

Executive

Excerpt of the minutes of the meeting held on Wednesday 1 November 2017 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Thompson and Whiting.

Also present: Councillors; Barrott (Chair of Finance & Audit Scrutiny Committee); Boad (Liberal Democrat Group Observer); Mrs Falp (Chair of Overview & Scrutiny Committee and Whitnash Residents' Association (Independent) Group Observer); and Councillor Quinney (Labour Group Observer).

Apologies for absence were received from Councillors Butler and Rhead.

64. **Declarations of Interest**

There were no declarations made in relation to Minute Number 66.

65. **Minutes**

The minutes of the meetings held on 20 and 27 September 2017 were taken as read and signed by the Leader as a correct record.

Part 1

(Items on which a decision by Council on 15 November 2017 was required)

66. **Revisions to the Constitution**

The Executive considered a report from Democratic Services which brought forward proposals to amend the Officer Scheme of Delegation, following revisions to the staffing structure and also sought to provide clarity regarding appointments to Sub-Committees.

Following the restructure of Housing & Property Services, the Deputy Chief Executive (BH) reviewed the Scheme of Delegation to officers and brought forward amendments to reflect the revised structure. These amendments moved delegations from the Head of Housing to the Chief Executive.

The report proposed to amend the wording of former delegation HS(98) to proposed delegation DCE(4). This enabled the deletion of delegation HS(16) which was a near duplicate. In addition, a minor change to the wording of HS(101) now DCE(6) was proposed to bring the wording in line with other similar delegations where consultation was required.

There were proposals to revise the wording of HS(2), (9), (86) (94), (95) and (96). This was because the wording within each of these delegations was out of keeping with the rest of the officer scheme of delegation in that it named the Head of Service rather than taking the lead from the heading.

It was proposed to amend delegation HS(11) so that it referred to the revised resettlement policy, previously approved by the Executive. HS(15) was to be revised to remove the reference to consulting with a solicitor for the Council and reflected current working practice. The proposal to amend HS(35) was included to remove any ambiguity from within the delegation.

DCE(10) was a new delegation to allow for consideration because the Council had a small number of shop premises which fell into this category.

It was proposed to move DS(19) and DS(21) to DS(24) from Development Services to the Deputy Chief Executive to reflect this work moving into the new Assets team.

It was proposed to move DS(20) to a general delegation available to the Chief Executive, two Deputy Chief Executives and all Heads of Service thus allowing them to individually take action for any incursion or trespass on Council land.

Following recent questions from Members, the Monitoring Officer considered it appropriate to provide clarity within the Constitution regarding membership of Sub-Committees and remove any ambiguity.

At present, the Council only operated Sub-Committees to the; Employment Committee, Standards Committee, Licensing & Regulatory Committee and Overview & Scrutiny Committee. These were all classed as the parent Committee to the Sub-Committee.

To be appointed to a Sub-Committee, the Councillor must be a Member of the parent committee. Therefore, equally to be a substitute on a Sub-Committee the Councillor must be a Member (not a substitute nominated by Council) of the parent Committee.

In all cases, the appointment to a Sub-Committee had to be made by the parent Committee. This is unless a delegation arrangement had been put in place as was the case for additional Licensing & Regulatory Committees and Standards Committee Hearing Panels.

The exemptions to this process were that co-optees could be appointed to Sub-Committees by their respective parent committee, but unless these were Sub-Committees of a Scrutiny committee, the individual(s) appointed are non-voting.

An alternative option was to leave the Constitution as at present. However, it was felt that for the sake of clarity and transparency the Constitution should be amended.

An addendum was circulated at the meeting that explained delegation HS(99) needed to be available to the Head of Development Services because of the work of the Business Enterprise Team.

Therefore, it was proposed that current delegation HS(99) instead of becoming DCE(5) becomes A(11) delegated to both the Deputy Chief Executive (BH) and Head of Development individually.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Recommended to Council that

- (1) the scheme of delegation is amended as set out at Appendix 1 to the minutes to reflect the changes as a result of the restructure of Housing & Property Services; and
- (2) Council procedure rules are amended, to include a reference confirming the requirements that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee, with exception to this the appointment of Co-opted members who in all cases (less Scrutiny Sub-Committees), would have no voting rights.

(The Portfolio Holders for this item were Councillors Mobbs and Phillips)

Section 4 Scheme of Delegation

That the following delegation be deleted as it is a duplicate:

- HS (16) to grant way leaves for telephone equipment, wireless relay, cable etc, for HRA properties/land.

Within delegations HS(2), (9), (86) (94), (95) and (96) remove the wording Head of Housing & Property Services is authorised to because this is covered by the heading for these delegations

That the following delegations be amended (amendments in strikethrough or bold):

- HS (11) ~~approve payments authorised within the Tenants Incentive Grants Scheme to tenants transferred to smaller properties.~~ Approve payments under the Resettlement Service to **qualifying new** tenants ~~accepting the tenancy of a low demand designated older persons property.~~
- HS (15) ~~Following consultation with a solicitor acting for the Council,~~ to instruct Bailiff's to enforce Warrants for Eviction.
- HS (29) deal with applications for the assignment of **a residential** tenancy ~~or sub-letting of shops~~ provided under the Housing Acts
- HS (35) Re-purchase former Council owned dwellings within agreed criteria and with the assistance of an independent valuation subject to resources being made available and ~~at the Head of Housing & Property Services reporting back to Executive on each~~ **purchase** ~~decision~~ made.

That the following delegations be amended (amendments in bold) and delegated to the Deputy Chief Executive (BH):

- ~~HS (21)~~ operate the Secure Tenants of Local Housing (Right to Repair) Regulations
~~DCE(1)~~ 1994 (including service of Notices and acceptance or refusal of claims).
- ~~HS (24)~~ authorise the negotiation and agreement of enhanced rates to existing
~~DCE(2)~~ contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- ~~HS (29)~~ deal with applications for the assignment of tenancy or sub-letting of shops
~~DCE(3)~~ provided under the Housing Acts.
- ~~HS (98)~~ Grant wayleaves and easements across Council owned land to other public
~~DCE(4)~~ organisations **for both HRA and non HRA properties.**
- ~~HS (100)~~ Following consultation with ward councillors and the relevant Head of
~~DCE(5)~~ Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- ~~HS (101)~~ ~~Follow~~**in** consultation with ward councillors and the relevant Head of Service
~~DCE(6)~~ of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- ~~HS (102)~~ Agree rent reviews, for non HRA properties, where agreement on the new
~~DCE(7)~~ rent has been reached without recourse to arbitration.
- ~~HS (103)~~ Grant new leases, for non HRA properties, where statutory renewal rights
~~DCE(7)~~ exist.

- ~~HS (104)~~ Grant terminable licences, for non HRA properties, for access and other purposes.
~~DCE(8)~~
- ~~HS (105)~~ Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing Services is required).
~~DCE(9)~~
- ~~DCE(10)~~ Deal with applications for the assignment of a tenancy or the sub-letting of a shop, provided under the Housing Acts
- ~~DS (19)~~ Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.
~~DCE(11)~~
- ~~DS (21)~~ Following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
~~DCE(12)~~
- ~~DS (22)~~ Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
~~DCE (13)~~
- ~~DS (23)~~ Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
~~DCE (14)~~
- ~~DS (24)~~ In consultation with the Head of Finance, decline offers of property not recommended for acquisition.
~~DCE(15)~~

General Delegations to all Chief Officers as outlined in Article 12 of the Constitution

- ~~DS (20)~~ Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
~~GE(16)~~

Delegations to multiple but not all Chief Officers as set out in Article 12

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|--------------------|----------------------------|-------------------------------------|
| HS (99) | Grant new leases on vacant | The Deputy Chief Executive (BH) and |
| A(11) | properties, excluding HRA | Head of Development |
| | properties. | |