




**RECORD OF POWERS DELEGATED BY
THE STRATEGIC DIRECTOR FOR
GROWTH AND REGENERATION**

Draft Scheme of Delegate for Homes and Neighbourhoods Service

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| Date last reviewed: | N/A |
| David Shephard Strategic Director Growth and Regeneration | Approved by signature  |
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DELEGATED POWERS

Purpose

To set out the delegations from the Strategic Director for Growth and Regeneration in accordance with the requirements of Part 3.7, Scheme of Delegation to Officers, 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-3.7.pdf>
- ***Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)***
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-4.6.pdf>

Key Statutes/Legislation

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

Housing Act 1985

Housing and Regeneration Act 2008

Regulatory framework for Social Housing (April 2012)

Housing Act 2004

What 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 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 Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make arrangements 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 Directorate's 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 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 eg. 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.

Homes and Neighbourhoods

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|--|-----------|-------------|-------------|-----------------------------|---|---|
| General | | | | | | |
| In line with the Council's FPR and CPR rules approve orders up to agreed limits set within these procedures. | | | £25,000 | £180,000 | Unlimited within Service Budget | Unlimited within Directorate budget |
| Capital Expenditure including the signing of contracts – in line with the Council's FPR and CPR rules. | | | Nil | £180,000 | Unlimited within Service Budget | Unlimited within Directorate budget |
| Virement within delegated budgets | | | Nil | 10% of any delegated budget | 10% of any delegated budget | 10% of any delegated budget |
| Acceptance of tenders | | | £25,000 | £180,000 | Unlimited within Service Budget | Unlimited within Directorate budget |
| If a legal documents signed under the Kirklees seal will be subject to legal services consideration. | | | | | Signature Direct legal to attest the seal | Signature Direct legal to attest the seal |
| To approve the Service's list of contractors or consultants for the delivery of services, making appropriate additions and deletions where necessary in line the Council's CPR and FPR rules | | Approved by | Approved by | | | |
| Approval of any Service level policies and procedures | | | Approved by | | | |
| Approving disciplinary action against staff including dismissal | | | | Approved by | Approved by | Approved by |
| Approval of the service establishment and structure | | | | | Approved by | Approved by |
| Authorisation of officers (or approved subcontractors) possessing such qualifications as may be required by law or in accordance with the council's policy, to take samples, carry out inspection, enter premises and generally perform the function of a duly authorised officer of the council and to issue any necessary certificates of authority. | | | Approved by | | | |
| To appoint staff within the approved establishment in accordance with the council's Recruitment and Selection Procedure | | Approved by | Approved by | Approved by | | |

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|---|------------------|------------------|------------------|------------------------|-------------------------|---------------------------|
| Approval of the Services financial and business plans | | | | | Prepared By | Approved by |
| Provision of Statutory Returns as necessary with the Service Director's remit. | | Approved by | Approved by | Approved by | | |
| Business Assurance | | | | | | |
| Submission of regulatory returns to the Regulator for Social Housing | | Prepared by | | | Approved by | |
| Authorisation of any non statutory notice to the RSH | | | | Prepared by | Prepared by | Approved by |
| Neighbourhoods | | | | | | |
| Authorisation of annual rent setting letter (Following Authorisation of the rent increase by Cabinet) | | | Prep by | | Approved by | |
| Issuing of an individual Tenancy Agreement in line with the Allocations Policy | Approved by | | | | | |
| Authorisation of the granting of any tenancy to an employee of the authority | | | | | Approved by | |
| Notice of Seeking Position / Notice of Possession Proceedings or any change to a tenancy agreement (eg demotion) in line with Allocation's Policy | | Approved by | Approved by | | | |
| Issue a Notice to Quit on abandoned properties in conjunction with Legal Services | | | Approved by | | | |
| Introductory Tenancies – Notice of possession proceedings | | | | Approved by | | |

Homes and Neighbourhoods

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|---|------------------|------------------|------------------|------------------------|-------------------------|---------------------------|
| To authorise action in relation to the contravention of a condition of a tenancy, in line with Tenancy agreement and Allocations Policy | | Approved by | | | | |
| Set up and administer Direct Debits | Approved by | | | | | |
| Leaseholder Service charging, notification of raising of charges | | | | Finance Approved by | | |
| Invoking policies to allow permission to be granted to keep pets, allocate disturbance allowance and decoration allowance. | | Approved by | | | | |
| Granting permission for emergency access to a property | | Approved by | | | | |
| Issuing an instruction for Safer Kirklees to undertake ASB investigation and issue notices pertaining to cases | | Approved by | | | | |
| Authorise action to be taken for arrears recovery | | Approved by | | | | |
| Writing off of rent and re-charge arrears | | | | | Approved by | |
| Issue an instruction for a RTB case to proceed to Legal Services for evaluation and authorisation. | | Approved by | | | | |

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|--|-------------|-------------|-------------|-----------------|------------------|--------------------|
| Assets | | | | | | |
| To prepare bids on behalf of the Authority for national or regional resources to support the delivery of housing in the borough and undertake scheme viability analysis | | | Approved by | | | |
| To prepare planning applications for developments in the borough | | | Approved by | | | |
| Approval of the purchase of properties through the authorities buy back scheme | | | Approved by | | | |
| Approval of development scheme design and specification | | | Approved by | | | |
| Appointment of contractors for development programmes | | | Approved by | | | |
| Approve Adhoc permissions requests by tenants to make changes to property, e.g. shed construction, conservatories, kitchen/bathroom changes, erection of aerials/satellite dish. | | Approved by | | | | |
| Provide all records for a Disrepair Claim within 30 days to legal services | Approved by | | | | | |
| Partnerships | | | | | | |
| Set and monitor the Services complaints policy and procedures including any compensation scheme and authorise payments from the same | | | Approved by | | | |
| Respond to Housing Ombudsman requests for information and restorative recommendations | | | Approved by | | | |

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|--|-------------|-------------|--------------------|--------------------|---------------------|--------------------|
| Property Services | | | | | | |
| To approve the services list of contractors or consultants for the delivery of services, and the management of supply chain of goods and services, making appropriate additions and deletions where necessary within the council's FPR and CPR rules. | | Approved by | | | | |
| Prepare planning applications as lead contractors for schools where required. | | Approved by | | | | |
| Approval of development scheme design and specification including ensuring CDM requirements are in place and fit for purpose | | Approved by | Approved by | | | |
| Issue Gas and Electrical Safety certificates for all properties | Approved by | | | | | |
| Instruct legal services to proceed to obtain property access where necessary to conduct safety checks | | | Approved by | | | |
| Compliance | | | | | | |
| Responsibility for discharging Compliance policies | | | X To be updated | X To be updated | X To be updated. | |
| Health & Safety | | | | | | |
| To be responsible for legal requirements under the Health & Safety at Work Act:- a) To implement Authorities approved H & S Policies b) To ensure these policies are communicated and adhered to throughout the service. c) To allocate financial resources to enable the service to meet its Health & Safety obligations | | | | | Approved by | |

| Responsibility | Officer C | Officer B | Officer A | Head of Service | Service Director | Strategic Director |
|---------------------------------------|-----------|-----------|-----------|-----------------|------------------|--------------------|
| Approval of this scheme of delegation | | | | | | Approved by |

Key to authorised officers

***Note Officer A and above are able to delegate specific responsibilities provided they are documented and attached to this schedule.**

Officer A – General or Service Manager G13 or above*

Officer B – Officer G10 to G12 including Team Leader

Officer C – Officer G5 to Grade 9

General principles: That any more senior officer can take the decision in the absence of a junior officer.