

Appendix 1 - Constitution – Part 5 – Table 5.03 – Community Services

COMMUNITY SERVICES			
1. Care Standards			
Subject	Detail	Delegated by:	Delegated to:
Day-to-Day management – Care & Repair	To deal with the day to day management of the Care & Repair Service.	Executive Committee	Head of Community Services
Care Standards Act 2000	To identify and register with the Commission for Care Standards Inspection the “Registered Provider” and the “Registered Manager” for the purposes of the Care Standards Act 2000.	Executive Committee	Executive Director of Leisure, Environmental & Community Services
Statements of Purpose	To register up-to-date Statements of Purpose with the Commission for Care Standards Inspection.	Executive Committee	Head of Community Services
Supporting People Charges	To collect and recover Supporting People Charges within the Charging Policy adopted by the Council and to refer cases to the Head of Legal Equalities and Democratic Services to institute proceedings to recover such charges.	Exec	Head of Housing (with Head of Legal Equalities and Democratic Services)

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1.Community Safety			
Subject	Detail	Delegated by:	Delegated to:
Designated Public Places Orders*	To implement Designated Public Places Orders, as required, in accordance with agreed procedures.	Executive Committee.	Executive Director of Leisure, Culture, Environmental & Community Services and, in his/her absence, Head of Community Services, following consultation with Portfolio Holder for Community Safety and local Ward Members.
Anti-social behaviour— Applications for Injunctions**	To make applications for injunctions under the Housing Act 1996 as amended by Section 13 of the Anti-Social Behaviour Act 2003 to prohibit Anti-Social Behaviour that affects the management of the Council's housing stock including applications for Exclusion and Power of Arrest.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / Head of Housing
Anti-social behaviour- Breaches of Injunctions**	To take action to enforce breaches of injunctions made under Section 13 of the Anti-Social Behaviour Act 2003	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / //Head of Housing
Voluntary Acceptable Behaviour Contracts / Voluntary Parental Commitment**	To enter into voluntary Acceptable Behaviour Contracts and voluntary Parental Commitment.	Executive Committee	H o Community Services / Housing Services Manager / Anti-Social Behaviour Co-ordinators
*This legislation is no longer in force and has been superseded by public spaces protection orders.			
** Repealed by the Anti-Social Behaviour, Policing & Crime Act 2014 These delegations will be replaced by a number due to be proposed in a report to the Executive on 11 th September in respect of the above act.			

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Subject	Detail	Delegated by:	Delegated to:
ASB – Police Requests**	To give consent on behalf of the Council to requests from the Police for authorisations and to be consulted upon requests for the withdrawal of authorisations under Part IV of the Anti-Social Behaviour Act 2003 for the dispersal of groups and removal of persons under 16 to their place of residence.	Executive Committee.	Executive Director of Leisure, Culture, Environmental & Community Services or, in her/his absence, Head of Community Services
Injunctions/ Power of Arrest**	To make applications for injunctions under Section 222 of the Local Government Act 1972, to include application for Power of Arrest as amended by the Police and Justice Act 2006.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services
ASB – Statutory Consultation with Police**	To carry out statutory consultation with the police and respond to consultation by the police with regards to applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.	Executive Committee	Head of Community Services
ASB – Applications for ASB Orders**	To make applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti-Social Behaviour Act 2003.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services
ASB – Parenting Contracts/ Orders**	To enter into Parenting Contracts and Parenting Orders under Sections 25A and 26 of the Anti-Social Behaviour Act 2003, as amended by Sections 23 and 24 of the Police and Justice Act 2006.	Executive Committee	Head of Community Services
ASB – Response to Police Consultation**	To respond to consultation from the Police under Part I of the Anti-Social Behaviour Act 2003 for the closure of premises where drugs are used unlawfully.	Executive Committee	Director of Leisure, Culture, Environment & Community, or in her/his absence, Head of Community Services

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Subject	Detail	Delegated by:	Delegated to:
Warrants of Possession— Applications	<p>To sanction applications for Warrants of possession in above cases.</p> <p>This delegation has been moved to the Housing delegations at the suggestion of Legal Services.</p>	Executive Committee	Head of Housing
Warrants of Possession— Proceedings	<p>To institute such proceedings and obtain such warrants of possession.</p> <p>This delegation has been moved to the Housing delegations at the suggestion of Legal Services.</p>	Executive Committee	Principle Solicitor
Possession proceedings— Secure Tenancies**	<p>In respect of dwelling houses let under secure tenancies: to service Notices of Possession Proceedings or Notices Before Proceedings for a Demotion Order; and warrants.</p> <p>To refer cases to the Principle solicitor to institute proceedings for possession, take and complete proceedings for possession.</p>	Executive Committee	<p>Head of Community Services / ASB Manager</p> <p>Head of Housing</p>
<p>**Superseded by the Anti-Social Behaviour, Policing & Crime Act 2014 These delegations will be replaced by a number due to be proposed in a report to the Executive on 11th September in respect of the above act.</p>			

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2. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
Power of entry	To exercise the powers of Authorised Officers in respect of entry, inspection and investigation in relation to housing conditions as specified in any legislation the enforcement of which is delegated to Director of Leisure, Environment and Community Services	Executive Committee	[Head of Community Services]/[Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]/[Private Sector Housing Officer]
Service of Notices and obtaining warrants	To exercise the powers of Authorised Officers for the purposes of the legislation listed below, serve notices and obtain warrants of entry from a Justice of the Peace for the purposes of that legislation Housing Acts 1985, 2004 Management of Houses in Multiple Occupation Regulations 2006 Licensing & Management of HMO & other Houses (Miscellaneous Provisions) (England) Regulations 2006 Environmental Protection Act 1990 Building Act 1984 Local Government (Miscellaneous Provisions) Acts 1976, 1982 Prevention of Damage by Pests Act 1949 Public Health Act 1961 Licensing and Management of Houses in Multiple Occupation (additional provisions) (England) Regulations 2007 Mobile Homes Act 2013 Caravan Sites & Control of Development Act 1960		[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]/[Private Sector Housing Officer]

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Subject	Detail	Delegated by:	Delegated to:
Caravan Site Licences	To approve a transfer or renewal of a Caravan Site Licence	Executive	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Caravan Site Licences	To approve licence for new site	Council	[Head of Community Services]/ [Housing Strategy Manager]
Houses in multiple occupation - licences	To approve a Licence for House in Multiple Occupation under the provisions of the Housing Act 2004 Pt2.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Houses in multiple occupation – licence	To refuse or revoke Licences for Houses in Multiple Occupation	Executive Committee	[Head of Community Services] in conjunction with the [relevant Portfolio Holder]
Housing Act 2004 – notices etc	To issue notices and orders in relation to improvement, prohibition, revocation, hazard awareness and emergency action under the Housing Act 2004, sections 11,12,14,16, 20,21,23,25,28,29,40,41 &43 and undertake default work in respect of such notices where necessary.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Houses in Multiple Occupation – Management Orders	To issue interim and final management orders in relation to a House in Multiple Occupation under provisions of the Housing Act 2004 sections 101,103,112,113,121	Executive Committee	[Head of Community Services/ Housing Strategy Manager]

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Subject	Detail	Delegated by:	Delegated to:
	& 122.		
Empty Dwellings - orders	To issue interim and final management orders in relation to empty dwellings under provisions of the Housing Act 2004 sections 133 & 136	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]
Mortgage Rescue Scheme	To Agree each case for purchase through the Government's Mortgage Rescue Scheme Executive Committee October 2013	Executive Committee	[Head of Housing]
Overcrowding - notice	To issue notice in respect of overcrowding in non-licensable Houses in Multiple Occupation under provisions of the Housing Act 2004 section 139	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Property Tribunal	To make application to a Residential Property Tribunal in relation to enforcement or other provisions under the Housing Act 2004	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]
Illegal evictions and harassment	To institute legal proceedings in respect of illegal evictions and harassment under provisions of the Protection From Eviction Act 1977 and Housing Act 1988	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Building Act notices	To serve notices under the Building Act 1984, Sections 59, 63, 64, 70, 72(1)(a) & 76 in relation to housing conditions, to undertake work in default and recover expenses.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling

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Subject	Detail	Delegated by:	Delegated to:
			Team Leader]/[Private Sector Housing Officer]
Lifetime Grants - approval	To approve applications for Lifetime Grants under the Housing Assistance Scheme and any subsequent schemes for works of repair, improvement, adaptation or thermal efficiency and applications for Landlord (HMO) Lifetime Grant	Executive Committee	[Executive Director Leisure, Culture and Environmental Services]/[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Disabled Facilities Grants	To approve applications for mandatory Disabled Facilities Grant	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Disabled Facilities Grant - Repayment	To waive the condition requiring repayment of a Disabled Facilities Grant in accordance with the Government's Criteria set out in Section 5.19(b) of the report to the Executive Committee on 7 th January 1999	Executive Committee	[Head of Community Services] following consultation with the [relevant portfolio holder].
Lifetime Grants - cancellation	To cancel Lifetime Grant and recover interim payments for failure to complete eligible work within 12 months of approval date or to grant extensions of time for completion	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Council land and premises - dealing with	To authorise the exercise of Local Authority powers under	Executive Committee	[Head of Community Services]/[Strategic

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Subject	Detail	Delegated by:	Delegated to:
Trespassers	the Criminal Justice & Public Order Act 1994 relating to occupation of council land and premises by trespassers.		Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy and Enabling Team Leader].
Proceedings for possession	To authorise the instigation of civil legal proceedings for possession of council land and premises occupied by trespassers without permission and further legal proceedings for their eviction from such land and premises.	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader].
Council land - bunding	In connection with the construction of bunding to prevent trespass on council land or removal of bunding provided for such purpose the Executive Director of Leisure, Environmental & Community Services shall, before taking action, consult with relevant Ward Members and residents in the vicinity likely to be affected. The decision to construct or remove bunding shall be delegated to the Director of Leisure, Environment & Community Services following consultation with the relevant Ward Members	Executive Committee	[Executive Director Leisure, Community and Environmental Services]/[Head of Community Services]/[Strategic Housing Manager]following consultation with Ward Members
Home Improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Team Leader]

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3. <u>Transport & Concessionary Fares</u>			
Subject	Detail	Delegated by:	Delegated to:
Dial-a-Ride / Shop-mobility	To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.	Executive Committee	[Head of Community Services]/[Dial a Ride and Shopmobility Manager]

(Bus passes, concessionary fares operators and eligibility removed as functions passed to Worcestershire County Council)

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4. <u>Miscellaneous other</u>			
Subject	Detail	Delegated by:	Delegated to:
CCTV/Lifeline	Day-to-day management of the CCTV Control Room in accordance with the Council's adopted Code of Practice Amendment requested	Executive Committee	CCTV and Lifeline Manager
Fixed Penalty Notices— Clean Neighbourhoods and Environment Act	To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005, in accordance with Council policy.	Executive Committee	Head of Community Services
License under Housing Act 2004	To issue and refuse licences as appropriate under the provisions of the Housing Act 2004.	Executive Committee	Director of Leisure, Culture, Environment & Community
Voluntary Sector Minor Grants	To pay Minor Grants. Amendment requested.	Executive Committee	Executive Director Leisure, Culture, Environment and Community/Head of Community Services
Voluntary Sector Major Grants	To pay Major Grants to community and voluntary organisations following consultation with the Grants Panel. (major grants recommended to Executive Committee) Amendment requested	Executive Committee	Director of Leisure, Culture and Environment in consultation with the Chief Executive