

DECISION OF THE LEADER – 7th March 2019

Purpose of Decision

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendments to the delegation of Executive functions to officers as attached in the appendix and set out in red to this decision be made.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 6th November 2017 for the remainder of the Council Term to 2018/19.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 25th March 2019.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers.

Chapter 8.3 of the Constitution sets out the delegations of Executive Functions to officers. Under this chapter the Head of Landlord Services and Head of Strategic and Private Sector Housing have delegated powers.

The majority of changes proposed are either to bring consistency with other sections of the scheme of delegation, update terminology, reflect changes in legislation and the current Enforcement Policy, or to delete reference to strategies that no longer exist such as the Older Persons Housing Strategy.

The proposed change to delegation number 21 is considered necessary to reflect the intention to use properties for longer term lets rather than temporary accommodation.

The proposed additional delegation to enter into management agreements under the Social Letting Service and make decisions regarding the revocation, renewal, variation or transfer of Agreements, is necessary to reflect the new rent and repairs management services that the Social Letting Service is due to provide for private landlords.

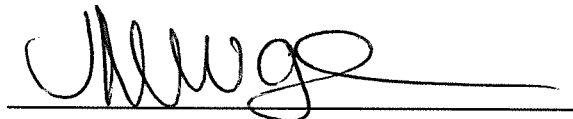
Financial Implications

None

Risk Management

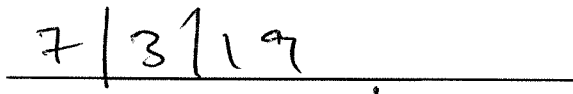
No specific risks have been identified in connection with this decision.

Signed:



Councillor Jonathan Morgan, Leader of the Council

Date:



Officer to Contact:

Karen Widdowson
Democratic Services Manager
(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision:

No

Background Papers:

None

Delegation to the Head of Landlord Services

1. To make amendments to the Tenancy Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant, Lead Member, and the Head of Strategic and Private Sector Housing
2. To issue a Community Protection Notice (CPN).
3. To serve a notice or carry out work to remedy a breach of a CPN.
4. To issue fixed penalty notices for failure to comply with a CPN.
5. To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards.
6. To impose a requirement in breach of a prohibition under a PSPO.
7. To issue fixed penalty notices for the offence of failure to comply with a requirement in breach of a prohibition under a PSPO.
8. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Strategic Support.
9. To apply for a closure order, in consultation with the Head of Strategic Support.
10. To enforce a closure order, in consultation with the Head of Strategic Support.
11. To apply for reimbursement of costs in respect of costs incurred in clearing, securing or maintaining premises subject to a closure order, in consultation with the Head of Strategic Support.
12. To serve notice and commence possession proceedings for serious offences or breach of prohibitions or anti-social behaviour or causing nuisance and annoyance or for offences connected with a riot.

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Delegation to the Head of Strategic and Private Sector Housing

Strategic Housing Functions

1. To determine and make decisions under Part 6 and Part 7 of the Housing Act 1996.
2. To determine and make decisions under the Homelessness Act 2002.
3. To determine and make decisions under the Homeless Reduction Act 2017
4. To determine homelessness applications.
2. To determine all applications for allocations and manage the housing register in accordance with the Council's policies.
3. To make nominations to Registered Providers or other approved providers.

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4. To undertake emergency re-housing of homeless households in accordance with the Council's statutory duties.
5. To serve notices and take the necessary Court action to evict homeless households from emergency and temporary accommodation when a duty has ended.
6. To vary the proportion of allocations to statutorily homeless households, in consultation with relevant Lead Member, to reflect any changes in the supply of and demand for housing.
7. To apply approved local lettings policies in consultation with the relevant Lead Member and to approve the right of applicants to appeal about the policies or allocations which are made under the policies.
8. To enter into short term letting arrangements of property suitable for persons on the waiting list.
9. To make selective one-off payments to private landlords or mortgagees if it is considered that such payments can avoid higher bed and breakfast and other costs to the Council within budget limits and up to a maximum of £50,000 per annum.
10. To make minor amendments to the Homelessness Strategy and Action Plan in consultation with the relevant Lead Member.
11. To consider and determine appeals against the Council's refusal to include an applicant on the housing register
12. To consider and determine appeals against any Council decision relating to homelessness.
- 13.
14. To make minor changes to the Local Lettings Policy for first lettings on Registered Provider new housing developments and for market opportunity schemes, in consultation with the relevant Lead Member.
15. To make amendments to the Housing Asset Management Strategy in response to future legislative changes, changes at local or regional level, or in government guidance, in consultation with the relevant Lead Member.
16. To make amendments to the Allocations Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member.
17. To make amendments to the Tenancy Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member and Head of Landlord Services.
18. To make minor amendments which make no significant difference to service provision, in consultation with the relevant Lead Member.
19. To update the Housing Strategy action plan on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
20. To acquire additional properties for rent via the HRA where approved funding exists within the Capital Plan for the relevant financial year, and where any property acquired is subject to a condition survey, an

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independent valuation, standard legal checks, and meets identified housing needs.

Private Sector Housing

21. To enter into lease agreements of up to five years under the private sector leasing scheme and make decisions regarding the revocation, renewal, variation or transfer of agreements.
22. To determine mandatory and discretionary disabled facilities grant applications.
23. To reclaim disabled facilities grants and determine cases where the repayment should be waived in accordance with The Housing Grants, Construction and Regeneration Act 1996 and the Disabled Facilities Grant (Conditions Relating to Approval or Payment of Grant) General Consent 2008.
24. To determine Home Repair Grant applications for dealing with serious disrepair in properties.
25. To determine Home Safety Grant and ECO Top Up Grant applications.
26. To determine Partnership Grants subject to budget availability and qualifying criteria.
27. To increase maximum grant thresholds for Home Repair Assistance Grants and Partnership Grants, subject to budget availability, in consultation with the relevant Lead Member.
28. To enter into nomination rights agreements following the award of Partnership Grants.
29. To issue rent deposit guarantees in accordance with the approved scheme.
30. To take action in respect of the repair, closing or demolition of dwellings that are hazardous or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the prevention of harassment or unlawful eviction of residential occupiers.
31. To undertake emergency action to private unoccupied premises under section 29 of the Local Government (Miscellaneous Provisions) Act 1982.
32. To take appropriate remedial action for the enforcement of housing standards by the service of notices and orders under Part 1 of the Housing Act 2004.
33. To manage, under Part 2 of the Housing Act 2004, the licensing of houses in multiple occupation.
34. To take action under Part 3 of the Housing Act 2004 in respect of the selective licensing of dwellings.
35. To take action under Part 4 of the Housing Act 2004 in respect of the management of empty dwellings.
36. To serve notices requiring abatement of overcrowding of dwellings.
37. To authorise officers to enter premises under section 239 of the Housing Act 2004 and require documents to be produced under section 235 of the Housing Act 2004.

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38. To exercise powers, including powers of entry, powers to investigate offences, to recover costs, to serve notices and to issue fixed penalty notices under the following legislation, as amended from time to time:
- A Local Government Miscellaneous Provisions Act 1976
 - B Local Government Miscellaneous Provisions Act 1982
 - C Housing Act 2004
 - C Regulation of Investigatory Powers Act 2000
 - D Criminal Justice and Public Order Act 1994
 - E Prevention of Damage by Pests Act 1949
 - F Public Health Acts 1936, 1961 and 1984
 - G Environmental Protection Act 1990
 - H Building Act 1984
 - I Caravan Sites Act 1968
 - J Caravan Sites and Control of Development Act 1960
 - K Mobile Homes Act 1983
 - L Mobile Homes Act 2013.
39. To update the Empty Homes Strategy Action Plan on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
40. To update the Private Sector Housing Grants Policy on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
41. To implement the requirements of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and take any necessary action required under the Enterprise and Regulatory Reform Act 2013.
42. To implement the requirements of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015
43. Any function under Part 2 of the Housing and Planning Act 2016 relating to rogue landlords
44. Any function under Part 2 of the Housing and Planning Act 2016 relating to Civil Penalties and Banning Orders
44. Any function under Part 5 of the Housing and Planning Act 2016 relating to rogue landlords
45. Any function under Part 7 of the Housing and Planning Act 2016 relating to compulsory purchase
46. To update the Private Sector Housing Enforcement Policy on an annual basis or more frequently as changes in legislation occur subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member
47. To make amendments to Nomination Agreements in place between Charnwood Borough Council and Registered Providers, including releasing properties from such agreements.

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Other

48. To arrange burials in accordance with the Public Health (Control of Diseases) Act 1984.
49. To issue a Community Protection Notice (CPN).
50. To serve a notice or carry out work to remedy a breach of a CPN.
51. To issue fixed penalty notices for failure to comply with a CPN.

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- 52. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Strategic Support.
- 53. To apply for a closure order, in consultation with the Head of Strategic Support.
- 54. To enforce a closure order, in consultation with the Head of Strategic Support.
- 55. To apply for reimbursement of costs in respect of costs incurred in clearing, securing or maintaining premises subject to a closure order, in consultation with the Head of Strategic Support.
- 56. To enter into management agreements under the Social Letting Service and make decisions regarding the revocation, renewal, variation or transfer of Agreements