




RECORD OF POWERS DELEGATED BY THE EXECUTIVE DIRECTOR FOR PLACE

Scheme of Delegation for Housing

Date last reviewed:	July 2024
David Shepherd Executive Director for Place	<i>Approved by Signature:</i> 
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DELEGATED POWERS

Purpose

To set out the delegations from the Executive Director for Place in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

Building Act 1984 Care Act 2014 Childrens Act 1989 & 2004 Children And Families Act 2014 Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 Energy Efficiency (Private Rented Properties) (England & Wales) Regulations 2015 Environmental Protection Act 1990 Housing Act 1985 Housing Act 1996 As Amended by Homelessness Act 2002 and Housing Act 2004 and Domestic Abuse Act 2021 Housing & Planning Act 2016 Homelessness Reduction Act 2017 Housing Grants, Construction and Regeneration Act 1996	Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Localism Act 2011 Mobile Homes Act 2013 Redress Schemes for Lettings Agency Work and Property Management Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 Supported Housing (Regulatory Oversight) Act 2023 The Homelessness (Review Procedure etc.) Regulations 2018 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Town & Country Planning Act 1990 Work (England) Order 2014
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Executive Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Executive Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Executive Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Executive Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g., any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
BUILDING ACT 1984									
S.59: Relating to the provision and repair of satisfactory drainage to a building.	✓	✓							
S.76: Relating to premises in a defective state in urgent need of remedy.	✓	✓							
S.79: Relating to ruinous and dilapidated buildings and neglected sites.	✓	✓							
S.95: Entry of Premises.	✓							✓	✓
S.95: Relating to the power to seek a warrant of the powers are adequate.	✓	✓							
S.97: Relating to the local authority carrying out works by agreement with the owner occupier of the premises and the recovery of expenses incurred therefore.	✓	✓							
S.99: To the carrying out of works in default on notices served under Section 59 and the authorisation of the recovery of expenses incurred therewith, together with authority to institute legal proceedings.	✓	✓							
S.100: Power to sell materials removed from premises following works carried out.	✓	✓							
S.106: Authority to pay compensation for damage arising out of work carried out.	✓							✓	✓
S.107 & S.108: Relating to recovery of expenses.	✓							✓	✓
S.112: Authority to instigate legal proceedings.	✓							✓	✓
CARE ACT 2014/CHILDREN AND FAMILIES ACT 2014/CHILDREN ACT 2004									
The requirement to undertake an assessment that may identify needs that can be met by adaptations or equipment to a property.		✓		✓		✓			
CHILDREN ACT 1989 & 2004									

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
The requirement to undertake an assessment of young people aged between 16-18 who are threatened with homelessness, using the Single Assessment.			✓						
ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020									
To approve appropriate action to ensure electrical safety standards within private rented properties including issuing Penalty Charge Notices.	✓	✓							
ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND & WALES) REGULATIONS 2015									
To approve appropriate action to ensure minimum energy efficiency standards within private rented properties including issuing Penalty Charge Notices.	✓	✓							
ENVIRONMENTAL PROTECTION ACT 1990									
Schedule 3: Entry of Premises.	✓							✓	✓
Schedule 3: Relating to authorisation of legal proceedings for an offence of obstruction.	✓	✓							
S.80: Relating to the existence of a statutory nuisance and to the service of an abatement notice and instigation of legal proceedings.	✓	✓							
S.81: Relating to the power to do works in default and recovery of costs.	✓	✓							
S.81A: Relating to recovery of costs and authorisations of notices following works in default carried out under Section 80 of the Environmental Protection Act.	✓	✓							
S.81B: Relating to recovery of costs as above.	✓	✓							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
HOUSING ACT 1985									
S.79 granting secure tenancies Housing Act 1985.	✓							✓	✓
S.54. S.260, S.319, S.340: Entry of Premises.	✓							✓	✓
S.83 and 83ZA Housing Act 1985- to serve Notice of Seeking Possession or Notice of seeking Demotion of a tenancy.	✓							✓	✓
S.265: Relating to the making of a demolition order.	✓							✓	✓
S.268, S269A, S275, S300, S304: Relating to demolition orders.	✓							✓	✓
S.270: Relating to the institution of legal proceedings for failure to comply with a demolition order.	✓							✓	✓
S.271: Relating to the demolition of houses by the local authority in default of a demolition order.	✓							✓	✓
S.272: Relating to the recovery of expenses incurred under S.271.	✓							✓	✓
S.273: Relating to service of an order requiring premises to be demolished and to be cleansed from vermin before they are demolished.	✓	✓							
S.274: Relating to permitting reconstruction of a house where a demolition order is operative, and a revocation of a demolition order is operative and a revocation of a demolition order where a house is made fit for human habitation.	✓							✓	✓
S.275: Relating to a substitution of a prohibition order for a demolition order where an owner submits suitable proposals to use of house other than human habitation.	✓							✓	✓
S.289: Relating to the making of a clearance area.	✓							✓	✓
S.327, S331, S332, S333, S335, S336, S338: Relating to the institution of legal proceedings in relation to overcrowding.	✓	✓							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
S.330: Relating to the grant of a licence authorising a number in excess of the permitted number to sleep in a dwelling.	✓	✓							
S.339: Relating to the enforcement of Part X of the act (overcrowding).	✓	✓							
S.341: Relating to the authorisation of instigation of legal proceedings for the offence of obstruction.	✓	✓							
S.584A & S.584B: Compensation payable in relation to demolition orders under the Housing Act 1985 and prohibition orders under the Housing Act 1985 and prohibition orders under the Housing Act 2004 and re-payment on renovation.	✓							✓	✓
HOUSING ACT 1996 As Amended by HOMELESSNESS ACT 2002 and HOMELESSNESS REDUCTION ACT 2017 and DOMESTIC ABUSE ACT 2021 and Supported Housing (Regulatory Oversight) Act 2023									
S124 Housing act 1996 - granting Introductory Tenancies.	✓							✓	✓
S.125A Housing Act 1996 - Notice to extend the term of Introductory Tenancy.	✓							✓	✓
S.128 Housing Act 1996 - Notice of Possession Proceedings.	✓							✓	✓
S.143E Housing Act 1996 - Notice of Possession Proceedings for demoted tenancies.	✓							✓	✓
Part VII (Homelessness): To provide a service to fulfil the Council's obligations to deal with homelessness and threatened homelessness in accordance with the Housing Act 1996 and Homelessness Act 2002 and/or any subsequent legislation.	✓							✓	✓
Part VII (Homelessness): To instruct the Head of Legal Services to take all necessary legal proceedings to obtain possession of properties which are being occupied without authority.	✓	✓							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
Part VII (Homelessness): To determine the allocation of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes in accordance with relevant policies.	✓	✓							
Part VII (Homelessness): To issue Notices to Quit as necessary, in order to commence proceedings for possession of Council dwellings and all other forms of property, land and buildings held or managed for housing purposes and to take such further action as is necessary to obtain possession thereof.	✓	✓							
Part VII (Homelessness): To authorise proceedings for pursuit and recover of rent arrears, former tenants' arrears, and any miscellaneous claim in respect of damage suffered to property held or managed for housing purposes.	✓	✓							
Part VII (Homelessness): To take all necessary steps to ensure that the terms of the Council's Tenancy Agreement are complied with.	✓	✓							
Part VII (Homelessness): To authorise and implement the general maintenance of Council dwellings and communal areas including any property, land or buildings held or managed for temporary accommodation purposes.	✓	✓							
Part VII (Homelessness): To authorise temporary accommodation for persons ordinarily resident in private sector housing in appropriate cases where their homes are undergoing major works of improvement and/or repair.	✓	✓							
Part VII (Homelessness): To recharge tenants (or others) with the costs of repairs replacements and to permit exemption in proved cases of hardship from this requirement.	✓	✓							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
Part VII (Homelessness): To make determinations under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 including: S195 Prevention of Homelessness Duty S198B Relief of Homelessness Duty S189A Duty to produce a Personal Housing Plan	✓	✓	✓						
Part VII (Homelessness) and The Homelessness (Review Procedure etc.) Regulations 2018 S202 to make decisions on review requests	✓	✓							
Part VII (Homelessness): To authorise: (a) Provision of furnishing, fittings, board, and laundry facilities. (b) Financial assistance towards tenants/resident's removal expenses. (c) The exercise of powers of entry to premises held or managed by Cabinet for the purpose of survey and/or examination of works. The storage and/or disposal of property coming into the Council's possession as a result of its housing function.	✓	✓						✓	✓
Part VII (Homelessness): To procure and allocate temporary accommodation to homeless persons to whom the council owes a duty under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.	✓	✓						✓	✓
Part VII (Homelessness): To agree terms and conclude agreements with hoteliers for bed and breakfast accommodation for homeless people when other temporary accommodation is not available.	✓	✓						✓	✓
HOUSING ACT 2004									

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
S.3: Relating to the Council's duty to review housing conditions in its district.	✓	✓							
S.4: Relating to the carrying out of inspections to see whether category 1 and 2 hazards exist.	✓	✓							
S.5-9: Relating to the enforcement of housing standards.	✓	✓							
S.10: Relating to the consultation with fire and rescue authorities in certain cases.	✓	✓							
S.11, S12, S14, S16, S17 & S18: Relating to the service of improvement notices and follow up action.	✓	✓							
Schedule 1 – S.20, S21, S23, S25, S26 and S27: Relating to the service of prohibition orders and follow up action.	✓							✓	✓
Schedule 2 – S28 & S29: Relating to the service of hazard awareness notices.	✓	✓							
S30 & S31: Relating to the enforcement of improvement notices.	✓	✓							
S32 & S35: Relating to the enforcement of prohibition orders.	✓							✓	✓
S39: Relating to the effects of Part 4 enforcement action and redevelopment proposals.	✓							✓	✓
S40, S42 & S43: Relating to emergency remedial action (ERA)	✓	✓							
S40, S42 & S43: Relating emergency prohibition orders (EPO)	✓							✓	✓
S49 & S50: Relating to powers to charge for certain enforcement action and recovery of charges.	✓							✓	✓
S56 & S60: Relating to consultation on possible additional HMO licensing schemes and should such a scheme be designated by the Council, the carrying out of operational reviews.	✓							✓	✓
S61: Relating to taking steps to ensure licence applications are made.	✓	✓							

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
S62: Relating to temporary exemption from licensing.	✓	✓							
S63 to S70, S72, S73 & S74: Relating to the granting and refusal of licences, licence conditions, tests of suitability, variation and revocation of licences, procedural requirements, appeals against licensing decisions and enforcement provisions regarding offences regarding licensing and rent re-payment orders.	✓	✓							
S71 & Schedule 5: Relating to HMO licences, procedures and appeals.	✓	✓							
S102 to S107 & S110: Relating to the making and operation of interim management orders.	✓							✓	✓
S111 & S112: Relating to the variation and revocation of interim management orders.	✓							✓	✓
S113 to S116, S119 & S120 Relating to the making and operation of final management orders.	✓							✓	✓
S121, S122, S123 and Schedule 6 Relating to the variation and revocation of final management orders, procedure requirements and appeals relating to interim and final management orders.	✓							✓	✓
S126 to S131: Relating to the management and termination of final management orders.	✓							✓	✓
S132 and Schedule 7 (except paragraph 25 of Schedule 7): Relating to Empty Dwelling Management Orders.	✓							✓	✓
S133 to S137: Relating to the making and authorising of interim and final empty dwelling management orders and duties of the local housing authority once one is in place.	✓							✓	✓
S138: Relating to compensation payable to third parties relating to interim empty dwelling management orders.	✓							✓	✓

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
S139, S140 and S144: Relating to overcrowding notices in certain houses in multiple occupation not required to be licensed.	✓	✓							
S231: Relating to appeals to the residential property tribunal.	✓								
S232: Relating to registers of licences and management orders.	✓	✓							
S234: Relating to enforcement of management regulations.	✓	✓							
S236 to S238: Relating to the power to require documents to be produced.	✓	✓							
S.239: Entry of Premises.	✓	✓	✓						
S.240: Entry of Premises.	✓							✓	✓
S241: Relating to proceedings for obstruction.	✓	✓							
S242: Relating to notice requirements for the protection of owners.	✓	✓							
S245: Relating to powers to dispense with notices.	✓	✓							
S246: Relating to the service of documents.	✓	✓							
S247: Relating to the service of documents in electronic form.	✓							✓	✓
S255 & S256: Relating to HMO declarations and revocation of HMO declarations.	✓							✓	✓
HOUSING AND PLANNING ACT 2016									
Civil Penalty Notice: Relating to enforcement under the Housing Act 2004	✓	✓							
To authorise Banning Orders for appropriate Rogue Landlord offenders	✓	✓							
To authorise entry of appropriate landlord/property agent onto Rogue Landlord Database	✓	✓							
To determine a civil penalty as an alternative to a prosecution in respect of failure to comply with an improvement notice under the Housing Act 2004	✓								

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996									
S.19 – 24: The Local Authority shall determine and where appropriate approve/refuse an application for Disabled Facilities Grant	✓	✓						✓	✓
S. 30 – 31: To operate the Disabled Facilities Grant means testing scheme for adaptations. As prescribed by The Housing Renewal Grants Regulations 1996 and annual Statutory Instruments. For owner occupiers and tenants.	✓	✓			✓				
S. 34: The LA shall notify in writing not later than 6 months from receipt of an application for Disabled Facilities Grant their decision	✓							✓	✓
S. 35 – 57: The LA shall pay/withhold/defer payments/impose conditions/recover money paid where appropriate relating to Disabled Facilities Grants.	✓	✓			✓			✓	✓
S. 35 – 57: To determine all requests for adaptations to Council properties for people with disabilities, to operate the means test and charging for adaptations for council tenants in line with the Housing Grants Construction and Regeneration Act 1996.	✓	✓			✓				
S. 35 – 57: To determine and authorise payments for disturbance and redecoration for those council tenants affected by adaptations, in line with current policy.	✓	✓							
LOCALISM ACT 2011									
S148 Power to Discharge the Homelessness Duty into the private Rented Sector.	✓	✓	✓					✓	✓
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976									

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
S.16: Relating to the issue and service of a notice requiring particulars of persons interested in land.	✓	✓	✓						
S.29: Relating to the securing of a residential premises to prevent unauthorised access.	✓	✓						✓	✓
S.33: Relating to the re-instatement of essential services and the authorisation of the recovery.	✓							✓	✓
MOBILE HOMES ACT 2013									
To Take appropriate action, with regard to the licencing and all associated conditions, etc, with regard to Park Homes Sites. Including Civil Penalties and Prosecutions.	✓	✓							
PROTECTION FROM EVICTIONS ACT 1977									
Part 3, S.6: Offences of harassment and unlawful eviction.	✓							✓	✓
REDDRESS SCHEMES FOR LETTING AGENCY WORK AND PROPERTY MANAGEMENT WORK (ENGLAND) ORDER 2014									
Penalty Charge Notice: Failure to register with appropriate Redress Scheme.	✓	✓							
REGULATORY REFORM (HOUSING ASSISTANCE) (ENGLAND & WALES) ORDER 2002									
Article 3: To determine and publish additional freedoms afforded by this order with regard to flexibilities and discretion to provide assistance other than via mandatory Disabled Facilities Grant.	✓							✓	✓
In accordance with the Regulatory Reform order. <ul style="list-style-type: none"> Across all housing tenures, to undertake assessments, surveys, adaptations, payments, relocation assistance and other financial assistance, for example in the form of Home Appreciation Loan's as described in the Private Sector Housing Assistance Policy mentioned above. 	✓	✓			✓				

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Officer F	Officer G	Head of Service	Service Director
THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATION 2020									
To take appropriate action with regard to the fit and proper persons provisions for Park Homes, including all penalties, both prosecution and civil penalties.	✓	✓							
THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015									
Penalty Charge Notice: Failure to comply with fitting of working smoke detectors and CO monitors.	✓	✓							
TOWN & COUNTRY PLANNING ACT 1990									
S.215 & S.219: Serve notices on owners of land where the land is in such a condition that it adversely affects the amenity of the area.	✓	✓							
Contractual authorisations To Authorise operational matters relating to the Housing PFI (known as Excellent Homes For Life) (EHL), <i>(This excludes "key decisions" (eg spend over £250k or significant impact on 2+ wards)</i>									
To authorise all matters on behalf of the Council relating to the [operational] Housing PFI contract with JLWEHL including all actions arising in relation to any matter{ including variations to the Project Agreement ; refinancing ,further services /works, determining compliance with performance and/or regulatory standards] ,subject to compliance with CPR's /FPR's and the budget not being exceeded . [For avoidance of doubt, this does not include significant or material changes to the contract originally agreed or a key decision]							✓	✓	✓

Key to authorised officers:

Responsibility	Post Title/Section
Officer A	Operations Manager (Access to Housing / Quality Homes / Accessible Homes) Housing Services Strategic Managers
Officer B	Team Manager (Housing Solutions and Accessible Homes Team)/ Occupational Therapist Team Leader/Team Leader - Surveying/ Senior Medical Advisory Officer / Senior Housing & Health Officer/ Senior Surveyor
Officer C	Senior/Housing Solutions Officer / Social Worker (Housing Solutions)
Officer D	Occupational Therapist (Accessible Homes)
Officer E	Housing & Health Officer (Accessible Homes)
Officer F	Senior/Community Care Officer / Technical Instructor (Accessible Homes)
Officer G	Excellent Homes For Life (EHL) Client Manager
Head of Service	Head of Housing Services
Service Director	Service Director, Development/ Service Director, Homes & Neighbourhoods