

Scheme of Delegations

SUMMARY

- 1.1 Since the Scheme of Delegations was last approved, new legislation has been introduced granting powers relating to the work of the Housing Standards team.
- 1.2 This report seeks approval for this legislation to be added to the Scheme of Delegations.

RECOMMENDATION

- 2.1 To note the proposals that powers under the following legislation be included in the Scheme of Delegations under the Director of Communities, Environment and Regulatory Services:
 - The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 made under the Energy Act 2011
 - Part 2 of the Housing and Planning Act 2016
- 2.2 To approve the amended Scheme of Delegations, capturing the changes referred to in recommendation 2.1, as detailed in Appendix 2.

REASONS FOR RECOMMENDATION

- 3.1 To ensure officers are appropriately empowered to undertake enforcement activity.

SUPPORTING INFORMATION

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

- 4.1 These regulations have been made under the Energy Act 2011, which is already included in the Acts under which the Director of Communities, Environment and Regulatory Services has power to act.

- 4.2 The regulations will specifically grant authority to take actions against landlords who let properties which are substandard in terms of energy rating. The power is not likely to come into force until 2018 but it is good practice to ensure the necessary approvals are in place at an early stage.

Part 2 of the Housing and Planning Act 2016

- 4.3 Powers under this Act will enable the council to take action against rogue landlords or those who serially contravene requirements in terms of housing conditions.
- 4.4 The power will enable officers to instigate proceedings against such individuals so that they can be prevented from acting as a landlord where it can be shown that they are not suitable due to serial contravention of regulations or criminal activity.

OTHER OPTIONS CONSIDERED

- 5.1 None. While the legislation permits councils to take enforcement activity, it is necessary for officers to be delegated the necessary authority in order for any enforcement activity they undertake to be protected against the risk of challenge.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Janie Berry – Director of Governance and Monitoring Officer None None None None Rob Rylott – Team Leader, Housing Standards
For more information contact: Background papers: List of appendices:	David Walsh 01332 643655 david.walsh@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Amended draft Scheme of Delegations

IMPLICATIONS

Financial and Value for Money

1.1 None.

Legal

2.1 Approval will ensure the necessary delegations are in place permitting officers to act.

Personnel

3.1 None.

IT

4.1 None.

Equalities Impact

5.1 None.

Health and Safety

6.1 The enforcement activity has the potential to make housing in the city safer.

Environmental Sustainability

7.1 The enforcement activity has the potential to ensure housing in the city has a lesser environmental impact.

Property and Asset Management

8.1 None.

Risk Management and Safeguarding

9.1 Enforcement activity will be protected against the risk of challenge if the appropriate officers are empowered to take actions.

Corporate objectives and priorities for change

10.1 None.