

DECISION OF THE LEADER – 9th April 2021

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 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 21st May 2019 for the Council Term to 2019/23.

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 26th April 2021.

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 Strategic Director (Community, Planning and Housing) 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, delete reference to strategies that no longer exist and to re-group sub-headings.

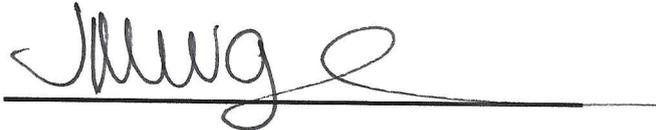
Financial Implications

None

Risk Management

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

Signed:

A handwritten signature in black ink, appearing to read 'J Morgan', is written over a solid horizontal line.

Councillor Jonathan Morgan, Leader of the Council

Date:

09 - April 2021

Officer to Contact:

Karen Widdowson
Democratic Services Manager
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Key Decision:

No

Background Papers:

None

Chapter 8 SCHEME OF DELEGATION TO OFFICERS

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8.3 Delegation of Executive functions

Delegation to the Strategic Director (Community, Planning and Housing)

Housing Landlord functions

1. To manage and maintain the housing stock and associated land and buildings including undertaking stock condition surveys, responsive repairs, planned maintenance, modernisation and improvements and installation of energy efficiency measures.
2. To manage void and empty properties including terminations, inspection and repairs and major repairs.
3. To undertake general estate management matters including caretaking housing schemes, environmental services, grass cutting and grounds maintenance
4. To manage and maintain the Council's sheltered housing schemes including call centres, supported housing schemes, homeless accommodation and temporary accommodation.
5. To take action to remove trespassers from housing land and buildings owned by the Council.
6. To manage the granting of new tenancies and signing up of new tenants.
7. To manage the transfer list and determine all applications for transfer and assignments in accordance with regulations and the Council's policies.
8. To determine all matters in relation to successions, assignments, transfers and other changes to tenancies.
9. To agree mutual exchanges.
10. To approve applications from Introductory Tenants to:
 - (i) improve their property;
 - (ii) claim compensation for improvements;
 - (iii) exchange tenancies;
 - (iv) transfer tenancies.
11. To grant landlord's consent for improvements and other changes to Council properties.
12. To enforce tenancy conditions and seek eviction or court action to support enforcement.
13. To manage, allocate and let garages and garage and parking spaces.
14. To manage, allocate and let Council-owned shops and other housing landlord related buildings.
15. To undertake tenant engagement activities in accordance with the Council's policies.

16. To manage the collection of rent, arrears of rent, charges and other sundry debts.
17. To serve Notices of Seeking Possession and Notices to Quit and to apply for possession orders.
18. To obtain Warrants of Possession in respect of rent arrears in the event that Possession Orders are not adhered to.
19. To authorise eviction proceedings against tenants in cases where the Council **have completed their homeless application and there is no** ~~would have no~~ duty to rehouse under the homelessness legislation.
20. To issue proceedings in the County Court where possession is being sought for rent arrears only and in respect of sundry debts under £5,000.

Other

21. To evaluate applications for the Charnwood Growth Support Fund.
22. To consider projects and approve funding for projects submitted by the Shepshed Town Team for improvements within the public realm in Shepshed town centre, in consultation with the Cabinet Lead Member for Planning and Inward Investment.

Delegation to the Head of Strategic and Private Sector Housing

Housing Strategy

1. ~~To update the~~ **make minor amendments to the Housing Strategy and Action Plan on an annual basis subject to there being no significant financial or human resources implications arising from the proposals, in consultation with the relevant Lead Member**
2. **To make amendments to the Housing Strategy and Action Plan in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member**
3. **To make minor amendments to the Homelessness and Rough Sleeping Reduction Strategy and Action Plan, in consultation with the relevant Lead Member**
4. **To make amendments to the Homelessness and Rough Sleeping Reduction Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member**
5. **To make minor amendments to the Housing Asset Management Strategy and Action Plan, in consultation with the relevant Lead Member**

The *amended* functions detailed here in the document – under 'Strategic Housing Functions' and 'Private Sector Housing', but they have been regrouped under a new Housing Strategy sub section so that all SPSH Policy and Strategy functions are in the same place within the document. A new sub heading of 'Housing Needs' has also been created to reflect the actual teams within the service.

6. To make amendments to the Housing Asset Management Strategy **and Action Plan** in response to ~~future legislative changes, changes at local or regional level, or in government guidance~~ **to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes,** in consultation with the relevant Lead Member
7. To make minor amendments to the Empty Homes Strategy and Action Plan, in consultation with the relevant Lead Member
8. To make amendments to the Empty Homes Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
9. 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.
10. To make minor amendments to the Tenancy Strategy and Action Plan, in consultation with the relevant Lead Member
11. To make amendments to the Tenancy Strategy and Action Plan, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
12. To make minor amendments to the Housing Allocations Policy, in consultation with the relevant Lead Member
13. To make amendments to the Housing Allocations Policy, in response to ~~future legislative changes, changes at local or regional level, or in government guidance,~~ **changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes,** in consultation with the relevant Lead Member
14. To make amendments to nomination agreements ~~in place between Charnwood Borough Council and Registered Providers~~ **with registered social landlords,** including releasing properties from such agreements
15. To make minor amendments to Local Lettings Policies, in consultation with the relevant Lead Member
16. To make amendments to Local Lettings Policies, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
17. To make minor amendments to the Garage Allocations Policy, in consultation with the relevant Lead Member

18. To make amendments to the Garage Allocations Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
19. To make minor amendments to the Temporary Accommodation Policy, in consultation with the relevant Lead Member
20. To make amendments to the Temporary Accommodation Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
21. To make minor amendments to the Private Sector Housing Grants Policy, in consultation with the relevant Lead Member
22. To make amendments to the Private Sector Housing Grants Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member
23. 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.
24. To make minor amendments to the Private Sector Housing Enforcement Policy, in consultation with the relevant Lead Member
25. To make amendments to the Private Sector Housing Enforcement Policy, in response to changes to relevant legislation, regulation or statutory guidance or national or local policy, subject to there being no major financial or human resource implications arising from the changes, in consultation with the relevant Lead Member.
26. 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.
27. To acquire additional properties for rent via the HRA Housing Revenue Account, 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 independent valuation and standard legal checks and meets identified housing needs

Housing Needs

28. ~~To determine and make decisions under Part 6 and Part 7 of the Housing Act 1996 (as amended)~~
29. To consider and determine homeless applications (applications for homelessness assistance under Part 7 of the Housing Act 1996)

30. To consider and determine reviews of homeless application decisions (reviews under Part 7 of the Housing Act 1996)
31. To arrange interim and temporary accommodation placements for homeless applicant, in accordance with statutory duties under Part 7 of the Housing Act 1996
32. To serve notices and take the necessary court legal action to evict homeless households from interim and temporary accommodation when a statutory duty has ended, following discharge of statutory duties under Part 7 of the Housing Act 1996
33. To make selective issue one-off payments to private landlords or mortgagees, if it is considered that where such payments prevent will assist with the prevention or relief of homelessness and avoid temporary accommodation to the Council, within budget limits and up to a maximum of £50,000 per annum
34. To make decisions under Part 6 of the Housing Act 1996 (as amended)
35. To determine all applications for the Council's Housing Register and manage the Housing Register and allocate accommodation in accordance with the Council's policies consider and determine housing register applications (applications for social housing under Part 6 of the Housing Act 1996)
36. To consider and determine reviews of housing register application decisions (reviews under Part 6 of the Housing Act 1996)
37. To make nominations to Registered Providers or other approved providers nominate housing register applicants to be assured tenants of housing accommodation held by registered providers landlords (nominations under Part 6 of the Housing Act 1996)
38. To select housing register applicants to be introductory or secure tenants of housing accommodation held by Charnwood Borough Council (allocations under Part 6 of the Housing Act 1996)
39. To let housing accommodation held by Charnwood Borough Council, including the signing of licence and tenancy agreements
40. To terminate licences and tenancies of housing accommodation held by Charnwood Borough Council
41. To advertise available housing accommodation held by Charnwood Borough Council
42. To advertise available housing accommodation held by registered providers landlords
43. To enter into nomination agreements with registered providers landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements
44. To advertise available garages held by Charnwood Borough Council
45. To consider and determine garage applications
46. To consider and determine reviews of garage application decisions
47. To select garage applicants to be tenants of garages held by Charnwood Borough Council

- 48. To let garages held by Charnwood Borough Council, including the signing of garage tenancy agreements**
- 49. To terminate tenancies of garages held by Charnwood Borough Council**
- 50. To issue one-off incentive payments to private sector landlords, within budget limits and up to a maximum of £50,000 per annum**
- 51. To issue advance rent payments to private sector landlords, within budget limits and up to a maximum of £50,000 per annum**
- 52. To issue deposit payments and deposit guarantees to private sector landlords, within budget limits and up to a maximum of £50,000 per annum**
- 53. To enter into lease agreements of up to 5 years with private sector landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements**
- 54. To enter in management agreements of up to 5 years with private sector landlords, and make decisions regarding the renewal, variation, transfer or revocation of such agreements**

Private Sector Housing

- 55. To determine mandatory and discretionary Disabled Facilities Grant applications.
- 56. 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.
- 57. To determine Home Repair Grant applications **subject to budget availability and qualifying criteria.** ~~for dealing with serious disrepair in properties~~
- 58. To determine Home Safety Grant and ECO Top Up Grant applications **subject to budget availability and qualifying criteria.**
- 59. To determine, Partnership Grants subject to budget availability and qualifying criteria and enter into nomination rights agreements following the award of a Partnership Grant.
- 60. To increase maximum grant thresholds for Discretionary Disabled Facilities Grants, Home Repair Grants, Home Safety Grants, ECO Top Up Grants and Partnership Grants, subject to budget availability, in consultation with the relevant Lead Member.
- 61. To act 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.
- 62. To undertake emergency action to private unoccupied premises under section 29 of the Local Government (Miscellaneous Provisions) Act 1982.

63. 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.
64. To manage and take action in respect of Mandatory and Additional licensing of houses in multiple occupation, under Part 2 of the Housing Act 2004.
65. To take action under Part 3 of the Housing Act 2004 in respect of the selective licensing of dwellings.
66. To take action under Part 4 of the Housing Act 2004 in respect of the management of empty dwellings.
67. To serve notices requiring abatement of overcrowding of dwellings.
68. 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.
69. 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) **Local Government and Housing Act 1989**
 - d) Housing Act **1985, 1996**, 2004
 - e) **Housing and Planning Act 2016**
 - f) **Leicestershire Act 1985**
 - g) Regulation of Investigatory Powers Act 2000
 - h) Criminal Justice and Public Order Act 1994
 - i) Prevention of Damage by Pests Act 1949
 - j) Public Health Acts **1875 - 1932**, 1936, 1961 and 1984
 - k) Environmental Protection Act 1990
 - l) Building Act 1984
 - m) Caravan Sites Act 1968
 - n) Caravan Sites and Control of Development Act 1960
 - o) Mobile Homes Act 1983
 - p) Mobile Homes Act 2013.
70. 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.
71. To implement the requirements of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
72. Any function under Part 2 of the Housing and Planning Act 2016 relating to **Banning Orders, Rogue Landlords and Rent Repayment Orders.**
73. Any function under Part 5 of the Housing and Planning Act 2016 relating to **electrical safety standards for properties let by private landlords and the issuing of financial penalties as an alternative to prosecution under the Housing Act 2004.** ~~rogue landlords~~
74. Any function under Part 7 of the Housing and Planning Act 2016 relating to compulsory purchase.

Other

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

79. To issue, cancel or vary a closure notice covering a period of up to 24 hours, in consultation with the Head of Strategic Support.
80. To apply for a closure order, in consultation with the Head of Strategic Support.
81. To enforce a closure order, in consultation with the Head of Strategic Support.
82. 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.