

MEETING	COUNCIL
DATE	5 MARCH 2020
TITLE	AMENDING THE OFFICERS SCHEME OF DELEGATION
PURPOSE	TO REPORT ON CHANGES TO THE OFFICERS SCHEME OF DELEGATION FOLLOWING THE ESTABLISHMENT OF THE HOUSING AND PROPERTY DEPARTMENT
RECOMMENDATION	THAT THE COUNCIL ACCEPTS THE REPORT IN RELATION TO THE AMENDMENT OF THE SCHEME OF DELEGATION TO OFFICERS
CABINET MEMBER	COUNCILLOR NIA JEFFREYS, MEMBER FOR CORPORATE SUPPORT, CORPORATE GOVERNANCE AND LEGAL SERVICES.
AUTHOR	IWAN G D EVANS – HEAD OF LEGAL SERVICES – MONITORING OFFICER.

Background

As a result of the restructuring creating the Housing and Property Department the work of amending the Constitution was delegated by the Cabinet to the Monitoring Officer. In simple terms the Housing and Property Units were combined to create the new department transferring functions from the Environment and the Adult Health and Wellbeing Departments. The amendments to the Delegation Scheme reflect this together with updated legislation to be in Appendix 1 with the functions having been transferred from the other departments

Any amendments to the Constitution other than by the Council its self must be reported for information.

Recommendation

That the Council accepts the report.

Monitoring Officer

Author of the report

Head of Finance

The financial aspects of establishing a Housing and Property Department were considered in 'Management Review' reports by the Chief Executive to Cabinet meetings on 7 May and 17 September 2019. The amendments presented here to the Delegation Scheme have already been reflected in the Budget for 2020/21, which is another item on this Council meeting's agenda.

Head of Housing and Property

In the "Scheme of Delegation to Committees" in Appendix 3 to Section 13 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions Delegated by Council

None

Functions Delegated by Cabinet

1. To act on a day to day basis and within the scheme in the following areas:-

- Housing Matters
- Homelessness
- Private sector housing enforcement
- Housing and renovation grants
- Property Matters

(Property)

The right, where terms cannot be agreed with landowners for the purchase of interest in land within six months of the commencement of negotiations, to purchase the same through a compulsory purchase order subject to the provision of the law.

To grant licences, easements and rights of way to, or by, the Council.

In appropriate cases, to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants' claims.

To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council's statutory powers.

To authorise Council tenants to sub-let and sub-lease.

To publish a statutory notice of the intention to conduct a rent review on tenancies.

To commence possession proceedings through the Court against any tenant, licensee or trespasser.

To approve the terms for purchasing, procuring, selling or disposing of all the Council's interest in land where a decision has been made by the Cabinet,

Committee, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose

To approve terms and conditions for and then grant the renewal of a lease

To approve an extension of an existing lease

To give consent to assign a lease

To waive or vary the levying of charges and fees in individual cases where circumstances so dictate.

(Housing)

To exercise the Council's functions in relation to homelessness in accordance with Part 2 of The Housing Wales Act 2014

To approve the sale of former Council Houses for people who meet the statutory conditions and accept or refuse an offer to re-purchase a former Council house under Section 157 of the Housing Act 1985

To exercise the Council's functions in relation to unfit housing under the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004.

To exercise the Council's powers to issue notices and take enforcement steps in relation to houses in multiple occupation

To exercise the Council's enforcement powers in the private housing sector and mobile homes

To approve or refuse and administer grant applications under the Housing Act 1985, Housing Grants, Construction and Regeneration Act 1996 including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

To operate a transferable discount scheme

To exercise the Council's functions relating to drainage, water supply and other environmental health matters under the Public Health Act 1936, Local Government (Miscellaneous Provisions) Act 1982 Building Regulations Act 1984 and nuisance under the Environmental Protection Act 1990.

To exercise the Council's functions under the Housing Act 2004

To serve property notices under the Law of Property Act 1925

Power to issue closure notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.