

Sandwell Metropolitan Borough Council

Constitution

Part 2.10 – Scheme of Delegation to Officers

Date Approved: March 2026

Version Number 1.5

Document Owner: Monitoring Officer



Scheme of Delegation to Officers

1. Purpose

- 1.1 This Scheme of Delegation contains the Council's delegation of powers to Officers, including powers to make decisions, spend money and take actions for the benefit the borough, its residents and other stakeholders within set thresholds.
- 1.2 This ensures that decisions are made at the right level in the organisation to allow it to operate efficiently, effectively, and economically and so meet the duty of best value.
- 1.3 The Scheme of Delegation is agreed by the Council's Leader (in respect of Executive powers) and the Full Council (in respect of Non-Executive powers).
- 1.4 The Scheme of Delegation will be reviewed and agreed at the Council's Annual Council Meeting but may be amended by the Leader or Council in respect of his/her respective powers at any other time.
- 1.5 The Scheme of Delegation is to be read alongside the Council's Constitution and the delegations of power set out in that document. The Scheme of Delegation ensures compliance with s.100(G) of the Local Government Act 1972 and the Executive Leader's power to delegate Executive decisions under s.9E of the Local Government Act 2000.

2. Decision Making Principles

- 2.1 Officers making delegated decisions must demonstrate the following principles when taking a decision:
 - 2.1.1. the Council has the legal power (also known as 'vires') to make the decision(s) proposed to be taken;
 - 2.1.2. compliance with any statutory or other legal criteria for the decision, for example obtaining best consideration for property disposals over seven years in length;
 - 2.1.3. taking account of any relevant Council policies, for example policies that set criteria for decision making;

- 2.1.4. ensuring transparency and openness in decision making through compliance with the Council's 'Access to Information Rules' set out in this Constitution and maintaining a proportionate record of the decision taken;
 - 2.1.5. compliance with any applicable financial or procurement rules;
 - 2.1.6. undertaking public consultation, where required by law; and
 - 2.1.7. having due regard to the achievement of the Council's equality objectives under s.149 of the Equality Act 2010.
- 2.2 This is not an exhaustive list and there may be additional considerations in individual decisions.
- 2.3 The nature, value, risk and scale of decisions taken by Officers under this Scheme will vary greatly and, therefore, the governance applicable to an individual decision will be proportionate to these factors. The minimum requirement for all decisions, however simple, is a clear record of the decision made, the decision maker, the reasons for the decision and any relevant records.

3. Financial Transaction Limits

- 3.1 In this Scheme unless otherwise specified, the following financial transaction limits shall apply to posts as specified below:

Officer	Revenue Transaction Approval Limit	Capital Transaction Approval Limit
S.151 Officer	Unlimited	Unlimited
Chief Executive	£10m	£10m
Executive Directors	£10m	£10m
Assistant Chief Executive	£1m	£5m
Service Directors / Hay Manager Level 2	£500,000	£1m
Hay Manager Level 1	£100,000	£500,000
Band J	£50,000	£100,000

Officer	Revenue Transaction Approval Limit	Capital Transaction Approval Limit
Band I	£50,000	£100,000
Band H	£10,000	£10,000
Band G	£10,000	£10,000
Band F and below	-	-

4. Interpretation and Terminology

4.1 **Officers:** In this Scheme, the term 'Officer' or 'Officers' includes all permanent, contract and temporary staff working for the Council.

4.2 **Acting up, interim and deputising arrangements:** Officers have delegated powers of the post they are undertaking, including posts held under any interim, acting up or deputising arrangements.

4.3 **'Directorate' and like terms:** All powers delegated to an Officer will apply to all services and functions within their direct line management or responsibility, except where expressly stated and the terms 'directorate', 'service', 'division', 'team' or 'business unit' or other organisational term shall be interpreted to include such services and functions under the responsibility of the Officer.

4.4 **Post and directorate names and like terms:** Any reference in this Scheme to a post title, service or directorate name will include shall be deemed to include a reference to any successor post title, service or directorate name carrying out the functions discharged under this Scheme.

4.5 **Financial limits:** Unless stated, Financial Transaction Limits specified at section 3 above apply, and include any expenditure up to and including the figure stated.

4.6 **Legislation:** Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure, rule or constitutional provision (as the case may be) as may be introduced or enacted by way of substitution, revision or amendment or by Council agreement.

- 4.7 Where it is uncertain if an Officer has delegated authority, the Monitoring Officer shall decide which, if any, Officer has delegated authority. If the matter remains unclear, the Leader has power to determine the delegation or make a further express delegation in relation to Executive functions (either incorporated into this Scheme or as an individual delegation as set out below). Where a matter remains unclear in respect of Non-Executive functions, the Monitoring Officer will propose an amendment to the Scheme of Delegation to Full Council for approval.
- 4.8 The Monitoring Officer is delegated authority to update this Scheme to reflect changes to terminology and Council organisational structure, arising from legislative changes or service reviews and restructures within the Council.

5. Structure

- 5.1 The Officers' Scheme of Delegation has two parts:
- 5.1.1. Delegations of general management powers to the Chief Executive and second tier Officers, as defined in this Scheme.
 - 5.1.2. Directorate schemes of delegation agreed by second tier Officers for specialist functions and the onward delegation of general powers to directorate managers.
- 5.2 Directorate schemes must comply with the rules set out in Part 2 of this Constitution.
- 5.3 Where a function or power falls to be discharged by an Officer, it may also be discharged by a more senior post holder in the directorate, division or service etc, unless the Officer has been expressly prohibited from doing so.

6. Delegation of General Management Powers

- 6.1 Officer delegations in this Scheme shall be allocated by seniority in accordance with the Council's Management Structure and the following table or by professional or statutory specialism, as set out in the Scheme.

Tier of Authority	Posts
1	The Chief Executive
2	Officers reporting directly to the Chief Executive
3	Officers reporting to tier 2 posts
4	Officers reporting to tier 3 posts

6.2 Further tiers of Officers may be delegated powers to ensure that the Council is able to discharge its statutory duties and powers. The table above excludes support or administrative roles, and one or more posts may be expressly excluded from the delegation of powers.

7. Directorate Schemes of Delegation

7.1 The Scheme of Delegation authorises Officers with delegated powers to further authorise other Officers to discharge those powers subject to the following:

7.1.1. Delegations must be in writing;

7.1.2. Delegations may only be to Officers within the authorising Officer's directorate, except that Tier 2 Officers and the Chief Executive may authorise other Officers with the Chief Executive's agreement.

7.2 The delegating person or body may prohibit further delegation of the delegated power.

Sandwell MBC

Constitution

Delegation of General Management Powers to Officers

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1. Chief Executive

1.1. The Chief Executive is delegated the powers in the tables set out below and has power to undertake the duties delegated to any other Officer, save where prohibited by law.

2. Assistant Chief Executive

2.1. The Assistant Chief Executive may discharge the powers of the Chief Executive where:

2.1.1. the Chief Executive is unable to act for any reason (in respect of an individual decision or for a finite period or on an ongoing basis);

2.1.2. identified in the table below;

2.1.3. the Chief Executive authorises the Assistant Chief Executive in writing to discharge any of their powers in respect of an individual decision or for a finite period or on an ongoing basis.

3. Second Tier Officers (Executive Directors and Service Directors reporting directly to the Chief Executive)

3.1. Second tier Officers are delegated the powers set out in the table below.

3.2. Where a specific post or posts are identified, only those posts may exercise the delegated powers.

4. Third Tier Officers (Service Directors, Assistant Directors or Heads of Service reporting to the Executive Directors)

4.1. Third tier Officers are delegated the powers set out in the table below.

4.2. Where a specific post or posts are identified, only those posts may exercise the delegated powers.

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
CHIEF EXECUTIVE POWERS					
1.	To carry out the functions and responsibilities of the Head of Paid Service	✓	Assistant Chief Executive		s.4 Local Government & Housing Act 1989
2.	To exercise any function delegated to any other Officer of the council, except for the Chief Finance Officer or the Monitoring Officer or where otherwise prohibited by law.	✓	Assistant Chief Executive		s.101 Local Government Act 1972 s.9E Local Government Act 2000
3.	To make any key decision which is urgent on the grounds of health and safety of any person or to protect the legal or financial interests of the authority and following consultation with the Leader, or in their absence the Deputy Leader, and on receiving advice from the Monitoring Officer or their representative. (excluding any powers that cannot be delegated to officers by law)	✓	Assistant Chief Executive		s.101 Local Government Act 1972 s.9E Local Government Act 2000
4.	To make any non-executive decision reserved to the Council or a Committee which is urgent on the grounds of health and safety of any person or to protect the legal or financial interests of the authority and	✓	Assistant Chief Executive		s.101, Local Government Act 1972

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
following consultation with the Leader, or in their absence the Deputy Leader. (excluding any powers that cannot be delegated to officers by law)				
5. To act as the Council's Gold Command and incur any expenditure and making grants and loans where an emergency or disaster involves danger to life or property or is imminent and to incur expenditure for the purposes for contingency planning.	✓	Assistant Chief Executive		Civil Contingencies Act 2004
6. Between the date of an all-out election and the subsequent Annual Council Meeting, the Chief Executive is delegated authority to appoint councillors to the Licensing and Gambling Committee for the sole purpose of enabling the Council to lawfully constitute a Licensing Sub-Committee to discharge its statutory duties under ss.51–53A of the Licensing Act 2003 in relation to expedited reviews and interim steps hearings. This delegation may only be exercised where an expedited review application has been received or is reasonably anticipated and shall cease upon the appointment of the Committee at the Annual Council Meeting.	✓			ss.51-53A Licensing Act 2003

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes	
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated				
GENERAL MANAGEMENT POWERS					
1.	To approve new expenditure up to the key decision threshold to the delivery of the functions of the Directorate and / or services for which the Officer is responsible	✓	✓ *	✓ *	<p>*Authority delegated to Service Directors to approve new expenditure up to £500,000.</p> <p>*Authority delegated to Executive Directors to approve new expenditure up to £1M in consultation with the relevant Cabinet Member</p>
2.	To authorise payments where the Council is under a legal obligation to make the payment e.g. a contractual payment, legal settlement or damages award.	Deleted unlimited value from this column and added to next column	s. 151 Officer = Unlimited value All other officers = limits as set out in Section 3 Financial Transaction Limits of this scheme.		

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
3.	To make all non-key decisions to discharge the functions and powers of services under their management.	✓	✓		s.101 Local Government Act 1972 / s.9E Local Government Act 2000
4.	In addition to any of their general and/or specific delegated functions set out in this Scheme or in the Constitution, to make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions.	✓	✓		s.101 Local Government Act 1972 s.9E Local Government Act 2000
5.	To authorise or delegate to officers under his/her management (or with the agreement of the Chief Executive any other Council Officer) to perform any or all of the functions and powers set out in this Scheme.	✓	✓		s.101 Local Government Act 1972 s.9E Local Government Act 2000
FINANCE					
6.	To be the Chief Finance Officer and Responsible Officer for the proper administration of the Council's financial affairs		Executive Director Finance and Transformation		
7.	Calculating the Council Tax Base for each financial year and reporting to Cabinet for determination.		s.151 Officer only		

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
8.					
9.					
8.	To carry out the virement of budgets.	✓	✓	✓	<p>A Chief Officer may exercise virement on budgets under their control for amounts up to £500,000 on any one subdivision during the year, following notification via a virement approval form to the Chief Finance Officer and under arrangements agreed by the full council.</p> <p>Virements up to £500,000 may be exercised between budgets managed by different Chief Officers subject to the approval of all Chief Officers affected by the virement.</p> <p>A virement approval form should be forwarded to the Chief Finance Officer and reported to Cabinet via the</p>

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
					<p>next appropriate financial monitoring report.</p> <p>Virements above the Chief Officer Level of £500,000 and below £1m must be approved by the appropriate Cabinet Member(s) and reported to Cabinet via the next appropriate financial monitoring report.</p> <p>Virements above £1m must be approved by Cabinet.</p>
9.	To agree to write off any individual debt(s) (including any associated court costs and bailiffs' fees) up to the value of £25,000 per individual or organisation, when considered to be uneconomical to collect or is irrecoverable. All individual debts above this amount shall be written off in consultation with the Cabinet Member for Finance and Resources, and the Monitoring Officer.		<p>£25,000</p> <p>(s.151 officer only)</p>		
10.	All powers to collect and enforce any debt owed to the Council including the instruction of legal services and / or debt collection	Unlimited	Unlimited		s.101 Local Government Act 1972

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
	agencies and all legal powers available to the Council.				s.9E Local Government Act 2000
11.	To act as the Council's Money Laundering Regulations Officer		Executive Director Finance and Transformation and s.151 Officer		Money Laundering Regulations 2007
12.	To approve grants to voluntary and community organisations.	✓	✓	✓	s.101 Local Government Act 1972 s.9E Local Government Act 2000
13.	To approve indemnities to member and / or officers (including insurance cover) with the agreement of the s.151 and the Monitoring Officer (or their nominees) of any value.	✓		Monitoring Officer, Service Director - Governance	LGA 2000 s.101, 105 Local Authorities (Indemnities for Members and Officers) Order 2004/3082 / s.1 Localism Act 2011
14.	To exercise the Council's powers to borrow, invest or lend money , including raising, varying, repaying loans, taking overdrafts, bonds and stock and arranging for investment of funds.		Executive Director Finance and Transformation and s.151 Officer		s.1 and 12 Local Government Act 2003
15.	Approving all loans or other financial assistance .		Executive Director Finance and		

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
			Transformation and s.151 Officer		
16.	Suspending financial delegation to any school where there is a failure to comply with requirements the council's central Finance team and/or the council's Financial Regulations.		Executive Director Finance and Transformation and s.151 Officer		s.51 School Standards and Framework Act 1998.
17.	To levy and collect all mandatory statutory fees and charges , including increasing fees and charges were changed by legislation.	✓	✓	✓	To cover all fees which are fixed by statute. Various powers.
18.	To introduce, vary or remove discretionary fees or charges for a Council service in consultation with the relevant Cabinet Member and s.151 Officer.	✓	✓	✓	Including powers under s.93 Local Government Act 2003; s.1-4 Localism Act 2011 (and any other charging powers)
19.	To agree and submit a bid for or enter into contract for goods, services and / or works for third parties or for a council tendered service (i.e. an "in house bid").	✓	✓	✓	Local Authorities (Goods & Services) Act 1970 s.93 & 95 Local Government Act 2003; s.1-4 Localism Act 2011 (and any other charging or trading powers)

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
20.	To agree and submit a bid for a grant or other funding from central or regional government or another third party for the provision of services, works or any other Council function, in consultation with the s151 Officer.	✓	✓	✓	s.1-4 Localism Act 2011
21.	To enter into a grant agreement with central or regional government or any other third party including the acceptance of a grant or other funding for the provision of goods, services or works or any other council function, where either; (a) the total grant value is under £100,000; or (b) The total grant value is between £100,000 and £499,999, or	✓ (a) only	✓ ACE and EDs: (a) only (b), (c) and (d): S151 Officer only	✓ (a) only	s.1 Localism Act 2011 s.31 Local Government Act 2003 Various grant legislation Ensure that before entering into grant funding agreements with external bodies, the agreement is consistent with the funder conditions and values appraised by the appropriate Corporate Finance Team which are reported and approved in line with the following thresholds: Up to £100k Chief Officer

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
<p>(c) The total grant value is between £500,000 and £1m, and approval has been granted by the relevant Cabinet Member, or</p> <p>(d) a grant of any value only if</p> <p>1. The Council has no material discretion in how the grant is used or applied, including where a mandatory statutory formula applies to its distribution to third parties or its use; or</p> <p>2. An existing executive decision or approved policy has determined the application or use of the grant.</p>				<p>£100k to £500k Chief Finance Officer</p> <p>£500k to £1m relevant Cabinet Member</p> <p>Over £1m Cabinet</p>
22. To undertake shareholder representative functions in respect of a Council owned company, subject to any relevant executive decision in respect of the company.	<p style="text-align: center;">✓</p> <p>(including the power to nominate any Officer to perform this function in respect of any company)</p>	<p style="text-align: center;">✓</p> <p>(in respect of companies where the client function falls within the Officer's directorate)</p>		ss.1-4 Localism Act 2011 Companies Act

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
GOVERNANCE					
23.	To make any decisions arising from the Ombudsman's reports and to approve local settlements of Ombudsman's complaints and payments, and to report to the relevant committee.	✓	✓	✓	Local Government Act 1974, s.92 Local Government Act 2000
24.	To approve and submit reports to the Executive, Council and Committees and Overview and Scrutiny Boards.	✓	✓	✓	
25.	To maintain and amend the Constitution where necessary to ensure it remains up to date and accurate reflecting changes in the law, the Council's executive arrangements, Committee structure, the delegation of powers to Officers and members, the management structure and such changes as are necessary to ensure the Constitution and Scheme of Delegation remains up to date, consistent and readily understandable.			Monitoring Officer, Service Director Governance	Constitution. s.37 Local Government Act 1972
26.	To determine requests from councillors for dispensations under the Councillors' Code of Conduct from the declaration of interests.			Monitoring Officer, Service Director Governance (or Appointed Deputy)	s.33 Localism Act 2011

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes	
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated				
PROCUREMENT & CONTRACTS (subject to compliance with the Council's Contracts and Procurement Procedure Rules (CPPRs))					
27.	Approval to commence a procurement process and the procurement process for the award of any contract, subject to powers reserved to Cabinet set out above.	All decisions / unlimited value	✓ Unlimited value	✓	Contracts and Procurement Procedure Rules (CPPRs)
28.	The award of contracts (including the selection of a contractor from a framework) within approved limits specified within this scheme.	✓	✓	✓	Contracts and Procurement Procedure Rules (CPPRs)
29.	To exercise an option to extend a contract.	✓	✓	✓	Contracts and Procurement Procedure Rules (CPPRs)
30.	To agree the variation of a contract.	✓	✓	✓	Contracts and Procurement Procedure Rules (CPPRs)
31.	To agree exemptions and waivers as allowed in the Council's Standing Orders.	✓	✓		Contracts and Procurement Procedure Rules (CPPRs)
32.	To make all other procurement decisions in accordance with the rules set out in the Council's Contracts and Procurement	✓	✓		s.101 Local Government Act 1972

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
<p>Procedure Rules (CPPRs), including but not limited to:</p> <ul style="list-style-type: none"> a. to establish a framework or dynamic purchasing system (or equivalent) of any value; b. to agree to join any external framework agreements, dynamic purchasing systems or similar purchasing arrangements (irrespective of the value of the proposed arrangement); c. to end a procurement process; d. all decisions that are ancillary to other delegated powers 				s.9E Local Government Act 2000 Contracts and Procurement Procedure Rules (CPPRs)
<p>33. To sign contractual documents, grants or other legally binding agreement on the Council's behalf. (where there is a pre-existing decision to enter into the agreement and excluding agreements for the acquisition or disposal of land)</p>	 Any value	 Any value	Monitoring Officer, Service Director – Governance can sign any contract	Contracts and Procurement Procedure Rules (CPPRs) Note: requirements for contracts (only) over the key decision threshold must be entered into under seal witnesses by the Monitoring Officer, Assistant Director Legal and Assurance or their nominees.

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
34.	To make contract management decisions within agreed limits including but not limited to: a. Suspending payments; b. Exercising provisions relating to liquidated damages; c. To refer a matter to arbitration.	Values within agreed limits	Values within agreed limits	Values within agreed limits	Contracts and Procurement Procedure Rules (CPPRs) and subject to receiving legal and / or procurement advice
35.	Terminating contracts for breach of contract or otherwise, in accordance with the terms of the contract.	✓	✓		
36.	Drafting and maintaining Standing Orders with regard to the making of contracts for the supply of works, goods and services (contained in the Contracts and Procurement Procedure Rules (CPPRs) and Procedure Rules).		Executive Director Finance and Transformation and s.151 Officer		Contracts and Procurement Procedure Rules (CPPRs) s.135 Local Government Act 1972
HUMAN RESOURCES & EMPLOYMENT					
37.	To agree all the Council's policies and procedures in respect of the employment of officers, including but not limited to recruitment, retention, terms and conditions of employment, change/reorganisation, redundancy, redeployment, capability, conduct	Chief Executive	Assistant Chief Executive		s.112 Local Government Act 1972. Local Authorities (Standing Orders) (England)

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
	and dismissal of staff (and any other matter that is subject to local agreement under the Council's collective agreements with recognised trade unions).				Regulations 2001/3384, Sch 2, Part 1, para 2 Note: excluding powers reserved for member decision in the Officer Employment Procedure Rules in the Constitution)
38.	To make all decisions relating to the Council's duties to inform and consult trade unions and workers under any statute or Council policy or procedure.	Chief Executive*	Assistant Chief Executive		s.188 Trade Union and Labour Relations (Consolidation) Act 1992 TUPE Regulations 2006
39.	To exercise all powers as employer in respect of its recognised trade unions.	Chief Executive*	Assistant Chief Executive		Trade Union and Labour Relations (Consolidation) Act 1992
40.	To make all decisions in respect of the employment and management of individual officers, where the power is not delegated elsewhere in this Scheme or reserved for member decision in the Constitution, including but not limited to: a. Recruitment, including probation, acting up and promotion; b. Discipline and capability (including sickness);	✓	✓		s.112 & s.113 Local Government Act 1972 and applicable employment legislation. Superannuation Act 1972 and LGPS regulations made thereunder Local Authorities (Standing Orders) (England)

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
<ul style="list-style-type: none"> c. Termination of employment d. Restructuring, redeployment and redundancy e. Pay and remuneration f. Grievances g. Appeals under any procedure h. Applications for any statutory or contractual right or benefit, i. Secondment j. All other powers of an employer to ensure the efficient discharge of functions and services. 				Regulations 2001 – for all Officers under Deputy Chief Officer grade)

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
41.	To make all decisions in respect of the Council's Pension Scheme, where the power is not delegated elsewhere in this Scheme or reserved for member decision in the Constitution, and including but not limited to approval of: a. Early retirements, ill-health retirement and release of frozen benefits; b. Flexible retirement; c. Any discretionary payments or benefits; d. Determining any statutory appeal against determinations under the LGPS regulations or otherwise.		Executive Director of Finance and Transformation, following consultation with the Chief Executive (Head of Paid Service) and Monitoring Officer		
42.	To administer the Council's Pension Scheme.		Executive Director – Finance and Transformation, s.151 Officer		Superannuation Act 1972 and regulations made thereunder
43.	To exercise all powers and duties relating to the Council's corporate health and safety duties (excluding managerial responsibility for the operational health and safety of employees, workers and visitors).	✓	✓		Health & Safety at Work Act 1974 and regulations.

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
44.	To meet all duties relating to the operational health and safety of employees, workers, visitors and others as defined in the Council's Health & Safety Policy.	✓	✓		Health & Safety at Work Act 197 and regulations

Power	Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes	
	All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated				
LEGAL REPRESENTATION & PROCEEDINGS					
<i>(Note: legal powers should only be exercised following the receipt of legal advice as set out below)</i>					
45.	In respect of the discharge of any Council functions, powers or legal duties for which the Officer is responsible, to instruct the Monitoring Officer (or his/her nominee) or with the agreement of the Monitoring Officer (or his/her nominee) to instruct an external provider of legal services to: <ul style="list-style-type: none"> a. issue, prosecute, defend, enforce or otherwise participate in any legal proceedings in any court or tribunal; b. prepare and serve any statutory demand/notice/order or other legal document; c. prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other document to protect or advance the Council's interests; provide legal advice and representation on any matter in any way affecting the Council's interests.	✓ Any value	✓ Any value		Relevant legislative powers.

46.	<p>To exercise the following powers on instruction or using Constitutional or statutory powers:</p> <ul style="list-style-type: none"> a. To issue, prosecute, defend, enforce or otherwise participate or take any action in any legal proceedings in any court or tribunal; b. To prepare and serve any statutory demand/notice/order or other legal document; c. To prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other document to protect or advance the Council's interests or otherwise required by law; d. To provide legal advice and any other representation on any matter on behalf of the Council, its members and Officers; e. To instruct a third-party legal provider to advise and / or represent the Council on any matter or category of matters (e.g. debt recovery claims); f. To negotiate and agree the settlement any legal or other dispute whether prior to or after the commencement of legal proceedings. 			Monitoring Officer, Service Director Governance – to include settlement at any value on or on terms but on the receipt of instructions.	s.222 Local Government Act 1972 and any legislation to commence and prosecute legal proceedings. s.5 Local Government & Housing Act 1989
47.	Authorisation of Officers to appear on behalf of the Council in the Magistrates Court and / or the County Court (in respect of housing matters prescribed by law).			Monitoring Officer, Service Director Governance	s.223 Local Government Act 1972 s.60 County Court Act 1984

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
48.	To instruct the settlement of any legal or other dispute brought against the Council, its member or officers whether prior to or after the commencement of legal proceedings following the receipt of legal advice. <i>(For the avoidance of doubt, this delegation includes the power to sign settlement agreements on the authority's behalf and the power to settle claims before any formal proceedings have commenced)</i>	✓	✓	Monitoring Officer, Service Director Governance – all powers to settle claims or contemplated claims including where a key decision	s.1 Localism Act 2011 s.111 and s.112 Local Government Act 1972
49.	To issue cautions where a criminal offence is admitted by a potential defendant.			Monitoring Officer, Service Director Governance	All enabling legislation
50.	To authorise the entry to and/or the inspection of any private land or premises and any powers of seizure in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant.			Monitoring Officer, Service Director Governance	All enabling legislation.

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
51.	To exercise all powers for enforcement in any civil or criminal proceedings, including but not limited to charging orders, deductions of wages, injunctions (including agreeing undertakings by a third party to the Council) and confiscation orders.			Monitoring Officer, Service Director Governance (following the receipt of legal advice)	All enabling legislation
52.	Authorising/affixing the Authority's seal to deeds and other documents where required by the Constitution or law. (currently all contracts with a value over £500,000)			Monitoring Officer, Service Director Governance (or nominated Deputies)	Constitution Part 2.4, section 7.6
53.	To authenticate documents on behalf of the Council.			Monitoring Officer, Service Director Governance	Constitution, Part 2.4 s.234(1) Local Government Act 1872
PROPERTY AND ASSET MANAGEMENT <i>(Note: legal powers should only be exercised following the receipt of legal advice as set out below)</i>					
54.	All powers and duties in relation to the ownership, management, maintenance and use of the Council's land and other property (including applying for any necessary licences or consents in respect of the use of the land or property).		Executive Director, Place		All powers under the Local Government Act 1972 any other enabling legislation

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
55.	The making of Compulsory Purchase Orders.		Executive Director, Place		All enabling legislation
56.	All powers to give effect to a decision to make a Compulsory Purchase Order.		Executive Director, Place	Monitoring Officer, Service Director Governance	All enabling legislation
57.	The disposal of land (based on estimated land value).	✓	Executive Director, Place	Service Directors in Place	s.123 Local Government Act 1972, s.1 Localism Act 2011 and all other enabling legislation
58.	Acquisition of Land (based on estimated land value).	✓	Executive Director, Place	Service Directors in Place	ss.120-22 Local Government Act 1972, s.1 Localism Act 2011 and all other enabling legislation
59.	Disposal of assets other than land (based on estimated value).	✓	Executive Director, Finance and Transformation and s.151 Officer	Service Director, Finance & Deputy s151	s.1 Localism Act 2011
60.	The Council's powers and duties in respect of assets of community value.			✓ Service Directors in Place	Localism Act 2011, ss.87-92

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
HOUSING					
61.	All powers and duties in relation to the ownership, management, maintenance and use of the Council's Housing Stock		Executive Director, Place	Service Director – Housing	Housing Act 1996
62.	All powers and duties in relation to Anti-Social Behaviour within the borough of Sandwell		Executive Director, Place	Relevant Service Director	Part 4, Chapter 3 Anti-Social Behaviour, Crime and Policing Act 2014
63.	All powers and duties in relation to Homelessness		Executive Director, Place	Service Director – Housing	Housing Act 1996 and Homelessness Act 2002
64.	To exercise the council's functions under the Environmental Protection Act 1990		Executive Director, Place	Service Director – Environment & Public Protection	Environmental Protection Act 1990
INFORMATION GOVERNANCE					
65.	To exercise all powers of surveillance and accessing communications data including making applications to the Magistrates Court.		✓	Monitoring Officer, Service Director Governance	Regulation of Investigatory Powers Act 2000; Investigatory Powers Act 2016 and regulations made thereunder.

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
66.	To be the qualified person for the purposes of section 36 of the Freedom of Information Act 2000.			Monitoring Officer, Service Director Governance	s.36 Freedom of Information Act 2000
67.	To be the Council's Data Protection Officer			Monitoring Officer, Service Director Governance (or nominated Officer)	Data Protection Act 2018
ADULT SOCIAL CARE					
68.	To be the responsible Officer for Adult Social Care		Executive Director - Adult Social Care and Health		s.6 Local Authority Social Services Act 1970
69.	To exercise all powers and duties in connection with the effective deliver and administration of the Council's Adult Social Care Functions.		Executive Director - Adult Social Care and Health		Care Act 2014 Local Authority Social Services Act 1970
CHILDREN AND EDUCATION					
70.	To be the responsible Officer for Children's Services		Executive Director - Children and Education		s.18 Children Act 2004

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
71.	To exercise all powers and duties in connection with the effective deliver and administration of the Council's Children's and Education Services		Executive Director - Children and Education		Children Act 2004
LICENSING					
72.	<p>Functions of a licensing authority including (but not restricted to):</p> <ul style="list-style-type: none"> The administration of licenses for entertainment, gambling and the sale of alcohol; Taxi and Private Hire; Miscellaneous licensing functions; Private Rented Sector licensing and regulation. 		Executive Director, Place		
73.	Adoption and revision of the Statement of Licensing Policy		Executive Director, Place		Licensing Act 2003)
74.	Adoption and revision of the Statement of Gambling Policy		Executive Director, Place		Gambling Act 2005)

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
ENVIRONMENTAL HEALTH					
75.	Discharge of environmental health and public protection functions and responsibilities including but not limited to: <ul style="list-style-type: none"> • Food hygiene and safety; • Health and safety at work; • Monitoring and control of infectious diseases; • Private water supply monitoring; and • Animal health and welfare enforcement. 		Executive Director, Place	Service Director – Environment & Public Protection	

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
TRADING STANDARDS					
76.	<p>Discharge of trading standards functions and responsibilities including but not limited to:</p> <ul style="list-style-type: none"> Appointing the Chief Inspector for Weights and Measures and their deputy; Tackling rogue traders; Product safety; Misleading claims, scams and illegal trading practices; Underage sales; Illegal advertising. 		Executive Director, Place	Service Director – Environment & Public Protection	
HIGHWAYS					
77.	The authority's role as a highways, traffic and streetworks authority.		Executive Director, Place		
78.	The authority's strategic traffic management role and network planning		Executive Director, Place		

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
79.	Maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure		Executive Director, Place		
80.	Design and delivery of major and minor highway schemes		Executive Director, Place		
81.	Street naming and numbering		Executive Director, Place		
82.	Design of minor and major transport and highways projects		Executive Director, Place		
83.	The making of agreements for the execution of highways works		Executive Director, Place		s.278 Highways Act 1980
84.	Powers and duties relating to rights of way (including closures)		Executive Director, Place		Wildlife and Countryside Act, Highways Act, Town and Country Planning Act Clean Neighbourhoods Act
85.	Air Quality		Executive Director, Place	Service Director – Environment & Public Protection	

Power		Chief Executive	ACE and Executive Directors	Service Directors	Source/Notes
		All powers marked ✓ apply up to and including the key decision threshold for executive decisions save where stated			
86.	<p>Flood and water management including:</p> <ul style="list-style-type: none"> Discharging duties as Lead Local Flood Authority and other duties and responsibilities associated with the Flood Water Management Act; Land drainage activities; The delivery and maintenance of flood alleviation schemes Flood response. 		Executive Director, Place	Service Director – Environment & Public Protection	

Sandwell Metropolitan Borough Council

Constitution

List of Statutory and Proper Officers

Date Approved: March 2026

Version Number 1.5

Document Owner: Monitoring Officer

Statutory Officers

1 List of Statutory Officers

- 1.1 The table sets out the posts holding Statutory Offices on behalf of the Council. An Officer will hold the statutory office during any period of employment in the post, either as an employee or on a temporary, acting up or interim basis.
- 1.2 The Statutory Officers may appoint deputies, if allowed by law, but cannot delegate their statutory responsibilities.
- 1.3 The Monitoring Officer is delegated authority to amend the list of Statutory Officers to remove and replace redundant posts or provisions or to change appointments.

Statutory Office	Post holding the statutory office
Head of Paid Service (s.4 – Local Government & Housing Act 1989)	Chief Executive
Monitoring Officer (s.5 – Local Government & Housing Act 1989)	Service Director – Governance
Chief Finance Officer (s.151 - Local Government Act 1972)	Executive Director, Finance and Transformation
Electoral Registration Officer Returning Officer / Assistant Returning Officer (s.8, 28 and 35 Representation of the People Act 1983)	Chief Executive

Statutory Office	Post holding the statutory office
Director of Children’s Services (s.18 Children Act 2004)	Executive Director of Children and Education Services
Director of Adult Social Services (s.6 Local Authority Social Services Act 1970)	Executive Director of Adult Social Care and Health
Director of Public Health (s.73A National Health Service Act 2006)	Director of Public Health
Scrutiny Officer (s9.FB Local Government Act 2000 as amended)	Head of Democratic Services
Data Protection Officer (Article 37-39 General Data Protection Regulation 2018, Data Protection Act 2018)	Monitoring Officer, Service Director – Governance or otherwise as designated
Qualified person for the purposes of s.36 of the Freedom of Information Act 2000	Monitoring Officer, Service Director – Governance

Appointment of Proper Officers

1 List of Proper Officers

- 1.1 The Officers set out in the table below are appointed to be the Council's Proper Officer for the stated legislative provisions.
- 1.2 The appointed Deputy Proper Officer is given in brackets. The Deputy Proper Officer is appointed to act where the Proper Officer is absent and/or unable to act for any reason.
- 1.3 In absence of the appointment of a Proper Officer in this Constitution:
- 1.3.1 the Monitoring Officer will be the Council's Proper Officer and has power to delegate this power, until an appointment is made by Full Council; and
- 1.3.2 The Deputy Monitoring Officer will be the Council's Deputy Proper Officer.
- 1.4 The Monitoring Officer is delegated authority to amend the list of Proper Officers to remove and replace redundant posts or provisions or to change appointments.

Local Government Act 1972

Section	Function	Proper Officer
83 (1)-(4)	Officer to whom persons elected as councillors shall make declaration of acceptance of office.	Monitoring Officer, Service Director – Governance (Chief Executive)
84	Officer to whom councillors may give written notice or resignation.	Monitoring Officer, Service Director – Governance (Chief Executive)
88 (2)	Officer who may convene a Council meeting to fill a vacancy in the office of Mayor.	Chief Executive

Section	Function	Proper Officer
89 (1) (b)	Officer who may receive notice in writing of a casual vacancy in the office of councillor from two local Government electors.	Chief Executive (Monitoring Officer, Service Director – Governance)
100	All references to proper Officer in connection with the access to information provisions of the Local Government Act.	Monitoring Officer, Service Director – Governance
115	Officer to whom all officers shall pay monies received by them and due to the local authority.	Executive Director, Finance and Transformation (Chief Executive)
146 (1)	Officer authorised to produce a statutory declaration specifying securities and verifying name change of authority.	Executive Director, Finance and Transformation (Chief Executive)
225 (1)	Officer with whom documents may be deposited pursuant to law to make notes or endorsements and give acknowledgements or receipts.	Monitoring Officer, Service Director – Governance
229 (4) and (5)	Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	Monitoring Officer, Service Director – Governance
233 LGA 1972	Receive documents required to be served on the Council.	Monitoring Officer, Service Director – Governance

Section	Function	Proper Officer
234(1)	Officer who may authenticate documents.	Monitoring Officer, Service Director – Governance
238	Officer who may endorse a copy of a byelaw.	Monitoring Officer, Service Director – Governance
Sch.12, Part 1, para 4(1A)	Officer who may sign a summons to Council meetings and may receive notice from a member of address to which a summons to a meeting is to be sent.	Chief Executive (Assistant Chief Executive)

Local Government Act 1974

Section	Function	Proper Officer
30 (5)	Officer responsible for arranging publication in newspapers of notice of Local Commissioner's report on investigation of a complaint.	Monitoring Officer, Service Director – Governance

Local Government (Miscellaneous Provisions) Act 1976

Section	Description	Proper Officer
41	Officer responsible for certifying copies of resolutions, minutes and other documents.	Monitoring Officer, Service Director – Governance

Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988

Section	Description	Proper Officer
All	All references to the Proper Officer.	Director of Public Health

Weights & Measures Act 1985

Section	Description	Proper Officer
72	Functions of Chief Inspector of Weights and Measures.	Relevant Head of Service

Local Government Finance Act 1988

Section	Description	Proper Officer
114 and 114A	Officer responsible for making a report under this section to the authority concerning unlawful expenditure and the Council's budget.	Executive Director, Finance and Transformation (Deputy appointed by the Executive Director of Finance and Transformation)

Local Government & Housing Act 1989

Section	Description	Proper Officer
2 LGHA 1989	Deposit of list of "politically restricted posts" under Local Government and Housing Act 1989.	Monitoring Officer, Service Director – Governance

Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989

Section	Description	Proper Officer
Reg. 23	Certification of the Local Non-Domestic List.	Executive Director of Finance and Transformation

Local Government (Committees and Political Groups)

Regulations 1990

Section	Description	Proper Officer
8 (1) and (5), 9 and 10, 13, 14	<p>Officer to whom:</p> <ol style="list-style-type: none"> 1. notice is delivered about the constitution of a political group, or the change of name of a political group 2. notice is delivered about a Councillor's membership of, or cessation of membership of, a political group 3. the wishes of a political group are expressed <p>Officer responsible for notifying a political group about allocations and vacations of seats</p>	Monitoring Officer, Service Director – Governance

The Local Authorities (Standing Orders) (England) Regulations 2000

Section	Description	Proper Officer
Paras 5 and 6 of Part II of Schedule 1	<p>Officer to receive notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment from executive members, if any.</p> <p>(as set out in the Employment Procedure Rules)</p>	Chief Executive (Assistant Chief Executive, Monitoring Officer, Service Director – Governance)

Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Section	Description	Proper Officer
All	All references to the responsible officer	Executive Director of Adult Social Care and Health

Local Authorities (Referendums)(Petitions)(England) Regulations 2011

Section	Description	Proper Officer
Reg. 4	Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area.	Monitoring Officer, Service Director – Governance
Regs. 11,13,14	To be the Proper Officer for the receipt and validation of petitions.	Monitoring Officer, Service Director – Governance

Local Authorities (Conduct of Referendums) (England) Regulations 2011

Section	Description	Proper Officer
All	All references to the Proper Officer.	Monitoring Officer, Service Director – Governance

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Section	Description	Proper Officer
All	All references to the Proper Officer	Monitoring Officer, Service Director – Governance

Registration Service Act 1953

Section	Description	Proper Officer
All	All references to the Proper Officer / Registration Officer.	Head of Service – Data Compliance, Registration and Electoral Services