

Title: **Delegation of Housing Related Decisions and Powers**

Portfolio holder: **Councillor Virginia Fortescue – Housing Portfolio Holder**

Reporting officer: **Graham Hogg – Housing Services Manager**

Key decision: **No**

Purpose

To enable a number of housing related decisions and powers to be delegated from Cabinet to the Housing Services Manager.

Background

The Housing Services Team are required to make determinations under a number of statutory powers and in order for housing business to operate effectively on a day to day basis it is preferable for some powers that currently rest with cabinet to be delegated to the Housing Services Manager.

Key issues

Historically, most of the decision making powers in relation to the housing functions listed below have rested with Cabinet. This has consequentially prevented the Housing Services Team from taking early action as may be required such as issuing notices (particularly on enforcement matters) to respond to events. These proposals will therefore enable the Council to be more response thereby improving the Housing Service provided.

He following specific delegations are proposed to be exercised by the Housing Services Manager or staff authorised to act on his behalf.

Proposed Delegations.

Delegations to the Housing Services Manager under the following legislation as may be supplemented, varied and/or amended by other statutory provisions.

- **Local Government (Miscellaneous Provisions) Act 1976**

Powers to secure empty buildings.

- **Protection from Evictions Act 1977**

The exercise of all powers of the Council in respect of protection from eviction and harassment in respect of residential accommodation.

- **Building Act 1984.**

The inspection of premises and related enforcement action relating to disrepair.

- **Housing Act 1985**

The exercise of all the powers of the council relating to non-secure arrangements for the occupation of residential accommodation.

The exercise of all the powers of the council relating to disrepair

To make, vary and enforce Closing and Demolition Orders.

The exercise of all the powers of the Council in respect of overcrowding.

- **Environmental Protection Act 1990**

The exercise of the powers of the Council in respect of statutory nuisances and related matters in respect of housing.

- **Housing Grants, Construction and Regeneration Act 1996**

The exercise of all the powers of the Council in respect of grants and loans for private sector housing renewal including powers related to access and adaptation for persons with disabilities.

- **Housing Act 1996**

The exercise of all the powers of the Council relating to homelessness including the ability to make grants or loans for the purpose of preventing homelessness upto a limit of £2000 in any individual case.

Housing Allocations.

- **Homelessness Act 2002**

All the powers of the Council in respect of the implementation of the Homelessness Strategy of the Council including the operation and management of Rent Deposit and Bond Schemes relating to securing and maintaining the provision of accommodation to prevent homelessness..

- **Housing Act 2004**

The inspection of properties and enforcement of housing standards including the service and enforcement of Improvement and Prohibition Notices.

The inspection of properties and the issue, variation and revocation of licenses for Houses in Multiple Occupation; the making and enforcement of Management Orders together with all appeal and enforcement powers.

The making and enforcement of empty dwelling Management Orders.

The provision of accommodation for travellers and gypsies.

- **Supplementary Powers**

The powers to require information, enter premises, initiate or defend legal proceedings, to review decisions previously made and recover costs and expenditure in respect of the exercise of any of the above powers.

Risk management Implications

To facilitate early action by the Council as circumstances may require.

Failure to delegate matters to officer level will result in Cabinet continuing to be asked to make decisions on many routine matters.

Finance and performance implications

There will be no impact on budgets and there should be no financial implications as officers making decisions will continue to do so within the framework of the budget and financial regulations.

The ability to act under delegated authority will better enable the council to achieve improved performance on housing indicators.

Legal and human rights implications

The immediate legal implication is to amend the Constitution and to facilitate the exercise of the housing powers available to the Council. This will enable the Council to respond more speedily to the various housing needs currently dealt with through the Cabinet process.

Next Steps

To update the Constitution to reflect the new delegations.

Recommendations

That Cabinet approve the grant of the delegations listed above to the Housing Services Manager.