

# Executive Decision Taken under Cabinet Delegated Authority

<b>Subject:</b>	Revision to the Scheme of Delegation to Officers
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Date of Decision:</b>	3 February 2022
<b>Delegation Reference:</b>	Decision by Council - 6 October 2020 Minute No. 50/20 – Revised Senior Management Structure Proposals
<b>Contact Officer:</b>	Elaine Newsome Elaine_newsome@sandwell.gov.uk

## 1 Recommendations







- 1.1 That, in consultation with the Leader of the Council, approval be given to the revision to the Scheme of Delegation to Officers within the Council's Constitution.

## 2 Reasons for Recommendations

- 2.1 In respect of changes made to the senior management structure and functions of respective divisions, it has become necessary to realign delegations to officers.



### 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. The Scheme of Delegation supports efficient and effective decision making.
		
		

### 4 Context and Key Issues

4.1 The revised senior management structure was approved by Council on 6 October 2020 (Minute No. 50/20). In connection with the decision, the Director of Law and Governance and Monitoring Officer was authorised to make administrative amendments to the Council's Constitution in accordance with the resulting required changes arising from the senior management review.

As part of the changes to directorates and their remits, it has become necessary to make the following changes to the Scheme of Delegation to Officers.

Category A – Executive (CURRENTLY UNDER DIRECTOR - BOROUGH ECONOMY)	
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.	
STATUTORY REFERENCE	COMMENTS
<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.	<b>Shared Delegation Borough Economy/Public Health</b>



<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>Transfer to Public Health - Pollution Control</p>
<p><b>Pollution Prevention and Control Act 1999</b> To act and authorise others to act on his/her behalf under the provisions of the Pollution Prevention and Control Act 1999 together with any regulations or orders made thereunder.</p>	<p>Transfer to Public Health</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>Shared Delegation Borough Economy/Public Health</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>Transfer to Public Health</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>Transfer to Public Health</p>



## Category B – Non- Executive (Currently under Director - Borough Economy)

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>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>Transfer to Public Health</p>
<p><b>Smoke Control Area Grants</b> To approve and authorise others to approve on his/her behalf smoke control area grants. Section 26 and Schedule 2 of the Clean Air Act 1993.</p>	<p>Transfer to Public Health</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>Shared delegation Borough Economy/Public Health</p>

## 5 Alternative Options

- 5.1 There is no alternative option. The scheme of delegation of officers needs to reflect the directorate structure to enable efficient and effective decision making.



## 6 Implications

<b>Resources:</b>	There are no direct implications arising directly from this report as it purely relates to moving items that are currently approved and in the Scheme of Delegation to Officers to sit within the correct directorate.
<b>Legal and Governance:</b>	
<b>Risk:</b>	
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value</b>	

## 7. Appendices

None

## 8. Background Papers

None

In accordance with the authority delegated to under Minute No. 50/20 taken by Council on 6 October 2020, I intend to take the action(s) recommended above.

I do have an interest to declare in this matter

Signed:

**Director of Law and Governance and Monitoring Officer**

**Date:** 03.02.2022

I confirm that I have been consulted on the above proposals and have no objection to their proceeding.



Signed:

**Councillor Carmichael - Leader of the Council**

**Date 2<sup>nd</sup> February 2022**

