>Officer Lead: Director of Children and Education</p> <p>Director of Public Health</p>	<p>conjunction with the Cabinet Member for Quality Homes in Thriving Neighbourhoods welfare rights agenda, the development and co-ordination of the approach to child and family poverty across the Council and its partner organisations.</p> <p>Officer Lead: Director of Children and Education</p> <p>Director of Finance</p>
<ul style="list-style-type: none"> <li>In conjunction with the Cabinet Member for Living and Ageing Well, the development and delivery of services to enable the seamless transition of citizens from children’s social care to adults social care.</li> </ul> <p>Officer Lead: Director of Children and Education</p> <p>Officer Lead: Director of Adult Social Care.</p>	<ul style="list-style-type: none"> <li>Children’s Trust Liaison.</li> <li>The development and maintenance of effective partnership working relationship with the Children’s Trust.</li> <li>Sandwell’s Children’s Trust including dispute resolution (in conjunction with the Leader as necessary).</li> </ul> <p>Officer lead: Director of Children and Education</p>
<ul style="list-style-type: none"> <li>Adoption and fostering provision within the borough.</li> </ul> <p>Officer Lead: Director of Children and Education</p>	

**Cabinet Member for Connected and Accessible Sandwell:**

Cllr Jackie Taylor

**Scope**



- Strategic Transport Connectivity
- Transport Infrastructure
- Transport Sustainability
- Highway Network Maintenance
- Road Safety
- Traffic and Parking Management
- Greener/Cleaner Transport
- Transport Environmental Policy
- Canals and Watercourses
- Strategic Flood Management

**Key Portfolio Responsibilities**

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To act as the Council’s principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

To be the Executive lead with the Combined Authority in relation to all the functions, duties and responsibilities falling within this Portfolio.

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

- The delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.  
  
Officer Lead: Director of Borough Economy  
Director of Regeneration and Growth

- Transport Sustainability.
- Delivery of transport planning, the transport network and public infrastructure, for and within Sandwell and in the wider Combined Authority area, through both local and combined authority wide projects and initiatives  
  
Officer Lead: Director of Regeneration and Growth  
Director of Borough Economy

- Highways network management and maintenance.  
  
Officer Lead: Director of Borough Economy

- Transport planning and delivery together with other local authorities and partners within the Black Country region (and beyond as necessary).  
  
Officer Lead: Director of Regeneration and Growth

	Director of Borough Economy
<ul style="list-style-type: none"> <li>Transport, vehicle and plant management, and the integration of transport services provided by Council services.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>The efficient management of the following: <ul style="list-style-type: none"> <li>Transport Levy</li> <li>Car parking and car parking enforcement</li> <li>Highway and street lighting</li> <li>Parking and road safety</li> </ul> </li> </ul> <p style="text-align: right;">Officer Lead: Director of Borough Economy</p>
<ul style="list-style-type: none"> <li>Developing and embedding, in conjunction with the Cabinet Members for Living and Ageing Well Strong, Inclusive Economy, and Strong and Resilient Communities, opportunities and initiatives for the engagement and promotion of cycling, the canal network and walking in the Borough.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Public Health Director of Borough Economy Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>Transport Environmental Policy.</li> <li>Developing and promoting greener/cleaner transport opportunities and initiatives, including: - <ul style="list-style-type: none"> <li>Modal shift to public transport</li> <li>Reduction in vehicle emissions</li> <li>Reducing vehicle use</li> <li>Improving air quality within the Borough</li> </ul> </li> </ul> <p style="text-align: right;">Officer Lead: Director of Borough Economy Director of Public Health Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Winter (and other adverse weather) Network Resilience</li> </ul> <p style="text-align: right;">Officer Lead: Director of Borough Economy</p>	<ul style="list-style-type: none"> <li>Strategic flood and watercourse management.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Borough Economy</p>

**Cabinet Member for Finance, Sustainability and Transformation:**  
**Clr Wasim Ali**

**Scope**

	<ul style="list-style-type: none"> <li>• Strategic Finance</li> <li>• Transformation and Change</li> <li>• Human Resources</li> <li>• Trade Union Liaison</li> <li>• Procurement</li> <li>• Internal and External Audit</li> <li>• Risk Management</li> <li>• Health and Safety</li> <li>• ICT &amp; Digital</li> <li>• Revenue and Benefits</li> <li>• Performance Management Customer Contact and Experience</li> <li>• Communications Strategy</li> <li>• Media and Communications</li> <li>• Policy, Strategy and Research</li> <li>• Voluntary and Community Sector engagement</li> <li>• Complaints and Compliments</li> <li>• Transformation and Change</li> </ul>
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**Key Portfolio Responsibilities**

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To act as the Council’s principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

To be the Executive lead with the Combined Authority in relation to all the functions, duties and responsibilities falling within this Portfolio.

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

<ul style="list-style-type: none"> <li>• The delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Finance</p>	<ul style="list-style-type: none"> <li>• The strategic policy overview and co-ordination, in conjunction with the Leader of the Council, of all strategic partnering arrangements and Council-wide contracts entered into by the Council.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Finance          Director of Law and Governance          &amp; Monitoring Officer</p>
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<ul style="list-style-type: none"> <li>• Strategic budget setting and overall financial planning and investments, including: <ul style="list-style-type: none"> <li>○ Annual budget and Medium Term Financial Strategy,</li> <li>○ Annual proposals on the Council Tax base and Council Tax levels</li> <li>○ Technical accounting</li> <li>○ Accounting and Reporting</li> <li>○ Financial modelling</li> <li>○ Treasury Management</li> <li>○ Financial Investment Strategy</li> </ul> </li> </ul> <p style="text-align: right;">Officer Lead: Director of Finance</p>	<ul style="list-style-type: none"> <li>• The procurement policy framework and financial rules/financial standing orders of the Council, including sustainable procurement.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Finance Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>• Organisational development and human resource management.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Business Strategy and Change</p>	<ul style="list-style-type: none"> <li>• Risk Management and Insurance.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Finance</p>
<ul style="list-style-type: none"> <li>• Protecting the Council's interests: <ul style="list-style-type: none"> <li>○ When acting as the accountable body for schemes/projects funded by external funding streams with the exception of matters agreed under the authority delegated to a combined authority;</li> <li>○ In the financial control and management of trust funds and charities of which the Council is a trustee;</li> <li>○ In the governance of partnerships.</li> </ul> </li> </ul> <p style="text-align: right;">Lead Officer: Director of Finance Director of Law and Governance &amp; Monitoring Officer</p>	<ul style="list-style-type: none"> <li>• Information Communication Technology (ICT).</li> </ul> <p style="text-align: right;">Lead Officer: Director of Business Strategy and Change</p>
<ul style="list-style-type: none"> <li>• The Council's Digital Agenda, its development and implementation across the Council.</li> </ul> <p style="text-align: right;">Lead Officer: Director of Business Strategy and Change</p>	<ul style="list-style-type: none"> <li>• Internal and external audit functions.</li> </ul> <p style="text-align: right;">Lead Officer: Director of Finance</p>
<ul style="list-style-type: none"> <li>• The overview and co-ordination of the delivery of the Revenue and Benefits service and associated matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Consultative Panel and Trade Union liaison on behalf of the Council.</li> </ul>

<p>Lead Officer: Director of Finance</p>	<p>Lead Officer: Director of Business Strategy and Change</p>
<ul style="list-style-type: none"> <li>Health and Safety</li> </ul> <p>Lead Officer: Director of Business Strategy and Change</p>	<ul style="list-style-type: none"> <li>Transformation and Change – Driving, co-ordinating and embedding improvements across the Council.</li> <li>Performance Management – development of and embedding a strong performance management culture, framework and approach across the Council.</li> <li>Corporate Improvement – co-ordinating and implementing robust, best practice corporate improvements</li> </ul> <p>Lead Officer: Director of Business and Strategy</p>
<ul style="list-style-type: none"> <li>Development of the Council's relationship with partner organisations, employers and high-profile citizens.</li> </ul> <p>Officer Lead: Chief Executive Lead Officer: Director of Business and Strategy</p>	<ul style="list-style-type: none"> <li>Oversight and improvement of Customer Contact.</li> </ul> <p>Lead Officer: Director of Business and Strategy</p>
<ul style="list-style-type: none"> <li>Customer Insight – working across the Council gathering key information to help inform improvements, direction of travel and outcomes.</li> </ul> <p>Lead Officer: Director of Business and Strategy</p>	<ul style="list-style-type: none"> <li>Development and embedding a Communication Strategy</li> <li>Management and oversight of Media and Communications, including: <ul style="list-style-type: none"> <li>Public Relations</li> <li>Branding and Marketing</li> <li>Shows and Event Management</li> </ul> </li> </ul> <p>Lead Officer: Director of Business and Strategy</p>
<ul style="list-style-type: none"> <li>With Partners, stakeholders, communities, promote equality, inclusion and tolerance across the Borough, including through Contest and Prevent.</li> </ul> <p>Lead Officer: Director of Business and Strategy Director of Law and Governance</p>	<ul style="list-style-type: none"> <li>Supporting the Cabinet Member for Finance, Sustainability and Transformation with regards to delivering Council transformation and change projects and programmes (inc. Corporate Performance)</li> </ul> <p>Lead Officer: Director of</p>

& Monitoring Officer	Business and Strategy
<ul style="list-style-type: none"> <li>• Policy, Strategy and Research – advising and supporting the development and revision of Council strategies and policies across the Council through effective research, engagement and insight.</li> </ul> <p style="text-align: center;">Lead Officer: Director of Business and Strategy</p>	<ul style="list-style-type: none"> <li>• Peer Review Management – key liaison with the LGA Peer Review team, other stakeholders and oversight of submissions and co-ordination of the review.</li> </ul> <p style="text-align: center;">Lead Officer: Director of Business and Strategy</p>
<ul style="list-style-type: none"> <li>• Customer Experience – developing, embedding and improving the customer experience.</li> <li>• Customer Compliments and Complaints – promoting successes and ensuring lessons are learned.</li> <li>• FOI and SARs Performance Monitoring</li> </ul> <p style="text-align: center;">Lead Officer: Director of Business and Strategy Director and Law and Governance &amp; Monitoring Officer</p>	<ul style="list-style-type: none"> <li>• Voluntary and Community Sector Engagement and Liaison – promoting and embedding strong engagement and communication in relation to wider Corporate Plan initiatives and outcomes.</li> </ul> <p style="text-align: center;">Lead Officer: Director of Business and Strategy</p>
<ul style="list-style-type: none"> <li>• Housing and Local Government Ombudsman Management and Liaison</li> </ul> <p style="text-align: center;">Lead Officer: Director of Business and Strategy Director and Law and Governance &amp; Monitoring Officer</p>	

**Cabinet Member for Governance and Democracy:**

Cllr Danny Millard

**Scope**



- Law and Governance
- Democracy
- Registration Services
- Licensing
- Equality, Inclusion and Diversity

**Key Portfolio Responsibilities**

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<ul style="list-style-type: none"> <li>• The delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p>	<ul style="list-style-type: none"> <li>• Ensure the effective governance of the Council.</li> <li>• Effective oversight and delivery of:                             <ul style="list-style-type: none"> <li>○ Legal Services.</li> <li>○ Corporate governance.</li> <li>○ Information governance.</li> </ul> </li> </ul> <p style="text-align: center;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>• Civic and Member Services – Effective oversight and delivery of civic and ceremonial functions, events and related matters.</li> <li>• Driving, embedding and promoting Member development and the provision of support and services to members of the Council.</li> <li>• Oversight of key civic and ceremonial functions, events and related matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Democratic Services – ensuring the effective oversight, administration and support of the democratic function:                             <ul style="list-style-type: none"> <li>○ Decision-making</li> <li>○ Committee Administration</li> <li>○ Constitutional Oversight</li> <li>○ School Admission Appeals</li> <li>○ Supporting the Ethical Framework</li> </ul> </li> </ul>

<p>Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p>	<p>Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>• Elections – Supporting the effective delivery of the following elections: <ul style="list-style-type: none"> <li>○ General</li> <li>○ Local</li> <li>○ PCC</li> <li>○ WMCA</li> <li>○ Referenda (inc. BID ballots)</li> </ul> <p style="text-align: center;">Officer Lead: Returning Officer (inc ARO) Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>	<ul style="list-style-type: none"> <li>• Electoral Registration – Supporting the effective engagement and participation relation to electoral matters. <p style="text-align: right;">Officer Lead: Electoral Registration Officer Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>
<ul style="list-style-type: none"> <li>• Registration Services: - Supporting the effective delivery of: <ul style="list-style-type: none"> <li>○ Registrars</li> <li>○ Cemeteries and Crematoria services</li> <li>○ Coroners Service</li> <li>○ Citizenship ceremonies</li> </ul> <p style="text-align: center;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>	<ul style="list-style-type: none"> <li>• The development and implementation of the Council’s Equality, Inclusion and Diversity Policy and Equality Objectives. <p style="text-align: right;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>
<ul style="list-style-type: none"> <li>• The delivery of all aspects of the Council’s equality, inclusion and diversity agenda and duties. <p style="text-align: center;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer Chief Executive and all other Directors</p> </li> </ul>	<ul style="list-style-type: none"> <li>• The Information Commissioner’s Office Liaison</li> <li>• Supporting the Council’s Senior Information Risk Owner (SIRO) and Data Protection Officer (DPO) in discharging their respective duties and responsibilities. <p style="text-align: right;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>
<ul style="list-style-type: none"> <li>• Liaison with the Office of Surveillance Commissioners re: Regulation of Investigatory Powers. <p style="text-align: center;">Officer Lead: Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>	<ul style="list-style-type: none"> <li>• In conjunction with the Leader, liaison with the Local Government Association. <p style="text-align: right;">Lead Officer: Chief Executive Director of Law and Governance &amp; Monitoring Officer</p> </li> </ul>
<ul style="list-style-type: none"> <li>• Policy direction and development for the following licensing regimes for which the Council is the designated Authority and</li> </ul>	

the application of executive functions relating to licensing:

- Licensing (relating to alcohol)
- Hackney Carriage and Private Hire Taxis
- Gambling

Officer Lead: Director of  
Law and Governance  
& Monitoring Officer

## Cabinet Member for Living and Ageing Well:

Cllr Suzanne Hartwell

### Scope



PEOPLE  
LIVE WELL  
AND AGE  
WELL

- Adult Social Care
- Vulnerable Adults and Safeguarding
- Public Health and Wellbeing
- Carers
- Liberty Protection

### Key Portfolio Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

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

- The strategic delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.

Officer lead: Director of Adult Social Care  
Director of Public Health

- Meeting the social care needs of adults in the Borough and looking after people in later life.

Officer lead: Director of Adult Social Care  
Director of Public Health

- Support the Cabinet Member for Strong and Resilient Communities, in relation to the Council's domestic violence agenda and related services.

Officer Lead: Director of Borough Economy  
Director of Adult Social Care  
Director of Public Health  
Director of Children and Education

- Safeguarding of vulnerable adults.

Officer Lead: Director of Adult Social Care

- The promotion of public health in everyday service delivery across the

- The Council's prevention strategy for vulnerable adults.

<p>Council and the integration of public health services within the Council.</p> <p style="text-align: right;">Officer Lead: Director of Public Health</p>	<ul style="list-style-type: none"> <li>• Ensuring liberty protections are in place, applied and maintained.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Adult Social Care</p>
<ul style="list-style-type: none"> <li>• Health improvement and the eradication of health inequalities, including through collaborative and partnership working throughout the Borough and on a regional and national footprint.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Public Health</p>	<ul style="list-style-type: none"> <li>• Delivery of adult social care provision within the Borough, including the development of effective relationships with adults in need of social care, their carers and with providers of adult social care services.</li> </ul> <p style="text-align: right;">Officer lead: Director of Adult Social Care</p>
<ul style="list-style-type: none"> <li>• The promotion of public health and Wellness (including the Prevention Agenda) by: <ul style="list-style-type: none"> <li>• Mental health commissioning</li> <li>• Health awareness</li> <li>• Healthy lifestyles Healthy environment</li> <li>• Drugs awareness, prevention and treatment</li> </ul> </li> </ul> <p style="text-align: right;">Lead Officer: Director of Public Health</p>	<ul style="list-style-type: none"> <li>• Home meals support services and access to healthy eating for vulnerable citizens.</li> </ul> <p style="text-align: right;">Officer lead: Director of Adult Social Care</p>
<ul style="list-style-type: none"> <li>• Representing the Executive in the work of the Health and Wellbeing Board.</li> </ul> <p style="text-align: right;">Officer lead: Director of Adult Social Care Director of Public Health</p>	<ul style="list-style-type: none"> <li>• Strategic and operational health partnership working between the Council and the wider health economy and community, through: - <ul style="list-style-type: none"> <li>• the delivery of integrated health and well-being services</li> <li>• Primary Care Networks</li> <li>• Joint Health and Social Care commissioning arrangements.</li> </ul> </li> </ul> <p style="text-align: right;">Officer lead: Director of Adult Social Care Director of Public Health</p>
<ul style="list-style-type: none"> <li>• Developing the Council's approach to whole life services for people with</li> </ul>	<ul style="list-style-type: none"> <li>• In conjunction with the Cabinet Member for Best Start in Life, the development and delivery of services to effect the seamless</li> </ul>

<p>lifelong disabilities and learning disabilities.</p> <p>Officer lead: Director of Adult Social Care Director of Public Health Director of Children and Education</p>	<p>transition of citizens from children’s social care to adult social care.</p> <p>Officer lead: Director of Adult Social Care Director of Children and Education</p>
<ul style="list-style-type: none"> <li>Services for the provision of aids, adaptations and home support.</li> </ul> <p>Officer lead: Director of Adult Social Care</p>	<ul style="list-style-type: none"> <li>Developing and implementing all necessary and proportionate health protection measures (including preventative), practices and procedures to ensure the health, safety and well-being of all people within the Borough against all chemical, biological, nuclear hazards and the like.</li> </ul> <p>Officer lead: Director of Public Health</p>

**Cabinet Member for Quality Homes and Thriving Neighbourhoods –  
Cllr Zahoor Ahmed**

**Scope**



- Housing Strategy
- Housing Development
- Council Housing Stock
- Private Sector Housing
- Strategic Housing
- Housing Support
- Welfare Rights
- Markets

**Key Portfolio Responsibilities**

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

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- The delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.

Officer Lead: Director of Housing

- Housing conditions in the private sector and the Housing Agency Service, including improvement, clearance and association enforcement.

Officer Lead: Director of Housing

- Support the Cabinet Member for Strong and Inclusive Economy with public and private sector housing development.

Officer Lead: Director of Regeneration and Growth  
Director of Housing

- The development and implementation of Selective Licensing Schemes across the Borough.

Officer Lead: Director of Housing

- The development, implementation and review of local housing strategy, all housing policies and neighbourhood housing plans, including private sector housing in collaboration with stakeholders.

- A collaborative, multi partnership approach to tackling and dealing with homelessness.

Officer Lead: Director of Housing

<ul style="list-style-type: none"> <li>• Sandwell Local.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Housing Director of Regeneration and Growth</p>	
<ul style="list-style-type: none"> <li>• Supporting the strategic direction of the Council's interests in relation to the development and delivery of housing of all types and tenures, including transient groups and unauthorised encampments.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>• The direction for and delivery of the Council's investment in and management responsibilities for the authority's housing stock, including: <ul style="list-style-type: none"> <li>○ Maintenance</li> <li>○ DFGs (home improvement agency)</li> <li>○ Repairs and maintenance</li> <li>○ Housing allocations</li> <li>○ Rent management</li> </ul> </li> </ul> <p style="text-align: right;">Officer Lead: Director of Housing</p>
<ul style="list-style-type: none"> <li>• Supporting the development and implementation of different housing delivery mechanisms in collaboration with the development industry and local housing providers.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Regeneration and Growth Officer Lead: Director of Housing</p>	<ul style="list-style-type: none"> <li>• Resettlement Programme</li> </ul> <p style="text-align: right;">Officer Lead: Director of Housing</p>
<ul style="list-style-type: none"> <li>• Private Sector Housing – <ul style="list-style-type: none"> <li>○ Advice and assistance</li> <li>○ HMOs</li> </ul> </li> </ul> <p style="text-align: center;">Officer Lead: Director of Housing</p>	<ul style="list-style-type: none"> <li>• Delivering and providing direction, in conjunction with the Cabinet Member for Best Start in Life, in respect of the Council's welfare rights and anti-poverty strategy.</li> </ul> <p style="text-align: right;">Officer Lead: Director of Housing</p>
<ul style="list-style-type: none"> <li>• Markets and market management</li> <li>• Street trading</li> </ul> <p style="text-align: center;">Officer Lead: Director of Borough Economy</p>	

## Cabinet Member for Strong and Inclusive Economy:

Cllr Iqbal Padda

### Scope



A STRONG AND  
INCLUSIVE  
ECONOMY

- Community Wealth
- Prosperity: Regeneration and Growth
- Climate Change
- Sustainable Economic and Environmental Policy and Development
- Inward Investment and Urban Design
- Strategic Land and Assets
- Strategic and Development Planning
- Housing Delivery
- Visitor Economy
- Employment and Skills
- Business Support

### Key Portfolio Responsibilities

Unless otherwise delegated, to exercise all executive powers and authority, including the provision of political leadership and strategic policy direction, in relation to all executive functions, duties, powers and responsibilities falling within the scope and responsibilities of this Portfolio.

To act as the Council's principal spokesperson on Council policy and/or matters falling within the scope of this Portfolio affecting the Borough or its citizens at local, regional, national and international level as directed by the Leader of the Council.

To be the Executive lead with the Combined Authority in relation to all the functions, duties and responsibilities falling within this Portfolio.

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

- The delivery of Corporate Plan aims in collaboration with partners across Sandwell and the wider region.

Officer Lead: Director of  
Regeneration and Growth

- Strategic asset management planning and alignment across the Council.

Officer Lead: Director of  
Regeneration and Growth

- The development and delivery of the Sandwell Regeneration and Inclusive Growth Deal as a cross-council initiative and in collaboration with key stakeholders in the borough.

Officer Lead: Director of  
Regeneration and Growth

- The policy direction for countryside management, nature reserves, parks, green spaces and visitors' centres.
- The declaration and making of all clearance areas, permitted development rights and the designation of conservation areas, areas of

	<p>archaeological interest, nature reserves, green spaces and parks.</p> <p>Officer Lead: Director of Borough Economy Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>The development, overview and co-ordination of the delivery of the Council's Corporate Landlord Service.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>Strategic town planning, including development control and building regulation, the development of planning policy, supplementary planning guidance and regional planning guidance.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Developing the community wealth agenda</li> <li>Establishing and implementing a Borough wide community wealth model.</li> <li>Develop and embedding community wealth initiatives</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>Identifying wealth creators within the Borough.</li> <li>Promoting prosperity across the Borough by providing leadership and efficient, coordinated management of the following: <ul style="list-style-type: none"> <li>Town centres and high streets</li> <li>Promoting Enterprise</li> <li>Events and promotions – for business</li> </ul> </li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Leading on public and private sector housing development.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth Director of Housing</p>	<ul style="list-style-type: none"> <li>Leading on the strategic direction of the Council's interests in relation to the development and delivery of housing of all types and tenures, including transient groups and unauthorised encampments.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Leading on the development and implementation of different housing delivery mechanisms in collaboration with the development industry and local housing providers.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>The development of proposals to stimulate tourism and visitor economy of the Borough.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>The strategic delivery of Corporate Plan Aims in collaboration with partners across Sandwell and the wider region.</li> </ul>	<ul style="list-style-type: none"> <li>The development of links with the local business community and skills/worklessness agencies and regional and national employment</li> </ul>

<p>Officer Lead: Director of Regeneration and Growth</p>	<p>organisations, agencies and associations.</p> <ul style="list-style-type: none"> <li>The development and delivery of local skills initiatives in collaboration with local businesses and skills agencies.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Supporting local businesses to grow, invest, train to become stronger local employers.</li> <li>The development and delivery of local skills initiatives in collaboration with local businesses and skills agencies.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>In support of the Leader, delivering the following for and within Sandwell and in the wider Combined Authority area, through both local and combined authority wide projects and initiatives: <ul style="list-style-type: none"> <li>The achievement of an increasingly skilled workforce and the creation of jobs;</li> <li>The maximisation of employment, training and local business opportunities.</li> </ul> </li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>Building productive working relationships with the major employers in the borough.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth</p>	<ul style="list-style-type: none"> <li>The development and management of Apprenticeships and the Apprenticeship Levy.</li> <li>Work experience for Young People.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth Director of Children and Education</p>
<ul style="list-style-type: none"> <li>Independent Advice and Guidance for Young People to support routes into employment.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth Director of Children and Education</p>	<ul style="list-style-type: none"> <li>Promoting and embedding, in conjunction with the Cabinet Member for Governance and Democracy, the Equalities Agenda (inc. equal opportunities for all) in all aspects of education, skills and employment within the Borough.</li> </ul> <p>Officer Lead: Director of Regeneration and Growth Director of Children and Education Director of Law and Governance &amp; Monitoring Officer</p>
<ul style="list-style-type: none"> <li>Lifelong Learning: The development of opportunities for upskilling adults</li> </ul>	<ul style="list-style-type: none"> <li>The strategic delivery of Corporate Plan Aims in collaboration with partners across Sandwell and the wider region.</li> </ul>

<p>and through targeted use of the Area Education budget</p> <p style="text-align: center;">Officer Lead: Director of Regeneration and Growth Director of Children and Education Director of Adult Social Care</p>	<p style="text-align: right;">Officer Lead: Director of Regeneration and Growth</p>
<ul style="list-style-type: none"> <li>• Climate Change strategic and policy development</li> <li>• Implementation of climate change indicatives, proposals and programmes.</li> </ul> <p style="text-align: center;">Officer Lead: Director of Regeneration and Growth</p>	

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# Report to Council

25 May 2021

<b>Subject:</b>	Appointment to Constitution of Committees, Boards and Other Fora 2021-2022
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Suky Suthi-Nagra Democratic Services Manager suky_suthinagra@sandwell.gov.uk

## 1 Recommendations

That Council is invited:-

- 2.1 To approve the revised constitution of committees, boards and other fora for 2021-22.
- 2.2 To approve the political balance of the committees, boards and other fora for 2021-22, as set out in Appendix A.
- 2.3 To approve the revised terms of reference of the committees, boards and other fora as set out in Appendix B and to reaffirm the remainder of the terms of reference as set out in Part 3 of the Constitution.
- 2.4 To approve the Scheme of Delegations to Officers (Council side function), as set out in Appendix E.



- 2.5 In accordance with the provisions of the Localism Act 2011, to invite one nomination from each of the Church of England Diocese and Roman Catholic Archdiocese and two nominations for Parent Governor representatives to serve as non-elected members on the Children's Services and Education Scrutiny Board, with voting rights conferred only on any matter with regard to education, whether in respect of schools or wider educational issues.
- 2.6 To determine the members and co-opted members to be assigned to the positions, committees, boards and other fora established by the Council, as set out in Appendix C.
- 2.7 To approve the programme of meetings for the 2021-22 municipal year, as set out in Appendix D.
- 2.8 That, in connection with 2.3 and 2.4 above, the Director of Law and Governance and Monitoring Officer be authorised to update the Council's Constitution

## 2 Reasons for Recommendations

- 2.1 The Council's Constitution sets out the executive, scrutiny and constitutional functions and the rules and procedures for how the Council operates, it also prescribes the issues that the Council should address at its Annual Meeting in identifying the person(s) or bodies it wishes to carry out its functions as a local authority and the portfolios and terms of reference for those persons and bodies.
- 2.2 This report has been prepared to support members in:-
- (a) considering and approving the political balance of committees, boards and other fora for the 2021-22 Municipal Year;
  - (b) assigning members to those roles and bodies.



### 3 How does this deliver objectives of the Corporate Plan?

		The Council's decision making structures are designed to support the delivery of Sandwell's Corporate Plan/Vision 2030.
		
		

### 4 Context and Key Issues

#### Committees, Boards and other fora

#### Appointment of Members to Committees and Fora of the Council

4.1 The Council is requested to appoint members to the Committees and Fora of the Council, as set out in Appendix C.

#### 4.2 Budget and Corporate Scrutiny Management Board

In order to meet the requirements of proportionality, an additional seat has been added to the Budget and Corporate Scrutiny Management Board.

#### 4.3 Chief Officers Terms and Conditions Sub Committee

The Chief Officers Terms and Conditions Sub Committee has been adjusted to include an opposition member, along with the Leader (Chair) and a relevant Chair/Vice Chair and has therefore been removed from the political balance calculation.

#### The Local Government and Housing Act, 1989 and the Local Government (Committees and Political Groups) Regulations 1990

4.4 Sections 13, 15, 16 and 17 of the above Act have a significant impact on the constitution of Committees and other fora and the relevant provisions are briefly outlined below:



## Section 13 – Voting Rights of Persons who are not Members of the Council

- 4.5 Section 13 of the Local Government and Housing Act 1989 provides that a person co-opted to serve on committees and sub-committees appointed under Subsection (1) of Section 102 of the Local Government Act 1972 and who is not an elected member of the Council, cannot have voting rights. However, nothing in the Act prevents a person who is not an elected member from being appointed to any committee or sub-committee established under those provisions as non-voting members.
- 4.6 The exceptions to this are the Health and Wellbeing Board, whose members do have voting rights extended to them by Section 194 of the Health and Social Care Act 2012; and faith and parent governor representatives on the relevant overview and scrutiny committee who have the right to vote on education matters in pursuance of the relevant provisions of the Local Government Act 2000.

## Section 15 – Political Balance on Committees

- 4.7 Section 15 of the Act provides, amongst other things, that where a local authority is divided into different political groups, it will have regard to the allocation to the different political groups on the Council, of all of those seats on any ordinary committee, sub-committee and Joint Authorities established pursuant to Part IV of the Local Government Act 1985.
- 4.8 The regulations provide for a political group to comprise two or more elected members of a local authority.
- 4.9 At the time of writing there are 2 groups –

Labour	58
Conservative	9
Independent	4
Vacancy	1
	—
	72

The seats on committees have been allocated according to proportionality rules (as set out in Appendix A).



- 4.10 A political group represented on the Council may choose to allocate a proportion of its allocation of seats to an elected member who is not in a political group on the Council, without affecting proportionality.

### **Appointment of Co-opted Members**

- 4.11 In line with the Council's established practice and with the exceptions detailed below, it is proposed not to appoint co-opted members to scrutiny boards, but rather to secure the involvement of people as independent advisors in specific reviews appropriate to their expertise or area of interest.

### **Co-opted Representation on Committees dealing with Educational Matters**

- 4.12 Guidance in relation to the implementation of the Local Government Act 2000 and Localism Act 2011 advises that Church and Parent Governor representatives must be appointed to the relevant overview and scrutiny committee(s) where education matters are being discussed.

The Council's Constitution therefore provides that the Children's Services and Education Scrutiny Board shall include in its membership the following voting representatives:-

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic Archdiocese representative;
- (c) 2 Parent Governor representatives.

If the scrutiny board deals with matters other than education functions that are the responsibility of the executive, these representatives shall not vote on those matters, although they may stay in the meeting and speak.

- 4.14 In view of the limitation on voting rights and as more schools have moved away from local authority control, which has resulted in difficulties in making appointments because of the diminished benefits for certain of the interest groups and the diminished input in to the work of scrutiny, it is not considered necessary to have a wider range of co-opted members than is required by law.



## Programme of Meetings

- 4.15 The programme of meetings for the 2021-2022 Municipal Year has been prepared, based on the constitution of the committees and other bodies established by Council. The programme is attached as Appendix D and is recommended to Council for approval.

## 5 Alternative Options

- 5.1 There is no alternative option. Members can only be appointed to committees, boards, panels and other fora by full Council.

## 6 Implications

<b>Resources:</b>	There are no direct resource implications arising from the approval of the decision-making structures for 2021-22 or the appointment of members to positions within the structure.
<b>Legal and Governance:</b>	Legal implications are included in the main body of the report.
<b>Risk:</b>	There are no risks arising directly from this report.
<b>Equality:</b>	There are no equality implications arising directly from this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising directly from this report.
<b>Social Value</b>	There are no social value implications arising directly from this report.

## 7. Appendices

- Appendix A – Political Balance
- Appendix B – Revisions to Terms of Reference
- Appendix C – Appointments
- Appendix D – Programme of Meetings
- Appendix E – Scheme of Delegations

## 8. Background Papers

None



**Constitution and  
Political Balance  
of the Executive,  
Committees, Panels  
and Other Fora  
2021/22**

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A**

**Sandwell Metropolitan Borough Council  
Constitution of Boards, Committees and  
Other Fora 2021/22**

	<b>Labour</b>	<b>Conservative</b>	<b>Total</b>
<b>Scrutiny Boards</b>			
Budget and Corporate	5	1	
Health and Adult Social Care	9	2	
Economy, Skills, Transport and Environment	10	1	
Safer Neighbourhoods and Active Communities	10	1	
Children's Services and Education	9	2	
			50
<b>Constitutional and Quasi-Judicial Committees/Panels</b>			
Select Committee for Electoral Participation	4	1	
Select Committee for Policy Review	6	1	
Audit and Risk Assurance Committee	6	1	
Planning Committee	14	2	
Licensing Committee	12	3	
General Purposes and Arbitration Committee	6	1	
Governance and Constitution Review Committee	7	1	
Land and Asset Management Committee	6	1	
Ethical Standards and Member Development Committee	7	1	
Chief Officer Terms and Conditions Committee	6	1	
Emergency Committee	6	1	
			94
			<b>144</b>

# Appendix B

## Revisions to Terms of Reference of Committees, Panels and Other Fora

## Audit and Risk Assurance Committee

### Statement of Purpose

The Audit and Risk Assurance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit and Risk Assurance Committee is to provide independent assurance to elected members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

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

- (1) undertake the following matters which are delegated to it:-

#### **Governance, Risk and Control**

- (a) review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances;
- (b) review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control;
- (c) consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
- (d) consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council;
- (e) monitor the effective development and operation of risk management in the Council;
- (f) monitor progress in addressing risk-related issues reported to the committee;

- (g) consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;
- (h) review the assessment of fraud risks and potential harm to the Council from fraud and corruption;
- (i) monitor the counter-fraud strategy, actions and resources;
- (j) maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations;
- (k) consider the annual report of the Local Government and Social Care Ombudsman;
- (l) consider reports from the Local Government and Social Care Ombudsman in relation to investigations into complaints against the Council, in accordance with Section 31(2) of the Local Government Act 1974.

### **Internal Audit**

- (a) approve the internal audit charter;
- (b) review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations;
- (c) approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;
- (d) approve significant interim changes to the risk-based internal audit plan and resource requirements;
- (e) make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations;
- (f) consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services.

These will include:

- updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- regular reports on the results of the quality assurance and improvement programme;
- reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement;

- (g) consider the head of internal audit's annual report:
  - the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit;
  - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement;
- (h) consider summaries of specific internal audit reports as requested;
- (i) receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions;
- (j) contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years;
- (k) consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations;
- (l) support the development of effective communication with the head of internal audit.

### **External Audit**

- (a) consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- (b) consider specific reports as agreed with the external auditor;
- (c) comment on the scope and depth of external audit work and to ensure it gives value for money;
- (d) commission work from internal and external audit;
- (e) advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial Reporting**

- (a) receive detailed training in respect of the process associated with the preparation, sign off, audit and review of the annual statement of accounts;

- (b) review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council;
- (c) approve the authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be) in accordance with the authority delegated by the Council under the Accounts and Audit Regulations 1996, or subsequent relevant legislation;
- (d) consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability Arrangements**

Report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

Report to full Council on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the committee in meeting its purpose.

### **Independent Member**

Authority was delegated to the Audit Committee, by Council on 2 December 2008 (Minute No. 128/08 refers) to appoint an independent member to serve on the Committee as and when a vacancy occurs between Annual Meetings of the Council.

## General Purposes and Arbitration Committee

### Terms of Reference

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

1. consider and make recommendations to the Council on all matters which fall within the following terms of reference:-
  - (a) the nomination of the Ceremonial Mayor of the Borough;
  - (b) all matters relating to electoral boundaries of the Borough and its Wards including Parliamentary boundaries and associated electoral registration issues;
  - (c) functions relating to the name and status of areas and individuals, including confirming the title of honorary aldermen and honorary alderwomen and the admission of honorary freemen and honorary freewomen;
  - (d) to make nominations for the Queen's Birthday Honours List to highlight the good work by citizens of Sandwell;
  - (e) the power to make, amend, revoke and re-enact by-laws;
  - (f) the power to promote or oppose local or personal Bills;
  - (g) functions relating to local government pensions etc. under the The Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulation or direction;
2. deal with all matters which fall within the following terms of reference, which are delegated to it:-
  - (1) to act as Managing Trustees of the Charity of Leonard Andrews Poole;
  - (2) the determination of appeals against decisions of the relevant Director or staff reporting to them with regard to non-inclusion on the standing list for residential services and the approved list for non-

- residential services;
- (3) the determination of appeals against decisions of the relevant Director or staff reporting to them to exclude providers from the standing list of residential and nursing homes and the approved list for non-residential services;
  - (4) the determination of oral or written representations made by applicants for registration under the provisions of the Registered Homes Act 1984, the Registered Homes (Amendment) Act 1991 and the Children Act 1989;
  - (5) the determination of appeals against the decision of the relevant Director to not approve the making of Renovation Grants and/or Relocation Grants under the provisions of the Housing Grants, Construction and Regeneration Act 1996 and any subsequent legislation;
  - (6) the determination of appeals against assessments made for grant purposes under the Housing Renovation Etc. Grants (Reduction of Grants) Regulations 1990 and any subsequent legislation in accordance with the appeals procedure adopted by the Council;
  - (7) the determination of individual cases relating to the repayment of house renovation grant money;
  - (8) the determination of requests not to demand repayment of grant monies upon breach of grant conditions;
  - (9) the determination of appeals against the decisions of the relevant Director under the policy for the Provision of Assistance to Home Owners in the Private Sector;
  - (10) the determination of appeals against the decision of the relevant Director(s) in relation to access to personal files under the Access to Personal Files (Housing) Regulations 1989.
  - (11) the determination of disputes arising from the Joint Consultative Panel;
  - (12) the determination of disputes arising from decisions of the executive in relation to which a formal 'Failure to Agree' is registered by a Trade Union(s);

- (13) any other employee relations matter which the Proper Officer, in consultation with the Deputy Chief Executive, may from time to time determine are relevant to be considered by the Committee to comply with appropriate human rights legislation;
  - (14) the determination of any appeals against decisions made by the Section 151 Officer on the ranking of charges, the redemption figure or the loan amount, in relation to the repatriation of the Kick Start Loan Portfolio.
3. submit its recommendations and key issues to the Council for consideration and/or information as appropriate.

Ends

## 1.1 Key Aims

In line with proposals in the Health and Social Care Act 2012, to:-

- i) Secure better health and wellbeing outcomes, promoting independence, choice and control for the whole population;
- ii) ensure a joined-up approach on commissioning priorities across NHS, public health, social care for adults and children and related services;
- iii) encourage greater integration across health, social care and related services to improve health and wellbeing outcomes;
- iv) stimulate delivery of health and wellbeing priorities, focusing on 'People' and 'Place' and promoting a sense of Civic pride;
- v) monitor progress on delivery of agreed joint strategic priorities, holding individual partners to account.

## 2. Objectives

### 2.1 Policy and Strategy Development

2.1.1 Ensure that local plans are in place to comply with legislation and national policy guidance, whilst adopting a lobbying role on any specific issues of concern.

2.1.2 Comply with the statutory requirements in relation to:

- development of the Joint Strategic Needs Assessment (by the local authority and clinical commissioning groups) and determining how identified needs will be addressed;
- development of the Joint Health and Wellbeing Strategy (by the local authority and clinical commissioning groups) that spans NHS, social care and public health priorities and the wider determinants of health, taking a key role in overseeing delivery;
- considering the extent to which needs can be met more effectively by the further development of arrangements under Section 75 National Health Service Act 2006 (flexibilities – lead commissioning, pooled budgets, integrated provision); including potential for the Board to be the vehicle for lead commissioning of particular services;

- encouraging those who arrange the provision of health and social care services in Sandwell to work in an integrated manner; also adopting a similar approach with other health-related services e.g. transport and housing where appropriate;
- undertaking any additional functions that have been, or may be, delegated to the Board by the local authority itself, or at the request of NHS England or the Black Country and West Birmingham Clinical Commissioning Group.
- involving people, partners and providers of the Board in engagement, communications and listening exercises to ensure they are able to influence Board work. This will be reflected in the development of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- providing views on clinical commissioning groups as part of NHS England's authorisation and annual assessment processes (e.g. how boundaries support joint working with the local authority; and their contribution towards delivery of the Joint Health and Wellbeing Strategy).

-

- 2.1.3 Progress cross-cutting priorities through the existing joint working arrangements, to influence policy on healthy urban development, economic position and community safety issues.
- 2.1.4 Establishing relationships with health and wellbeing boards and other relevant strategic boards in neighbouring areas. This will be to support wider approaches to improving health, reducing inequalities and the integration of services. This will include the West Midlands Combined Authority.
- 2.1.5 Develop an annual work programme tied into budget planning cycles that focuses on outcomes and shared goals, including:
- Joint Strategic Needs Assessment (including the pharmaceutical needs assessment);
  - Joint Health and Wellbeing Strategy;
  - Clinical Commissioning Groups' commissioning plans, including joint commissioning priorities with the local authority (Board to be involved throughout the process of development);
  - NHS Operating Plan;
  - NHS and social care investment plans;
  - MBC commissioning plans for adult social care, children and families and associated service areas;
  - Annual Public Health Report;

- Key documents relating to children and families agenda e.g. Children, Young People and Families' Plan;
- Other major cross-cutting national strategies;

2.1.6 Adopt a learning and organisational development approach by considering partner contributions to key health issues and areas of importance to the local authority.

2.1.7 To establish sub groups as required undertaking work for the Board.

## **2.2 Service Delivery**

2.2.1 Ensure an integrated approach is taken on implementing the Joint Health and Wellbeing Strategy and other key strategic plans, as determined by the Board.

2.2.2 Schedule time within the annual work programme for focused discussion to take place on individual strategic priorities, enabling key decisions to be reached and progress to be monitored.

2.2.3 Ensure that mechanisms are in place for information on delivery plan priorities and progress reporting to be included within the Council's information management system (Performance+) and the Clinical Commissioning Group's performance and reporting mechanisms.

### 3 Membership and Voting Rights

Organisation	Position	Voting rights
Sandwell MBC	Chair (Cabinet Member)	Yes
	Cabinet Member	Yes
	Cabinet Member	Yes
	Cabinet Member	Yes
Sandwell MBC	Director - Adult Social Care	No
	Director of Children's Services	No
	Director of Public Health	No
Black Country I and West Birmingham CCG	Chief Accountable Officer	Yes*
	GP (Sandwell Health Alliance)	Yes*
	GP (Health Works)	Yes*
	GP (Black Country Commissioning)	Yes*
		*Only 3 votes at a meeting
Healthwatch Sandwell	Chair of Healthwatch	Yes
NHS England	Member of the Commissioning Board (BSBC Area Team)	No
<b>Discretionary Members:</b>		
West Midlands Police	Chief Superintendent	No
Sandwell and West Birmingham Hospitals NHS Trust	Chief Executive	No
Black Country Partnership NHS Foundation Trust	Chief Executive	No
Sandwell Council of Voluntary Organisations	Chief Executive	No
West Midlands Fire Service	Operations Commander	No
Sandwell Children's Trust	Chief Executive	No

- 3.1 Sandwell MBC portfolio holders are the voting members representing Sandwell Council. If a portfolio holder is unable to attend a meeting they can delegate their vote to a director level officer of the Council who is also a member of the Health and Wellbeing Board.
- 3.2 When appropriate the Board will invite relevant partner and provider organisations to attend the Board. The expectation is that the representation from these organisations will be at a senior level able to make decisions on behalf of their organisations. These organisations will not have voting rights.
- 3.3 The Board will meet at least quarterly

#### **4 Quoracy**

- 4.1 The Sandwell Health and Wellbeing Board will be quorate when there are a minimum of two voting members from the Council, two voting members from the Clinical Commissioning Group and a voting member from Healthwatch Sandwell present.
- 4.2 To enable them to have a representative available at every meeting, Healthwatch Sandwell will be allowed to nominate two named substitutes at the start of each Municipal Year to attend and vote but only if the Chair of Healthwatch Sandwell is unable to attend the Board.
- 4.3 Where the Board is committing combined resources a vote will require a majority of votes from each organisation to demonstrate full agreement from all partners.

#### **5 Review process**

The Terms of Reference will be reviewed as and when required to ensure the Board remains fit for purpose and is able to respond to changes affecting partner organisations and partnership arrangements.

## **6 Public attendance**

Board meetings are open to the press and public. The agenda, reports and previous meeting minutes will be available on the Council's website at least five working days in advance of each meeting.

There will be an opportunity for members of the public to ask questions, however this must be done in writing at least 3 full working days in advance. A response to the question will be tabled and a brief opportunity will be provided to the member of the public to ask a follow up question.

Guidance for this process is available on the Sandwell Council website

End

## **Governance and Constitution Review Committee**

### **Terms of Reference**

The Committee's remit is to review the Constitution by:

- a) monitoring its implementation and operation and put forward appropriate changes;
- b) considering requests to review certain areas of the Constitution;
- c) recommending proposed changes on the Constitution and governance arrangements to Council for approval.

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**Appointment to  
Committees, Panels and  
Roles  
2021/22**

**A  
p  
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x  
  
C**

## Committees & Panels

### Planning Committee (2021/2022)

(16 **non-executive** members to be geographically representative)  
(Lab 14) (Cons 2)

**Chair**

**Vice-Chair**

## Emergency Committee (2021/2022)

(7 members)  
(Lab 6) (Cons 1)

<b>Chair</b>	Leader
<b>Vice-Chair</b>	Deputy Leader Cabinet Member Cabinet Member Cabinet Member Scrutiny (Safer Neighbourhoods Scrutiny Chair) Opposition Member

## Ethical Standards and Member Development Committee (2021/22)

(8 **non-executive** members)  
(Lab 7) (Cons 1) + 3 independent persons

**Chair**

**Vice-Chair**

(+ 3 independent persons as observers)

## **Audit and Risk Assurance Committee (2021/2022)**

(7 members) + 3 independent members  
(Lab 6) (Cons 1)

### **Chair**

**Vice Chair**            Mr Ager (Independent Member)

(+2 independent members)

## **Chief Officer Terms and Conditions Committee (2021/2022)**

(7 members)  
(Lab 6) (Cons 1)

**Chair**                    Leader

**Vice-Chair**            Deputy Leader

Plus four members drawn from the following plus one opposition representative:-

Cabinet Members or chairs or vice-chairs of relevant boards/committees/panels.

### **Chief Officers Terms and Conditions Appointments Sub-Committee**

Leader (Chair), the opposition member, plus one member selected by the Chair from Cabinet Members and Scrutiny Chairs to deal with appointments to and the determination of matters relating to posts designated as service manager tier 2.

## Governance and Constitution Review Committee (2021/2022)

(8 members)  
(Lab 7) (Cons 1)

**Chair**                      Leader

## Scrutiny Boards (2021/2022)

### **Budget and Corporate Scrutiny Management Board**

(6 members)  
(Lab 5) (Cons 1)

#### **Chair**

(Chair of Children's Services & Education)

(Chair of Economy, Skills, Transport & Environment)

(Chair of Health & Adult Social Care)

(Chair of Safer Neighbourhoods & Active Communities)

Opposition Member

### **Children's Services and Education Scrutiny Board**

(11 members + 4 co-opted members)  
(Lab 9) (Cons 2)

#### **Chair**

#### **Vice-Chair**

1 Church of England Diocese representative

1 Roman Catholic Archdiocese representative

2 Parent Governor representatives

## Scrutiny Boards (continued) (2021/2022)

### **Economy, Skills, Transport and Environment Scrutiny Board**

(11 members)  
(Lab 10) (Cons 1)

**Chair**

**Vice-Chair**

### **Health and Adult Social Care Scrutiny Board**

(11 members)  
(Lab 9) (Cons 2)

**Chair**

**Vice-Chair**

## Scrutiny Boards (cont) (2021/2022)

### **Safer Neighbourhoods and Active Communities Scrutiny Board**

(11 members + 1 co-opted member)  
(Lab 10) (Cons 1)

**Chair**

**Vice-Chair**

1 Co-opted member

**Licensing Committee  
(2021/2022)**

(15 **non-Executive** members)  
(Lab 12) (Cons 3)

**Chair**

**Vice-Chair (2)**

## General Purposes and Arbitration Committee (2021/2022)

(7 **non-Executive** members)  
(Lab 6) (Cons 1)

**Chair**

**Vice-Chair**

## Joint Consultative Panel (2021/2022)

(6 members)  
(Lab 6)

**Chair**

**Select Committee for Electoral Participation  
(2021/2022)**

(5 members + 1 Co-opted)  
(Lab 4) (Cons 1)

**Chair**

MP

**Select Committee for Policy Review  
(2021/2022)**

(7 members)  
(Lab 6) (Cons 1)

**Chair**

## Land and Asset Management Committee (2021/22)

(7 members)  
(Lab 6) (Cons 1)

**Chair**

## Member Roles

### Town Chair and Vice Chair Positions (2021/2022)

(Lab 6)

**Oldbury**

(Deputy: )

**Rowley Regis**

(Deputy: )

**Smethwick**

(Deputy: )

**Tipton**

(Deputy: )

**Wednesbury**

(Deputy: )

**West Bromwich**

(Deputy: )

(Deputy: )

**Cabinet Advisor  
(2021/22)**

(Lab 6)

(Housing)  
(Adult Social Care and Health)  
(Transport and Community Cohesion)  
(Community and Neighbourhood Development)  
(Children and Young People)  
(Community Wealth Building)

**Member Champions  
(2021/22)**

(Lab)

Heritage Champion – Cabinet Member for Inclusive Economic Growth  
Armed Forces Champion -

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# Programme of Meetings 2021/22

# A p p e n d i x D

Programme of Meetings 2021 – 2022

May 2021		June 2021		July 2021	
1		1		1	
2		2		2	
3	<b>Bank Holiday</b>	3	Corporate Parenting Board (Business)	3	
4		4		4	
5		5		5	
6		6		6	
7		7	Licensing Committee	7	The Cabinet
8		8		8	Planning Committee
9		9		9	
10		10		10	
11	Planning Committee	11	Ethical Standards & Member Development Committee	11	
12		12		12	
13		13		13	Full Council
14		14	General Purposes & Arbitration Committee; Children's Services & Education Scrutiny Board Working Group; Economy, Skills, Transport & Environment Scrutiny Board Working Group;	14	
15		15	Health & Adult Social Care Scrutiny Board Working Group; Safer Neighbourhoods and Active Communities Scrutiny Board Working Group;	15	Corporate Parenting Board (Engagement)
16		16	The Cabinet	16	
17		17		17	
18		18		18	
19	The Cabinet	19		19	Licensing Sub Committee 2
20		20		20	
21		21	Licensing Sub Committee 1	21	Budget & Corporate Scrutiny Management Board
22		22		22	Economy Skills Transport & Environment Scrutiny Board
23		23	Budget & Corporate Scrutiny Management Board	23	
24		24	Audit & Risk Assurance Committee	24	
25	<b>Annual Meeting of Council</b>	25		25	
26		26		26	Health & Adult Social Care Scrutiny Board
27		27		27	
28		28		28	
29		29		29	Audit & Risk Assurance Committee;
30		30	Health & Wellbeing Board	30	
31	<b>Bank Holiday</b>			31	

August 2021		September 2021		October 2021	
1		1	The Cabinet	1	
2		2	Safer Neighbourhoods & Active Communities Scrutiny Board	2	
3		3		3	
4	Planning Committee	4		4	
5		5		5	
6		6	General Purposes and Arbitration Committee	6	Planning Committee
7		7		7	
8		8	Budget and Corporate Scrutiny Management Board	8	
9		9		9	
10		10		10	
11		11		11	
12		12		12	Full Council
13		13	Health and Adult Social Care Scrutiny Board	13	Budget & Corporate Scrutiny Management Board
14		14		14	
15		15	Planning Committee	15	
16	Licensing Sub Committee 3	16	Audit and Risk Assurance Committee	16	
17		17		17	
18		18		18	Licensing Sub Committee 2
19		19		19	
20		20	Licensing Sub Committee 1	20	The Cabinet
21		21		21	
22		22	Health and Wellbeing Board	22	
23	Children's Services & Education Scrutiny Board	23	Corporate Parenting Board (Business)	23	
24		24	Ethical Standards and Member Development Committee	24	
25		25		25	
26		26		26	
27		27		27	Health & Wellbeing Board
28		28		28	
29		29	The Cabinet	29	
30	<b>Bank Holiday</b>	30	Economy Skills Transport & Environment Scrutiny Board	30	
31				31	

November 2021		December 2021		January 2022	
1		1	Budget & Corporate Scrutiny Management Board;	1	
2		2		2	
3	The Cabinet	3	Ethical Standards and Member Development Committee;	3	<b>Bank Holiday</b>
4	Corporate Parenting Board (Engagement)	4		4	
5		5		5	
6		6		6	
7		7	Full Council	7	
8		8	Planning Committee	8	
9		9		9	
10	Planning Committee	10		10	Children's Services & Education Scrutiny Board;
11	Economy Skills Transport and Environment Scrutiny Board	11		11	Audit and Risk Assurance Committee
12		12		12	The Cabinet
13		13	Licensing Sub Committee 1; Corporate Parenting Board (Business)	13	
14		14		14	
15	Licensing Sub Committee 3; Children's Services & Education Scrutiny Board	15	The Cabinet; Health and Wellbeing Board	15	
16		16		16	
17	Budget & Corporate Scrutiny Management Board	17		17	
18	Audit and Risk Assurance Committee	18		18	Full Council
19		19		19	Planning Committee
20		20		20	
21		21		21	
22	Health and Adult Social Care Scrutiny Board	22		22	
23		23	OFFICE CLOSED	23	
24	The Cabinet	24	OFFICE CLOSED	24	Health and Adult Social Care Scrutiny Board; Licensing Sub Committee 2;
25	Safer N'hoods & Active Communities Scrutiny Board	25		25	
26		26		26	Budget & Corporate Scrutiny Management Board
27		27	OFFICE CLOSED	27	Safer Neighbourhoods & Active Communities Scrutiny Board
28		28	OFFICE CLOSED	28	
29		29		29	
30		30		30	
		31	OFFICE CLOSED	31	

February 2022		March 2022		April 2022	
1		1	Full Council (Budget) – subject to change	1	
2		2		2	
3	Economy Skills Transport & Environment Scrutiny Board	3		3	
4		4	Ethical Standards and Member Development Committee	4	Licensing Sub Committee 1
5		5		5	
6		6		6	Planning Committee
7		7		7	
8	Budget & Corporate Scrutiny Management Board;	8	Full Council (Budget) – subject to change	8	
9	The Cabinet	9	Planning Committee	9	
10	Corporate Parenting Board (Engagement)	10	Economy, Skills, Transport and Environment Scrutiny Board	10	
11		11		11	
12		12		12	Full Council
13		13		13	The Cabinet; Health and Wellbeing Board
14		14	Health and Adult Social Care Scrutiny Board;	14	
15	Planning Committee	15		15	<b>Bank Holiday</b>
16	The Cabinet	16	Budget & Corporate Scrutiny Management Board	16	
17		17	Audit and Risk Assurance Committee	17	
18		18		18	<b>Bank Holiday</b>
19		19		19	
20		20		20	
21	Licensing Sub Committee 3	21	Children's Services & Education Scrutiny Board;	21	
22		22		22	
23	The Cabinet; Health & Wellbeing Board	23	The Cabinet	23	
24		24		24	
25		25		25	
26		26		26	
27		27		27	
28		28	General Purposes and Arbitration Committee	28	
		29	Corporate Parenting Board (Business)	29	
		30		30	
		31	Safer Neighbourhoods & Active Communities Scrutiny Board		

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May 2022		June 2022		July 2022	
1		1		1	
2	Bank Holiday	2	Bank Holiday	2	
3		3	Bank Holiday	3	
4		4		4	Health and Adult Social Care Scrutiny Board
5	Election	5		5	
6		6	Budget & Corporate Scrutiny Management Board; Licensing Committee	6	Planning Committee
7		7		7	
8		8	Planning Committee	8	
9		9		9	
10		10		10	
11	Planning Committee	11		11	Group Meetings
12		12		12	Full Council
13		13		13	Budget & Corporate Scrutiny Management Board
14		14		14	
15		15	The Cabinet	15	
16		16		16	
17		17		17	
18	The Cabinet	18		18	
19		19		19	
20		20	Children's Services & Education Scrutiny Board	20	
21		21		21	Audit and Risk Assurance Committee
22		22	The Cabinet	22	
23		23	Economy Skills Transport & Environment Scrutiny Board	23	
24	Annual Council	24		24	
25		25		25	
26		26		26	
27		27		27	
28		28		28	
29		29		29	
30		30	Safer Neighbourhoods & Active Communities Scrutiny Board	30	
31				31	

# Scheme of Delegation

## Introduction

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

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

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

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

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

### **Category A - Executive Decisions**

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

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

### **Category B - Non-executive Decisions**

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

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

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

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

### **Category C – Executive Administrative Decisions**

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

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

### **Category D - Non-executive Administrative Decisions**

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

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

### **Category E**

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

There is no requirement to publish these decisions.

## Approved Decision Maker

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

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

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

## Principles of Delegation

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

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

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

3. Authority to Act:

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

### Exemptions to Publication

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

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

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

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

## Scheme of Delegation - Index

Approved 'Decision Maker'
Chief Executive/Head of Paid Service
Deputy Chief Executive
Adult Social Care
Borough Economy
Business Change and Strategy
Children's Services/Children and Families
Education, Skills and Employment
Finance
Housing
Law & Governance and Monitoring Officer
Regeneration and Growth
All Directors
Miscellaneous Officers
Non-council employees
Partnering Arrangements

## Chief Executive/Head of Paid Service

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Assuming Responsibility for the Management of Budgets</b>                      In consultation with the Section 151 Officer, where, in their opinion, the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council’s overall financial management situation, to determine whether the management of that budget will be assumed by the Executive Director – Resources acting in conjunction with the Head of the Paid Service, or directly by the Head of the Paid Service themselves (or such other officers as they may determine).</p> <p>Section 28 of the Local Government Act 2003</p>	
<p><b>Birmingham International Airport Shares</b>                      The Chief Executive and the Chief Finance Officer of the Council be authorised severally, in consultation with the Leader and Deputy Leader of the Council, to take such action as may be required for the purpose of implementing any decision of the Cabinet in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p> <p>Section 12 of the Local Government Act 2003 grants a local authority the power to invest:                      (a) for any purpose relevant to its functions under any enactment, or                      (b) for the purposes of the prudent management of its financial affairs.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>
<p><b>Birmingham International Airport Districts Side Agreement</b>                      The Chief Executive, or in his/her absence, the appointed Deputy Chief Executive, in consultation with the Chair or Vice Chair of the Joint Committee, be authorised to discharge all functions in relation to Birmingham Airport Holdings Limited, as provided for at Clause 5.4 of the Birmingham Airport Districts Side Agreement, and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith, in consultation with the Council’s Director of Law and Governance and Monitoring Officer and the Chief Finance Officer of the Council where appropriate and reasonably practicable.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 3 and 5</p>

## Chief Executive (cont)

### **Civil Contingencies and Civil Emergencies**

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

Civil Contingencies Act 2004

### **Closure Powers -**

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

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

Anti-Social Behaviour, Crime and Policing Act 2014

### **Political Restriction of Officer Posts**

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

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

### **Mental Capacity Act 2005**

To act as authorised signatory in the absence of the Director of Adult Social Care under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act.

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

Exemptions 1, 2 and 5

## Chief Executive (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>Representation of the People Act 1983 – Proper Officer</b> To act as the Proper Officer for the purposes of Section 8(2) of the Representation of the People Act 1983 (officer of the Council to be the Registration Officer).	
<b>Civil Contingencies and Civil Emergencies</b> To exercise the Council’s functions under and to authorise Officers to enforce those provisions of the Civil Contingencies Act 2004 and to respond in the event of civil emergencies and to commit budgets as necessary.  The power to take decisions which are determined to be urgent when the Cabinet or a Committee is unable to meet, in consultation as appropriate with the Chair of the relevant Overview and Scrutiny Committee or the Mayor or Deputy Mayor.  The taking of any action necessary, including the incurring of expenditure in accordance with Financial Regulations, in connection with an emergency or disaster in the Borough.  The exercise of powers delegated to any Officer when that Officer is unavailable or unable to act.	

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>Birmingham International Airport</b> The Chief Executive, the Chief Finance Officer of the Council and Director of Law and Governance and Monitoring Officer be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form or proxy, consent to short notice or other document or to attend any meeting of shareholders as representatives of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.	
<b>Signing of Documents / Common Seal</b> To sign on behalf of the Council, and to attest the fixing of the Common Seal of the Council to documents (in consultation with the Director of Law and Governance and Monitoring Officer where appropriate).	

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

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

Deputy Chief Executive	
Delegation	Commentary
<b>Categories A – E</b>	
<p><b>To exercise all functions outlined in the schemes of delegation to the following Directors:</b></p> <p>Director of Adult Social Care            Director of Borough Economy            Director of Children and Education            Director of Housing            Director of Public Health</p>	
<p><b>To exercise all functions of the Chief Executive/ Head of Paid Service in their absence.</b></p>	

## Director – Adult Social Care

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Mental Health Practitioners</b>                      To appoint Approved Mental Health Practitioners for the purposes of the Mental Health Act 1983 and to exercise the functions pursuant to that Act.                      Section 114(1) of the Mental Health Act 1983 (as amended by the Mental Health Act 2007).</p>	<p>Was EDASC</p>
<p><b>Assistance to Home Owners</b>                      To consider and determine requests for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To authorise payments for grants, loans and any other type of assistance made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments</p> <p>To determine the relevant works, eligibility, maximum amount and conditions attached to any form of assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To impose and enforce conditions including instigating the necessary steps for breach of condition in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p> <p>To determine requests to waive grant conditions in respect of any assistance within the scope of any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	

## Director - Adult Social Care

### **Assistance to home owners - Policy for the provision of assistance to home owners**

To make amendments to the Policy for the Provision of Assistance to Home Owners to take account of operational issues and changes in statute in order to enable its fair and effective delivery.

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

### **Assistance to Meet a Person's Needs**

To promote well-being when carrying out any care and support functions in respect of an individual and provide or arrange services that reduce need for support amongst people and their carers in the local area by assessing need and meeting those needs via the provision of care and support as appropriate..

Care Act 2014 Part 1 (Care and Support)

### **Assistance to Residential Occupiers**

To assist residential occupiers whose supplies of gas, water or electricity have been cut off, or are about to be cut off, because their landlords or other persons to whom they had been paying for their supplies has failed to pay the relevant statutory undertakers (Local Government (Miscellaneous Provisions) Act 1976)

### **Authority to Enter Premises**

To authorise appropriate officers to enter Premises under:  
Sections 337 and 340 and of the Housing Act 1985;

Schedule 3 of the Environmental Protection Act 1990.

Power to apply for a Warrant of Entry under Schedule 3 of the Environmental Protection Act 1990.

### **Cleansing of Premises - Section 83 of the Public Health Act 1936**

To act and authorise others to act on his/her behalf under Section 83 of the Public Health Act 1936 concerning the cleansing of filthy and verminous premises (as amended by the Public Health 1961).

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

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

Part 4A Family Law Act 1976

Part 11 Family Procedure Rules 2010

Antisocial Behaviour, Crime and Policing Act 2014

**Director - Adult Social Care**

**Deprivation of Liberty Safeguards**

To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities for the Mental Capacity Act 2005 - Deprivation of Liberty Safeguards.

Mental Capacity Act 2005

**Determination/Application of Charges for meeting need**

To make charges for meeting needs in accordance with the prescribed method of assessment under section 14 Care Act 2014

Part I section 14 Care Act 2014

**Disabled Facilities Grants**

To approve or refuse applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To authorise payments for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To impose and enforce conditions in respect of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.

Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996, mainly sections 24, 35, 37 and 52.

**Replicated in Housing**

Director - Adult Social Care,	
<p><b>Disabled Facilities Grants - Standards of Work</b>            To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and any other type of assistance made available by the Council under its policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and any subsequent amendments or enactments including the siting of amenities.</p>	<b>Replicated in Housing</b>
<p><b>Enforcement of Grant Conditions</b>            To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.            To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<b>Replicated in Housing</b>
<p><b>Financial Deputy - Deputyship Accounts</b>            To act as and authorise others to act on his/her behalf as Financial Deputy under the Mental Capacity Act 2005, for those persons incapable of managing their own affairs and to take such "Best Interest Decisions" as necessary in accordance with the Act</p> <p>Mental Capacity Act 2005</p>	
<p><b>Guardianship</b>            To accept or authorise others to accept Guardianship under sections 7 and 37 of the Mental Health Act 1983 on behalf of the Local Authority.            To discharge Guardianship in consultation with the appropriate Cabinet Member.</p>	
<p><b>Payments and Contributions to Care</b>            To determine further payments to a home after the death of a client. To disregard property values in assessing a client's ability to contribute towards accommodation costs if property is shared with a carer, or where it is considered to be appropriate</p> <p>Section 22 of the National Assistance Act 1948 (Charges to be made for Accommodation) and associated Regulations.</p>	

<p><b>Statutory Responsibility for the social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's executive statutory responsibilities under the Care Act 2014.</p>	
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**Director – Adult Social Care**

Delegation	Commentary
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**Category B – Non- Executive**  
Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.

<p><b>Criminal Justice and Police Act 2001</b> To act and authorise others to act on his/her behalf under S13(2) of the Council's powers in the Act.</p>	
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**Director - Adult Social Care**

<p><b>Statutory Responsibility for social care of adults</b> Where not otherwise expressly delegated, to exercise the Council's non-executive statutory responsibilities under the Care Act 2014.</p>	
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**Director – Adult Social Care**

Delegation	Commentary
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**Category C – Ancillary to an Executive Decision**  
Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.

<p><b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
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**Director - Adult Social Care**

Delegation	Commentary
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**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.

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

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Abandoned Vehicles - Refuse Disposal (Amenity) Act 1978</b>                      To exercise and to authorise others to exercise the Council's functions under the Act dealing with the removal and disposal of abandoned vehicles.</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 2 and 6</p>
<p><b>Abatement of Statutory Nuisance - Part III of the Environmental Protection Act 1990</b>                      To act and authorise others to act on his/her behalf under Part III of the Environmental Protection Act 1990 concerning the abatement of statutory nuisances.</p>	<p>Was P&amp;P</p>
<p><b>Accumulations of Rubbish - Public Health Act 1961 Section 34</b>                      To act and authorise others to act on his/her behalf under the Council's functions in Section 34 of the Public Health Act 1961 concerning Abatement</p>	<p>Formerly ED of Adult Social Care (EDASC)</p>
<p><b>Air Quality Inspection of – Processes Environment Act 1995</b>                      To act and authorise others to act on his/her behalf under the provisions of the Environment Act 1995 in connection with the inspection of processes under local authority control and the monitoring of air quality.</p>	<p>Was P&amp;P</p>
<p><b>Animal Health Cross Border Warrant</b>                      To authorise named officers to act in accordance with a Memorandum of Understanding in relation to Animal Health Cross Border Warrants and to exercise the powers conferred in the Animal Health Act 1981, the Animal Health Act 2002, the Animal Health and Welfare Act 1984, the Animal Welfare Act 2006, the Environmental Protection Act 1990 and the European Communities Act 1972</p>	<p>Formerly ED ASC and Director P&amp;P (duplicated delegation)</p>

<p><b>Anti-Social Behaviour</b></p>	
<p><b>Closure Powers -</b>  To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Community Protection Notice (CPN)</b>  To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	

<p><b>Criminal Behaviour Order (CBO)</b> To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	
<p><b>Blight Notices - Acquisitions</b> To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has accepted a Blight Notice.</p> <p>Section 246 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Cesspools - Section 50 of the Public Health Act 1936</b> To take all necessary actions to remedy overflowing and leaking cesspools under section 50 of the Public Health Act 1936.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

<p><b>Control of Horses Act 2015</b> To act and authorise others to act under the Control of Horses Act 2015.</p>	
<p><b>Appointment of Inspectors - Weights and Measures Act 1985</b> The appointment of Chief Inspector and Deputy Chief Inspector of Weights and Measures responsible to the local Weights and Measures Authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area and for the operation of the arrangements made to give effect in that area for the purpose of the Weights and Measures Act 1985. Section 72 of the Weights and Measures Act 1985.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b> To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 in connection with taking action against letting agents and property managers who have not joined a redress scheme when required to do so. Enterprise and Regulatory Reform Act 2013</p>	
<p><b>Authorisation of officers to enforce the Food and Environment Protection Act 1985 Part III and the Control of Pesticides Regulations 1986 -</b> To authorise other categories of staff within the Environmental Health and Trading Standards Division to enforce Part III of the Food and Environment Protection Act 1985 and the Control of Pesticides Regulations 1986, subject to such officers meeting the requirements specified by DEFRA. Section 19(1C) of the Food and Environment Protection Act 1985).</p>	
<p><b>Blocked or Defective Drains - Public Health Act 1961, Section 17</b> To act and authorise others to act on his/her behalf under the Council's powers in relation to drains which are stopped up or require repair.</p>	

<p><b>Blocked Private Sewers - Local Government (Miscellaneous Provisions) Act 1976 Section 35</b> To act and authorise others to act on his/her behalf under the Council's powers in relation to blocked private sewers.</p>	
<p><b>Building Act 1984 - Service of Various Notices -</b>          · Service of notice in connection with inadequate drainage in houses under Section 59 of the Building Act 1984.          · Service of notice requiring correct use and ventilation of soil pipes in house under Section 60 of the Building Act 1984.          · Service of notice in connection with a building with insufficient wc accommodation under Section 64 of the Building Act 1984.          · Service of notice in connection with buildings with insufficient or unsuitable accommodation for the storage of food under Section 70 of the Building Act 1984.          · Service of notice, carrying out of work and reclaiming of expenses incurred as they relate to buildings in such a state as to be prejudicial to health or nuisance where undue delay would occur carrying out action under Section 80 of the Environmental Protection Act 1990, (under Section 76 of the Building Act 1984).          Service of notice in connection with defective yards and passages relating to buildings under Section 84 of the Building Act 1984.</p>	
<p><b>Clean Air Act 1993</b> To act and authorise others to act on his/her behalf under the Council's functions in the Clean Air Act 1993.</p>	
<p><b>Clean Neighbourhoods and Environment Act 2005</b> To exercise the Council's functions under and to authorise Officers to enforce those provisions of the Clean Neighbourhoods and Environment Act 2005 as they relate to his/her particular service area.</p>	

<p>Clean Neighbourhoods and Environment Act 2005  <b>The Smoke and Carbon Monoxide (England) Regulations 2015</b></p> <p>To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p>	<p>Was EDASC</p>
<p><b>Closure Powers - Anti-Social Behaviour Crime and Policing Act 2014</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 24 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to consultation, the issue, cancellation or variation of a closure notice covering a period of up to 48 hours.</p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Chapter 3 of the ASBCP Act 2014 in relation to applying for a closure order, an extension of a closure order, a discharge of a closure order, on any appeal as a consequence, consultation, enforcement of a closure order, application for reimbursement of costs in respect of costs incurred in clearing and securing or maintaining premises subject to a closure order and prosecution for contravention of a closure order.</p>	<p>Was EDASC</p>

<p><b>Community Protection Notice (CPN) - Anti-Social Behaviour Crime and Policing Act 2014</b>  To act and authorise others to act on his/her behalf under the Council's functions under Part 4, Chapter 1 ASBCPA 2014 concerning issue of warning letter, issue of CPN, serving notice in default, carrying out work to remedy a failure to comply with a CPN, issuing a fixed penalty notice for failure to comply with CPN, applications for seizure in breach of a notice and prosecution for failure to comply with a CPN.</p>	<p>Was also in Exec Director of Neighbourhoods</p>
<p><b>Conditions Prejudicial to Health - Environmental Protection Act 1990</b>  Power to investigate if a house is in such a state as to be prejudicial to health or a nuisance under Section 79 of the Environmental Protection Act 1990.</p> <p>Service of notice in connection with a house in such a state as to be prejudicial to health or a nuisance under Section 80 of the Environmental Protection Act 1990.</p> <p>Power to take action to abate a nuisance and to recover expenses, as they relate to a house which is in such a state as to be prejudicial to health or a nuisance under Section 81 of the Environmental Protection Act 1990.</p> <p>Powers relating to recovery of expenses incurred by Section 81 (above) action under Section 81A and 81B of the Environmental Protection Act 1990.</p>	
<p><b>Contaminated Land - Part IIA of the Environmental Protection Act 1990 -</b>  To act and authorise others to act on his/her behalf under the Council's functions in Part IIA of the Environmental Protection Act 1990 concerning the identification and remediation of contaminated land.</p>	
<p><b>Control of Asbestos Regulations 2012</b>  The powers and duties contained in the Control of Asbestos Regulations 2012.</p>	

<p><b>Consumer Protection from Unfair Trading Regulations 2008</b>  To act and authorise others to exercise powers under the Consumer Protection from Unfair Trading Regulations 2008 made under the European Communities Act 1972.</p> <p>Regulation 19 of the Consumer Protection from Unfair Trading Regulations 2008</p>	
<p><b>Court Proceedings - Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007</b>  In consultation with the Director of Law and Governance and Monitoring Officer and the Director - Children &amp; Families, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-S of the Act.</p> <p>Part 4A Family Law Act 1996  Part 11 Family Procedure Rules 2010  Antisocial Behaviour, Crime and Policing Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1,2, 3,5 and 7</p>
<p><b>Disabled road markings on the highway</b>  To agree the provision of advisory road markings to indicate dedicated parking spaces for use by disabled people.</p> <p>Section 32 Road Traffic Regulation Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>

<p><b>Demolition Orders</b></p> <p>Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p>	
<p><b>Domestic WCs - Public Health Act 1936</b></p> <p>Service of notice in connection with repair of domestic WCs under Section 45 of the Public Health Act 1936.</p>	
<p><b>Enforcement of Grant Conditions</b></p> <p>To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.</p> <p>To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<p>Was P&amp;P and ERASC – now replicated in D of Housing</p>

**Director – Borough Economy**

**Environmental Health Officers and Related Functions  
Authorised Officers**

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

Abandonment of Animals Act 1960  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Welfare Act 2006  
Animal Health and Welfare Act 1984  
Animal Health and Welfare – ECA 1972 including:-

**Flood and Water Management Act 2010**

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

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

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

**Food legislation**

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

<p><b>Gable Walls - Side Effects of Demolition</b>  In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair.  Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Gifted and Talented Grant Panel</b>  To consider the recommendations of the Gifted and Talented Grant Panel in respect of applications for grants to individual athletes living within Sandwell, and to determine the level of grant up to a maximum of £500.00, to individual athletes per funding round, in accordance with the approved criteria.</p>	
<p><b>Goods Vehicle Licensing</b>  To lodge or withdraw objections to the granting of operators' licences.   Section 12 of the Goods Vehicles (Licensing of Operators) Act 1995</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Growth and Infrastructure Act 2013</b>  To exercise powers in relation to the provisions contained in the Growth and Infrastructure Act 2013.</p>	<p>In B Econ and R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Health and Safety – Non-Housing Property</b>  To approve the taking of measures /carrying out of works to enable the Council to comply with health and safety regulations relating to its non-housing property portfolio in order to seek to protect the Council from possible prosecution.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 7</p>

<p><b>Highways Act 1980</b> To exercise functions under the following sections of the Highways Act 1980:</p> <p>Sections 219 and 220 - Advance payments code Section 38 - Adoption of highways; Sections 115(A-K) - Applications for the placing of furniture etc on highways Section 177 - Granting licences and determining terms and conditions Section 4 - Agreement for improvement of roads which cross or enter trunk roads Section 8 - Agreements between adjoining highway authorities to enable traffic calming measures to be carried out under section 90A Section 36 - Keeping a list of highways maintained at the public expense Section 37 - To deal with notices of proposals to dedicate a way as a highway and certify that it has been dedicated in accordance with the terms of the notice Section 41 - Duty to maintain highways maintained at the public expense</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p>Section 56 - Proceedings for an order to repair highway / enforcement of liability for maintenance Section 57 - Default powers of highway authorities in respect of private maintainable highways Section 59 - Recovery of expenses due to extraordinary traffic. Section 72 - Power to widen highways by dedication agreement Section 73 - Power to prescribe improvement line for widening the street Section 79 - Prevention of obstruction to view at corners Section 116 - Power of Magistrates' to authorise stopping up or diversion of highways Section 131 - Damage to highways Section 132 - Unauthorised marks on highways Section 134 - Enforcing an acceptable surface of a path after ploughing Section 136 - Damage to highway consequent of exclusion of sun and wind Section 137 - Wilful obstruction Section 138 - Erection of building etc in the highway Section 140 - Removal of builders skips Section 143 - Removal of structures from highway Section 144 - Power to erect flagpoles on highway Section 145 - Gates across highways Section 146 - Duty to maintain styles on footpaths, bridleways and restricted bridleways and service of notice on owners</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

<p>Section 147(A) - Road side sales  Section 148 - Deposition of things or booths etc on the highway  Section 151 - Prevention of soil etc being washed onto street  Section 152 - Powers as to removal of projections from buildings  Section 153 - Doors etc in streets not to open outwards  Section 154 - Power to require cutting or felling of trees that overhang or are a danger to users  Section 161 - Causing danger or annoyance  Section 162 - Placing rope / wire or other apparatus across highway  Section 163 - Prevention of water flowing onto a highway  Section 164 - Power to remove barbed wire  Section 165 - Dangerous land adjoining street</p>	
<p>Section 166 - Forecourt abutting on streets  Section 170 - Control of mixing mortar etc on highways  Section 173 - Control of hoardings to be set up during building construction  Section 176 - Restriction on construction of bridges over highways  Section 177 - Restriction on construction of buildings over highways  Section 184 - Approval and rejection of requests to provide vehicles crossings over footways  Section 185 - Power to install refuse or storage bins  Section 205 - Carrying out of street works in private streets  Section 228 - To authorise the adoption of highways  Section 230 - To authorise notices requiring owners to carry out repairs in a private street  Section 278 - To enter into highway agreements  Section 286 - Power to require angles of new buildings at street corners to be rounded off  Section 289 - Power of entry for the purposes of survey  Section 291 - Powers of entry for maintenance purposes  Section 303 - Obstruction during execution of provisions of the Act.  Section 305 - Recovery of expenses  Schedule 12A - Powers in relation to interference with highways</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3, 6 and 7</p>

<p><b>Land Drainage Act 1991</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to undertake all Council functions, duties and responsibilities in accordance with the Flood Land Drainage Act 1991.</p> <p>To exercise functions under the following sections of the Land Drainage Act 1991:</p> <ul style="list-style-type: none"> <li>- of entry for IDB and local authorities</li> <li>- Section 14 - General drainage powers of boards and local authorities (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 29)</li> <li>- Section 15 - Disposal of spoil by boards and local authorities</li> <li>- Section 23 - Prohibitions on obstructions etc. in watercourses (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 32)</li> <li>- Section 25 - Powers to require works for maintaining flow of watercourse (as amended by Flood and Water Management Act 2010 S31 Schedule 2 paragraph 33)</li> </ul> <p>Section 64 - Powers</p>	
<p><b>Local land drainage problems</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to carry out works to alleviate local land drainage problems, dealing with complaints in order of their receipt.</p> <p>Land Drainage Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption Paragraphs 1, 2, and 6 ?</p>
<p><b>Naming of roads</b>  To deal with the naming of roads under section 64 of the Town Improvement Clauses Act 1847.</p>	

<p><b>Public Path Orders - Claims for Compensation</b> To assess and pay any claims for compensation pursuant to section 28 of the Highways Act 1980 (compensation for loss caused by Public Path Creation Order)</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>
<p><b>Removal and Disposal of Vehicles - Vehicle Excise Duty</b> To exercise the Council's functions under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 7</p>
<p><b>Road Traffic Regulation Act 1984</b> To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984: Section 14(1) - Orders for temporary prohibitions or restrictions on roads; Section 14(2) - Notices for temporary</p>	
<p><b>Road Traffic Regulations Act 1984</b> Section 23 - Notices to establish, alter or remove pedestrian crossings on roads.</p>	
<p><b>Road Closures for Public Events</b> To undertake the functions, duties and responsibilities relating to road closures in connection with public events.  Section 16A of the Road Traffic Regulation Act 1984 and section 21 of the Town Police Clauses Act 1847</p>	
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated B Econ, Housing, R&amp;G  A number of decisions within this delegation may be exempt from publication:</p>
<p><b>Stall Licences and Car Boot Sales</b> To determine routine applications for licences to operate stalls in the Council's Markets and commercial car boot sales within the Policy.  Section 37 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>

**Safety legislation**

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

**Director - Borough Economy (cont)**

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

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

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

**Food and Feed Enforcement of Legislation relating to**  
 To act and authorise others to act on his/her behalf on all executive matters under the following legislation:-  
 (a) The Food Safety Act 1990; and  
 (b) any Orders, or Regulations or other instruments:-  
     (i) made thereunder; or  
     (ii) relating thereto; or  
     (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff;  
 (c) Food Safety & Hygiene (England) Reg 2013  
 (d) the Official Feed and Food Controls (England) Regulations 2009;  
 (e) any modification or re-enactment of the foregoing.

<p><b>Foul Drainage Connections</b> To exercise the Council's powers in relation to incorrect foul drainage connection to surface water drainage systems. Sections 59 and 60(4) of the Building Act 1984</p>	
<p><b>Gifted and Talented Grant Panel</b> To consider the recommendations of the Gifted and Talented Grant Panel in respect of applications for grants to individual athletes living within Sandwell, and to determine the level of grant up to a maximum of £500.00, to individual athletes per funding round, in</p>	Was EDN
<p><b>Health Act 2006 and Regulations Made Thereunder, Including the Smoke-Free (Premises and Enforcement) Regulations 2006</b> To act and authorise others to act on his/her behalf under the Council's powers in the Act and Regulations made thereunder.</p>	
<p><b>Land Contamination and Pollution Control</b> To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.  Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108</p>	
<p><b>Licensing Committee/Sub Committee</b>  In the event that the Licensing Committee/Sub Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	
<p><b>Microchipping of Dogs</b> To act and authorise others to act on his/her behalf under the provisions of the Animal Welfare Act 2006 together with any regulations or orders made thereunder.</p>	
<p><b>Motor Cycles Noise Act 1987</b>  To act and authorise others to act on his/her behalf under the Council's functions in the Motor Cycles Noise Act 1987.  Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987</p>	

<p><b>Noise on Construction Sites, Noise in Streets and Noise Abatement Zones</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 60 and 61 of the Control of Pollution Act 1974 in respect of noise from construction sites. To act and authorise others to act on his/her behalf under the Council's functions in Sections 62 of the Control of Pollution Act 1974 in <b>respect of noise in streets</b></p>	
<p><b>Possession Proceedings</b></p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	<p>Duplicated in housing</p>
<p><b>Prevention of Damage by Pests Act 1949</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-</p> <ul style="list-style-type: none"> <li>- <b>Section 4 - the power to require action for the destruction of rats or mice or for keeping land free from rats and mice;</b></li> <li>- <b>Section 22 – Power of entry.</b></li> </ul>	

<p><b>Private Hire and Hackney Carriage Licensing - Authorisation of Officers</b></p> <p>To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006</p> <p>Equality Act 2010</p> <p>Health Act 2006</p> <p>Deregulation Act 2015</p> <p>Public Health Act 1925 Part VIII</p> <p>Transport Act 1980 – Section 64 – Roof signs Act 1985 (I)</p> <p>Disability Discrimination Act 1995 Part V</p> <p>Criminal Justice and Public Order Act 1994 Part XII Private Hire Vehicles (Carriage of Guide Dogs etc) 2002 Road Traffic Act 1988 Section 143</p> <p>Immigration Act 2016</p>	
<p><b>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-</p> <p>Section 20 - the provision of sanitary accommodation at places of entertainment.</p>	
<p><b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b></p> <p>To exercise and authorise others to exercise powers on his/her behalf for the retention, forfeiture and disposal of noise equipment seized under Section 81(3) of the Environmental Protection Act 1990, contained in Section 10 and the Schedule to the Noise Act 1996.</p>	
<p><b>Smoke Control Area Grants</b></p> <p>To approve and authorise others to approve on his/her behalf smoke control area grants.</p> <p>Section 26 and Schedule 2 of the Clean Air Act 1993.</p>	

<p><b>Sunday Trading Act 1994</b></p> <p>To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>	
<p><b>Suspension Notices - The Construction Products Regulations 2013 –</b></p> <p>To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	
<p><b>Suspension Notices - Consumer Protection Act 1987</b>  <b>To exercise the Council’s functions under the Consumer Protection Act 1987.</b></p> <p>To issue and to delegate authority to others to issue suspension notices in relation to goods when it is suspected that relevant safety provisions have been contravened.</p> <p>Section 14 of the Consumer Protection Act 1987.</p>	
<p>Trading Standards and Functions Authorised Officers To act and authorise others to act on his/her behalf under the provisions of the following statutes together with any regulations or orders made thereunder in respect of the following legislation:</p>	

<p>Accommodation Agencies Act 1953 Administration of Justices Acts 1970 and 1985 Agricultural Produce (Grading and Marking) Act 1928 Agriculture Act 1970 Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014 Cancer Act 1939 Charities Act 1992 Children and Families Act 2014 Children and Young Persons Act 1933 Children and Young Persons (PFT) Act 1991 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Climate Change Act 2008 – Single Use Carrier Bags Charges (England) Order 2015 Companies Act 2006 Consumer Credit Act 1974 &amp; 2006 Consumer Protection Act 1987 Control of Pollution Act 1974 Copyright, Designs and Patents Act 1988 Criminal Attempts Act 1981 Criminal Damage Act 1971 Criminal Justice and Police Act 2001 Criminal Law Act 1977 Consumer Rights Act 2015 Development of Tourism Act 1969 Education Reform Act 1988 Employment Agencies Act 1973 Energy Acts 1976 and 1983 Enterprise Act 2002 Environmental Protection Act 1990 Estate Agents Act 1979 European Communities Acts 1972 and 1986 Explosives Act 1875 Fair Trading Act 1973 Fireworks Act 2003 Food Safety Act 1990 Food and Environmental Protection Act 1985 Forgery and Counterfeiting Acts 1981 Fraud Act 2006 Hallmarking Act 1973 Health Act 2009 Health and Safety at Work etc Act 1974 House to House Collections Act 1939</p>	
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<p>Intellectual Property Act 2014</p> <p>Intoxicating Substances (Supply) Act 1985</p> <p>Local Government (Miscellaneous Provisions) Acts 1976 and 1982</p> <p>London Olympic Games and Paralympic Games Act 2006</p> <p>Malicious Communications Act 1988 Medicines Act 1968</p> <p>Motor Cycle Noise Act 1987</p> <p>Motor Vehicles (Safety Equipment for Children) Act 1991 Olympic Symbols etc (Protection) Act 1995</p> <p>Police, Factories etc (Miscellaneous Provisions) Act 1916</p> <p>Police Reform and Social Responsibility Act 2011 Prices Acts 1974 and 1975</p> <p>Protection from Harassment Act 1997 Registered Designs Act 1949</p> <p>Road Traffic Acts 1974, 1988 and 1991</p> <p>Road Traffic (Consequential Provisions) Act 1988 Road Traffic Offenders Act 1988</p> <p>Road Traffic (Foreign Vehicles) Act 1972 Scrap Metal Dealers Act 2013</p> <p>Solicitors Act 1974</p> <p>Telecommunications Act 1984</p> <p>Theft Acts 1968 and 1978</p> <p>Tobacco Advertising and Promotion Act 2002 Town Police Clauses Act 1847</p> <p>Trade Descriptions Act 1968</p> <p>Trade in Animals and Related Products Regs 2011 (made under the European Communities Act 1972)</p> <p>Trade Marks Acts 1994</p> <p>Transport Acts 1978, 1980, 1982 and 1985 Unsolicited Goods and Services Acts 1971 and 1975 Vehicle Crime Act 2001</p> <p>Video Recordings Act 1984 and 2010</p> <p>Weights and Measures Acts 1976 and 1985</p>	
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<p>Under Age Sale of Fireworks - Explosives Act 1875 Section 31</p> <p>To act and authorise others to act on his/her behalf under the provisions of Section 31 of the Explosives Act 1875 to take enforcement action against under age sales of fireworks.</p>	
<p><b>Traffic Regulation Orders - Amendments</b> To approve proposals for amendments to Traffic Regulation Orders and to implement the necessary legal procedures to bring the revised Traffic Regulation Order into effect. Road Traffic Regulation Act 1984 Sch 9 Part IV para 27</p>	
<p><b>Traffic Signs</b> In accordance with the Traffic Signs Regulations and General Directions 2016, to undertake all Council functions, duties and responsibilities as a Highway Authority in relation to traffic signs.  Traffic Signs Regulations and General Directions 2016 Road Traffic Regulation Act 1984 Road Traffic Act 1988</p>	
<p><b>Traffic Regulation Orders</b> To authorise the advertisement and making of new permanent Traffic Regulation Orders and, subject to no unresolved objections, to implement the necessary legal procedures to bring the Traffic Regulation Order into effect.</p>	
<p><b>Unauthorised encampments</b> To approve and to authorise others to approve the taking of steps including legal proceedings, to deal with unauthorised encampments in appropriate cases and to take such steps as are reasonably necessary to ensure that those persons occupying the land comply with any direction served by the Council and/or any orders issued by Courts under the Act.  Part 55 of the Civil Procedure Rules 1998 Criminal Justice and Public Order Act 1994, Common Law Powers to recover land from trespassers</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2, 6 and 7</p>

<p>Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>To exercise the Council's functions under and to authorise Officers to enforce the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p>	
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	
<p>Waste on Land - Environmental Protection Act 1990 Part II</p> <p>To act and authorise others to act on his/her behalf in relation to the Council's functions under:-</p> <ul style="list-style-type: none"> <li>- Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land.</li> <li>- Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of the Duty of Care with regard to waste.</li> <li>- Section 47 of the Environmental Protection Act 1990</li> </ul>	

Director – Borough Economy (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>                      To act and authorise others to act on his/her behalf under the Council's functions under Part viii - Acupuncture, Tattooing, Ear Piercing and Electrolysis of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p><b>Control of Sex Establishments</b>                      To act and authorise others to act on his/her behalf under the Council's functions under Part ii, Control of Sex Establishments of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p><b>Conditions Prejudicial to Health - Environmental Protection Act 1990</b>                      Power to investigate if a house is in such a state as to be prejudicial to health or a nuisance under Section 79 of the Environmental Protection Act 1990.</p>	
<p><b>Contaminated Land - Part IIA of the Environmental Protection Act 1990 -</b>                      To act and authorise others to act on his/her behalf under the Council's functions in Part IIA of the Environmental Protection Act 1990 concerning the identification and remediation of</p>	
<p><b>Control of Asbestos Regulations 2012</b>                      The powers and duties contained in the Control of Asbestos Regulations 2012.</p>	
<p><b>Consumer Protection from Unfair Trading Regulations 2008</b>                      To act and authorise others to exercise powers under the Consumer Protection from Unfair Trading Regulations 2008 made under the European Communities Act 1972.</p>	
<p><b>Cycle Tracks Act 1984</b>                      Power of the Local Highway Authority to designate footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.</p>	

<p><b>Demolition Orders</b>  Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	
<p><b>Domestic WCs - Public Health Act 1936</b>  Service of notice in connection with repair of domestic WCs under Section 45 of the Public Health Act 1936.</p>	
<p><b>Enforcement of Grant Conditions</b>  To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition.</p>	

**Environmental Health Officers and Related Functions  
Authorised Officers**

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

Abandonment of Animals Act 1960

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Animal Boarding Establishments Act 1963  
Animal Health Act 1981

Animal Health Act 2002

Animal Welfare Act 2006

Animal Health and Welfare Act 1984

Animal Health and Welfare – ECA 1972 including:-

**Food legislation**

Food Safety & Hygiene (England) Regulations 2013

General Food Regulations 2004

Official Feed and Food Controls (England) Reg 2009

Contaminants in Food (England) Regulations 2013

Transmissible Spongiform Encephalopathies (England)  
Regulations 2010 (as amended)

The Food Information Regulations 2014

**Safety legislation**

Radio Equipment & Telecommunications Terminal Equipment  
Regulations 2000

Personal Protective Equipment Regulations 2002

Recreational Craft Regulations 2004

Supply of Machinery (Safety) Regulations 2008  
Construction Products Regulations 2013

Cosmetic Products Enforcement Regulations 2013

Pyrotechnic Articles (Safety) Regulations 2015

Electrical Equipment (Safety) Regulations 2016

Simple Pressure Vessels (Safety) Regulations 2016

Pressure Equipment (Safety) Regulations 2016

Electromagnetic Compatibility Regulations 2016

Standardised Packaging of Tobacco Products  
Regulations 2015

The Tobacco and Related Products Regulations 2016

General Product Safety Regulations 2005

Lifts Regulations 1997

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

Animal By-products Regulations 2003

Breeding of Dogs Act 1973 and 1999

Building Act 1984

Caravan Sites Act 1968

Caravan Sites and Control of Development Act 1960

Cattle Database Regulations 1998

Cattle Identification Regulations 1998

<p>Official Feed and Food Controls (England) Reg 2009  Performing Animals (Regulations) Act 1925  Pet Animals Act 1951  Police, Factories etc (Miscellaneous Provisions) Act 1916  Pollution Prevention and Control Act 1990  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Processed Animal Protein (England) Regulations 2001  Protection Against Cruel Tethering Act 1988 Protection of  Animals Act 1911 &amp; 1970  Protection of Animals (Amendment) Act 2000  Public Health Acts 1936 and 1961  Public Health (Control of Diseases) Act 1984 (as amended)  Refuse Disposal (Amenity) Act 1978 Riding  Establishment Acts 1964 and 1970  Road Traffic Acts 1988 &amp; 1991  Specified Risk Material Regulations 1997  Sunbeds (Regulation) Act 2010  Sunday Trading Act 1994  Trade in Animals and Related Products Regulations 2011  (made under the European Communities Act 1972)  T.S.E (England) Regulations 2002  Water Act 1989  Welfare of Animals at Slaughter Act 1991  West Midlands County Council Act 1980  Zoo Licensing Act 1981  Zoo Licensing Act 1981 (Amendment) (England and  Wales) Regulations 2002</p>	
<p><b>Environmental Health Officers and Related Functions  Authorised Officers</b>  To act and authorise others to act on his/her behalf under  the provisions of the following statutes, together with any  regulations or orders made thereunder:-  Animal Boarding Establishments Act 1963 – Section 1  Breeding of Dogs Act 1973 – Section 1  Caravan Sites and Control of Develop Act 1960 – S 3(3)  Cattle Identification Regulations 1998 – Article 5(2)  Criminal Justice and Police Act 2001 – Section 13(2)  Dangerous Wild Animals Act 1976 – Section 1  Food Safety Act 1990 – Section 19  Health and Safety at Work etc Act 1974 – Part 1</p>	
<p>Local Government (Miscellaneous Provisions) Act 1982  Section 2,  Section 4;  Sections 13-17;  Part 1 of and Schedules 1 and 2;  Part III of and Schedule4</p>	

<p>Noise and Statutory Nuisance Act 1993 – Schedule 2  Pet Animals Act 1951 – Section 1; Performing Animals (Regulation) Act 1925 Section 1  Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5;  Public Health Act 1931 – Section 269  Riding Establishment Act 1964 and 1970 – licence of pet shops, etc  Zoo Licensing Act 1981 – Section 1</p>	
<p><b>Execution of Works in Default - Public Health Act, 1936, Section 290</b>  The execution of work in default under Section 290 of the Public Health Act 1936.</p>	
<p><b>Fly tipping</b>  To act and authorise others to act on behalf of the Council under Section 33 of the Environment Protection Act 1990</p>	
<p><b>Food and Feed Enforcement</b>  Section 19 of the Food Safety 1990 (Power of register and license premises for the preparation of food under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.</p>	
<p><b>Food and Feed Enforcement</b>  To act and authorise others to act on his/her behalf in all non-executive matters under the following legislation:-  (a) the Food Safety Act 1990; and  (b) any Orders, or Regulations or other instruments:-  a. made thereunder; or  b. relating thereto; or  c. having effect by virtue of the European Communities Act 1972 and relating to food safety or animal feedstuff;  (c) Food Safety &amp; Hygiene (England) Reg 2013  (d) the Official Feed and Food Controls (England) Regulations 2009;  (e) any modification or re-enactment of the foregoing.</p>	
<p><b>Gambling Act 2005</b>  To enforce the provisions of the Gambling Act 2005, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice and to authorise persons in accordance with Section 304 of the Act.</p>	
<p>To determine the following applications in the circumstances indicated:-</p>	
<p>Nature of Application</p>	<p>Prevailing Circumstance</p>
<p>Application for premises licence.</p>	<p>No representations received or where representations have been withdrawn.</p>

Application for reinstatement of a premises licence	No representations received or where representations have been withdrawn	
Application for a variation to a licence.	No representations received or where representations have been withdrawn.	
Application for a transfer of a licence	No representations received from the Gambling Commission	
Application for a provisional statement.	No representations received or where representations have been withdrawn	
Application for club gaming/club machine permits.	No objections made or where objections have been withdrawn	
Applications for other permits		
Cancellation of licensed premises gaming machine permits		
Consideration of temporary use notice		
<p><b>Health and Safety at Work Act 1974</b>  To exercise the powers of appointment contained in Section 19 of the Health and Safety of Work etc. Act 1974 (Authorisation to Assist and Accompany Inspectors).</p> <p>The appointment of Inspectors under Section 19(1) of the Act.</p> <p>To appoint persons as necessary as inspectors to exercise powers specified in:-</p> <ul style="list-style-type: none"> <li>(a) Sections 20, 21, 22 and 25;</li> <li>(b) any Health and Safety Regulation;</li> <li>(c) provisions conferred in Schedule "1" of the Act.</li> </ul> <p>To exercise the powers to authorise persons to accompany an Inspector under Section 20(2)(c)(i) of the Health and Safety at Work.</p>		<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 6 and 7 may apply</p>

<p><b>Health and Safety Authorisation</b></p> <p>To agree transfer of premises between the Local Authority and the Health and Safety Executive (HSE) and vice-versa in accordance with Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To agree with the HSE on the assignment of enforcement responsibility in cases of uncertainty in accordance with Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1998;</p> <p>To appoint as an inspector person(s) who may assist an already duly appointed Inspector employed by the Council in discharging his/her duties in accordance with the requirements of Section 19 of the Health and Safety at Work Act 1974.</p> <p>Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>	
<p><b>High Hedges</b></p> <p>To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities in relation to complaints about high hedges under Part 8 of the Anti-</p>	<p>Grant of Permission or Licence: All decisions within this delegation are to be</p>

**Highways Act 1980**

To exercise functions under the following sections of the Highways Act 1980:

Section 25 - Power to create footpaths, bridleways and restricted byways by agreement

Section 26 - Power to create footpaths, bridleways and restricted byways by order

Section 31A - Duty to keep a register of information in respect of maps, statements and declarations

Section 118 - Power to stop up footpaths, bridleways and restricted byways

Section 118A - Power to make a Rail Crossing

Extinguishment Order

Section 118ZA - Application for Public Path Extinguishment Order for land used as a forestry or for the breeding or keeping of horses

Section 119 - Power to divert footpaths, bridleways and restricted byways in the interest of the owner, lessee or occupier of land

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

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

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

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

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

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

Section 121C - Power to decline to determine certain applications

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

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

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

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

Individual Rights:

All decisions within this delegation are to be published unless exempt

Exemptions 1 and 2 may apply 6 and 7 may apply

<p>Section 135A - Power to temporarily divert footpath, bridleway or restricted byway  Section 135B - Power to make good any damage or remove any obstruction  Section 139 - Control of builders skips; - Section 142 - Licence to plant trees, shrubs etc in the highway  Section 149 - Things deposited on highways as a nuisance  Section 169 - Control of scaffolding on highway  Section 171 - Deposit of building materials and making of excavations in streets  Section 172 - Control of hoardings to be set up during building construction  Section 178 - Restriction on placing rails, beams over highways  Section 179 - Control of construction of cellars under street  Section 180 - Control over openings into cellars</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 and 2 may apply 6 and 7 may apply</p>	
<p><b>Licensing Act 2003</b>  To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and / or codes of practice.</p>	<p>Grant of Permission or Licence:   Exemptions 1, 2, 6 and 7</p>	
<p><b>Licensing Act 2003</b>  To enforce the provisions of the Licensing Act 2003 either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice.</p> <p>To determine the following applications in the circumstances indicated:-</p> <p>Note:- The delegations are in accordance with those recommended in DCMS Guidance issued under Section 182 of the Licensing Act 2003</p>		
<p>Application for personal licence</p>	<p>If no objection made</p>	<p>Grant of Permission or Licence and/or Individual</p>
<p>Application for grant or variation of a premises licence /club premises certificate.</p>	<p>No relevant representation made</p>	<p>Rights:  All decisions within this delegation are to be published unless exempt</p>
<p>Application for provisional statement.</p>	<p>No relevant representations made</p>	<p>Exemptions 1,2 6 and 7 may apply</p>
<p>Application to vary designated premises supervisor.</p>	<p>If no Police objection</p>	
<p>Request to be removed as designated premises supervisor.</p>	<p>All cases</p>	
<p>Application for a Minor Variation of a premises licence/club premises certificate</p>	<p>All cases</p>	

Application for transfer of premises licence	If no Police objection	
Application for interim authorities.	If no Police objection	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc	By officer in consultation with Chair [having sought prior legal advice]	
<b>Markets Falling on Bank Holidays</b> To make suitable arrangements to transfer markets falling on bank holidays to "non-market" days.		
<b>Parking of vehicles on footways, verges and central reservations</b> To display notices on vehicles parking on footways, verges and central reservations.  Section 130 Highways Act 1980		
<b>Private Hire and Hackney Carriage Licensing</b> Local Government (Miscellaneous Provisions) Act 1976 <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.		
<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.		
<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 Disability Discrimination Act 1995 Part V Criminal Justice and Public Order Act 1994 Part XII		

## Director – Borough Economy

Private Hire Vehicles (Carriage of Guide Dogs etc) 2002  
Road Traffic Act 1988 Section 143  
Part 2 of the Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

### **CCTV**

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

### **Consideration of Driving Experience**

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

### **DBS Disclosure**

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

### **Exemption to Displaying Plates and Signs**

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

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

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

### **Leave of Absence to Remain in the UK**

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

<p><b>Medical Officer Certification</b></p> <p>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><b>Non-Compliance with the Colour Policy</b></p> <p>To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles, or hackney carriages.</p>	
<p><b>Security Screens</b></p> <p>To approve requests for advertisements on security screens in private hire vehicles</p>	
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend or revoke a hackney carriage and/or private hire drivers licence under Section 61, including suspension where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner</p>	
<p><b>Suspension of Vehicle Licences</b></p> <p>The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p>	
<p><b>Temporary Renewal of Driver's Licence</b></p> <p>To temporarily renew or extend a licence for a driver where the Legal Manager or the Licensing Manager considers it to be reasonable.</p>	
<p><b>Warning for Failing to Declare or Report</b></p> <p>To issue a strong written warning to new or existing drivers of a private hire vehicle or hackney carriage who have failed to declare or report a minor traffic offence on the first occasion.</p>	
<p><b>Warning for Points on Licence</b></p> <p>To issue a strong written warning to existing drivers of a private hire vehicle or hackney carriage who have more than six points on their licence.</p> <p>Local Government (Miscellaneous Provisions) Act 1976.</p>	

## Director – Borough Economy

### **Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)**

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

S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>Serving an improvement notice under Section 11 or Section 12.</li> <li>Making a prohibition order under Section 20 or Section 21.</li> <li>Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>Taking emergency remedial action under Section 40</li> <li>Making an emergency prohibition order under Section 43.</li> <li>Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection	
Schedule 3 Paragraph 4	Notice of intention to enter to carry out Works in Default of an improvement notice	

<p><b>Land Contamination and Pollution Control</b></p> <p>To exercise and authorise others to exercise on his/her behalf Power of Entry to land to deal with contamination.</p> <p>Environmental Protection Act 1990 – Section 78 Environment Act 1995 – Section 57 and 108</p>	
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<p><b>Licensing Committee/Sub Committee</b></p> <p>In the event that the Licensing Committee/Sub Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	
<p><b>Motor Cycles Noise Act 1987</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in the Motor Cycles Noise Act 1987.</p> <p>Part IV of the Consumer Protection Act 1987 as incorporated by Section 3 of the Schedule to the Motor Cycles Noise Act 1987</p>	
<p><b>New Homes Grant</b></p> <p>To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	
<p><b>Noise on Construction Sites, Noise in Streets and Noise Abatement Zones</b></p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 60 and 61 of the Control of Pollution Act 1974 in respect of noise from construction sites.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 62 of the Control of Pollution Act 1974 in respect of noise in streets offences.</p> <p>To act and authorise others to act on his/her behalf under the Council's functions in Sections 63 -67 of the Control of Pollution Act 1974 in respect of Noise Abatement Zones.</p> <p>Control of Pollution Act 1974</p>	
<p><b>Persons Interested in Land</b></p> <p>Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	

<p><b>Prevention of Damage by Pests Act 1949</b>  To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-  - Section 4 - the power to require action for the destruction of rats or mice or for keeping land free from rats and mice;  - Section 22 – Power of entry.</p>	
<p><b>Private Hire and Hackney Carriage Licensing - 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 Act 1985 (I)  Disability Discrimination Act 1995 Part V  Criminal Justice and Public Order Act 1994 Part XII  Private Hire Vehicles (Carriage of Guide Dogs etc) 2002  Road Traffic Act 1988 Section 143  Immigration Act 2016</p>	
<p><b>Property Appreciation Loans</b>  To deliver and manage Property Appreciation Loans to residents affected by Clearance Areas in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.   Article 3 of the Order</p>	

**Director – Borough Economy**

**Public Right of Way Extinguishment - Housing Act 1985**

To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.

Duplicated in Reg & Gr

**Renovation Grants**

In consultation with the Executive Director - Resources, the Council having given a house renovation grant in respect of a dwelling on the basis of a satisfactory future life, to not seek to enforce repayment of any part of the grant if they subsequently decide to include the dwelling in a Compulsory Purchase Order, during the term of the life of the dwelling estimated when the grant was approved.

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

**Renovation within target areas**

To use the powers delegated to ensure the complete renovation of properties within streets or blocks in identified target areas under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.

**Rents under a General Vesting Declaration**

Authority to set a rent for properties that lie within a confirmed Compulsory Purchase Order which are occupied upon the commencement of a General Vesting Declaration and that rent be set at 50% of the rent due on a similar but fit acquired property to reflect the poor condition associated with unfit properties.

Section 19 Compulsory Purchase Act 1965  
Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.

<p><b>Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sports Act 1987 (as amended by the Regulatory Reforms (Fire Safety) Order 2005)</b>  To exercise and discharge duties and powers in relations to:</p> <p>To issue notices, certificates, exemptions, cancellations or other directions or take any steps on behalf of the Council and to instigate any legal proceedings from the operation the Safety of Sports Grounds Act 1975 or any regulations issued under them.</p> <p>To designate officers as authorised officers for the purposes of Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sports Act 1987 to exercise powers of entry, investigation, enforcement, monitoring of the provisions of the safety certificates and any variations.</p>	<p>Grant of  Permission or  Licence:  All decisions within this  delegation are to be  published unless exempt</p> <p>Exemptions 1, 2. 6 and 7  may apply</p>
<p><b>Sanitary Accommodation Provision - Local Government (Miscellaneous Provisions) Act 1976</b>  To act and authorise others to act on his/her behalf under the Council's functions in the following sections of the Act:-  Section 20 - the provision of sanitary accommodation at places of entertainment.</p>	
<p><b>Scrap Metal Dealers</b>  To enforce the provisions of the Scrap Metal Dealers Act 2013, either generally or specifically, in accordance with the Act, relevant statutory guidance and/or codes of practice, and to authorise persons to act on the Director's behalf in the conduct of this delegation.</p> <p>To issue or refuse applications under the Scrap Metal Dealers Act 2013 for the grant of a Site Licence and/or a Collectors Licence, impose conditions, or vary, or renew or revoke a licence, or any other material change to a licence once granted.</p>	
<p><b>Securing of Void Properties</b>  Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	

<p><b>Seized Noise Equipment - Noise Act 1996, Section 10 and Schedule</b>  To exercise and authorise others to exercise powers on his/her behalf for the retention, forfeiture and disposal of noise equipment seized under Section 81(3) of the Environmental Protection Act 1990, contained in Section 10 and the Schedule to the Noise Act 1996.</p>									
<p><b>Signs for public facilities</b>  To provide signs giving details of facilities available to the public where they are necessary.</p>									
<p><b>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</b>  To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p> <p>The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-</p> <table border="0" data-bbox="199 1234 574 1384"> <tr> <td>Offence</td> <td>Fine</td> </tr> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<p><b>Smoke Control Area Grants</b>  To approve and authorise others to approve on his/her behalf smoke control area grants.</p> <p>Section 26 and Schedule 2 of the Clean Air Act 1993.</p>									
<p><b>Stopping-up of highways and rights of way - Town and Country Planning Act 1990</b>  Section 247 - To authorise the stopping up or diversion of a highway;  Section 257 - To authorise the stopping up or diversion of a footpath, bridleway or restricted byway;  Section 258 - To extinguish public rights of way over land held for planning purposes.</p>	Replicated R&G B Econ								

<p><b>Street Trading</b> To act and authorise others to act on his/her behalf under the Council's functions under Part iii - Street Trading of the Local Government (Miscellaneous Provisions) Act 1982</p>	
<p><b>Street Works Licensing - New Roads and Street Works Act 1991</b> To act and authorise others to act in relation to the Council's functions under section 50 of the New Roads and Street Works Act 1991 (power to grant a street works licence).</p>	
<p><b>Sunday Trading Act 1994</b> To implement the proceedings under the Sunday Trading Act 1994 and to appoint inspectors to aid the enforcement of the Act.</p>	
<p><b>Suspension Notices - The Construction Products Regulations 2013 –</b> To authorise the issue of suspension notices under the Construction Products Regulations 2013.</p>	
<p><b>Suspension Notices - Consumer Protection Act 1987</b> To exercise the Council's functions under the Consumer Protection Act 1987. To issue and to delegate authority to others to issue suspension notices in relation to goods when it is suspected that relevant safety provisions have been contravened. Children and Young Persons Act 1933 – Section 12 Part II; Criminal Justice and Police Act 2001 – Section 13(2); Food Safety Act 1990 – Section 19 Gambling Act 2005 Health Act 2006 Health and Safety at Work etc Act 1974 – Part I House to House Collections Act 1939 – Section 2 Licensing Act 2003 Local Government (Miscellaneous Provisions) Act 1982 – in relation to licensing Poisons Act 1972 – Sections 3(1)(b)(ii), 5, 6, and 11; Police, Factories etc (Miscellaneous Provisions) Act 1916 – Section 5 Police Reform and Social Responsibility Act 2011 Chapter 2 Part 2</p>	

## **Trading Standards and Functions Authorised Officers**

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

Accommodation Agencies Act 1953 Administration of Justices Acts 1970 and 1985

Agricultural Produce (Grading and Marking) Act 1928 Agriculture Act 1970

Anti-Social Behaviour Act 2003

Anti-Social Behaviour, Crime and Policing Act 2014 Cancer Act 1939

Charities Act 1992

Children and Families Act 2014 Children and

Young Persons Act 1933

Children and Young Persons (PFT) Act 1991 Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005 Climate Change Act 2008 – Single Use Carrier Bags Charges (England) Order 2015

Companies Act 2006

Consumer Credit Act 1974 & 2006

Consumer Protection Act 1987 Control of Pollution Act 1974

Copyright, Designs and Patents Act 1988 Criminal Attempts Act 1981

Criminal Damage Act 1971

Criminal Justice and Police Act 2001

Criminal Law Act 1977

Consumer Rights Act 2015 Development of Tourism Act 1969 Education Reform Act 1988

Employment Agencies Act 1973 Energy Acts 1976 and 1983

Enterprise Act 2002 Environmental Protection Act 1990 Estate Agents Act 1979

European Communities Acts 1972 and 1986

Explosives Act 1875 Fair

Trading Act 1973

Fireworks Act 2003 Food Safety Act 1990

Food and Environmental Protection Act 1985 Forgery and Counterfeiting Acts 1981

Fraud Act 2006

Hallmarking Act 1973

Health Act 2009

Health and Safety at Work etc Act 1974

House to House Collections Act 1939

<p>Intellectual Property Act 2014  Intoxicating Substances (Supply) Act 1985  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  London Olympic Games and Paralympic Games Act 2006  Malicious Communications Act 1988  Medicines Act 1968  Motor Cycle Noise Act 1987  Motor Vehicles (Safety Equipment for Children) Act 1991  Olympic Symbols etc (Protection) Act 1995  Police, Factories etc (Miscellaneous Provisions) Act 1916  Police Reform and Social Responsibility Act 2011  Prices Acts 1974 and 1975  Protection from Harassment Act 1997  Registered Designs Act 1949  Road Traffic Acts 1974, 1988 and 1991  Road Traffic (Consequential Provisions) Act 1988  Road Traffic Offenders Act 1988  Road Traffic (Foreign Vehicles) Act 1972  Scrap Metal Dealers Act 2013  Solicitors Act 1974  Telecommunications Act 1984  Theft Acts 1968 and 1978  Tobacco Advertising and Promotion Act 2002  Town Police Clauses Act 1847  Trade Descriptions Act 1968  Trade in Animals and Related Products Regs 2011 (made under the European Communities Act 1972)  Trade Marks Acts 1994  Transport Acts 1978, 1980, 1982 and 1985  Unsolicited Goods and Services Acts 1971 and 1975  Vehicle Crime Act 2001  Video Recordings Act 1984 and 2010  Weights and Measures Acts 1976 and 1985</p>	
<p>Tree Preservation Orders</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer e to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	<p>Replicated in R&amp;G</p>

<p>Under Age Sale of Fireworks - Explosives Act 1875 Section 31</p> <p>To act and authorise others to act on his/her behalf under the provisions of Section 31 of the Explosives Act 1875 to take enforcement action against under age sales of fireworks.</p>	
<p>Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>To exercise the Council's functions under and to authorise Officers to enforce the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p> <p>Regulation 3 of the Vehicle Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997</p>	
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	
<p>Waste on Land - Environmental Protection Act 1990 Part II</p> <p>To act and authorise others to act on his/her behalf in relation to the Council's functions under:-</p> <ul style="list-style-type: none"> <li>- Section 33 of the Environmental Protection Act 1990 in respect of unauthorised deposits of waste on land.</li> <li>- Section 34 of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 in respect of the Duty of Care with regard to waste.</li> <li>- Section 47 of the Environmental Protection Act 1990 in respect of the provision of receptacles for commercial or industrial waste.</li> <li>- Section 59 of the Environmental Protection Act 1990 in respect of the removal of unlawfully deposited waste.</li> </ul>	

Director – Borough Economy	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Charging for information provided to solicitors</b>  To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
<p><b>Concessionary Charges for Facilities</b>  Determine applications for free or concessionary use of facilities within the remit of the Director which are not provided for within the fees and charges policy; and to determine applications for concessionary use of facilities within his/her control from registered Sandwell Charities or non-profit making organisations.</p>	
<p><b>Doors in Streets - Highways Act 1980</b> Doors in streets not to open outwards under section 153 of the Highways Act 1980.</p>	
<p><b>Emergencies – Erection of Barriers, Highways Act 1980</b>  The power to erect barriers in streets in cases of emergency under section 287 of the Highways Act 1980.</p>	
<p>Emergency Works Affecting the Highway To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.</p> <p>Highways Act 1980</p>	
<p><b>Highways Act 1980</b>  To enter into highway agreements under section 278 of the Highways Act 1980.</p>	

<p><b>New Roads and Street Works Act 1991</b></p> <p>To act and authorise others to act in relation to the Council's functions in relation to the following sections of the New Roads and Street Works Act 1991 -</p> <ul style="list-style-type: none"> <li>- Section 51 - Prohibition of unauthorised works</li> <li>- Section 53 - Keeping of the Street Works Register;</li> <li>- Section 56 - Power to direct as to timing of works;</li> <li>- Section 56A - Power to give directions as to placing of apparatus;</li> <li>- Section 58 - Restriction on works following substantial road works;</li> <li>- Section 58A - Restriction on works following substantial road works (Schedule 3A);</li> <li>- Section 61 - Protected streets;</li> <li>- Section 62 - Supplementary provisions as to designated street;</li> <li>- Section 63 - Streets with special engineering difficulties;</li> <li>- Section 64 - Traffic sensitive streets;</li> <li>- Section 65 - Safety measures;</li> <li>- Section 66 - Avoidance of any unnecessary delay or obstruction;</li> <li>- Section 72 - Powers of a street authority in relation to reinstatement;</li> <li>- Section 74 - Charge for occupation of the highway where works unreasonably prolonged;</li> <li>- Section 76 - Liability for cost of temporary traffic management;</li> </ul> <p>Section 81 - Duty to maintain apparatus.</p>	
<p><b>Public Conveniences,</b> To extend normal Sunday opening hours of Public Conveniences when necessary.</p> <p>Section 87 of the Public Health Act 1936.</p>	
<p><b>Road Traffic Regulation Act 1984</b></p> <p>To act and authorise others to act in relation to the Council's functions under the following sections of the Road Traffic Regulation Act 1984:</p> <ul style="list-style-type: none"> <li>- Section 21 - Issuing permits for heavy trailers;</li> <li>- Section 26 - To make arrangements with regard to the patrolling of school crossings;</li> <li>- Section 65 - Placing of traffic signs;</li> <li>- Section 68 - Placing of traffic signs;</li> <li>- Section 69 - Removal of unauthorised signs;</li> <li>- Section 71 - Power to enter land in connection with traffic signs;</li> </ul> <p>Section 125 - To give consent in relation to boundary roads where work is being carried out by a neighbouring authority.</p>	

<p><b>Service Level Agreements</b></p> <p>To negotiate and agree service level agreements between the Council and voluntary organisations in receipt of grant aid from the Regeneration Division.</p> <p>Section 48 of the Local Government Act 1985.</p>	
<p><b>Pest Control - Authorisation of delegated powers for fees</b></p> <p>In consultation with the appropriate Cabinet Member, to vary the Pest Control and other fees and charges.</p>	
<p><b>Power to Recommend Legal Proceedings</b></p> <p>To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	<p>Duplicated in Housing</p>

**Director – Borough Economy**

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Emergency Works affecting the Highway</b> To undertake all emergency functions, duties and responsibilities in connection with the Act relating to emergency works affecting the public highway.                       Highways Act 1980</p>	
<p><b>Queens Square, Sandwell Centre - Displays and Exhibitions</b>                      To approve displays and exhibitions in Queens Square, Sandwell Centre in accordance with the Council's policy.                       Section 5 of the Licensing Act 2003.</p>	

Authority to Act	Commentary
<p><b>Category E</b>                      Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Sandwell's Framework for Blue Plaques</b>                      Determine applications for Blue Plaques in accordance with the Blue Plaque Criteria Assessment Framework.</p>	
<p><b>Charge for erection of trade stands</b>                      To determine the charge to non-profit organisations who apply to erect trade stands at Council events.</p>	
<p><b>Festive Lights</b>                      To agree the use of the budget allocation from relevant service areas towards procurement, putting up and taking</p>	
<p><b>Membership of Panels</b>                      To liaise with or authorise others to liaise with independent providers, voluntary organisations and</p>	
<p><b>Security Industry Authority</b>                       Responsibilities to ensure employees are licensed.</p>	
<p><b>Removal of Accumulations - Public Health Act 1936 - Section 78</b>                      To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of accumulations from common courts, yards or passages.</p>	

<b>Removal of noxious matter from premises - Public Health Act 1936 - Sections 79</b>	
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To act and authorise others to act on his/her behalf under the Council's powers in relation to the removal of noxious matter from premises.	
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## Director – Business Change and Strategy

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>Employment Tribunals</b> Where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim, to determine the responsibility for resourcing a settlement.  Section 112 of the Local Government Act 1972	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1 & 2 may apply
<b>Longlisting and Shortlisting of Candidates for Chief Officer Posts</b> To longlist and shortlist candidates for a post of chief officer/deputy chief officer.  Section 112 of the Local Government Act 1972	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1 & 2 may apply

## Category C – Ancillary to an Executive Decision

Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.

### Crèche Charges

To review and vary the scale of charges in respect of the Sandwell Council House Childcare facility as necessary.

## 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.

### Politically Restricted Posts

With regard to the provisions of the Local Government and Housing Act 1989, to collate the list of politically restricted posts and act as the Proper Officer for the purposes of section 2 (the person with whom the list of politically restricted posts must be deposited). Local Government and Housing Act 1989 (as amended)



Director – Children’s Services	
Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Children and Young People with Special Educational Needs or Disabilities</b>            Where not otherwise delegated to another Chief Officer, to exercise the Council’s statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	<p>A number of decisions within this delegation may be exempt from publication:             Exemption 1 and 2</p>
<p><b>Statutory Provision for Education and School Services</b>            Where not otherwise delegated to another chief officer, to exercise the Council's statutory executive functions in respect of education and school services.             Section 579(1) and Schedule 36A para 1 of the Education Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication:             Exemption 1 to 7</p>

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

Director – Children’s Services (cont)	
Delegation	Commentary
<b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.	
None.	

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

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

## Director - Children & Families

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

<p><b>Holiday Grants</b></p> <p>To commission arrangements with Sandwell Children’s Trust to undertake the following:</p> <p>To approve holiday grants to foster parents in respect of children in their care up to and including the approved amount in any one case.</p> <p>To approve applications for additional grants to finance holidays abroad where the child concerned is on a long-term placement.</p> <p>To make payments for holiday grants in respect of children in short term foster placements within approved criteria.</p> <p>Section 22B of the Children Act 1989</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
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**Director - Children & Families (cont)**

**Nurseries**

To waive charges for places in day nurseries in cases of exceptional financial hardship or in cases where the attendance is regarded as essential for the child's proper welfare and development and the parents are unwilling to pay, or where the child is severely handicapped, mentally or physically.

To deal with the registration of nurseries and child minders who have complied with statutory requirements.

Childcare Act 2006

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

Exemption 1, 2 and 3

**Youth Justice Service and Plan**

To exercise the Council's functions under Section 38 and 40 (Youth Justice Service and Plan) of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006.

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

Exemption 1, 2 and 5

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

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Early Help</b>  The responsibility for commissioning arrangements for:</p> <p>The co-ordination and integration of services, including those of partners to the Sandwell Children’s Safeguarding Partnership, concerned with the Borough's Early Help offer.</p> <p>The development and maintenance of an intelligence hub within Sandwell Trends which will identify family trends, provision and those services which should be commissioned.</p> <p>The development of locality teams within the Neighbourhood strategy which will form teams around the family.</p> <p>Section 13 (1) Children Act 2004 and the Local Safeguarding Children Board Regulations 2006 as amended by Children and Social Work Act 2017</p>	

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

Director - Children & Families (cont)

Authority to Act	Commentary
<b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
<b>Review Panels - Membership</b> To invite nominations from voluntary organisations to serve on Review Panels, and to convene and select an independent Chair and a member from the pools established for the Panels.	
<b>Youth Work Visits to Outside England and Wales</b>  To approve youth work visits to outside England and Wales  Sections 507A and 507B of the Education Act 1996	

## Director – Education, Skills and Employment

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Admissions to Special Schools and Units</b>                      To deal with the admission of children to special schools and units within and outside the Borough.</p> <p>Section 324 of the Education Act 1996 (as amended)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1 and 2</p>
<p><b>Attendance of Pupils at School</b>                      To act and authorise others to act to ensure the attendance of pupils at school and to enforce the provisions of the Education Act 1996 (as amended) and the Education and Inspections Act 2006 (as amended) relating to non-attendance at school, including the service of relevant notices.</p> <p>Where a pupil of compulsory school age is excluded from a relevant school on disciplinary grounds, whether for a fixed period or permanently, and notice under section 104 Education and Inspections Act 2006 (as amended) has been given to a parent of the pupil, to act and authorise others to act if the excluded pupil is present in a public place at any time during school hours on a relevant school day.</p> <p>To develop, implement and enforce a code(s) of conduct for penalty notices relating to section 444 of the Education Act 1996 (as amended) and the Education and Inspections Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 7</p>
<p><b>Children and Young People with Special Educational Needs or Disabilities</b>                      Where not otherwise delegated to another Chief Officer, to exercise the Council's statutory responsibilities under Part III of Children and Families Act 2014 that fall within the remit of the Director.</p>	
<p><b>Further Education Awards</b>                      To deal with applications for further education awards under the Teaching and Higher Education Act 1998 and onwards from Education Trust Funds.</p> <p>Teaching and Higher Education Act 1998 (section 23 ).</p>	

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

<p><b>Pay Policy for Teaching Staff</b> To assess the pay of non-school based teachers and teachers in schools without delegated budgets and to provide each teacher with a written assessment as required under the School Teachers Pay and Conditions Document 2015.</p> <p>SI 2013/1932</p>	
<p><b>Promoting the effective participation of young people in education and training - Education Act 1996</b> To exercise the Council's functions under the Education Act 1996 in promoting the effective participation of young people in education and training, including the making of arrangements for the assessment of young people with a learning difficulty and putting in place the appropriate support.</p> <p>Section 15ZA of the Education Act 1996</p>	
<p><b>Removal of persons from school premises</b> To authorise persons under sections 547(3) of the Education Act 1996 to remove persons causing a nuisance from school premises.</p>	
<p><b>School Terms and Holidays</b> To agree and publish each year a schedule of school terms and holidays for community and voluntary controlled schools.</p>	
<p><b>Service Tenancies</b> To negotiate and agree terms for service tenancy agreements for the purposes of schools management.</p> <p>Section 123 of the Local Government Act 1972</p>	
<p><b>Tuition Fees for Non-Vocational Provision</b> To exercise discretion in the charging of tuition fees for non-vocational and recreational provision where those projects help engagement and contribution to Council policies concerning poverty, neighbourhood renewal and social inclusion.</p> <p>Section 137 Local Government Act 1972</p>	
<p><b>Unattached Teachers - Discretionary compensation</b> To consider and decide upon discretionary payments, including early retirement, for unattached teachers.</p> <p>Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015</p>	

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

Delegation	Commentary
<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>Exclusion and Reinstatement of Pupils</b> To carry out the Council's powers and duties under section 51A of the Education Act 2002 and related regulations relating to the exclusion and reinstatement of pupils.  School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012/1033 (specifically regulation 7).	

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

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

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

## Director of Finance

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

Director of Finance	
<p><b>Discretionary Housing Payments</b> To determine applications for Discretionary Housing Payments in accordance with the Policy for Administering Discretionary Housing Payments.</p> <p>Regulations 2 and 6 of the Discretionary Financial Assistance Regulations 2001.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, and 3</p>
<p><b>Discretionary Rate Relief from Non-Domestic Rates</b> To determine applications from any ratepayer for rate relief in accordance with the Council's policy for administration of applications for Discretionary Rate Relief from Non-Domestic Rates.</p> <p>Sections 137 and 137A(2) Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2 and 3</p>
<p><b>Acquisition and Disposal of Council-Owned Land and Buildings</b></p> <p>To acquire and dispose of land and property in consultation with the Director – Regeneration and Planning and Director of Law and Governance and Monitoring Officer on terms to be agreed in accordance with authority delegated to him/her and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Investigation of Fraud</b> To act and authorise others to act in the investigations of matters relating to fraud to include, but not to the exclusion of others:- Blue Badge Grants Insurance Internal Fraud NNDR – Business Rates Personal Budgets Right to Buy Staff Theft of time/equipment etc. Supported Housing Tenancy Fraud Fraud Act 2006</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>
<p><b>Localism Act 2011 - List of Assets of Community Value</b> Section 92 - To review, and to authorise others to review, a decision of the Executive Director - Neighbourhoods to include land on the list of assets of community value. Section 99 - to administer compensation schemes.</p>	

<p><b>Local Council Tax Reduction and Housing Benefit</b> The administration of the Council's responsibilities relating to Council Tax Benefit and Housing Benefit investigations, to include social security legislation, the Theft Act 1968 and the Fraud Act 2006.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemption 1, 2, 3, 6 and 7</p>
<p><b>Director of Finance</b></p>	
<p><b>Local Welfare Provision</b> <i>To determine requests for local welfare provision in accordance with the Council's policy.</i>  <i>Welfare Reform Act 2012</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemption 1,2 and 3</i></p>
<p><b>Money Laundering Regulations 2007</b> <i>To act as the council's nominated Money Laundering Regulations Officer in accordance with the Money Laundering Regulations 2007.</i>  <i>Part 7 of the Proceeds of Crime Act 2002 (money laundering).</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2, 3,5 and 7</i></p>
<p><b>Mortgage Applications</b> <i>To determine mortgage applications and provide mortgages to approved applicants.</i>  <i>Section 435 of the Housing Act 1985</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2 and 3</i></p>
<p><b>Mortgaging of Interests</b> <i>To determine applications for the charging and mortgaging of interests.</i>  <i>Section 435 of the Housing Act 1985</i></p>	<p><i>A number of decisions within this delegation may be exempt from publication:</i>  <i>Exemptions 1,2 and 3</i></p>
<p><b>Non-Domestic Rates Reductions</b> <i>To determine individual applications for the reduction or remission of National Non-Domestic Rates for up to and including £20,000 in accordance with the policy for administering applications within:</i>  <i>Section 49 of the Local Government Finance Act 1988.</i></p>	
<p><b>Private Sector Housing - Civil Penalties</b> <i>Certify non-receipt of civil penalty imposed instead of prosecution for poor housing conditions and related offences</i>  <i>Housing and Planning Act 2016</i></p>	

<p><b>Sandwell Children's Trust – Reserved Matters</b></p> <p>(i) <i>enter into any future borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved in the Business Plan; (Articles of Association ref. 9.2.3);</i></p> <p>(ii) <i>deal with any future surpluses of the Sandwell Children's Trust, other than those surpluses which are agreed, pursuant to the Services Delivery Contract, shall be retained by the Sandwell Children's Trust (Articles of Association ref. 9.2.4);</i></p> <p>(iii) <i>amend the Sandwell Children's Trust's bank mandates (Articles of Association ref. 9.2.5);</i></p>	
<p>(iv) acquire or dispose of any assets of the Sandwell Children's Trust with an aggregate value not exceeding £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.8);</p> <p>(v) approve or amend the Business Plan (Articles of Association ref. 9.2.13);</p> <p>(vi) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by third parties to the Sandwell Children's Trust) with a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.15);</p> <p>(vii) enter into any new third-party contracts (which the Sandwell Children's Trust proposes to enter into outside the scope of the Services Delivery Contract for the provision of services by the Sandwell Children's Trust to third parties) with either a capital value greater than £250,000 (two hundred and fifty thousand pounds) or revenue value greater than £250,000 (two hundred and fifty thousand pounds) (Articles of Association ref. 9.2.16).</p>	

<p><b>Security for Unpaid Council Tax - Charge on properties</b></p> <p>To enter into agreements, in appropriate cases, with the owner of a domestic hereditament so that the Council Tax, plus interest, becomes a charge on the property to repay outstanding tax.</p> <p>Paragraph 4A of schedule 9 of the Local Government Finance Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p><b>Settlement for Civil Litigation not exceeding £250,000</b></p> <p>With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000, by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Use/Expenditure of Outstanding 1-4-1 Right to Buy Receipts</b></p> <p>(1) enter into formal negotiations with owners of land and property that provide an opportunity to increase the availability of council housing in the borough through the acquisition of land for future housing development, purchase of existing residential property/accommodation, other property suitable of conversion to residential accommodation or other land or property acquisition that provides an opportunity to increase the council housing stock/provision (“Suitable Assets”);</p> <p>(2) subject to the satisfactory determination of a value for money evaluation and negotiations, as necessary, in relation to all Suitable Assets, to complete the acquisition/purchase of any Suitable Assets to a maximum value of £1,000,000 per transaction;</p> <p>(3) all acquisitions made pursuant to (1) and (2) above shall be funded using 1-4-1 receipts (30%) and HRA (70%) approved budgets.</p>	
<p><b>Void Properties - Completion Notices</b></p> <p>To sign and serve on behalf of the rating authority such completion notices as are necessary for the proper charge in respect of newly erected property for Council tax and Non-Domestic Rates purposes.</p>	

<p>Paragraph 1 schedule 4A of the Local Government Finance Act 1988</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Budgetary and Financial Reserve Management in response to an Civil Emergency or Civil Contingency</b></p> <p>In consultation with the relevant Cabinet Member, Chief Executive and Director, to repurpose budgets and financial reserves to meet service demand arising from the Covid-19 virus.</p>	

Delegation	Commentary
<p><b>Category B – Non- Executive</b>            Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Capital Expenditure and Capital Receipts</b>            Authorised to make the following capital determination under the Local Government Act 2003:-</p> <ul style="list-style-type: none"> <li>(a) the amount of capitalised expenditure to be reimbursed or met out of money provided by any other person;</li> <li>(b) the level of capital receipts applied to meet capital expenditure;</li> <li>(c) the amount set aside from revenue to meet debt redeem;</li> <li>(d) the amount of housing related receipts set aside under the pooling arrangements and the associated payment to Central Government.</li> </ul> <p>Chapter 1, Local Government Act 2003</p>	<p>Contract or Incurring Expenditure:</p>

<p><b>Employment Tribunals</b> Where the Director of Law and Governance and Monitoring Officer recommends that it is in the best interests of the Council to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim, to determine the responsibility for resourcing a settlement.</p> <p>Section 112 of the Local Government Act 1972</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 &amp; 2 may apply</p>
<p><b>Insurance</b> To agree the Council's insurance arrangements. Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Loans Management</b> (a) appointment of Registrar - stocks and bonds etc. (b) local authority (negotiable bonds); (c) bank overdraft facilities; (d) negotiate and arrange borrowing facilities which support the Council's investment plans</p> <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure:</p>
<p><b>Management of Budgets</b> To determine (in consultation with the Chief Executive) in circumstances where in their opinion the management of a budget delegated to a Director is likely to create a significant adverse impact on the Council's overall financial management situation, whether the management of that budget will be assumed by another Director, the relevant Director acting in conjunction with themselves, or directly by themselves (or such other officers as they may determine).</p> <p>Section 151 Local Government Act 1972</p>	
<p><b>Service Level Agreements with Partnerships</b> To negotiate and agree service level agreements between the Council and relevant external partnerships.  Section 151 of the Local Government Act 1972</p>	<p>Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1 ,2, 3 &amp; 5 may apply</p>

**Settlement for Civil Litigation not exceeding £250,000**

With the exception of employment related matters, and in consultation with the relevant Cabinet Member, where the Director - Governance recommends that it is in the best interests of the Council to resolve any dispute arising as a consequence of a legally binding agreement between the Council and a third party, to authorise the settlement of any claim not exceeding £250,000 by or against the Council and to determine the responsibility for resourcing a settlement, where there is uncertainty of where the settlement will be resourced from.

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

Exemptions 1, 2, 3 & 5 may apply

**VAT Partial Exemption Arrangements**

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

Section 151 of the Local Government Act 1972.

**Write-off of Income**

To write-off as irrecoverable:-

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

Section 151 of the Local Government Act 1972.

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

Exemptions , 1, 2, 5 & 6 may apply

Director of Finance	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>  Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>  The Chief Executive, the Chief Finance Officer of the Council and Solicitor to the Council be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form or proxy, consent to short notice or other document or to attend any meeting of shareholders as representatives of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p><b>Instruction of Enforcement Agents</b>  In circumstances by which a person, persons, body or organisation defaults on Council Tax, Non-Domestic Rates, General Debt and commercial or industrial rents, the provision of which is included in the lease agreement, to issue written instructions to Enforcement Agents to seize property, belongings and items of value provided for within relevant legislation, guidance and/or codes of conduct, as security or indemnity for a debt.    Section 121 of the Law of Property Act 1925  Tribunals, Courts and Enforcement Act 2007</p>	
<p><b>Loans Issued by the Council</b>  Authorised to compile and maintain the register giving particulars of all loans issued by, or to the Council, on or after 1<sup>st</sup> April 1990.    Section 1 Local Government Act 2003.</p>	
<p><b>Sandwell Land and Property Company</b>  Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.  Section 135 of the Local Government Act 1972    Section 95 Local Government Act 2003 (Power to trade in function-related activities through a company)</p>	

**Mortgage Interest Rates**

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

Schedule 16 of the Housing Acts 1985.

Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Areas of Laid Out Open Space, and Open Space Land with Known Contamination, Potential Contamination, Other Ground Condition Problems/Encumbrances or Legal Problems</b></p> <p>To manage the income from the commuted sum payments made to meet future management, monitoring and maintenance costs associated with future use of the land and surface landscaping.</p> <p>Section 106 of the Town and Country Planning Act 1990 and the Localism Act 2011 (in relation to the Community Infrastructure Levy)</p>	
<p><b>Externally Funded Programmes - Administration and Monitoring Budget</b></p> <p>To administer all externally funded programmes in respect of the Council, to include equipment purchase and the carrying out of monitoring and evaluation of externally funded programmes.</p> <p>Section 151 of the Local Government Act 1972.</p>	<p>Contract or Incurring Expenditure:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemption 1,2 and 3 may apply</p>
<p><b>External Funding Awarded to Council</b></p> <p>To authorise the allocation of external funding awarded to the Council, subject to prior consultation with the Leader/Deputy Leader.</p>	
<p><b>Local Government Pension Scheme Regulations 2013</b></p> <p>In consultation with the appropriate Director, to determine requests for Re-Employed and Rejoining Deferred Members under the Local Government Pension Scheme Regulations 2013.</p>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 3 may apply</p>

Director of Finance	
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>Deputy Section 151 Officer</b>  To delegate all powers exercisable to the Deputy Section 151 Officer in his/her absence.	

Director – Housing	
Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b>            To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme</p>	<p>Was P&amp;P</p>
<p><b>Compulsory Purchase Orders – Acquisitions</b>            In cases where the relevant Director considers that there may be undue hardship, to negotiate and agree terms for the acquisition of land and premises offered with vacant possession to the Council, in advance of the confirmation of compulsory purchase orders made under Part IX of the Housing Act 1985, including costs and fees ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer and the relevant Director, as necessary, to negotiate and agree acquisition of land and premises offered with vacant possession to the Council, in advance of confirmation of Compulsory Purchase Orders, together with the payment of costs, discretionary payments and/or expenses as may be agreed.</p>	<p>Duplicated in R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Compulsory Purchase, Demolition and Prohibition Orders - Compensation</b>            To negotiate and agree terms for the payment of appropriate compensation resulting from compulsory purchase, demolition and prohibition orders Part 1 claims on acquisition in advance thereof and negotiate agreed terms for discretionary payments ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Sections 584A and 584B of the Housing Act 1985. Compulsory Purchase Act 1965.</p>	<p>Replicated in R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

<p><b>Criminal Behaviour Order (CBO) - Anti-Social Behaviour Crime and Policing Act 2014</b>  To act and authorise officers to act on his/her behalf under the Council's functions in Part 2 of the ASBCPA 2014 in relation to applying for a CBO, a variation or discharge of a CBO, consultation, review of a CBO, prosecution of a breach of a CBO and any appeals.</p>	<p>Was ASC replicated in B Econ</p>
<p><b>Debt Recovery and Enforced Sale</b>  In consultation with Director of Law and Governance and Monitoring Officer, to recover money due to the Council, as a result of the exercise of its housing functions and to include the exercise of powers of sale arising from a local land charge over land and/or property.</p>	
<p><b>Declaration of Clearance Areas</b>  To serve notices under Section 289 of the Housing Act 1985 (as amended) stating the Authority's intention to declare a Clearance Area.</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3 and 6</p>
<p><b>Defective Dwellings</b>  In respect of Smith-type dwellings requiring re-instatement of a party wall, to negotiate the terms of repurchase of those designated defective dwellings where it is impracticable for the eligible owner to re-convey his or her part of the party wall to the Council and reinstatement work could not be undertaken.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3 and 5</p>

<p><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	<p>Duplicated in Regen</p> <p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3 and 6</p>
<p><b>Demolition Orders</b> Service of notices about demolition of houses under Section 81 of the Building Act 1984.</p> <p>Power to decide to and make a Demolition Order under Section 265 of the Housing Act 1985.</p> <p>Service of a notice requiring cleansing before demolition under Section 273 of the Housing Act 1985.</p> <p>Power to decide to and substitute a Closing Order for a Demolition Order or vice versa under Section 275 of the Housing Act 1985.</p> <p>The serving of notices to persons undertaking demolition (to safeguard adjoining properties, seal drains, etc) under Section 80 of the Building Act 1984.</p> <p>To demolish a house on default of the owner where a Demolition Order has been made and the recovery of expenses incurred under Sections 271 and 272 of the Housing Act 1985.</p>	<p>Duplicated in B ECon</p>

<p><b>Disabled Facilities Grants</b>  To approve or refuse applications for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To authorise payments for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To impose and enforce conditions in respect of Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996.</p> <p>Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996, mainly sections 24, 35, 37 and 52.</p>	<p>Duplicated in ASC</p>
<p><b>Disabled Facilities Grants - Standards of Work</b>  To set and apply guidelines for the standards to be adopted for Disabled Facilities Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and any other type of assistance made available by the Council under its policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and any subsequent amendments or enactments including the siting of amenities.</p>	<p>Duplicated in ASC</p>
<p><b>Disposal of Land and Property</b>  To negotiate and agree terms for the disposal of land and property by the most appropriate method of sale ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Planning on terms for the disposal of land and property in the event that that there is a potential conflict including where there is a relevant entry in the Members’ Register of Interests and the Employees’ Register of Interests.  Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

<p><b>Disposal of Land and Premises up to £100,000</b> In consultation with the appropriate Director, to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016, including consultation with the Director of Law and Governance and Monitoring Officer in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests. (see point 4.8 of the protocol)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disturbance Payments</b> To make payments for disturbance resulting from prohibition and demolition orders, compulsory purchase orders or acquisition by agreement in advance thereof in consultation with the Director of Law and Governance and Monitoring Officer.</p> <p>Section 37 of the Land Compensation Act 1973</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 6</p>
<p><b>Enforcement of Grant Conditions</b> To enforce grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act, 1996 and to instigate the necessary steps for breach of condition. To determine requests to waive grant conditions under Parts I and II of the Housing Grants, Construction and Regeneration Act 1996 in accordance with the Housing Grants, Construction and Regeneration Act 1996 (Grant Repayment) General Consent 2000.</p>	<p>Was P&amp;P and EDASC – now duplicated in B Econ</p>
<p><b>Gable Walls - Side Effects of Demolition</b> In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair. Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Gypsy/Traveller</b> To enter into pitch/tenancy agreements (Gypsy/ Traveller), the management of such agreements, issuing notices, authorising legal proceedings, authorising eviction under the Mobile Homes Act 1983 (as amended) including associated legislation, regulations, guidance and</p>	

the Council's approved policies.	
<p><b>Housing Fraud Investigation</b></p> <p>To authorise and to give authorisation to others to investigate housing fraud and to require information from specified persons for housing fraud investigation purposes.</p> <p>Fraud Act 2006 Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

<p><b>Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)</b></p> <p>To exercise the Council's functions under the Housing Act 2004 as set out in the table below.</p>		
S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	Was P&P now duplicated in Housing and R&G
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>• Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>• Serving an improvement notice under Section 11 or Section 12.</li> <li>• Making a prohibition order under Section 20 or Section 21.</li> <li>• Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>• Taking emergency remedial action under Section 40</li> <li>• Making an emergency prohibition order under Section 43.</li> <li>• Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3 Paragraph 5	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	<p>Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection</p>	
Schedule 3 Paragraph 4	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

## Director -Housing

### Part 2: Licensing of Houses in Multiple Occupation (HMOs)

S.80	To designate areas to be considered for Selective licensing in accordance with the provisions of Part Three of the Housing Act 2004.	
S.62	Serving of Temporary Exemption Notices.	
S.64	The authority to sign a Licence on behalf of the Local Housing Authority	
S.68(4)	To determine the length of licences required and grant accordingly, including any conditions which need to be included	
SCH. 5 Para. 1	Notice of intention to grant a licence	
SCH. 5 Para. 3	Notice of intention to grant a licence with modifications	
SCH. 5 Para. 5	Notice of intention to refuse a licence.	
SCH. 5 Para. 7	Notice of decision to grant a licence.	
SCH. 5 Para. 8	Notice of refusal to grant a licence.	
SCH. 5 Para. 14	Notice of intention to vary a licence	
SCH. 5 Para. 16	Notice of decision to vary a licence	
SCH. 5 Para. 19	Notice of intention to refuse to vary a licence	
SCH. 5 Para. 21	Notice of refusal to vary a licence	
SCH. 5 Para. 22	Notice of intention to revoke a licence	
SCH. 5 Para. 24	Notice of decision to revoke a licence.	
SCH. 5 Para. 26	Notice of intention to refuse to revoke a licence	
SCH. 5 Para. 28	Notice of refusal to revoke a licence	
S.73	Application to Residential Property Tribunal for Rent Repayment Order	

### Part 3: Selective Licensing of other Residential Accommodation

S.86	Serving of a Temporary Exemption notice	
S.88	The authority to sign a licence on behalf of the Local Housing Authority	
SCH. 5	All notices under Schedule 5 are as those relating to licensing of HMOs under Part 2 of the Act	

**Part 4: Additional Control Provisions in relation to Residential Accommodation**

Chapter 1: Interim and Final Management Orders

S.102	The making of an interim management order (IMO).	
S.106 (2)	Authorisation of expenditure to carry out works necessary for protecting health, safety or welfare of occupants or occupants of other premises in the vicinity.	
S.113	The making of a final management order (FMO)	
S.126	Notice of renunciation of right to possession of furniture.	
S.127	Authorisation of expenditure to supply furniture	
S.131	Power of entry to carry out works in connection with an IMO or FMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
SCH 6 Para 1	Notices of intention to make an FMO	
SCH 6 Para 3	Notice of intention to make an FMO with modifications	
SCH 6 Para 7 (2) & (5)	Notice of confirmation that an IMO or FMO has been made	
SCH 6 Para 9	Notice of intention to vary an IMO or FMO	
SCH 6 Para 11	Notice of decision to vary an IMO or FMO	
SCH 6 Para 14	Notice of intention to refuse to vary an IMO or FMO	
SCH 6 Para 16	Notice of decision not to vary an IMO or FMO	
SCH 6 Para 17	Notice of intention to revoke an IMO or FMO	
SCH 6 Para 19	Notice of decision to revoke an IMO or FMO	

**Director - Housing**

SCH 6 Para 20	Notice of intention to refuse to revoke an IMO or FMO	
SCH 6 Para 22	Notice of decision to refuse to revoke an IMO or FMO	

In consultation with the Director of Law and Governance and Monitoring Officer:		
S.133	The making of an interim Empty Dwelling Management Order – authorisation to apply to a residential property tribunal (RPT) on behalf of the local housing authority	
S.135	Authorisation of expenditure to secure a dwelling subject to an interim EDMO	
S.136	The making of a final EDMO	
S.138	Compensation payable to third parties	
SCH 6 Para 1	Notice of intention to make a final EDMO	
SCH 6 Para 3	Notice of intention to make a final EDMO with modifications.	
SCH 6 Para 7 (5)	Notice of confirmation that an interim EDMO or a final EDMO has been made.	
SCH 6 Paras 9, 11, 14, 16, 17, 19, 20, 22	Notices of variation, refusal to vary, revocation and refusal of revocation of interim and final EDMOs -- as for IMOs and EMOs but as amended by Schedule 7 Paragraphs 8 and 17.	
SCH 7 Para 21	Authorisation of expenditure to supply furniture to a dwelling subject to an interim or final EDMO.	
SCH 7 Para 25	Power of entry to carry out work in connection with an interim or final EDMO. Such authority should be carried by the officer at all appropriate times such that it is available for inspection.	
Schedule 7, paragraphs 1 to 37	To comply with and exercise the provisions contained within Schedule 7, paragraphs 1 to 37.	

<b>Part 4 Chapter 3: Overcrowding Notices with Respect to HMOs</b>		
S.139 (2)	Overcrowding notice to remedy excessive number of persons accommodated or likely to be accommodated in a HMO.	
S.139 (3)	Notice of intention to serve an overcrowding notice.	
S.144 (1) (a) and (b)	Notice of revocation of overcrowding notice. Notice of variation of overcrowding notice.	
<b>Part 7: Supplementary Provisions and Powers of Entry</b>		

S.235	Notice requiring production of documents for any purpose connected with the exercise of any of the Council's functions under Parts 1 to 4 of the Act or investigating whether any offence has been committed.	
239 (3)	Authority to enter any premises for the purposes of survey or examination with respect to any of the Council's functions under Parts 1 to 4 of the Act or to ascertain whether any offence has been committed. <i>NB. Such authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection.</i>	
S.243	Authorisations for enforcement purposes. Such authorisations as required by this section have already been incorporated within the appropriate parts of this schedule of delegations. (Section 131; Section 235; Section 239; ACH 3 Para 3(4); and SCH 7 Para 25). Authorisation must be given by appropriate chief officer or deputy chief officer i.e. Chief Executive or appointed Deputy Chief Executive.	
S.255	Authority to make a HMO declaration on behalf of the Council and to serve associated notice of the declaration.	

Director - Housing		
General: Prosecution		
S.30	Failure without reasonable excuse to comply with an improvement notice.	
S.32	Knowingly contravenes a prohibition order without reasonable excuse.	
S.35	Failure without reasonable excuse to comply with a magistrate's order requiring an occupier or other relevant person to permit appropriate action to be taken.	
S.72 (1)	Failure to obtain a HMO licence without reasonable excuse.	
S.72 (2)	Knowingly permits occupation in excess of the maximum permitted by a licence.	
S.72 (3)	Failure without reasonable excuse to comply with a licence condition.	
S.95 (1)	Failure to obtain a licence for a house subject to Selective Licensing (without reasonable excuse).	

S.95 (2)	Failure to comply with a licence condition for a house subject to Selective Licensing (without reasonable excuse).	
S.131 (5)	Failure to comply with a magistrate's order requiring an occupier to allow access to carry out work in connection with an IMO or FMO.	
S.139	Contravention of an overcrowding notice (without reasonable excuse).	
S.234	Failure to comply with a HMO Management Regulation (without reasonable excuse).	
S.236	Failure to comply with a notice under Section 235 requiring production of documentation (without reasonable excuse) OR intentionally alters, suppresses or destroys any required documents.	
S.238	The supply of information required by local authority in carrying out any of its functions under Parts 1 to 4 which is false or misleading (knowingly or recklessly).	
S.241	Obstruction of an authorised officer in carrying out any duties under Parts 1 to 4 of the Act (without reasonable excuse). Includes offences under:- Schedule 3 Paragraph 5 (having contractor on site following service of notice of intention to carry out works in default under parag 4). Schedule 7 Paragraph 25 (4) (failure to comply with magistrates order requiring access to carry out work to dwelling subject to an EDMO)	

Director - Housing		
<b>General: Default Action</b>		
SCH.3 Para 1	Authorisation of expenditure to carry out works in compliance with an improvement notice by agreement	
SCH.3 Para 3	Authorisation of expenditure to carry out works in compliance with an improvement notice without agreement (by default)	
SCH.3 Para 4	Notice of intention to carry out works without agreement (by default)	
SCH.3 Para 9	Demand for recovery of expenses incurred by carrying out works in compliance with an improvement notice without agreement (by default). NB. SCH 3 Paragraphs 3, 4 and 9, above also apply to works carried out in connection with emergency remedial action taken under Section 40.	

SCH.3 Para 12	Recovery notice requiring rents to be paid to the local authority (once demand notice under Para 9 has become operative)	
<p><b>Housing Agency Service Fees</b></p> <p>To review annually the fees to be charged to applicants by the Housing Agency Service and to determine the appropriate level of fees for costs incurred in assisting with the submission of an application for grant aided works or other types of assistance, and to implement increases as required.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England &amp; Wales) Order 2002.</p>		
<p><b>Housing Renewal Grant Appeals</b></p> <p>To determine appeals against an assessment made for grant purposes under the Housing Renewal Grants Regulations 1996 and any subsequent amendments or enactments.</p>		
<p><b>Housing and Planning Act 2016</b></p> <p>a) to authorise the institution and enforcement of civil proceedings under section 126 and Schedule 9</p> <p>b) to make application for a rent repayment order under section 41.</p>		
<p><b>New Homes Grant</b></p> <p>To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>		Replicated in R&G
<p><b>Possession Proceedings</b></p> <p>To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>		Duplicated in B Econ

<p><b>Property Appreciation Loans</b></p> <p>To deliver and manage Property Appreciation Loans to residents affected by Clearance Areas in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.</p> <p>Article 3 of the Order</p>	
<p><b>Renovation Grants</b></p> <p>In consultation with the Director of Finance/ Chief Finance Officer the Council having given a house renovation grant in respect of a dwelling on the basis of a satisfactory future life, to not seek to enforce repayment of any part of the grant if they subsequently decide to include the dwelling in a Compulsory Purchase Order, during the term of the life of the dwelling estimated when the grant was approved.</p> <p>Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002</p>	
<p><b>Renovation within target areas</b></p> <p>To use the powers delegated to ensure the complete renovation of properties within streets or blocks in identified target areas under the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments.</p>	
<p><b>Rents under a General Vesting Declaration</b></p> <p>Authority to set a rent for properties that lie within a confirmed Compulsory Purchase Order which are occupied upon the commencement of a General Vesting Declaration and that rent be set at 50% of the rent due on a similar but fit acquired property to reflect the poor condition associated with unfit properties.</p> <p>Section 19 Compulsory Purchase Act 1965</p> <p>Schedule 1, Section 12 of the Compulsory Purchase (Vesting Declaration) Act 1981.</p>	

<p><b>Right to Buy Properties – Buy Back Provisions</b>  Re-purchase of Former Right to Buy Properties  To enter into formal negotiations with homeowners of properties bought under the Right to Buy legislation, in accordance with the provisions within the Housing Act 2004 and the Housing Act 1985, and that subject to the satisfactory outcome of the value for money evaluation of such applications, in consultation with the Director of Finance, negotiate terms and conditions, as necessary, to complete the acquisition of homes considered suitable additions to the Council’s housing stock.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 7</p>
<p><b>Securing of Void Properties</b>  Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated in R&amp;G</p>
<p><b>Service Contracts</b>  To negotiate and agree the terms and conditions of any property interest where the Council has granted a Service Contract to a third party or partner of the Council.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>duplicate across regen and housing</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Site Investigations</b>  To carry out site investigations, where appropriate, prior to land being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	
<p><b>Service Tenancy Agreements</b>  To negotiate and agree terms for service tenancy agreements including but not limited to the management of the tenancies, authorisation of appropriate notices, legal proceedings and eviction.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>

<p><b>Tenant's Notice of Claim to exercise Right to acquire New Lease Notices under Section 42 of the Leasehold Reform, Housing and Urban Development Act 1993</b></p> <p>To accept and determine statutory notices served on the Council under the above act and to negotiate the terms of a new lease for an additional term not exceeding 90 years from the date of expiry of the tenants existing lease.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>								
<p>Smoke and Carbon Monoxide (England) Regulations 2015 – Action Against Landlords</p> <p>To take action under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to exercise the powers conferred by section 150(1) to (6) and (10) of the Energy Act 2013 and paragraph 3(a) of Schedule 4 to the Housing Act 2004 and to authorise others to act on his/her behalf under the provisions of the above regulations in connection with taking action against landlords in breach of their duties under the regulations.</p> <p>The monetary penalty for non-compliance with the Smoke and Carbon Monoxide (England) Regulations 2015 be set in accordance with the following table except when an authorised officer under resolution (1) above is satisfied that there are extenuating circumstances:-</p> <table border="0"> <tr> <td>Offence</td> <td>Fine</td> </tr> <tr> <td>First</td> <td>£1000</td> </tr> <tr> <td>Second</td> <td>£2500</td> </tr> <tr> <td>Third or more</td> <td>£5000</td> </tr> </table>	Offence	Fine	First	£1000	Second	£2500	Third or more	£5000	
Offence	Fine								
First	£1000								
Second	£2500								
Third or more	£5000								
<p>Void Housing - Local Government (Miscellaneous Provisions) Act 1982</p> <p>Service of notice requiring securing of a void house outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>									

<p><b>Power to Recommend Legal Proceedings</b> To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	
<p><b>Uncollected Property</b> To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Duplicated in regen and housing A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b> Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Housing Developments</b> To obtain deemed planning permission for development by the Council and development of land vested in the Council which it does not itself propose to carry out under the Town and Country Planning General Regulations, 1992, and to take any necessary action in connection therewith.</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	

<p><b>Public Right of Way Extinguishment - Housing Act 1985</b>          To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.</p>	Duplicate B Econ and Regen
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Director – Housing	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>            Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Bankruptcy Proceedings</b>            To swear affidavits on behalf of the Council in bankruptcy proceedings involving Council tenants who are in rent arrears.</p>	Was EDN
<p><b>Charging for information provided to solicitors</b>            To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	Duplicated in ASC
<p><b>Power to Recommend Legal Proceedings</b>            To recommend legal proceedings for:</p> <ul style="list-style-type: none"> <li>- obstructions and non-compliance under the various sections listed within the Housing Act 2004 table.</li> <li>- illegal occupation of a house subject to a Demolition Order under Section 270 of the Housing Act 1985.</li> <li>- contravention of overcrowding provisions and obstruction under Sections 339 and 341 of the Housing Act 1985.</li> </ul>	
<ul style="list-style-type: none"> <li>- obstruction under Section 341 of the Housing Act 1985.</li> <li>- for failure to comply with the requirements of a requisition for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1982</li> </ul>	

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

## Director of Law and Governance and Monitoring Officer

Delegation	Commentary
<p><b>Category A – Executive</b> Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Acquisition and Disposal of Property</b> To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Planning, on terms to be agreed in accordance with authority delegated to him/her and with the Chief Finance Officer/Section 151 Officer and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Acquisition of Open Space Land by the Council</b> In consultation with the Director - Regeneration and Planning and in accordance with Minute No. 6/98 of the former Finance and Resources Strategy Committee, to acquire the freehold interest in such land for a nominal sum, and otherwise on terms and conditions to be agreed by the Director - Regeneration and Planning.</p> <p>Section 9 Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Adoption and Children Act 2002</b> In consultation with the Director - Children and Families, to authorise Court Proceedings under:</p> <ul style="list-style-type: none"> <li>- Section 22 (Application for a Placement Order);</li> <li>- Section 23 (Application to vary a Placement Order);</li> <li>- Section 24 (Application to revoke a Placement Order);</li> <li>- Section 26 (Contract - requiring the person with whom the child lives, or is to live, to allow the child to visit or stay with the person named in the Order);</li> <li>- Section 27 (Application to vary or revoke Contact Order); and</li> <li>- Section 28 (Application for a Recovery Order).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2 and 5</p>
<p><b>Advertisements - Town and Country Planning Act 1990 - Section 224(3)</b> In consultation with the Director - Regeneration and Economy, to prosecute any person displaying an advertisement in contravention of Section 224(3) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Advances for House Purchase</b> To accept any offers by Building Societies to assist the Council by accepting nominated applicants in respect of advances for house purchase.</p> <p>To approve applications for advances for the purchase of/ or repair and improvement of dwellings except those which he/she considers should be referred for decision by the appropriate Cabinet Member, Committee or Sub-Committee. An applicant who is aggrieved by the decision of the Director – Housing and Communities shall have the right to have his application finally determined by the Cabinet Member, Committee or Sub-Committee.</p> <p>Part XIV of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Agreements in Respect of Land and Property</b> To enter into agreements for the licensing, letting and re-letting of land, properties and facilities in accordance with prevailing Council policy and on terms agreed by the Director - Regeneration and Planning in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Agricultural Rents - Rent (Agriculture) Act 1976 (as amended)</b> <b>Section 20</b> To take proceedings relating to avoidance of requirements for advance payment of rent under Section 20 of the Rent (Agriculture) Act 1976. <b>Section 21</b> To take proceedings relating to recovery from landlord of sums paid in excess of recoverable rent under Section 21 of the Rent (Agriculture) Act, 1976</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Attendance at Court</b> To authorise any officer of the Council to appear in Court on behalf of the Council in accordance with sections 223(1) of the Local Government Act 1972 and 60(2) of the County Courts Act 1984.</p>	
<p><b>Assets of Community Value</b> In consultation with the relevant Director, to exercise the function of the local authority in the determination of applications made to the Council regarding Assets of Community Value under the Localism Act 2011.</p>	
<p><b>Authorisation to Enter - Performing Animals (Regulation) Act 1925 (Section 3)</b> To issue written authorisations to enter upon land and premises under Section 3 of the Performing Animals (Regulation) Act 1925 to such members of the staff as are nominated by the relevant Director to carry out the functions under the provisions of the said Act.</p>	

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

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

**Birmingham International Airport**

- (a) In consultation with the Leader, or in his absence or inability to act, the Deputy Leader of the Council, to determine any request from Birmingham Airport Holdings Limited for the consent of the Council to any proposal affecting Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith;
- (b) To consider and determine any applications for consent from Birmingham Airport Holdings Limited to enter into easements and wayleave agreements with third party utility companies for the supply of gas water, electricity, communication cabling and foul and surface water drainage in the circumstances that such a proposal affects Birmingham International Airport and to sign and attest the fixing of the Common Seal of the Council to any documents in connection therewith

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

Exemptions 3 and 5

**Blight Notices**

Upon receipt of a Blight Notice, following consultation with the Director - Regeneration and Planning or the Executive Director - Neighbourhoods, to issue a counter-notice or in cases where the blight notice is considered to be valid, to proceed with the acquisition of the property on terms to be agreed by the Director - Regeneration and Planning or Lands Tribunal.

Section 151 of the Town and Country Planning Act 1990.

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

Exemptions 1, 2 and 3

**Building Regulations - Failure to Comply with**

To deal with the functions of the Council under Section 36 of the Building Act 1984 (Failure to comply with Building Regulations).

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

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

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

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Call Off Arrangements for Land Referencing Panel</b> To set up the Authority's call off arrangements for land referencing companies to support Compulsory Purchase Order (CPO) projects where the in-house service cannot provide the capacity to deliver the land referencing for CPO projects.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Change to a Child's Birth Certificate - Family Law Act 1986</b> In consultation with the Director - Children and Families, to authorise court proceedings to seek a declaration of non-parentage in relation to a child in order to seek a change to the child's birth certificate.</p> <p>Family Law Act 1986 (as inserted by section 83(2) of the Child Support, Pensions and Social Security Act 2000)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 5</p>
<p><b>Coat of Arms</b> To approve applications for the use of the Coat of Arms of Sandwell and the former Authorities falling within the Borough Boundaries.</p>	
<p><b>Community Right to Challenge</b> In consultation with the Chief Finance Officer, to take any steps to implement the arrangements arising from the Community Right to challenge and comply with any statutory requirements under Section 82-86 of the Localism Act 2011.</p>	
<p><b>Compensation under Compulsory Purchase, Demolition or Prohibition Orders</b> To make payment of appropriate compensation, on terms agreed by the Director - Regeneration and Planning, under compulsory purchase, demolition or prohibition orders.</p> <p>Sections 584A and 584B of the Housing Act 1985 Compulsory Purchase Act 1965</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Compulsory Purchase</b> In consultation with the Director - Regeneration and Planning, to take any appropriate action under the provisions of the Planning and Compulsory Purchase Act 2004.</p> <p>(Excludes Section 15 – Development Plans)</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>

<p><b>Court Proceedings under the Children Act, 1989</b>                  In consultation with the Director - Children and Families, to authorise court proceedings under:-                  Section 8 (Specific Issue Orders and Prohibited Steps Orders);                  Section 25 (Secure Accommodation for Children looked after by Local Authority);                  Section 31 (Care/Supervision proceedings);                  Section 34(4)(Refusal of Contact of Children in Care with Persons named in Order);                  Section 39 (Discharge of Care or Supervision Order proceedings);                  Section 39 (Variation of Care or Supervision Order Proceedings);                  Section 43 (Child Assessment Order applications);                  Section 44 (Orders for emergency protection of children);                  Section 45(4)(Extensions to Emergency Protection Orders);                  Section 48 (Application for a warrant in Emergency Protection Order proceedings);                  Section 49 (Prosecution for Unlawful Abduction of a Child in Care).                  Section 50 (Application for a Recovery Order in respect of a child);                  Section 100 (To apply for leave to commence proceedings in the High Court under Section 100 of the Act).</p> <p>Children Act 1989 as amended by the Children and Young Persons Act 2008 and the Children and Families Act 2014</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 5, 6 and 7</p>
<p><b>Court Proceedings under the Family Law Act 1996 (as amended by the Forced Marriage (Civil Protection) Act 2007</b>                  In consultation with the relevant Directors, as necessary, to authorise court proceedings as a "relevant third party" under section 63A-G,J-M,O AND Q--S of the Act.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 5</p>
<p><b>Coroners and Justice Act 2009</b>                  To exercise the functions of the local authority under the Coroners and Justice Act 2009</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p><b>Cross Border Prosecutions (Executive Matters)</b>                  To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 7</p>

<p><b>Debt Recovery and Enforced Dwelling Sale</b>                  In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to exercise the functions of the Council in relation to the recovery of money due to the Council and the exercise of powers of sale in respect of a local land charge arising, but not limited to, powers derived from the following statutes:-                  Public Health Act 1936;                  Public Health Act 1961;                  Prevention of Damage by Pests Act 1949;                  Local Government (Miscellaneous Provisions) Act 1976 and 1982;                  Building Act 1984;                  Environment Protection Act 1990;                  The Water Act 1989;                  Health and Safety at Work Act 1974;                  Food Safety Act 1990.                  Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1990</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings</b>                  To take such action as may be necessary, in respect of those single Smith-type dwellings requiring reinstatement, to release the owner/ occupiers from the covenant in the conveyance of the property which requires them to contribute towards the repair of the party wall, and to obtain the owner occupiers' agreement to be released from any future interest in the party wall (including, where applicable, the transfer back to the Council of this wall).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Defective Dwellings - Repurchase</b>                  To repurchase those designated defective dwellings where it is impracticable for the eligible owner to re-convey his or her part of the party wall to the Council and reinstatement work could not be undertaken) on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Developments under Footpaths</b>                  To enter into agreements concerning applications to allow foundations of developments to extend beneath footpaths where the Director – Regeneration and Planning is satisfied as to the suitability of the proposed works.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Discontinuance of Deemed Consent</b>                  To exercise the powers of the local planning authority under Regulation 8 the Town and Country Planning (Control of Advertisements) Regulations 2007 (Discontinuance of deemed consent).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

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

<p><b>Discontinuance Orders - Enforcement</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under sections 189 and 190 of the Town and Country Planning Act 1990 (Enforcement of discontinuance orders made under Section 102) or paragraph 1 of Schedule 9).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disposal of Land and Premises at Auction</b>                  To dispose of land and/or premises at auction where the Director – Regeneration and Planning estimates the value of the land/property being offered for sale is less than £100,000 but the bid price exceeds that amount in accordance with the Disposal of Council-owned land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	
<p><b>Disposal of Land and Premises up to £100,000</b>                  To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Planning, in accordance with the authority delegated to him in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Disturbance Payments</b>                  To deal with the making of payments for disturbance in respect of properties acquired either by agreement or under Compulsory Purchase Orders.</p> <p>Part III of the Land Compensation Act 1973.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Electoral Registration</b>                  To recommend legal proceedings regarding the failure of any person to provide information to the registration officer for the purposes of maintaining registers of electors under Sections 13D and 23 of the Representation of the People (England and Wales) Regulations 2001</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 and 2</p>
<p><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 42 and 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5 and 6</p>
<p><b>Enforcement Notice Securing Compliance</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 178 and 179 of the Town and Country Planning Act 1990 (Securing Compliance with an Enforcement Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Ethical Standards and Member Development Committee Independent Members</b> To make arrangements for the recruitment of independent members appointed pursuant to Section 28 of the Localism Act 2011 as vacancies arise, to advertise the vacancies and to shortlist applications received to fill vacancies for consideration by the Selection Panel.</p>	
<p><b>False Statements under the Housing Act 1996 – S14</b> To take proceedings relating to false statements, withholding of information and failure to disclose change in circumstances under Section 214 of the Housing Act 1996</p>	<p>A number of decisions within this delegation may be exempt from publication Exempt 1,2, 3</p>
<p><b>Former Mining Land - Entry to and works on land -</b> To take all necessary action to give effect to the powers available to the Council under Sections 7 and 8 of the Mineral Workings Act 1985.</p>	
<p><b>Hazardous Substances Authority - Planning (Hazardous Substances) Act 1990 - Section 23</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the Hazardous Substances Authority under section 23 of the Planning (Hazardous Substances) Act 1990 as amended by Schedule 3 of the Planning and Compensation Act 1991.</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p><b>Hazardous Substances Consents - Powers to revoke, modify, apply for confirmation and to pay compensation</b> In consultation with the Director - Regeneration and Planning to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) under sections 14, 15, 16 and 17 of the Planning (Hazardous Substances) Act 1990 in respect of hazardous substances consents.</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2 and 3</p>
<p><b>Hazardous Substances Contravention Notice</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1, 2, 3 and 6</p>
<p><b>Highways Act 1980</b></p> <ul style="list-style-type: none"> <li>- To enter into agreements pursuant to Sections 4, 8 and 38 of the Highways Act 1980</li> <li>- To instigate proceedings under Sections 132, 137, 140 and 143 of the Highways Act 1980 where he/she is satisfied as to the evidence.</li> <li>- Section 154 – Failure to Comply with Letters of Request</li> <li>- Section 177 – To grant a licence in consultation with the Director – Regeneration and Planning.</li> <li>- To instigate proceedings under Section 219 of the Highways Act 1980 in consultation with the Director – Regeneration and Planning.</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication  Exemptions 1,2, 3, 6 and 7</p>

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Images of Council Buildings or Facilities or Historical Artefacts or Documents and Copyright</b>            To consider any applications for the use of images of Council buildings or facilities or historical artefacts or documents and to approve such use where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>To consider any applications for the use of any materials or items the subject of copyright to the Council and to approve such applications where appropriate upon such terms and conditions as may be reasonable in the circumstances.</p> <p>Re-use of Public Sector Information Regulations 2005.</p>	
<p><b>Injunctions</b>            In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 26AA of the Planning (Hazardous Substances) Act 1990 (Injunctions).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 6</p>
<p><b>Interests in Land:            Section 297, Highways Act 1980</b>            To serve notices requiring information under the provisions of Section 297 of the Highways Act 1980 regarding the ownership of the land.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Sections 5A and 5B, Acquisition of Land Act 1981            Power to require information</b>            To serve notice to obtain information about ownership and occupation of land from freeholders, lessees, occupiers, mortgagees and those managing land pursuant to Section 5A Acquisition of Land Act 1981 as amended by Part 8 of the Planning and Compulsory Purchase Act 2004, and to take proceedings relating to failure to provide information under Section 5B of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Land and Premises Previously Owned by the Council - Consent to Alter or Erect Premises or Change the Use</b>            To enter into or execute, if necessary, under seal, any related documentation in connection with land previously owned by the Council on terms and conditions to be agreed by the Director - Regeneration and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

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

<b>Landlord and Tenant Act 1985</b>	
<p><b>Section 1</b> To deal with matters relating to a failure to comply with a tenant's request for the Landlord's name and address under Section 1 of the Landlord and Tenant Act 1985.</p> <p><b>Section 2</b> To take proceedings relating to a failure to comply with a tenant's request for the name and address of each Director and Secretary where the landlord is a body corporate under Section 2 of the Landlord and Tenant Act 1985.</p> <p><b>Section 3</b> To take proceedings relating to failure of a new landlord to notify a tenant of his name and address under Section 3 of the Landlord and Tenant Act, 1985.</p> <p><b>Section 7</b> To take proceedings under Section 7 of the Landlord and Tenant Act 1985 relating to a failure of a landlord to comply with the requirements of Sections 4, 5 or 6 of the same.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Section 25</b> (as amended by Section 157, Schedule 10, paragraph 4 of the Commonhold and Leasehold Reform Act 2002) To take proceedings under Section 25 of the Landlord and Tenant Act 1985 relating to failure to comply with duties imposed under the same Act. (Section 21 substituted by Section 303, Schedule 12, Paragraph 12 of the Housing and Regeneration Act 2008; Section 22 amendment by Section 303 of the Housing and Regeneration Act 2008; Section 23(1) amended by Section 303, Schedule 12, Paragraph 5 of the Housing and Regeneration Act 2008).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, 3 and 5</p>
<p><b>Legal Proceedings (Executive Matters)</b> To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings.</p>	<p>A number of decisions within this delegation may be exempt from publication E 1 to 7</p>
<p><b>Letting of Garage Plots</b> To enter into Agreements for the letting of plots of land for the erection of garages for use in connection with Council Housing on terms to be agreed by the Executive Director – Neighbourhoods in accordance with the Disposal of Land and Buildings Protocol 2016 where applicable.</p> <p>Section 123 of the Local Government Act 1972 and/or Section 5 of the Local Authorities (Land) Act 1963</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

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

<p><b>Listed Buildings and Conservation Areas - Prosecution</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under the Planning (Listed Buildings and Conservation Areas) Act 1990:</p> <ul style="list-style-type: none"> <li>- Sections 7 and 9 as amended by the Planning and Compensation Act 1991 (Prosecution).</li> <li>- Section 11(6) and Section 21(7) (Prosecution for false information).</li> </ul>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Lost and Uncollected Property</b>                  To serve notice under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 to require a person to remove uncollected property from premises or land owned by the Council.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 6</p>
<p><b>Management of Leased Premises</b>                  Where appropriate, to enter into any legal documents in relation to the management and/or surrender of premises leased by or occupied by the Council, subject to any terms and conditions agreed by the Director - Regeneration and Planning.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Members Interests Dispensation - Localism Act 2011</b>                  To grant dispensations under grounds (a) and (d) of Section 33(2) of the Localism Act 2011.</p>	
<p><b>Mineshafts - Acquisition</b>                  To acquire mineshafts where required in connection with Council developments, on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 1, 2, 3 and 5</p>
<p><b>Monitoring Officer (Executive Authority) - Local Government and Housing Act 1989 –</b>                  With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all Executive powers and duties under the Act be assigned to that post.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1 to 7</p>
<p><b>Notice to Treat and of Entry and Action to Obtain Possession</b>                  To serve notice to treat and notice of entry where appropriate and take necessary action when possession is not given in all cases where Compulsory Purchase Orders are confirmed.</p> <p>Sections 5 and 11 of the Compulsory Purchase Act 1965.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>

Director of Law and Governance and Monitoring Officer (cont)

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

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

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

Exemptions 1, 2, 3 5 and 6

**Obstruction of an Officer**

To take proceedings relating to the obstruction of an officer under Sections 55, 341 of the Housing Act 1985. (Section 55(1)(a) as amended by Section 194(1), Schedule 11, paragraph 65 of the Local Government and Housing Act 1989; Section 341(1)(2) amended by Section 194(1), Schedule 11, paragraph 74(1)(2) of the Local Government and Housing Act 1989).

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

Exemptions 1, 2 and 3

Sections 55, 341 Housing Act 1985.

**Open Space Land on Housing Developments**

To acquire land on housing estates offered to the Council by developers for public open space purposes where such developers make a commuted payment at a figure to be assessed by Director - Regeneration and Planning.

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

Exemptions 1,2 and 3

Section 9 of the Open Spaces Act 1906.

**Overcrowding:**

Section 327, Housing Act 1985

To take proceedings relating to an occupier causing or permitting overcrowding under Section 327 of the Housing Act 1985. (Section 327(3) amended by Section 194(1), Schedule 11, paragraph 71(a)(b) of the Local Government and Housing Act 1989).

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

Section 331, Housing Act 1985

To take proceedings relating to a Landlord causing or permitting overcrowding under Section 331 of the Housing Act 1985. (Section 331(3) amended by Section 194(1), Schedule 11, paragraph 72(a)(b) of the Local Government and Housing Act 1989).

Exemptions 1 and 2 and 7

Section 333, Housing Act 1985

To take proceedings relating to the duty to inform the local authority of overcrowding under Section 333 Housing Act 1985.

Section 335, Housing Act 1985

To take proceedings relating to requests for information about persons sleeping in a dwelling under Section 335 of the Housing Act 1985.

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

<p>Section 338(1), Housing Act 1985 In consultation with the Executive Director – Adult Social Care, Health and Wellbeing, to serve a notice to abate overcrowding under Section 338(1) of the Housing Act 1985 and make any application to the court under Section 338 (2) if required.</p>	
<p><b>Parades and Processions</b> To make orders for parades and processions under the Town Police Clauses Act, 1847, in consultation with the Director – Regeneration and Planning.</p>	
<p><b>Planning Contravention and Enforcement Notices</b> To serve notices under the following sections: Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.</p> <p>In consultation with the Director – Regeneration and Planning, to take proceedings pursuant to Sections 171D and 179 of the Town and Country Planning Act 1990 (Planning Contravention and Enforcement Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Powers of Entry over Land and Buildings</b> In consultation with the Director - Regeneration and Planning:</p> <p>To exercise the powers of the local planning authority under Sections 324 and 325 of the Town and Country Planning Act 1990 and to seek permission for entry in relation to Crown land under Section 325A of The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (Right of Entry).</p> <p>To exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991.</p> <p>To exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 36B of the Planning (Hazardous Substances) Act 1990 To seek permission for entry in relation to Crown land under Section 325A of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>To authorise appropriate officers to enter premises under Section 95 of the Building Act, 1984</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2, and 6 may apply.</p>

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Procurement of External Legal Services</b>                  To set up the Authority’s own panels of external legal advisors to service areas of work, which will need high level and/or specialised external legal support.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 3</p>
<p><b>Prohibition and Demolition Orders:</b></p> <p>Sections 20 and 21 Housing Act 2004                  To make a Prohibition Order under Sections 20 and 21 and Emergency Prohibition Order under Section 43 of the Housing Act 2004 where the Executive Director – Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises.</p> <p>Section 265 Housing Act 1985</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p>To make a Demolition Order under Section 265 of the Housing Act 1985 where the Executive Director - Adult Social Care, Health and Wellbeing is satisfied that is the most satisfactory course of action in relation to any residential premises.</p> <p>Sections 270 (2) Housing Act 1985 and Section 33, Housing Act 2004</p> <p>Where in consequence of the making of a Prohibition or Demolition Order the Council has fulfilled any obligation it may have pursuant to Section 39(1) of the Land Compensation Act 1973, in regard to the provision of suitable alternative residential accommodation, to initiate proceedings under Section 270(2) of the Housing Act 1985 or Section 33 of the Housing Act 2004 as appropriate</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 216 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Prosecution for False Information</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 194 of the Town and Country Planning Act 1990 (Prosecution for false information).</p> <p>In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 8(6) of the Planning (Hazardous Substances) Act 1990 (Prosecution for false information).</p> <p>Town and Country Planning Act 1990                  Planning and Compensation Act 1991</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>

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

<p><b>Prosecutions for Damage</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Prosecutions for damage).</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Protection From Eviction Act 1977 - Section 1</b> To take proceedings relating to unlawfully depriving a residential occupier of premises and doing acts which are calculated to cause a residential occupier to give up occupation of a property under Section 1 of the Protection From Eviction Act 1977.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 7</p>
<p><b>Purchase Notices</b> Upon receipt of a purchase notice, following consultation with the Director - Regeneration and Planning and the Chief Finance Officer of the Council, to issue a response notice and where it is proposed to purchase the property, proceed with the acquisition, on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Purchase of Properties in Clearance Areas</b> At the request of the Executive Director – Adult Social Care, Health and Wellbeing or Executive Director - Neighbourhoods, to negotiate to acquire properties offered for sale to the Council that are included in Clearance Areas declared by the Council under the Housing Acts on terms to be agreed by the Director - Regeneration and Planning.</p> <p>Section 290 of the Housing Act 1985.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Registering Legal Charges against a Private Property when the occupier becomes a permanent resident in Residential and Nursing Homes</b> In consultation with the Executive Director - Adult Social Care, Health and Wellbeing, to register legal charges with the Land Registry against a private property whose occupier becomes a permanent resident of a residential and nursing home and under ordinary residence rules, is the responsibility of Sandwell Metropolitan Borough Council.</p> <p>Section 22 of the Health and Social Services and Social Security Adjudications Act 1983.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>

Director of Law and Governance and Monitoring Officer (cont)

**Rent Books:**

**Section 332, Housing Act 1985**

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

**Section 336, Housing Act 1985**

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

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

Exemptions 1, 2 and 3

**Rent Matters - Rent Act 1977**

**Section 81.**

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

**Section 94(4), Rent Act 1977**

To take proceedings relating to entry in a Rent Book showing a tenant in arrears on account of rent which is irrecoverable.

**Section 94(5), Rent Act 1977**

To take proceedings relating to refusal of a Landlord upon request to delete an entry in a rent book or similar document

**Section 119, Rent Act 1977**

To take proceedings relating to the payment of a premium as a condition of a grant renewal or continuance of a protected tenancy

**Section 122, Rent Act 1977**

To take proceedings relating to the requirement to pay a premium as a condition of the grant renewal or continuance of a restricted contract.

**Section 124, Rent Act 1977**

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

**Section 126, Rent Act 1977**

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

**Section 151, Rent Act 1977**

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

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

Exemptions 1, 2 and 3

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

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

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

Exemptions 1, 2

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

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

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

Exemption 1,2 and 5

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

**Rights of Entry for Enforcement Purposes**

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

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

Exemptions 1, 2 and 3

**Right of Way Over Council Land**

Where appropriate, to offer and agree Right of Way agreements in perpetuity on terms to be agreed by the Director - Regeneration and Planning in the following instances, subject to payment of the Council's legal fees: -

- when such rights have previously been granted to former Council tenants;
- when property with an existing agreement changes hands;
- when a request is received for a new agreement to be granted.

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

Exemptions 1, 2, 3 and 5

Section 123 of the Local Government Act 1972.

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

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

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

<p><b>Service Tenancy Agreements</b> To negotiate and agree terms for service tenancy agreements for the purposes of parks and countryside management.</p> <p>Section 123 of the Local Government Act 1972</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Temporary Traffic Regulation Orders/Notices for Temporary Road Closures</b> In consultation with the Director – Regeneration and Planning, to make Temporary Traffic Regulation Orders and issue notices for temporary road closures under the provisions of Sections 14(1) and 14(2) of the Road Traffic Regulation Act 1984.</p>	
<p><b>Use of Premises in Connection with Elections</b> To deal with applications for the use of premises in connection with elections at rents to be agreed with the Chief Finance Officer of the Council.</p> <p>Sections 120-123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption 3</p>
<p><b>Vehicular Right of Way Over Housing Land</b> Grants/requests for vehicular rights-of-way over housing land at rents to be determined by the Director - Regeneration and Planning, in consultation with the Executive Director – Neighbourhoods.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Wildlife and Countryside Act 1981</b> To deal with legal proceedings under Part 1 of the Wildlife and Countryside Act 1981 or any Order.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2, 3, 5, 6 and 7</p>
<p><b>Withdrawal of Completion Notices</b> In consultation with the Director - Regeneration and Planning to withdraw, if appropriate, completion notices under section 94(5) of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1, 2 and 3</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b>  Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Civil Marriages - Licensing of Premises</b>  To determine any applications for the licensing of premises for the solemnisation of civil marriages;  To waive or remit in part any fees in connection with licensing applications, where the Executive Director - Resources considers it appropriate to do so;  To determine fees for a review undertaken by the Licensing Committee of a decision by the Executive Director - Resources to refuse an approval to attach local conditions or to revoke an approval of an application of premises for the solemnisation of civil marriages.</p> <p>Section 46A of the Marriage Act 1949 (c 76)</p>	<p>Grant of Permission or Licence:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 6 may apply</p>
<p><b>Commons Land</b></p> <p>Section 41 of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, to make an application for an Enforcement Order against unlawful works on registered common land under Section 41 of the Commons Act 2006.</p> <p>Section 45(2) (a) of the Commons Act 2006.  In consultation with the Director - Regeneration and Planning, to make arrangements to protect unclaimed registered common land and unclaimed town or village agreements against unlawful interference under Section 45(2) (a) of the Commons Act 2006.</p> <p>Section 45(2)(b) of the Commons Act 2006  In consultation with the Director - Regeneration and Planning, to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the Commons Act 2006.</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p> <p>Individual Rights:</p>
<p><b>Completion Notices</b>  In consultation with the Director - Regeneration and Planning, to serve completion notices under section 94(2) of the Town and Country Planning Act 1990.</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

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

<p><b>Cross Border Prosecutions in Non-Executive Matters</b>                  To authorise another local authority to prosecute for offences committed within the Borough, provided that it is expedient for the promotion or protection of the interest of the inhabitants of the Borough.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7</p>
<p><b>Discontinuance Notices</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 102 of the Town and Country Planning Act 1990 (Discontinuance Notices).                  (Section 102(4)(5) substituted and Section 108 amended by Section 21, Section 32, Schedule 1 Paragraph 6, Schedule 7 Paragraph 21 of the Planning and Compensation Act 1991) and section 121 Localism Act 2011.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Employment Tribunals</b>                  In consultation with the Executive Director - Resources, where the legal advice indicates that it is in the best interests of the Council to do so, to authorise the settlement of any Employment Tribunal claim against the Council or, at the stage where it is considered appropriate to do so, any other similar employment related claim</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2 3 6 and 7 may apply</p>
<p><b>Education Statutory Appeals Panels</b>                  To advertise for and appoint persons, subject to their eligibility in each case, to the pool from which members will be selected to form Education Statutory Appeals Panels to hear appeals in accordance with the School Standards and Framework Act 1998 and other relevant legislation;                   To select three or five members from the pool of persons to form Appeals Panels to hear appeals in accordance with the Schools Standards and Framework Act 1998 subject to eligibility in each case;                  To appoint as necessary persons from the pool referred to above to act as Chairs of Appeals Panels.</p>	
<p><b>Electoral Fees</b>                  In consultation with the appropriate Cabinet Member, to approve the fees payable to Polling Station, Counting and Poll Card Delivery staff for local elections.                   Section 54 of the Representation of the People Act 1983.</p>	

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

<p><b>Enforcement of Conditions</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under section 187A of the Town and Country Planning Act 1990 (Enforcement of conditions)</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Enforcement Notices</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Enforcement notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Entry to Properties or Land</b>                  To authorise appropriate officers to enter premises pursuant to section 17 of the Local Government (Miscellaneous Provisions) Act 1982.                  To issue requisite cards of authority to officers required to enter land or premises for inspection purposes.</p>	
<p><b>High Hedges</b>                  In consultation with the Director - Regeneration and Planning, to exercise powers in relation to the issue of Remedial Notices pursuant to Sections 69 and 70 of the Anti-social Behaviour Act 2003.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Highways Act 1980</b>                  To enter into agreements pursuant to section 25 of the Highways Act 1980.</p> <p>Sections 139 and 149                  To instigate proceedings under Sections 139 and 149 of the Highways Act 1980 where he/she is satisfied as to the evidence.</p> <p>Section 178 – Wayleave Applications                  To determine applications for Wayleaves under Section 178 of the Highways Act 1980</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Injunctions</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 187B of the Town and Country Planning Act 1990 (Injunctions).</p> <p>In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Injunctions).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>

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

<p><b>Injunctions in Respect of Tree Preservation Orders</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Section 214A of the Town and Country Planning Act 1990 (Injunctions in respect of Tree Preservation Orders).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p><b>Interests in Land</b>                  Sections 16(1) and 16(2), Local Government (Miscellaneous Provisions) Act, 1976                  To serve notices under Section 16(1) to obtain particulars of persons interested in land and to take proceedings relating to the failure to provide particulars as to persons interested in land under Section 16(2) of the Local Government (Miscellaneous Provisions) Act, 1976.</p> <p>Section 330, Town and Country Planning Act 1990                  To exercise the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 and 7 may apply</p>
<p><b>Legal Proceedings (Non-Executive Matters)</b>                  To institute, withdraw and defend legal proceedings on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2 and 7</p>
<p><b>Licensing Sub Committee</b>                  In consultation with the Chair of the Licensing Committee, to select replacement members from the Licensing Committee as necessary to serve on Licensing Sub Committees to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.</p> <p>Section 9 of the Licensing Act 2003</p>	
<p><b>Local Government and Housing Act 1989 – Monitoring Officer – Non-Executive Matters</b>                  With regard to the provisions of the Local Government and Housing Act 1989, to act as the Council's Monitoring Officer for the purposes of Section 5 and that all powers and duties under the Act be assigned to that post.</p>	

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

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

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

<p><b>Planning Contravention and Enforcement Notices</b>                  To serve notices under:                  - Sections 171C 172, 172A, 183,184, 187, 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.                   - Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Powers of Entry over Land and Buildings</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 214A, 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (Right to Entry and Protected Trees)</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2 6 and 7 may apply</p>
<p><b>Repairs Notice</b>                  In consultation with the Director - Regeneration and Planning and the Chief Finance Officer of the Council, to exercise the powers of the local planning authority under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Repairs Notice).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Require Proper Maintenance of Land</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Require Proper Maintenance of Land).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Rights of Entry in connection with Tree Preservation Powers</b>                  In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 214B and 214C of the Town and Country Planning Act 1990 (Rights of Entry in Connection with Tree Preservation Powers).</p>	<p>Individual Rights:                  All decisions within this delegation are to be published unless exempt                   Exemptions 1,2,6 and 7 may apply</p>
<p><b>Special Events on Roads</b>                  In consultation with the Director – Regeneration and Planning, to make Orders under Section 16A of the Road Traffic Regulation Act 1984 for special events on roads.</p>	

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

<p><b>Stop Notices</b> In consultation with the Director - Regeneration and Planning, to issue Stop Notices under Sections 183, 184 and 187 of the Town and Country Planning Act 1990 (Stop notices) and temporary stop notices and prosecutions in respect thereof pursuant to section 171E of the Town and Country Planning Act 1990 as amended by Section 52 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Temporary Listing: Building Preservation Notices</b> In consultation with the Director - Regeneration and Planning, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Temporary Listing: Building Preservation Notices).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Town and Village Green Applications</b> In consultation with relevant Directors as necessary, to exercise the powers in relation to applications for registration of town and village greens under the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p><b>Tree Preservation Orders</b> To exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2,6 and 7 may apply</p>
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer.</p>	
<p><b>Wildlife and Countryside Act 1981 - Section 53</b> To make and confirm both Modification and Reclassification Orders under Section 53 respectively of Part III of the Wildlife and Countryside Act 1981.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>

Director of Law and Governance and Monitoring Officer (cont)

Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b>                      Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Birmingham International Airport</b>                      The Chief Executive, Chief Finance Officer of the Council and Solicitor to the Council be authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision in relation to the sale or purchase of shares in Birmingham International Airport Holdings Limited or Birmingham International Airport Limited.</p>	
<p><b>Council Dwelling Sales</b>                      In consultation with the Director – Regeneration and Planning, to complete all legal documentation in relation to the sale of a Council dwelling in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	
<p><b>Decant Accommodation</b>                      In consultation with the relevant Director, to prepare agreements with owners and tenants, as necessary, of privately owned houses where decant Council accommodation is offered to facilitate renovation.                      Section 123 Local Government Act 1972.</p>	
<p><b>Freedom of Information and Environmental Information</b>                      To deal with all issues relating to Freedom of Information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 including:                      - <u>Determination of Exemption</u> - Where the application of an exemption under Freedom of Information is in dispute, to determine what exemption should apply.                      - <u>Public Interest Test</u> - To determine whether in any particular case it serves the interests of the public better to withhold or to disclose information.</p>	
<p><b>Form of Identification for Members</b>                      To issue a form of identification to members on request.</p>	

Director of Law and Governance and Monitoring Officer (cont)

<p><b>Documents</b> To sign on behalf of the Council and to attest the fixing of the Common Seal of the Council to documents.</p>	
<p><b>Improving or Perfecting Title to Council Land and Premises</b> In consultation with the appropriate Directors and where no capital expenditure is required for the exercise and funding is available for any legal or other costs and expenses involved to deal with any process whether involving registration of title and/or the completion of any deed or other document necessary so as to improve or perfect the title of the Council to any of its land and premises.</p> <p>Section 120 of the Local Government Act 1972.</p>	
<p><b>Mutual Undertakings in Conjunction with Compulsory Purchase Orders Under Part II of the Housing Act 1985</b> To draw up a Mutual Undertaking, to be used as part of the Empty Property Strategy Compulsory Purchase Order (CPO) process, in relation to CPOs approved under Part II of the Housing Act 1985, to include the carrying out of enforcement of CPOs.</p>	
<p><b>Recovery of Legal Costs for Disposal of Land</b> In consultation with the Director - Regeneration and Planning, to recover the Council's legal costs and expenses as part of the terms for the freehold disposal of Council owned land.</p> <p>Section 123 Local Government Act 1972.</p>	
<p><b>Sandwell Land and Property Company</b> Authorised severally to sign, witness the seal or execute on behalf of the Council any document including any legal agreement, written resolution, notice, form of proxy, consent to short notice or other document or to attend any meeting of shareholders as representative of the Council as may be required for the purpose of any decision of Sandwell Land and Property Ltd.</p>	
<p><b>Statements of Truth</b> To sign statements of truth on behalf of the Council in the course of legal proceedings</p>	

Director of Law and Governance and Monitoring Officer (cont)	
<p><b>Statutory Transfers</b> To complete, sign and seal all documents necessary to give effect to transfer of land and premises pursuant to a Statutory obligation placed upon the Council.</p>	
<p><b>Supply of Committee Agenda and Reports</b> To supply copies of Committee agenda and reports prior to Committee meetings at the request of individual Council members.</p>	

Director of Law and Governance and Monitoring Officer (cont)	
Delegation	Commentary
<p><b>Category D – Ancillary to a Non- Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	
<p><b>Public Paths</b> To consult organisations or persons who from time to time express an interest in particular orders relating to public paths.  Section 26 Highways Act 1980.</p>	
<p><b>Undertakings for Disposal and Acquisition of Land</b> To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer in accordance with the Disposal of Land and Buildings Protocol 2016.</p>	

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

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

<b>Data Protection</b> To act as the Proper Officer in relation to all matters relating to Data Protection.	
<b>Local Authority Companies</b> In consultation with the relevant Director, to act as the authorised representative of the Council in respect of all companies of which the Council is or may become a member or a shareholder (Companies Act 2006).	
<b>Obtaining Legal Support and Advice</b> Where the estimated cost of engaging the support is estimated to not exceed £40,000, to appoint Solicitors or Barristers to provide legal support and advice to, or act on behalf of the Council and seek Counsel's opinion without recourse to obtaining written quotes in accordance with Standing Orders.	
<b>Proper Officer and Solicitor to the Council</b> To act as the Solicitor to the Council and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council. To undertake all functions which may from time to time be designated to the Solicitor to the Council by any Statute, Statutory Instrument, Regulation, Government directive, or decision of the Council, where it is clearly identifiable that the reference to the officer implies that the Solicitor to the Council is, for the Council's purposes, the relevant officer.	
<b>Representation of the People Act 1983</b> To act as the Deputy to the Proper Officer for the purposes of the Representation of the People Act 1983. To exercise the Council's functions under the Representation of the People Act 1983.	
<b>Deputy Monitoring Officer</b>  To delegate all powers exercisable to the Deputy Monitoring Officer in their absence.	

**Regulation of Investigatory Powers Act (RIPA) 2000 Regulation of Investigatory Powers Act (RIPA) 2000**

In order to protect the Council's legal position, in consultation with the Leader/Deputy Leader where necessary, to amend the operational guidelines for the application of RIPA to reflect changes in legislation and guidance accordingly.

## Director – Public Health

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Exclusions from Schools</b>                      Ordering exclusions from schools under Regulation 2 of the Health Protection (Local Authority Powers) Regulations 2010.                       Public Health (Control of Disease) Act 1984</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1 and 2</p>
<p><b>Health Annual Report</b>                      Producing and publishing an annual report on the health of the local population.                       National Health Service Act 2006 Section 73B (as amended by the Health and Social Care Act 2012 Section 31)</p>	
<p><b>Improving the Health of Local People</b>                      Taking steps considered appropriate to improve the health of people in the area as required by section 2B (added by section 12 Health and Social Care Act 2012); and                       National Health Service Act 2006 (as amended by the Health and Social Care Act 2012)</p>	
<p><b>Local Authority Public Health Functions</b>                      Exercising the health service functions of a local authority under, or as/may be prescribed under the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).</p>	
<p><b>Notifiable Disease – Request for Information</b>                      Requiring information to be furnished by the occupiers of premises in which any person is or has been suffering a notifiable disease or food poisoning.                       Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes)                      Health and Social Care Act 2008, Schedule 15(3) Paragraph 1</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1 and 2</p>
<p><b>Prevention of the Spread of Disease</b>                      Requiring any person to discontinue work with a view to preventing the spread of disease.                       Health Protection (Local Authority Powers) Regulations 2010 Regulation 8 (Requests for co-operation for health purposes)</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1,2, 3 and 6</p>
<p><b>Removal of a body to a mortuary - Public Health (Control of Disease) Act 1984</b>                      Removal of a body to a mortuary as required by section 48.</p>	<p>A number of decisions within this delegation may be exempt from publication:                       Exemptions 1, and 2</p>

Director – Public Health (cont)	
<p><b>Removal to a Place of Care - National Assistance Act 1948</b> Applying under Section 47 to remove to a suitable place persons who are suffering from grave chronic illness or, being aged infirm or physically incapacitated, are living in insanitary conditions.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1 and 2</p>
<p><b>Verminous Articles for Sale - Public Health Act 1961</b> Disinfecting, destroying or removing from premises verminous articles intended for sale under section 37.</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1, 2 and 3</p>
<p><b>Verminous People and Articles</b> Cleansing or destroying filthy or verminous articles under section 84;  Cleansing verminous persons and their clothing under section 85.  Public Health Act 1936</p>	<p>A number of decisions within this delegation may be exempt from publication:  Exemptions 1 and 2</p>

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

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

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

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

## Director of Regeneration and Growth

Delegation	Commentary
<p><b>Category A – Executive</b> Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Approved Redress Scheme – Failure to Join</b> To take action where letting agents and property managers fail to join an approved redress scheme.</p> <p>To act and authorise others to act on his/her behalf under the provisions of the Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 in connection with taking action against letting agents and property managers who have not joined a redress scheme when required to do so.</p> <p>Enterprise and Regulatory Reform Act 2013</p>	<p>in both R&amp;G and Housing</p>
<p><b>Acquisition In Advance of Programmed Highway Schemes</b> To negotiate for and agree terms for the acquisition of any interest in land or property offered to the Council, within five years of a programmed highway scheme, whenever it appears that it would be in the Council's best interest to do so, subject to the approval of agreed terms by the appropriate Cabinet Member or Committee.</p> <p>Section 248 of the Highways Act 1980.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Acquisition of Land up to £50,000</b> In consultation with the appropriate Director(s) and where it is confirmed that funding is available to negotiate and agree terms for the acquisition of land and premises up to a value of £50,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Advertisements – Enforcement functions under the Town and Country Planning Act 1990</b> To exercise the Council's functions in relation to section 224 of the Town and Country Planning Act 1990 (Enforcement of control as to advertisements).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

[ILO: UNCLASSIFIED]

**Building Act 1984**

To act and authorise others to act on his/her behalf in relation to the Council's duties and responsibilities in relation to the following sections of the Act:

Sections 8 to 11 – The relaxation of Building Regulations

Section 35 - The investigation of breaches of building regulations.

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

Section 37 – Power to withdraw a Notice under section 36 after receipt of a written report from a qualified person and payment of their expenses reasonably incurred.

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

Section 86 - Appeals to the Crown Court. Section 91 - Duty of local authority under section 91.

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

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

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

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

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

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

Exemptions 1, 2, 3, 6 and 7

<p>Section 22 – Power to require that buildings be drained in combination and the giving notice thereof to each owner affected.</p> <p>Sections 47 to 55, 57 to 58 – The supervision of plans and work by Approved Inspectors other than Local Authorities.</p> <p>Section 56 - Duty to keep a Register of all initial notices under section 47 of the Building Act 1984 and acceptance of amendment notices under section 51A.</p> <p>Sections 59 to 66 – The drainage and provision of sanitary conveniences</p> <p>Sections 69 and 70 – The provision of food storage accommodation.</p> <p>Section 72 – Means of escape</p> <p>Sections 74 and 75 – Consents for cellars and rooms below subsoil water level</p> <p>Sections 77 and 78 – Applications to Magistrates’ Court concerning dangerous buildings or structures, including emergency powers.</p> <p>Sections 80 to 83 – The demolition of buildings.</p> <p>Sections 92 to 94 - The form of notices etc and “proper officer”</p> <p>Sections 95 and 96 – The power of entry to premises and appointment of “proper officers”</p> <p>Sections 97 and 99 - The execution of works on behalf of owner or occupier.</p> <p>Section 100 - The power to sell materials.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Certificate of Appropriate Alternative Development</b> Powers of the local planning authority under section 17 of the Land Compensation Act 1961 (part iii) (Certificate of Appropriate Alternative Development).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

**Community Infrastructure Levy**

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

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

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

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

To reconsider and determine applications and take all necessary steps in connection with the exemptions and relief under part 6 Community Infrastructure Levy Regulations 2010 (reg 41-57)

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

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

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

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

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

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

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

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

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

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

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

To exercise the functions of the collecting authority and a relevant authority under regulations 88-111 Part 9 Community Infrastructure Levy Regulations 2010 (Enforcement) up to but not including the instigation of legal proceeding

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

Exemptions 1, 2, 3, 6 and 7

<p>To determine reviews of chargeable amounts under Regulation 113 Community Infrastructure Levy Regulations 2010 (except where the original decision was taken by the Director and not by another officer under arrangements made by the Director).</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Compulsory Purchase Orders – Acquisitions</b>  In cases where the relevant Director considers that there may be undue hardship, to negotiate and agree terms for the acquisition of land and premises offered with vacant possession to the Council, in advance of the confirmation of compulsory purchase orders made under Part IX of the Housing Act 1985, including costs and fees ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer and the relevant Director, as necessary, to negotiate and agree acquisition of land and premises offered with vacant possession to the Council, in advance of confirmation of Compulsory Purchase Orders, together with the payment of costs, discretionary payments and/or expenses as may be agreed.</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Compulsory Purchase, Demolition and Prohibition Orders - Compensation</b>  To negotiate and agree terms for the payment of appropriate compensation resulting from compulsory purchase, demolition and prohibition orders Part 1 claims on acquisition in advance thereof and negotiate agreed terms for discretionary payments ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Sections 584A and 584B of the Housing Act 1985. Compulsory Purchase Act 1965.</p>	<p>Replicated in Housing</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Declaration of Clearance Areas</b>  To serve notices under Section 289 of the Housing Act 1985 (as amended) stating the Authority’s intention to declare a Clearance Area.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>

<p><b>Disposal of Land and Premises up to £100,000</b> In consultation with the appropriate Director, to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016, including consultation with the Director of Law and Governance and Monitoring Officer in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests. (see point 4.8 of the protocol)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disposal of Land and Premises at Auction</b> In consultation with the appropriate Director, to offer land and/or premises for disposal at auctions where the estimate of value does not exceed £100,000 ensuring all necessary statutory or other authorities in connection with the disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>That the Director of Law and Governance and Monitoring Officer advises the Director – Regeneration &amp; Planning of the successful bidder and whether or not there is a potential conflict including where there is a relevant entry in the Members’ Register of Interests and the Employees’ Register of Interests.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Disturbance Payments</b> To make payments for disturbance resulting from prohibition and demolition orders, compulsory purchase orders or acquisition by agreement in advance thereof in consultation with the Director of Law and Governance and Monitoring Officer.</p> <p>Section 37 of the Land Compensation Act 1973</p>	<p>Replicated in R&amp;G A number of decisions within this delegation may be exempt from publication</p> <p>Exemptions 1,2 and 6</p>
<p><b>Easements - Acquisition up to £50,000</b> In consultation with the appropriate Director(s) (and where it is confirmed that funding is available) to negotiate and agree terms for the acquisition by the Council of easements over/under land and premises where each such easement has a value of up to £50,000 Sections 120 and 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>

<p><b>Gable Walls - Side Effects of Demolition</b>  In consultation with the appropriate Director, to deal with all applications for discretionary payments towards the cost of the weather proofing of gable walls exposed by the Council's demolition of adjoining property except those exceptional cases of individual hardship in relationship to commercial and industrial properties which shall be dealt with in consultation with the appropriate Cabinet Member or Chair and Vice-Chair.  Section 106 of the Building Act 1980.</p>	<p>In Housing, R&amp;G and B Econ</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Grant of Leases – Managed Workspace</b>  To negotiate, and where a precedent lease has been prepared by the Director of Law and Governance and Monitoring Officer, to grant a lease of in accordance with the precedent lease, in respect of occupation of offices within Applewood Grove, Sandwell Business Centre, and Smethwick Enterprise Centre by third parties.</p>	
<p><b>Growth and Infrastructure Act 2013</b>  To exercise powers in relation to the provisions contained in the Growth and Infrastructure Act 2013.</p>	<p>In B Econ and R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 7</p>
<p><b>Historic Buildings Grants</b>  Determine applications for grant under the Historic Buildings Grants Scheme in accordance with the approved criteria for such grants, and to approve individual payments up to a maximum of £2,000.</p> <p>Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Intermediate Leasehold Interests - Sale of</b>  To deal with applications for the sale of intermediate leasehold interests owned by the Council in residential properties and if appropriate negotiate the terms of sale ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p>

<p><b>Leasehold Interests - Assignments and Sub-Letting</b>  To determine applications for assignments and sub-letting of leasehold interests in land and property managed by the Council.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Leases - Rent Reviews and Clauses</b>  To negotiate and agree rent reviews, lease renewals and clauses in leases in land and property managed by or occupied by the Council.</p> <p>To activate any lease clause in existing leases and to take action if appropriate against the lessee for any breach including, if necessary, repossession of the land/premises.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Licenses or Leasehold Interests - Acquisition up to £50,000</b>  In consultation with the appropriate director(s) and upon it being confirmed that funding is available for any premium payable and to meet future rental and other payments and costs, to negotiate and agree terms for the acquisition by or grant to the Council of License or Leasehold Interests (or renewal of any such interests) where any premium payable for each such interest has a value of up to £50,000 ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Licensing and Letting of Land - Terms for</b>  To negotiate and agree terms for the licensing, letting and re-letting of land, properties and facilities, with the exception of municipal dwellings, garages and premises provided under the Housing Acts, but including shops in accordance with prevailing Council policy.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>

<p><b>Localism Act 2011</b> To act and authorise others to act on his/her behalf in relation to the Council's duties and Responsibilities in relation to the following sections of the Act:</p> <p>Section 87 - to maintain list of assets of community value</p> <p>Section 90 - to determine and to authorise others to determine whether a nominated property should be added to the list of Assets of Community Value in consultation with the Director of Law and Governance and Monitoring Officer</p> <p>Section 91 - to give notification of inclusion or removal of land from list of Assets of Community Value</p> <p>Section 92(4) - to remove entry from the list following a review in consultation with the Director of Law and Governance and Monitoring Officer</p> <p>Section 93 - to maintain a list of land nominated by an unsuccessful community nomination</p> <p>Section 94 - to publish and make available lists</p> <p>Section 97 - to give notice of and to publicise receipt of notice of intended disposal of land</p> <p>Section 98 - to inform owner of request to be treated as a bidder</p> <p>Section 102 - to co-operate with other local authorities</p> <p>Sections 114-115 - Community Infrastructure Levy Sections 116-121 - Neighbourhood Planning Sections 123-127 - Planning Enforcement</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p>
<p><b>Mineshafts - Acquisition</b> To purchase of mine shafts where required in connection with Council developments, on terms agreed ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p> <p>Schedule 2 of the Acquisition of Land Act 1981.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 6</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

<p><b>New Homes Grant</b>  To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	<p>Duplicated in Housing</p>
<p><b>Non-Material Changes to Planning Permissions</b>  Power of the Local Planning Authority to make non-material changes to planning permission under Section 96A of the Town and Country Planning Act 1990 (as amended by Part 9 of the Planning Act 2008).</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2 and 3</p>
<p><b>Notices under the Leasehold Reform Act 1967 (as amended) and Negotiations for the Sale of Reversions</b>  In accordance with prevailing Council policy to accept and determine statutory notices served on the Council under the Leasehold Reform Act 1967 (as amended) and to negotiate for the sale of freehold and leasehold reversionary interest at market value in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:   Exemptions 1, 2, 3, 5 and 6</p>
<p><b>Number and renumber properties</b>  To number and renumber properties on streets under section 64 of the Town Improvement Clauses Act 1847.</p>	

<p><b>Open Space Land and Areas of Laid Out Open Space with Known Contamination, Potential Contamination, Other Ground Condition Problems /Encumbrances or Legal Problems</b> To negotiate and agree the acquisition of land offered to the Council as laid out open space in accordance with the criteria set out in Appendix 1 to Minute No. 6/98 of the former Finance and Resources Strategy Committee, subject to any requests which fall outside the policy being submitted to the appropriate Cabinet Member or Committee for consideration.</p> <p>Section 9 of the Open Spaces Act 1906.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Placards and Posters - Right to Obliterate/Remove</b> Powers of the local planning authority under Sections 225, 225A, 225C, 225E, 225F, 225G, 225H 225J of the Town and Country Planning Act 1990 (Right to obliterate/remove placards and posters).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Planning and Compulsory Purchase Act 2004</b> In consultation with the Director of Law and Governance and Monitoring Officer, to take any appropriate executive action permitted by this legislation ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2,3 and 6</p>
<p><b>Planning Committee</b> In the event that the Planning Committee is unable to act (due to national emergency, for example, pandemic) to act, in consultation with the Chair/Vice Chair/Committee as appropriate, on those matters delegated to the Committee, as set out in the approved Terms of Reference for the Committee contained within the Council's Constitution.</p>	

<p><b>Planning Contravention Notices / Planning Enforcement Notices</b></p> <p>In consultation with the Director of Law and Governance and Monitoring Officer, to act and authorise others to act and serve notices in relation to the Council duties and responsibilities on the following matters:-</p> <p>To exercise powers under Section 173A (variation and withdrawal of enforcement notice), 171BA and 171BB (concealed breaches) and 171C - 171D of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004 and amended by the Localism Act 2011.</p> <p>To exercise the powers of the Hazardous Substances Authority under Section 24 of the Planning (Hazardous Substances) Act 1990 (Power to issue Hazardous Substances Contravention Notice).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, and 7</p>
<p><b>Public Path Orders - Claims for Compensation</b></p> <p>To assess and pay any claims for compensation pursuant to section 28 of the Highways Act 1980 (compensation for loss caused by Public Path Creation Order)</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Purchase Notices</b></p> <p>To negotiate and agree terms for the acquisition of land or property where the Director of Law and Governance and Monitoring Officer has issued a response to a Purchase Notice indicating that a property will be purchased ensuring all necessary statutory or other authorities in connection with the acquisition have been agreed.</p> <p>Part VI of the Town and Country Planning Act 1990.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 3 and 5</p>
<p><b>Persons Interested in Land</b></p> <p>Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1, 2, 3, 6 and 7</p>

<p><b>Right of Way Over Council Land</b> Where appropriate, to offer and agree Right of Way agreements in perpetuity, on terms to be agreed, in the following instances, subject to payment of the Council's legal fees: -</p> <ul style="list-style-type: none"> <li>(a) when such rights have previously been granted to former Council tenants;</li> <li>(b) when property with an existing agreement changes hands;</li> <li>(c) when a request is received for a new agreement to be granted.</li> </ul> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Replicated B Econ, Housing, R&amp;G</p> <p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 1 and 2</p>
<p><b>Service Contracts</b> To negotiate and agree the terms and conditions of any property interest where the Council has granted a Service Contract to a third party or partner of the Council.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3 and 5</p>
<p><b>Site Investigations</b> To carry out site investigations, where appropriate, prior to land being offered for sale.</p> <p>Part II A of the Environmental Protection Act 1990.</p>	
<p><b>Possession Proceedings</b> To act and authorise officers to act on his/her behalf under the Council's functions in Part 4, Housing Act 1985 in relation to serving Notices and commencement of proceedings under discretionary or absolute grounds for possession and setting up and administering the review process for the absolute grounds for possession.</p> <p>Anti-Social Behaviour Crime and Policing Act 2014</p>	

<p><b>Concessionary Charges for Facilities</b>          To determine applications for free or concessionary use of facilities from registered Sandwell charities or non-profit making organisations.</p> <p>Section 137 of the Local Government Act 1972</p>	Was in EDN
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<p><b>Housing Act 2004 - Part 1: Enforcement of Housing Standards with Respect to the Housing Health And Safety Rating System (HHSRS)</b>          To exercise the Council's functions under the Housing Act 2004 as set out in the table below.</p>		
S.3	Duty to review the housing conditions in the districts with a view to identifying any action that may need to be taken by them under any provisions stated within the 2004 Act.	duplicated in Housing and R&G
S.4	The competency of officers to carry out an inspection and assessment under HHSRS	
S.10	The suitability of officers to consult with the Fire authority over prescribed fire hazards.	
S.11	Serving Improvement Notice to remedy Cat 1 Hazard(s)	
S.12	Serving Improvement Notice to remedy Cat 2 Hazard(s)	
S.14	Suspension of Improvement Notices	
S.17	Review of Suspended Improvement Notices.	
S.20	Making a Prohibition Order relating to Cat. 1 Hazard(s).	
S.21	Making a Prohibition Order relating to Cat. 2 Hazard(s).	
S.23	Suspension of Prohibition Orders.	
S.26	Review of Suspended Prohibition Orders.	
S.28	Serving Hazard Awareness Notice relating to Cat. 1 Hazards	
S.29	Serving Hazard Awareness Notice relating to Cat. 2 Hazards	
S.40	The Taking of Emergency Remedial Action	
S.43	The making of an Emergency Prohibition Order	
S.46	The making of a Demolition Order under Section 265 of the Housing Act 1985 as amended by section 46 of the Housing Act	
S.47	The declaration of a Clearance area under Section 289 of the Housing Act 1985 as amended by Section 47 of the Housing Act 2004	

## Director – Regeneration & Growth (cont)

S.49 and 50 (5)	<ul style="list-style-type: none"> <li>Charges for and the service of a demand for recovery of expenses incurred by the Council in</li> <li>Serving an improvement notice under Section 11 or Section 12.</li> <li>Making a prohibition order under Section 20 or Section 21.</li> <li>Serving a hazard awareness notice under Section 28 or Section 29.</li> <li>Taking emergency remedial action under Section 40</li> <li>Making an emergency prohibition order under Section 43.</li> <li>Making a demolition order under Section 265 of the Housing Act 1985</li> </ul>	
Schedule 1 Part 2: Paragraph 6 Paragraph 8	<p>Notice of a decision to revoke or vary an improvement notice.</p> <p>Notice of refusal to revoke or vary an improvement notice.</p>	
Schedule 2 Part 2: Paragraph 3 Paragraph 5	<p>Notice of a decision to revoke or vary a prohibition order.</p> <p>Notice of a decision to revoke or vary a prohibition order.</p>	
Schedule 3 Paragraph 3(4)	<p>Authority to enter to take action to carry out works in default of an improvement notice without agreement. This authorisation must be in writing and carried by the officer at all appropriate times such that it is available for inspection</p>	
Schedule 3 Paragraph 4	<p>Notice of intention to enter to carry out Works in Default of an improvement notice</p>	

<p><b>Interest in Land</b> – The power of local authorities to obtain particulars of persons with interests in land.</p> <p>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 6</p>
<p><b>Local Area budget – Use of funds</b> to disburse funds from the local area budget to address local problems/needs and to assist local, voluntary and community sector groups in strengthening and building community cohesion ensuring all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.</p> <p>Section 137 Local Government 1972</p>	
<p><b>New Homes Grant</b> To amend the maximum amount payable and the qualifying criteria for a New Homes grant made available by the Council under any policy adopted in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or any subsequent amendments or enactments where such an amendment is necessary to ensure the effective delivery of projects of key strategic importance, including those within the Housing Market Renewal Area.</p>	
<p><b>Persons Interested in Land</b> Service of notice requiring particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	
<p><b>Securing of Void Properties</b> Service of notice requiring securing of a building outside clearance areas and Compulsory Purchase Orders under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 and the authority to carry out works in default.</p>	<p>Duplicated in Housing</p>
<p><b>Trees in Private Ownership - Local Government (Miscellaneous Provisions) Act 1976</b> To exercise powers in respect of trees in private ownership that threatens damage to persons or property.</p>	<p>A number of decisions within this delegation may be exempt from publication: Exemptions 1, 2, 3 and 6</p>

<p><b>Urgent Works of Preservation</b> Powers of the local planning authority under Section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Uncollected Property</b> To serve notice requiring persons to remove uncollected property from premises or land owned by the Council.</p> <p>Section 41 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2, 3, 6 and 7</p>
<p><b>Voluntary Organisations - Terms of Model Lease of Council Property</b> In consultation with the appropriate director and in accordance with prevailing policy, to conclude terms of leases approved by Cabinet for occupation of Council property by Voluntary Organisations.</p> <p>Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>
<p><b>Wayleaves and Easements for the Planting of Apparatus</b> To negotiate and authorise the grant of licences for wayleaves and easements for the planting of apparatus in, under or over Council owned land on terms to be agreed.</p> <p>Sections 120 – 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1, 2 and 3</p>

Delegation	Commentary
<p><b>Category B – Non- Executive</b> Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Advertisement Consent</b> To deal with applications under regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Applications for Advertisement Consent).</p> <p>Section 220 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>

<p><b>Application by an interested Planning Authority</b> Powers of the local planning authority under Regulation 3 of the Town and Country Planning General Regulations 1992 (application by an interested planning authority).</p> <p>Section 316 of the Town and Country Planning Act 1990.</p>	
<p><b>Applications for Prior Approval - Town and Country Planning (General Permitted Development) (England) Order 2015</b> To deal with applications for prior approval in respect of domestic extensions and any other operational matters to enable the Director -Regeneration and Planning to comply with the statutory obligations pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Boards on street lamp columns</b> To deal with applications to attach boards, signs and other media to lamp columns.</p> <p>Town and Country Planning (Control of Advertisements) Regulations 2007 (SI 2007/783)</p>	<p>Grant of Permission or Licence:</p>
<p><b>Breaches of Planning, Advertisement and Hazardous Substances Control</b> The investigation of breaches of planning, advertisement and hazardous substances control, including the investigation of breaches in relation to Crown Land as provided for by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Building Preservation Notices Temporary Listing:</b> In consultation with the Director - Governance, to exercise the powers of the local planning authority under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Certificate of lawful Use or Development or Proposed Use or Development</b> Determination of applications under Sections 191 and 192 of the Town and Country Planning Act 1990 (Applications for Certificate of Lawful Use or Development or Proposed Use or Development).</p>	<p><b>Certificate of lawful Use or Development or Proposed Use or Development</b> Determination of applications under Sections 191 and 192 of the Town and Country Planning Act</p>

<p><b>Conditions on the Grant of Planning Permission</b> Powers of the local planning authority under Section 72 of the Town and Country Planning Act 1990 where the application refers to a minor matter (power to impose conditions on the grant of planning permission).</p>	<p><b>Conditions on the Grant of Planning Permission</b> Powers of the local planning authority under Section 72 of the Town and Country Planning Act 1990 where the application refers to a minor</p>
<p><b>Decline to Determine an Application for Planning Permission</b> Powers of the local planning authority under Section 70A of the Town and Country Planning Act 1990 (decline to determine an application for planning permission) as amended by Section 43 of the Planning and Compulsory Purchase Act 2004 [and Section 70B and 70C of the Town and Country Planning Act as amended by Schedule 7 of the Planning Act 2008 and as amended by the Localism Act 2011.]</p>	
<p><b>Delegation Agreement</b> Where relevant, to determine those applications that are delegated to the Director under this scheme of delegation in accordance with any Delegation Agreement which may, from time to time, be approved and adopted by the Council's Planning Committee (reference to Appendix 1).  Schedule I of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>	
<p><b>Demolition of Buildings</b> Powers of the local planning authority under Schedule 2 Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (Demolition of Buildings).</p>	
<p><b>Determination of Applications Under Section 70 of the Town and Country Planning Act 1990</b> Determination of all applications under Section 70 of the Town and Country Planning Act 1990, other than major developments, in accordance with any prevailing delegation agreement, and to accept or reject minor alterations to approved planning permissions.</p>	

<p><b>Development Carried out Before the Date of the Application</b>  Determination of applications under Section 73A of the Town and Country Planning Act 1990 where the application refers to a minor matter (development carried out before the date of the application).</p>	
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<p><b>Discontinuance of Use or Alterations or Removal of Buildings or Works</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Section 102, Section 102(4)(5) and Sections 107 and 108 of the Town and Country Planning Act 1990 (as amended)</p>	
<p><b>General Planning Delegation</b>  To undertake those functions of the local planning authority that arise from time to time pursuant to any statute, statutory instrument or government directive and which are required to administer and properly consider a planning application and give effect to planning decisions granted by the Council’s Planning Committee, Council or by the Director - Regeneration and Planning under powers to determine applications for planning consent delegated to him by the Council, except for instances where to do so may be politically sensitive to the Council in terms of its effects upon the public at large and where the application for development is submitted by the Council.  That the Director of Law and Governance and Monitoring Officer be consulted by the Director – Regeneration and Economy when undertaking those functions of the local planning authority in the event that there is a potential conflict including where there is a relevant entry in the Members’ Register of Interests and</p>	
<p><b>Government Planning Policy Guidance on Telecommunications - Permitted Development Rights - Delegation of Powers</b>  To determine the detail of the sitting and appearance of telecommunications apparatus.  This decision is made pursuant to the non-executive power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	

<p><b>Heritage Partnership Agreement</b> To enter in to Heritage Partnership Agreements, the making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990</p>	
<p><b>Interests in Land - Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</b> The power of local authorities to obtain particulars of persons with interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt 1, 2, 6 and 7</p>
<p><b>Listed Building Consent</b> The making of a local listed building consent order, the making of a listed building consent order and the giving of a certificate of lawfulness of proposed works to a listed building</p> <p>Sections 26A - 26K, section 28A and Schedule 2A of the Planning (Listed Building and Conservation Areas) Act 1990 S178 – Town and Country Planning Act 1990 – execution of works required by enforcement</p>	<p>Grant of Permission or Licence:</p>
<p><b>Planning and Contravention Notices</b> In consultation with Director of Law and Governance and Monitoring Officer, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the following matters:-</p> <p>To exercise powers under Sections 171C, 172, 172A, 183,184, 187 and 187A of the Town and Country Planning Act 1990 (Planning and Contravention Notices) as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p> <p>To exercise powers under Section 171E (temporary stop notices) of the Town and Country Planning Act 1990 as amended by Part 7 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

<p><b>Planning (Hazardous Substances) Act 1990</b> To exercise all powers or duties with regard to issuing consents and certificates in respect of hazardous substances under sections 7, 8, 9 and 10</p> <p>The determination of applications for the removal o conditions attached to Hazardous Substances consents under section 8</p> <p>In consultation with the Director of Law and Governance and Monitoring Officer to exercise powers to revoke, modify, apply for confirmation and to pay compensation (if any) in respect of hazardous substances consents under sections 14, 15,16 and 17</p> <p>The determination of applications for continuation of hazardous substances consents under section 18</p> <p>The determination of application for compensation under section 19</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
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**Powers of Entry over Land and Buildings**

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

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

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

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

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Rights of Entry) (as amended) by the Planning and Compensation Act 1991

In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the Hazardous Substances Authority under sections 36, 36A, and 36B of the Planning (Hazardous Substances) Act 1990 and to seek permission for entry in relation to Crown land under Section 36C of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004

**Individual Rights:**

All decisions within this delegation are to be published unless exempt

Exemptions 1, 2, 6 and 7 may apply

<p><b>Public Right of Way Extinguishment - Housing Act 1985</b>  To authorise the making of an order to extinguish any public right of way over land under section 294 of the Housing Act 1985.</p>	<p>Duplicate B Econ and Regen</p>
<p><b>Requisitions for Information - Section 330 of the Town and Country Planning Act 1990</b>  To act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under section 330 of the Town and Country Planning Act 1990 (Requisitions for information).</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Reserved Matters - Determination of Applications</b>  Determination of applications for the approval of “reserved matters” and the discharge of conditions imposed under Sections 70 and 72 of the Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Rights of Entry for Enforcement</b>  In consultation with the Director of Law and Governance and Monitoring Officer, to exercise the powers of the local planning authority under Sections 178, 196A, 196B and 196C of the Town and Country Planning Act 1990 (Rights of Entry for Enforcement Purposes).</p>	<p>Individual Rights:  All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>

<p><b>Section 106 Agreements and Community Infrastructure Levy (CIL)</b>  To refuse all planning applications and other related consents where the section 106 planning obligation or CIL has not been signed within a period of 12 months from the date of the committee resolution and no extension of time has been agreed by the Planning Committee.</p> <p>Town and Country Planning Act 1990  Planning Act 2008  Community Infrastructure Levy Regs 2010</p>	
<p><b>Stopping-up of highways and rights of way - Town and Country Planning Act 1990</b>  - Section 247 - To authorise the stopping up or diversion of a highway;  - Section 257 - To authorise the stopping up or diversion of a footpath, bridleway or restricted byway;  Section 258 - To extinguish public rights of way over land held for planning purposes.</p>	
<p><b>Telecommunication Code System Operators</b>  Powers of the local planning authority under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (Development by Telecommunication Code System Operators).</p>	
<p><b>Town and Village Green Applications</b>  In consultation with the Director of Law and Governance and Monitoring Officer to exercise the powers in relation to applications for registration of town and village greens under the Commons Registration Act 1965, Commons Act 2006 and the Commons Registration (England) Regulations 2014.</p>	
<p><b>Tree Preservation Orders</b>  In consultation with the Director of Law and Governance and Monitoring Officer e to exercise the powers of the local planning authority under Sections 198,199, 201, 202A, 202B, 202C, 207, 209, 210 and 211 of the Town and Country Planning Act 1990 (Tree Preservation Orders) as amended by Part 9 Planning Act 2008.</p>	Replicated in B Econ

<p><b>Urgent Works of Preservation</b> Powers of the local planning authority under Section 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Urgent Works of Preservation).</p>	<p>Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7</p>
<p><b>Works in Default</b> In consultation with the Director of Law and Governance and Monitoring Officer, to act and authorise others to act on his/her behalf in relation to the Council duties and responsibilities in relation to the exercise of the powers of the local planning authority under Sections 215 and 219 of the Town and Country Planning Act 1990 (Works in Default Section 215 Notice).</p>	<p>Individual Rights: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Consent to Alter and Erect Premises or Change the Use of Land and Premises</b> To determine applications for consent to alter and erect premises or to change the use of land and premises either comprised or owned or previously owned by the Council and where any covenant may require consent, and where, appropriate, to negotiate the terms and conditions of any such consent</p>	

Director – Regeneration & Growth	
Delegation	Commentary
<p><b>Category C – Ancillary to an Executive Decision</b> Administrative decisions which are ancillary to or remotely connected to a function which is the responsibility of the executive.</p>	
<p><b>Appropriation of Council Owned Land and Property</b> In consultation with the Chief Finance Officer of the Council and appropriate Directors, to deal with the appropriation of Council owned land and property between service areas and to instruct the Chief Finance Officer to amend the asset and ownership records and to adjust the accounts accordingly.</p>	
<p><b>Building Act 1984 - Proper Officer-</b> To sign orders, notices and documents as appropriate for the purposes of the Building Act 1984.</p>	

<p><b>Compulsory Purchase Orders - Acquisitions</b> Approval of Valuation Compensation and related reports on land and property in confirmed Compulsory Purchase Orders.</p>	<p>regen from asset management but replicated in housing</p>
<p><b>Charging for information provided to solicitors</b> To amend the charges for information provided by the Directorate to solicitors.</p> <p>Local Authorities (England) (Charges for Property Searches) Regulations 2008/3248</p>	
<p><b>Employment and Skills Interventions</b> To commission employment and skills interventions from the private and voluntary sectors in accordance with the approved Working Neighbourhoods Fund Commissioning Framework.</p>	
<p><b>Planning Decision Notices</b> Designated as the Proper Officer for signing decision notices for applications for planning permission dealt with under: -</p> <p>Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991);</p> <p><b>Planning (Listed Buildings and Conservations Areas) Act 1990;</b></p>	
<p><b>Quarterly Reports</b> Preparation and publication of quarterly reports in accordance with the Code of Practice on the publication of information about the handling of planning applications.</p>	
<p><b>Service Level Agreements</b> To negotiate and agree service level agreements between the Council and voluntary organisations in receipt of grant aid from the Regeneration Division.</p> <p>Section 48 of the Local Government Act 1985.</p>	
<p><b>Surveyors' and Legal Costs and Expenses</b> To agree the Council's surveyors' and in consultation with the Director of Law and Governance and Monitoring Officer legal costs and expenses as part of the terms for the disposal of Council owned land and premises.</p>	

<p><b>Voluntary Organisations and Model Lease - Central Register of Properties</b>          To prepare and maintain a central register of all properties affected by the policy and the model lease.</p>	
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<p><b>Director – Regeneration and Growth (cont)</b></p>	
<p>Delegation</p>	<p>Commentary</p>
<p><b>Category D – Ancillary to a Non- Executive Decision</b>          Administrative decisions which are ancillary to or remotely connected to a function which is not the responsibility of the executive.</p>	

<p><b>Commuted Sum with Vendors to Meet Ongoing Management, Maintenance and Monitoring of Matters Associated with the Future Use of the Land</b>  In consultation with the Chief Finance Officer of the Council, to agree a commuted sum with vendors to meet ongoing management, maintenance and monitoring of matters associated with the future use of the land, other than surface landscaping.</p> <p>Town and Country Planning Act 1990.</p>	<p>Grant of Permission or Licence:</p>
<p><b>Consultations from Adjoining Local Planning Authorities on Planning Applications</b>  Authority to respond to consultations from adjoining Local Planning Authorities on planning applications.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.</p>	
<p><b>Consultation under the Planning Act 2008</b>  Authority to respond to consultations under the Planning Act 2008.</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>	
<p><b>Notices Refusing Planning Permission</b>  Despatch of notices refusing planning permission where directed by central government or otherwise in accordance with the appropriate legislation.</p>	

<p>Authority to Act</p>	
<p><b>Category E</b>  Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Local Land Charges Act, 1975 – Maintenance of Register</b>  To keep the local Land Charges Register and sign all</p>	
<p><b>Survey of Area</b>  To keep under review the matters which may be expected to affect the development of Sandwell’s area or the planning of its development pursuant to section 13 of the Planning and Compulsory Purchase Act 2004.</p>	

## All Directors

Delegation	Commentary
<p><b>Category A – Executive</b>            Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Acquisitions</b>            Where it is confirmed that appropriate funding is available, to authorise the acquisition of land and premises required for operational purposes up to a value of £50,000 subject to the terms and conditions of the acquisition being approved by the Director – Regeneration and Planning</p> <p>Sections 120 and 123 of the Local Government Act 1972.</p>	
<p><b>Leases to Voluntary Organisations</b>            In consultation with the Director - Regeneration and Planning, to determine the terms of leases of Council properties to voluntary organisations, any rental subsidy for new leasing arrangements with an annual rental under £20,000 per annum and all renewals of existing leases.</p> <p>Section 123 of the Local Government Act 1972. Section 123 of the Local Government Act 1972.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemption 3</p>
<p><b>Ombudsman Findings - Payment of Compensation</b>            In consultation with the Director of Law and Governance and Monitoring Officer, to pay compensation up to a maximum of £2,000 in cases where it is likely that the Local Government Ombudsman would make a finding against the Council, subject to any necessary approval of the Secretary of State.</p>	<p>A number of decisions within this delegation may be exempt from publication:</p> <p>Exemptions 1,2 and 3</p>
<p><b>Power of local authorities to prosecute or defend legal proceedings</b>            Where it is considered expedient for the promotion or prosecution of the interests of the inhabitants of the Borough to act and authorise others to act under Section 222 of the Local Government Act 1972 and to instruct the Director and Governance and Monitoring Officer to prosecute or defend legal proceedings.</p>	
<p><b>Supply of Services to External Bodies (under Executive Law)</b>            In consultation with the Chief Executive or their nominee to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.</p> <p>Relevant provisions within legislation not listed in the Functions Regulations, determined on a case by case basis</p>	

**Grant Applications -**

To approve applications for grants in accordance with the approved and appropriate criteria and to approve payment up to a maximum of £10,000 in appropriate cases.

A number of decisions within this delegation may be exempt from publication:  
Exemptions 1, 2 and 3

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

All Directors (cont)	
<p><b>Supply of Services to External Bodies (under Non-Executive Law)</b> In consultation with the Director of Finance, to enter into agreements where permissible in law for the supply by the Council of services to external bodies, including the power to determine the terms and conditions of such agreements.</p> <p>Relevant provisions within legislation as listed in the Functions Regulations, determined on a case by case basis</p>	<p>Contract or Incurring Expenditure: All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 3 &amp; 5 may apply</p>
<p><b>Transfers Between Budget Heads</b> In consultation with the Director of Finance, to make individual transfers between budget heads of up to £100,000 or 5% of an approved target budget (whichever is the lower) in accordance with Financial Regulations.</p> <p>Section 151 Local Government Act 1972 (duty to make arrangements for proper administration of financial affairs)</p>	

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

## All Directors (cont)

### Changes to Establishment

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

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

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

All decisions within this delegation are to be published unless exempt

Exemptions 1, and 2, 4 and 7

### Disposal of Small Areas of Land

To determine that areas of land up to a value of £100,000 are no longer required for the purposes of the particular service area and to refer them to the Director - Regeneration and Planning to negotiate terms for disposal in accordance with the Disposal of Council-Owned Land and Buildings Protocol 2016.

Section 123 of the Local Government Act 1972

### Grants to Voluntary Organisations

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

Section 48 of the Local Government Act 1985

### Hire of Council Premises

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

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

### Recruitment Incentives

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

Local Government and Housing Act 1989 and Section 112 of the Local Government Act 1972

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

All Directors (cont)

Authority to Act	Commentary
<p><b>Category E</b>                      Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Attendances of Staff at Conferences and on Courses</b>                      To authorise the attendance of staff on courses and conferences in the United Kingdom of a duration not exceeding one week and/or an inclusive cost not exceeding £5,000. Costs in excess of £5,000 and periods exceeding one week will be subject to consultation with the appropriate Cabinet Member.</p> <p>Section 112 of the Local Government Act 1972</p>	
<p><b>Affidavits and Declarations</b>                      For the purposes of, or in anticipation of any proceedings involving the Council, to:-</p> <ul style="list-style-type: none"> <li>(a) swear affidavits;</li> <li>(b) make declarations and statements;</li> <li>(c) execute any other documents;</li> <li>(d) and to authorise any employees, for whom they have management responsibility, to do likewise.</li> </ul>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2 &amp; 5 may apply</p>

## Miscellaneous Officers

Delegation	Commentary
<p><b>Category A – Executive</b>                      Executive decisions which may be made by an approved decision maker, in connection with a function which is the responsibility of the executive or which have been designated by the Council as an executive function.</p>	
<p><b>Authorisation of Officers</b>                      To authorise officers to enforce executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing:</p> <p>Fraud Act 2006                      Equality Act 2010                      Health Act 2006                      Deregulation Act 2015                      Public Health Act 1925 Part VIII                      Transport Act 1980 – Section 64 – Roof signs                      Transport Act 1985 Part I                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></p>	
<p><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, to institute, defend and withdraw legal proceedings arising from an executive function, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	
<p><b>Mental Capacity Act 2005</b>                      To act as Financial Deputy under the Mental Capacity Act 2005 for those persons incapable of managing their own affairs and to take such "Best Interests Decisions" as necessary in accordance with the Act:</p> <p><b>Finance Business Partner (Adults)</b></p>	<p>A number of decisions within this delegation may be exempt from publication</p> <p>Exemption to 7</p>

**Miscellaneous Officers (cont)**

**Regulation of Investigatory Powers Act 2000**

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

**Head of the Paid Service;**

**Directors;**

**Audit Services Manager;**

**Counter Fraud Unit Manager;**

**Trading Standards and Licensing Manager;**

**Environmental Health Manager**

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

**Head of the Paid Service,**

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

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

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

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

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

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

Exemption, 2 and 3

Miscellaneous Officers (cont)

Delegation	Commentary
<p><b>Category B – Non- Executive</b>                      Non-executive decisions made by an approved decision maker, in connection with a function which is not the responsibility of the executive or which have not been designated executive functions by the Council.</p>	
<p><b>Authorisation of Officers</b>                      To authorise officers to enforce non-executive matters falling under the following provisions in so far as they relate to Private Hire and Hackney Carriage licensing.</p> <p>Fraud Act 2006                      Equality Act 2010                      Health Act 2006                      Deregulation Act 2015                      Public Health Act 1925 Part VIII                      Transport Act 1980 – Section 64 – Roof signs                      Transport Act 1985 Part I                      Criminal Justice and Public Order Act 1994 Part XII                      Road Traffic Act 1988 Section 143                      Part 2 of the Local Government (Miscellaneous Provisions) Act 1976                      Town Police Clauses Act 1847                      Immigration Act 2016</p> <p><b>Legal Manager</b>  <b>Licensing Manager</b></p>	<p>Grant of Permission or Licence:                      Individual Rights                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Legal Proceedings</b>                      In the absence of the Director of Law and Governance and Monitoring Officer, to institute, defend and withdraw legal proceedings arising from non-executive functions, on behalf of the Council and to sign any documents on behalf of the Council in the course of such proceedings:</p> <p><b>Service Manager – Legal</b>  <b>Legal Manager</b>  <b>Principal Solicitor</b>  <b>Solicitor</b></p>	<p>Individual Rights:                      All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1,2, 6 and 7 may apply</p>
<p><b>Street Trading –</b>                      To approve fees relating to approved consent streets for the purposes of street trading.</p> <p>Paragraph 9 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p style="text-align: right;"><b>Markets Manager</b></p>	

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

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

**Advertising on Hackney Carriages**

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

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

Local Government (Miscellaneous provisions) Act 1976.

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

Exemptions 1, 2. 6 and 7 may apply

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

To deal with applications for Private Hire and Hackney Carriage Licences

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

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

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

Exemptions 1, 2. 6 and 7 may apply

**Approved List of Vehicles**

To approve and add manufacturers/converters and vehicles to the approved list of vehicles permitted to be licensed as hackney carriages in Sandwell.

Local Government (Miscellaneous Provisions) Act 1976.

Grant of Permission or Licence

**Miscellaneous Officers (cont)**

**CCTV**

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

Local Government (Miscellaneous Provisions) Act 1976.

**Consideration of Driving Experience**

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

Local Government (Miscellaneous Provisions) Act 1976.

**Disclosure Barring Service Disclosure**

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

**Exemption to Displaying Plates and Signs**

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

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

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

**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.

**Medical Officer Certification**

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

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

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

Grant of Permission or Licence:

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

Exemptions 1, 2. 6 and 7 may apply

**Miscellaneous Officers (cont)**

<p><b>Non-Compliance with the Colour Policy</b></p> <p>To determine applications, including the decision not to grant a licence for the driver, if the vehicle does not comply with the Council's colour policy for private hire vehicles, or hackney carriages.</p>	
<p><b>Security Screens</b></p> <p>To approve requests for advertisements on security screens in private hire vehicles</p>	
<p><b>Sign and Attest Documents</b></p> <p>To sign decision notices for applications for planning permission which have otherwise been delegated to the Director – Regeneration and Economy, dealt with under: -</p> <ul style="list-style-type: none"> <li>- Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991);</li> <li>- Planning (Listed Buildings and Conservations Areas) Act 1990;</li> <li>- Planning (Hazardous Substances) Act</li> <li>- Building Act 1984</li> </ul> <p style="text-align: center;"><b>Development Management and Regulatory Services Manager Spatial Planning and Development Manager</b></p>	
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend a hackney carriage and/or private hire drivers licence where the licence holder does not have possession of a current medical certification of fitness to work from the local authority's appointed medical examiner</p>	<p>Grant of Permission or Licence: Individual Rights All decisions within this delegation are to be published unless exempt</p> <p>Exemptions 1, 2, 6 and 7 may apply</p>
<p><b>Suspension of Driver's Licence</b></p> <p>Power to suspend or revoke a licence to drive a private hire vehicle or hackney carriage</p>	
<p><b>Suspension of Vehicle Licences</b></p> <p>The power to and to authorise officers to suspend a vehicle licence for a private hire vehicle or hackney carriage under Section 60.</p>	

Miscellaneous Officers (cont)

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

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

Exemptions 1, 2, 6 and 7 may apply

**Miscellaneous Officers (cont)**

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

Miscellaneous Officers (cont)

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

## Miscellaneous Officers (cont)

Authority to Act	Commentary
<p><b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.</p>	
<p><b>Data Protection Act 1980</b> To undertake or commission investigations into alleged breaches of Data Protection legislation, including the interviewing of relevant persons and the inspection of all relevant records and recorded data.</p> <p><b>Service Manager – Governance; Governance Services Manager</b></p>	
<p><b>Licensing Act 2003 – Designation as Responsible Officer</b> To act as the designated appropriate officer for the purpose of discharging the functions of the Council as the responsible authority under Sections 13 and 69 of the Licensing Act 2003.</p> <p><b>Trading Standards and Licensing Manager</b></p>	
<p><b>Signing of Notices</b> To sign notices as required by the Planning (Listed Buildings and Conservation Areas) Regulations 1990 notifying owners/occupiers that a building has become listed</p> <p>Planning (Listed Buildings and Conservations Areas) Act 1990</p> <p><b>Conservation Officer</b></p>	
<p><b>Solicitor to the Council</b> In the absence or inability to act of the Solicitor to the Council or in the event of a vacancy in that office and only in consultation with the Chief Executive or another person authorised to act for him/her, to act as the Solicitor to the Council in relation to all matters for which the Solicitor to the Council is the Proper Officer and accordingly be authorised to convene meetings, sign documents and attest the fixing of the Common Seal of the Council.</p> <p><b>Deputy Monitoring Officer</b></p>	
<p><b>Statutory Data Protection Officer</b> To undertake the duties of the Statutory Data Protection Officer.</p> <p>General Data Protection Regulations</p> <p><b>Deputy Monitoring Officer</b></p>	

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

## Non Council Employees

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

### Non Council Employees (cont)

#### Regional Scambuster Team

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

#### Birmingham City Council

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

A number of decisions within this delegation may be exempt from publication:  
  
 Exemptions 1, 2, 3, 5, 6 and 7

### Non Council Employees (cont)

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

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

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

Non Council Employees (cont)	
Authority to Act	Commentary
<b>Category E</b> Decisions where an approved person has been given authority to take actions which are a general duty to be observed in carrying out a Council function; or which is a procedural requirement; or which is a decision of the Council for which there is no directly associated statutory requirement.	
<b>Consumer Credit Act 1974 -</b> Trading Standards Services of Birmingham City Council authorised to undertake the Council's function relating to the enforcement of Part III of the Consumer Credit Act 1974.  <b>Trading Standards Services of Birmingham City Council</b>	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2 & 5 may apply
<b>Proper Officer - Public Health (Control of Disease) Act 1984</b> Acting as Proper Officer in signing notices, orders or documents given, made or issued by the authority on behalf of the authority under section 59.  From the West Midlands West Public Health England Team: <b>Unit Director</b> <b>Consultants in Communicable Disease Control</b> <b>Regional Epidemiologist</b>  Section 270(3) of the Local Government Act 1972. Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Individual Rights: All decisions within this delegation are to be published unless exempt  Exemptions 1, 2, 5 & 6 may apply

## Partnership Arrangements

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

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

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

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

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

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# Report to Council

25 May 2021

<b>Subject:</b>	Appointment of Representatives to Other Bodies
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Suky Suthi-Nagra suky_suthinagra@sandwell.gov.uk

## 1 Recommendations

- 1.1 That Council determines all appointments to outside/other bodies detailed in the attached list.

## 2 Reasons for Recommendations

- 2.1 The Council is invited to appoint and nominate representatives to a wide range of bodies not directly associated with the Council. These other bodies include national, regional and local organisations.



### 3 How does this deliver objectives of the Corporate Plan?

		The involvement of Council appointed representatives in the decision making process of other bodies, at local, regional and national levels, might encourage better understanding of local and wider needs and viewpoints and will help support the priorities as set out in the Corporate Plan.
		
		

### 4 Context and Key Issues

- 4.1 The Council's continued involvement with these bodies can help to support the Council's Vision and encourage better understanding of local needs and viewpoints.
- 4.1 The attached list sets out the nominations to organisations.
- 4.2 In some cases, the Council is asked only for nominations for persons from whom a selection will be made later. Most of the appointments are for one year only, but where the appointments or nominations are for a longer period, that period is shown. The names of the previous representatives are given together with explanatory notes where appropriate.

### 5 Alternative Options

- 5.1 Appointment of elected members to other/outside bodies can only be made by full Council/the Executive.



## 6 Implications

<b>Resources:</b>	Attendance at meetings of other bodies qualifies as an approved duty for the payment of travelling and subsistence allowances.
<b>Legal and Governance/ Risk:</b>	The current policy adopted by the Council is that members should not take up a post on another body without sufficient personal liability insurance being taken out by that body and, if necessary, an indemnity being granted by the Authority to cover potential claims against them.
<b>Equality:</b>	There are no equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no implications arising directly from this report.

## 7. Appendices

Appendix 1 – nominations to other/outside bodies.

## 8. Background Papers

None



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## Sandwell Metropolitan Borough Council

### Appointments to Other Bodies – Nominations

#### Appointments to Other Bodies

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Bus Lane Adjudication Service Joint Committee	1 year expiring annual meeting	Cabinet Member for Sustainable Transport Deputy: Service Manager – Highways	Cabinet Member for Sustainable Transport Deputy: Service Manager – Highways	Portfolio holder – Highways (ex officio)
Local Government Association – General Assembly	1 year expiring annual meeting	Leader of the Council (7 votes) Non-voting members:- Deputy Leader of the Council  Director - Regeneration and Growth	Leader of the Council (7 votes) Non-voting members:- Deputy Leader of the Council  Director - Regeneration and Growth	LGA Executive Meetings – any places allocated to Sandwell on Executive Meetings will be dealt with through the regional political groups

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Local Government Association Strategic Aviation Special Interest Group	1 year expiring annual meeting	Councillor Piper  Director – Regeneration and Growth		
Local Government Information Unit – General Assembly	1 year expiring annual meeting	Deputy Leader of the Council or their nominee		
PATROL Adjudication Joint Committee (Parking and Traffic Regulations Outside London)	1 year expiring annual meeting	Cabinet Member for Sustainable Transport  Substitute member – Councillor M Hussain	Cabinet Member for Sustainable Transport  Substitute member -	Portfolio holder – Highways (ex officio)
SIGOMA (Special Interest Group of Municipal Authorities within the LGA)	1 year expiring annual meeting	Leader of the Council or their nominee	Leader of the Council or their nominee	
Active Black Country Board	1 year expiring annual meeting	Cabinet Member for Living Healthy Lives		(Nominations submitted to ABCA)
Association of Black Country Authorities	1 year expiring annual meeting	Leader of the Council (substitute: Deputy Leader of the Council)	Leader of the Council (substitute: Deputy Leader of the Council)	Leader (ex officio)

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Beacon Centre for the Blind	1 year expiring annual meeting	Councillor Allen		Non-Voting Advisory Capacity Only.
Harborne Parish Lands Charity	4 years expiring annual meeting 2023 4 years expiring October 2025	Councillor Bostan Councillor Dhallu	Councillor Bostan	Trustee
Midlands Joint Advisory Council for Clean Air and Noise Control	1 year expiring annual meeting	Cabinet Member for Living Healthy Lives Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	Cabinet Member for Living Healthy Lives Chair – Economy, Skills, Transport and Environment Scrutiny Board Director – Public Health	Portfolio holder – Public Health (ex officio)/Chair – Economy Skills, Transport and Environment Scrutiny Board  (Richard Norton/ Margaret Gardiner)

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Midlands Joint Advisory Council for Environmental Protection	1 year expiring annual meeting	Cabinet Member for Living Healthy Lives  Chair – Economy, Skills, Transport and Environment Scrutiny Board  Director – Public Health	Cabinet Member for Living Healthy Lives  Chair – Economy, Skills, Transport and Environment Scrutiny Board  Director – Public Health	Portfolio holder – Public Health (ex officio)/Chair – Economy Skills, Transport and Environment Scrutiny Board  (Richard Norton/ Margaret Gardiner)
West Midlands Fire and Rescue Authority	1 year expiring annual meeting	Vacant Councillor M Gill		* Denotes Lead Member (Section 41)  SRA for role
Transport Delivery Committee (Sub Committee of West Midlands Combined Authority)	1 year expiring annual meeting	Councillor Samiya Akhter* Councillor Shaheen Akhtar		*Denotes Lead Member (Section 41)  SRA for role

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
West Midlands Rail Ltd	Expiring annual meeting	Leader of the Council Substitute: Lead Member for Transport (Cabinet Member)	Leader of the Council Substitute: Lead Member for Transport (Cabinet Member)	Principal Director of Board of Directors  For length of office of member
West Midlands Police and Crime Panel	1 year expiring annual meeting	Leader of the Council  Named alternate: Councillor R Jones  Named ABCA alternate: Councillor Shaeen		Portfolio holder – Public Health and Protection (ex officio)
West Midlands Regional Health Scrutiny Chairs Group	1 year expiring annual meeting	Councillor E M Giles		Chair Health and Adult Social Care Scrutiny Board
West Midlands Scrutiny Network	1 year expiring annual meeting	Councillor Bostan		Council rep
West Midlands Strategic Migration Partnership Board	1 year expiring annual meeting	Deputy Leader of the Council		

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Pensions Committee and Investment Advisory Sub-Committee	1 year expiring annual meeting	Vacant (or nominee: Councillor Hadley)		
West Midlands Shareholders Airport Committee	1 year expiring	Leader of the Council Observer: Deputy Leader of the Council	Leader of the Council Observer: Deputy Leader of the Council	*Voting Member  Can appoint two observers
Birmingham Airport - Airport Consultative Committee	1 year expiring annual meeting	Leader of the Council	Leader of the Council	
Black Country Consortium	1 year expiring annual meeting	Leader of the Council	Leader of the Council	Leader of the Council (ex officio) As a Director and a Guarantee Member.
Black Country Executive Joint Committee	1 year expiring annual meeting	Leader of the Council Deputy Leader of the Council	Leader of the Council Deputy Leader of the Council	(ex officio) For length of office of member
Black Country Local Enterprise Partnership	1 year expiring annual meeting	Leader of the Council Cabinet Member for Skills and Employment	Leader of the Council Cabinet Member for Inclusive Economic Growth	Cabinet Member for Regeneration

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Black Country LEP Place Making & Land Theme Advisory Group	1 year expiring annual meeting	Cabinet Member for Inclusive Economic Growth	Cabinet Member for Inclusive Economic Growth	Must be Cabinet Member
Clinical Governance Committee	1 year expiring annual meeting	Councillor E M Giles		Chair – Health and Adult Social Care Scrutiny Board
Contest Board	1 year expiring annual meeting	Leader of the Council  Deputy Leader of the Council	Leader of the Council  Cabinet Member for Safer Communities	Counter Terrorism Strategy  Cabinet Member for Safer Communities
Corporate Parenting Board	1 year expiring annual meeting	Cabinet Member for Best Start in Life Councillor Singh Councillor Padda Councillor Hackett Councillor Shackleton Vacant	Cabinet Member for Best Start in Life	
Fostering Panel	1 year expiring annual meeting	Councillor Costigan		

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Inclusive Economy and Community Wealth Board	1 year expiring annual meeting	Leader of the Council Cabinet Member for Growth Lead Member for Commonwealth Director – Regeneration and Growth	Leader of the Council Cabinet Member for Growth Lead Member for Commonwealth Director – Regeneration and Growth	
Local Improvement Finance Trust (LIFT) – Strategic Partnership Board	1 year expiring annual meeting	Director – Regeneration and Growth	Director – Regeneration and Growth	
River Trent Regional Flood and Coastal Committee	1 year expiring annual meeting	Councillor M Hussain (substitute: vacant)		
Sandwell Leisure Trust	1 year expiring annual meeting	Councillor McVittie		* denotes nominated member to answer written questions

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Sandwell Local Access Forum	1 year expiring annual meeting	Councillor R Jones Vacant Vacant		Elected member representatives would ideally address any areas of interest that appeared to be under represented at that time – in particular Land Management.
SIPS Education Board	3 years expiring annual meeting 2024	Vacant Director		
Standing Advisory Council on Religious Education (SACRE)	1 year expiring annual meeting	Cabinet Member for Best Start in Life  Councillor Melia  Nominated representatives: Councillor Chidley and Phillips respectively	Cabinet Member for Best Start in Life	
Towns Fund Super Board	1 year expiring annual meeting	Leader of the Council Cabinet Member for Inclusive Economic Growth	Leader of the Council Cabinet Member for Inclusive Economic Growth	Leader Cabinet Member for Inclusive Economic Growth

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Town Deal Local Board West Bromwich	1 year expiring annual meeting	Cabinet Member (Councillor Taylor) Cabinet Member Cabinet Member Town Lead Member	Cabinet Member Cabinet Member Cabinet Member Town Lead Member	Local Cabinet Members + Town Lead Member
Town Lead Local Board Rowley Regis	1 year expiring annual meeting	Cabinet Member (Councillor Crompton) Cabinet Member (Councillor Millard) Town Lead Member	Cabinet Member Cabinet Member Town Lead Member	Local Cabinet Members + Town Lead Member
Town Lead Local Board Smethwick	1 year expiring annual meeting	Cabinet Member (Councillor Ali) Cabinet Member (Councillor Shaeen) Town Lead Member	Cabinet Member Cabinet Member Town Lead Member	Local Cabinet Members + Town Lead Member
W2R Contract Management Board	1 year expiring annual meeting	Councillor Crompton Director		

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
West Midlands Combined Authority Board	1 year expiring annual meeting	Leader of the Council Deputy Leader of the Council Substitutes: Cabinet Member for Resources and Core Council Services Cabinet Member for Inclusive Economic Growth		
West Midlands Combined Authority Overview and Scrutiny Committee	1 year expiring annual meeting	Councillor Bostan Substitute: Councillor Moore		
West Midlands Combined Authority Audit and Risk Assurance Committee	1 year expiring annual meeting	Councillor Bostan Substitute: Councillor Allen		
West Midlands Combined Authority Environment Committee	1 year expiring annual meeting	Cabinet Member for Safer Communities	Cabinet Member for Safer Communities	Cabinet Member with environment portfolio

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
West Midlands Combined Authority Investment Board	1 year expiring annual meeting	Cabinet Member for Resources and Core Services		
West Midlands Combined Authority Strategic Economic Delivery Board	1 year expiring annual meeting	Cabinet Member for Inclusive Economic Growth		
West Midlands Combined Authority Growth Company	1 year expiring annual meeting	Leader of the Council	Leader of the Council	Leader (ex officio)
West Midlands Combined Authority Housing and Land Delivery Board	1 year expiring annual meeting	Cabinet Member for Homes	Cabinet Member for Homes	Cabinet Member for land/housing
West Midlands Combined Authority Public Service Reform Board	1 year expiring annual meeting	Leader of the Council	Leader of the Council	Must be the Leader of the Council

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
West Midlands Combined Authority Energy Capital Board	1 year expiring annual meeting	Leader of the Council		(Nominations submitted to ABCA)
West Midlands Combined Authority Wellbeing Board	1 year expiring annual meeting	Cabinet Member for Living Healthy Lives		
City Deal, Growth Deal and Combined Authority Advisory Board	1 year expiring annual meeting	Cabinet Member for Inclusive Economic Growth		
West Midlands Combined Authority Transport Scrutiny Sub-Committee	1 year expiring annual meeting			New body  One member from each Constituent authority scrutiny committee with responsibility for public transport.

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
West Midlands Employers	1 year expiring annual meeting	Cabinet Member for Resources and Core Services	Cabinet Member for Resources and Core Services	West Midlands Employers retained as freestanding Regional Employers Organisation (West Midlands Council ceased March 2013)
Safer Sandwell Partnership	1 year expiring annual meeting	Cabinet Member for Safer Communities  Chair of Licensing Committee  Councillor Shaeen	Cabinet Member for Safer Communities  Chair of Licensing Committee	Cabinet Portfolio Holder for crime and disorder issues/ Chair of Licensing Committee (ex officio)
Akrill Trust	4 years expiring annual meeting 2025	Councillor Melia		One vacancy
Barlow Homes Committee of Management	1 year expiring annual meeting	Vacant Councillor Y Davies Councillor E M Giles Councillor Singh Councillor Kausar		

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Climate Change Working Group	1 year expiring annual meeting	Councillor Ali Councillor Crompton Councillor R Jones Councillor McVittie Councillor Piper Councillor Rollins Councillor Taylor Vacant Vacant		
Commonwealth Games 2022 Steering Group	1 year expiring annual meeting	Leader Ali M Gill Vacant Vacant		
Sandwell Sport and Leisure Building Facilities Strategy Steering Group	1 year expiring annual meeting	Leader Ahmed Vacant Melia Vacant		
George and Thomas Henry Salter Trust	1 year expiring annual meeting	The Mayor		Ex-officio appointment only
Sandwell Land and Property Limited	Expiring annual meeting	Councillor Allen Vacant Vacant		Appointed as Directors of the Company

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Leonard Andrews Poole Trust	1 year expiring annual meeting	Members of the General Purposes and Arbitration Committee	Members of the General Purposes and Arbitration Committee	To act as managing trustees of the Charity
Mackmillan Educational Foundation	4 years expiring annual meeting 2022	Councillor Akhter	Councillor Akhter	Two Vacancies
	4 years expiring annual meeting 2023	Councillor Carmichael Councillor Mabena Mr P Webb	Councillor Carmichael Councillor Mabena Mr P Webb	
Rowley Quarry Residents Liaison Group	1 year expiring annual meeting	Blackheath Ward - Councillor Millard Rowley Ward – Vacant Tividale Ward – Councillor Crompton		

Organisation	Term of Office	Current Representative(s)	Nomination(s)	Notes
Sandwell Twinning Association	1 year expiring annual meeting	The Mayor Councillor Dhallu Councillor Allen (or their nominee: Vacant)		Ex-officio appointment
West Midlands Arts Trust	1 year expiring annual meeting	Councillor R Jones		(Nominations submitted to Met Leaders)

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## Report to Council

25 May 2021

<b>Subject:</b>	<b>Independent Remuneration Panel Review of the Deputy Mayoral Allowance and succession process</b>
<b>Director:</b>	<b>Director of Law and Governance and Monitoring Officer – Surjit Tour</b>
<b>Contact Officer:</b>	<p>Phil Challoner Civic and Member Services Manager <a href="mailto:Phil_challoner@sandwell.gov.uk">Phil_challoner@sandwell.gov.uk</a> 0121-569-3381</p> <p>Suky Suthi-Nagra Democratic Services Manager <a href="mailto:Suky_suthinagra@sandwell.gov.uk">Suky_suthinagra@sandwell.gov.uk</a> 0121-569-3479</p>

### 1 Recommendations

#### 1.1 That Council:

1. Consider the recommendations of the Independent Remuneration Panel.

### 2 Reasons for Recommendations

- 2.1 The Local Government Act 1972 provides each local authority to agree an allowance for civic dignitaries.
- 2.2 As the matter of allowances is not delegated to a Committee of the Council, or Chief Officer, it remains reserved for the Council to determine.



2.3 In order that the Council has a comprehensive and transparent Members Allowance Scheme, the Independent Remuneration Panel (IRP) were requested to consider the reinstatement of an allowance for the Deputy Mayor. The recommendations of the IRP in relation to this matter are now before Council to determine.

### 3 How does this deliver objectives of the Corporate Plan?

		The role of the Deputy Mayor is to support the first citizen of Sandwell, The Mayor, attending engagements and deputising for the Mayor in his/her absence. This assists in contributing to raising money for the Mayor's charities and to enhance the image and reputation of the borough.
		
		

### 4 Context and Key Issues

4.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2001, as amended, the Council must invite independent representatives of Sandwell to form a Panel to make recommendations on a suitable allowance scheme for elected Members.

The IRP comprises of:

- Mr Stewart Towe (Chair). Stewart is the former Chairman of the Black Country Local Enterprise Partnership Board and remains Chairman and Managing Director of Hadley Group, an Engineering Group, with its Head Office and fourth manufacturing site in the borough of Sandwell.
- Ashley Saville-Boss. Ashley Savell-Boss has over 30 years of experience in Funeral Directing, has served as a school Governor for over 30 years and now chairs the multi academy trust 'Shireland Collegiate Academy Trust' based in Smethwick.
- Ms Sylvia Parkin. Sylvia is a Deputy Lieutenant and a Lieutenancy ambassador for Sandwell. She was the Regional Employer Engagement Officer for the Wm RFCA and negotiated with Employers on the terms and conditions for Employment of Reserve Military Personnel.



- 4.2 The Panel has the function of providing the Council with advice on its Members' Allowances Scheme and the nature and level of allowances to be paid. The Council must have regard to this advice when reviewing or amending its Scheme.
- 4.3 Whilst the issue of Civic Allowances falls outside the broader Member Allowance Regulations, the IRP in July 2019 were requested to consider and make recommendations in relation to any future Deputy Mayoral allowance, with a view to the Council maintaining a comprehensive and transparent scheme.
- 4.4 The Local Government Act 1972, which regulates payments for the Chair (Mayor) and Vice Chair (Deputy Mayor) of Council, qualifies that the Council may determine a reasonable payment that enables the Chair and Vice Chair to meet the expenses of the office.
- 4.5 The Panel reported back to the Council on 16 July 2019. In summary, the recommendation relating to the Deputy Mayoral allowance stated:
- 'Whilst the IRP were minded to support a SRA for the role of Deputy Mayor, that further information to assist a future recommendation be provided, including benchmarking data from neighbourhood authorities.'
- The recommendation of the IRP was agreed at Full Council on 16 July 2019 where it was acknowledged the Panel would reconvene in October 2019 (see Minute No. 67/19).
- 4.6 The Panel reconvened on 1 October 2019 to explore the following: -
- "to recommend if a SRA for the role of Deputy Mayor is now applicable at Sandwell, to include a decision on future Mayoral succession arrangements"
- 4.7 The findings of the IRP relating to the Deputy Mayoral allowance are set out in Appendix 1
- 4.8 It is recommended that an Independent Remuneration Panel carry out a fundamental review of the Members Allowances Scheme at least every four years. The last fundamental review took place in mid-2017



and was reported to full Council on 17 October 2017. The Terms of Reference for the Panel included:

- To make recommendations to the authority as to the amount of basic allowance, which should be payable to elected Members; and
- To make recommendations to the authority about roles and responsibilities, for which a Special Responsibility Allowance (SRA) may be payable and the rate of such.

4.9 The next holistic review is due to take place during 2021.

## 5 Alternative Options

5.1 The Council in setting its scheme of member allowances, are required to take into consideration, the views and recommendations of the Independent Remuneration Panel prior to determining its scheme.

## 6 Implications

<b>Resources:</b>	The Panel has recommended a SRA for the role of Deputy Mayor that if agreed will be set at 40% of the Mayor's allowance or 25% if the Council agree to a succession protocol. This would equate to £8,552 or £5,345 respectively, based on the current Mayoral allowance of £21,380. In reinstating this allowance, funding would need to be sourced from the Council's budget.
<b>Legal and Governance:</b>	The Council has a statutory duty to support an independent review of its Members' Allowances scheme.
<b>Risk:</b>	There are no such implications arising.
<b>Equality:</b>	An equality impact assessment is not required for this proposal.
<b>Health and Wellbeing:</b>	There are no such implications arising.
<b>Social Value</b>	There are no such implications arising.

## 7. Appendices

Appendix 1 – Revised Report of the Independent Remuneration Panel relating to the Deputy Mayoral allowance – 21 April 2021



## 8. Background Papers

None



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**Revised Report of the Independent Remuneration Panel  
Review of the Deputy Mayoral Allowance associated with  
the Members Allowance Scheme**

**1 October 2019**

**In attendance: Stewart Towe (CBE) (Chair);**

**Sylvia Parkin (MBE TD JP DL)**

**Consulted: Ashley Savell-Boss**

**Surjit Tour (Director Law and Governance and  
Monitoring Officer);**

**Phil Challoner (Civic and Member Services  
Manager);**

**Suky Suthi-Nagra (Democratic Services Manager).**

**Scope of this Review**

Following a review in July 2019, the Independent Remuneration Panel were asked to reconvene on 1 October 2019 and assess: -

**An Allowance for the Deputy Mayor**

When the panel met, as the first citizen of Sandwell, the Mayor received a SRA of £20,808 (including clothing allowance which, historically was paid separately). Historically, the Deputy Mayor of the Council would receive a fee of £9,660. However, the SRA for the role of Deputy Mayor ceased at the end of the Municipal year of 2014/15.

Following a request for further benchmarking information, the Panel received a breakdown of data obtained from neighbouring local authorities relating to their Deputy Mayoral allowances and succession protocol.

The table also gave information relating to a local authority outside of the West Midlands region and revealed the allowances awarded to Sandwell's Deputy Mayor prior to the decision to cease the allowance from 2014/15. It remains unclear why the SRA ceased at this time.

The Panel were asked to review the information provided and submit recommendations for consideration in relation to future SRA provision and succession protocols.

It was also noted when the panel met during 2019 that since 2016, the Deputy Mayor had attended 302 events (without the Mayor) and 75 (with the Mayor) a total of 377 engagements.

Information the panel received, which was prior to the current pandemic, informed them that during the Civic year from 22 May 2019 till end of September 2019, there had been 92 engagements in total. Of these, the Deputy Mayor has attended 48 engagements in place of the Mayor and 4 with the Mayor, a total of 52 engagements.

On reviewing the benchmarking data from neighbouring authorities and the volume of engagements carried out at that time by the Deputy Mayor of Sandwell, the Panel wishes to recommend that the Council consider reinstating a Special Responsibility Allowance (SRA) for the role and consider the succession protocol to decide if the Deputy Mayor should become the Mayor the following Municipal Year. The Panel recommends a SRA be set at 40% of the Mayor's SRA, if not succeeding to the role of Mayor the following Municipal Year and 25% if succeeding, which would include a clothing allowance in both instances.

### **Useful Information**

In making its recommendation, the Panel had reference to the following documents: -

- A table detailing Mayor and Deputy Mayor allowances including information on succession protocols (Appendix 2)
- The Member Allowance Scheme for 2018/19

The Panel would like to thank the Council for the opportunity to meet during 2019 and look forward to reconvening in 2021/22.

**Stewart Towe (Chair)**

**Ashley Savell-Boss**

**Sylvia Parkin**

**Revised 21 April 2021**

**2019/20 Benchmark comparison with neighbouring authorities:**

**APPENDIX 2**

Local Authority	Mayor Allowance	Dep Mayor Allowance	% to Mayor allowance	Succession Process
Birmingham	31,559	9,533	30.2%	LM becomes DLM
Coventry	32,673	14,414	44.1%	DLM becomes LM
Dudley	25,105	4,352	17.3%	Normally Deputy Mayor becomes Mayor
Sandwell	20,808	0	0%	Recommendation pending
Solihull	14,739	959	6.5%	Mayor becomes Deputy Mayor
Walsall	23,586	6,193	26.2%	Normally Deputy Mayor becomes Mayor
Wolverhampton	20,000 which includes a 2,500 clothing allowance.	5,000 which includes a 1,500 clothing allowance.	25.0%	Normally Deputy Mayor becomes Mayor

**Please note:** All of the above local authorities have been contacted and confirmed their Mayoral/Deputy Mayoral allowances are **not** linked to their Leader's Allowance and are, therefore, separate entities.

**Additional example from outside the West Midlands region:**

Oldham	15,233	2,993	19.6%	Deputy Mayor appointed for 12 months before assuming role of Mayor.
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**Sandwell comparison prior to the Deputy Mayor allowance being ceased:**

**2013/14**

**2019/20**

Mayor allowance	Dep Mayor allowance	Mayor allowance	Dep Mayor allowance
£23,000 which included a £3,000 clothing allowance.	£9,660 i.e. <b>42%</b> of Mayor's allowance which included a £1,000 clothing allowance	£20,808	£0

Note: No automatic succession process existed from Deputy Mayor to Mayor up to and including 2013/14

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