

**SECTION 27 APPLICATION - ANNEX 3**

**DELEGATION AGREEMENT**

<b>FUNCTION</b>	<b>PROBABLE RESPONSIBILITY IDENTIFIED IN THE GUIDANCE</b>  <b>X = RETENTION</b> <b>✓ = DELEGATION</b>
1. <b>Housing Strategy</b>	<b>X</b>
1.1 Strategic work in partnership with RSLs and others	<b>X</b>
1.2 Tenant involvement in strategy	<b>X</b>
1.3 Market analysis	<b>X</b>
1.4 Enabling and resource planning	<b>X</b>
1.5 Contribution to corporate planning	<b>X</b>
2. <b>Stock Condition (including house condition surveys)</b>	<b>X</b>
3. <b>Housing Needs</b>	<b>X</b>
3.1 Assessments	
3.2 Surveys	
4. <b>Home Energy Conservation Act</b>	<b>X</b>
5. <b>Housing land and other assets</b>	<b>X</b>
6. <b>Homelessness</b>	<b>See text of application.</b>
7. <b>Housing Advice</b>	<b>X</b>

8. <b>Private sector housing:</b>	<b>X</b>
8.1 Renewal/redevelopment	<b>X</b>
8.2 Renovation grants	<b>X</b>
8.3 Disabled facilities grants	<b>X</b>
8.4 Area renewal activity and clearance	<b>X</b>
8.5 Work in relation to HMOs	<b>X</b>
8.6 House condition surveys	<b>X</b>
8.7 Home improvement agencies	<b>X</b>
8.8 Fitness enforcement activity and other enforcement activity in respect of unsatisfactory housing conditions	<b>X</b>
8.9 Empty property	<b>X</b>
8.10 Energy efficiency	<b>X</b>
9. <b>Co-ordination with corporate policy in relation to:</b> Care Services Community safety Neighbourhood renewal Regeneration Housing and health Sustainable development Social exclusion Equalities	<b>X but with ALMO input</b>
10. <b>New tenancies</b>	
10.1 Housing Register	<b>Of diminishing relevance with move to choice based lettings, but ✓</b>
10.2 Making best use of housing stock	<b>✓</b>
10.3 Selection of tenants for vacant properties	<b>✓</b>
10.4 Notification to and signing of new tenants	<b>✓</b>

10.5	Transfer waiting list management	✓
10.6	Granting of new tenancies	✓
10.7	Successions	✓
10.8	Mutual Exchange management	✓
10.9	Homes	See 10.1
11.	<b>Repairs and Maintenance</b>	✓
11.1	Stock condition survey local authority housing	✓
11.2	Response repairs	✓
11.3	Planned maintenance	✓
11.4	Modernisation and improvements	✓
11.5	Redevelopment and renewal	✓
11.6	Energy efficiency	✓
12.	<b>Void and Empty Property Management</b>	
12.1	Terminations	✓
12.2	Inspection and repairs	✓
12.3	Major repairs	✓
13.	<b>Tenancy Management</b>	
13.1	Estate Management	✓
13.2	Enforcement of Conditions of Tenancy	✓
13.3	Evictions and court action to support enforcement	✓: Management X: Legal Action
13.4	Alterations to Conditions of Tenancy	X - Council decision ALMO to implement
13.5	Illegal occupation	✓
13.6	Responsibility for Anti Social Behaviour Orders	X
13.7	Requests for Anti Social Behaviour Orders	✓

<b>14. Estate Management</b>	
14.1 Caretaking housing schemes	✓
14.2 Environmental services	✓ on HRA land
14.3 Grass cutting/ground maintenance	✓ in curtilage of flats ✓ on HRA land
<b>15. Supported Housing</b>	In each case: ✓ where property Council owned X where RSL or private sector.
15.1 Sheltered housing schemes	
15.2 Call centres	X
15.3 Supported housing schemes	
15.4 Refuges	
15.5 Homeless accommodation	
15.6 Temporary accommodation	
15.7 Floating support	
15.8 Asylum seekers accommodation	
<b>16. Right to Buy</b>	
16.1 Valuations	X
16.2 Administration and calculation of discount	✓
16.3 Approvals	✓
<b>17. Leasehold Management</b>	✓
<b>18. Finance</b>	
18.1 Rent setting	X
18.2 Rent collection	X
18.3 Recovery of arrears	✓: Management X: Legal Action
18.4 Recovery of other charges	✓
18.5 Financial returns	X but with ALMO assistance
18.6 Financial management	X but with ALMO assistance

18.7 Insurance and claims	<b>Depends on nature of claim- See Delivery Plan</b>
<b>19. Procurement</b>	
19.1 Policy	✓
19.2 Letting of contracts in relation to delegated activities	<b>X Contracts formally with Council but management of process with ALMO</b>
<b>20. Tenant Involvement</b>	
20.1 Tenant Compact	✓
20.2 Tenant association development	✓
20.3 Information to Tenants	✓
20.4 Reports to Tenants	<b>BVPP: X</b>
<b>21. Other Assets (including lettings management and clearance)</b>	
21.1 Garages	✓
21.2 Shops and buildings	X
21.3 Estate Offices	✓
21.4 Tenant Resource Centres or Tenant Offices	✓
21.5 Meeting Rooms	<b>N/A</b>
<b>22. Clearance and Disposal of Dwellings</b>	
22.1 Sale of dwellings	X
22.2 Clearance	<b>X: decision ✓: execution</b>
22.3 Consultation	✓
22.4 Decanting tenants	✓

## ***Delegations from Council to ALMO***

In addition to those housing management functions covered by the consent under Section 27 the ALMO is engaged to carry out additional services connected with the housing function. These are:

assessment and approval of Right to Buy applications,

assessment of homeless persons applications and management of the Council's hostel for the Homeless,

acting as Housing Benefit Contractor for the purpose of certifying documents supplied in connection with Housing Benefit applications,

the approval of discretionary payments to tenants eg. decoration grants, home loss payments etc.,

management of land within the curtilage of housing estates,

letting empty properties to persons other than tenants eg. tenants associations and contractors,

managing Council properties allocated for Asylum Seekers.

In order to carry out these functions it is also necessary for the ALMO to receive a range of powers from the Council – powers to allocate properties, issue notices relating to Right to Buy, act as the Council's agent in respect of repairs contracts etc.

# **Wigan and Leigh Housing Company Limited**

## **Scheme of Delegations**

### **Delegations from Board to Chief Executive**

- (1) Allocation of dwellings and garage lettings.
- (2) Powers to determine inheritance disputes.
- (3) Powers to grant or refuse consent to sub-letting.
- (4) Powers to grant or refuse consent to improvements.
- (5) Powers to compensate for any improvements granted under (4) above
- (6) In cases where the accommodation is designed for special needs and the person(s) left in possession would not normally be allocated such a dwelling in accordance with the allocation policies of the Council, then every endeavour be made by negotiation and agreement to transfer quickly the person(s) to suitable alternative accommodation. In the event that no such arrangement can be agreed, then the Chief Executive shall have delegated powers to authorise the commencement of proceedings for possession, if suitable grounds are available.
- (7) Rehousing of families rendered homeless due to fire, storm damage or the structure of the dwelling becoming dangerous.
- (8) Approval of transfers and mutual exchanges.
- (9) Organisation of repairs required to specialist equipment.
- (10) To deal with applications for the rehousing of tenants of agricultural tied dwellings who are required to vacate those premises.
- (11) Adaptations of Council dwellings for people who are physically disabled.
- (12) By arrangement with the Council's Director of Legal and Property Services to serve notices seeking possession and to institute County Court Possession Proceedings and Eviction proceedings on the grounds of non-payment of rent.

- (13) To authorise proceedings to secure the removal of squatters and persons left in possession from Council dwellings.
- (14) To deal with special circumstances not adequately provided for within the Council's allocation policy under Part VI of the Housing Act 1996.
- (15) In respect of repossession of secure tenancies:
  - (i) to make full use of the extended powers of Section 84 of the Housing Act 1985 as amended by the Housing Act 1996 as appropriate to the individual circumstances; and
  - (ii) in exceptional circumstances to commence repossession action without notice and to apply for a court hearing immediately a notice involving ground 2 "nuisance" has been served.
- (16) In respect of injunctions against anti-social behaviour to make full use of the provisions of the Housing Act 1996 as appropriate in individual circumstances.
- (17) To gain access to Council dwellings to effect necessary inspections and repairs.
- (18) To grant compensation under the Right to Repair scheme.
- (19) To determine that up to 4 adjoining or adjacent Council properties are surplus to requirements and to arrange for the demolition thereof.
- (20) To determine whether Council garages are surplus to requirements and to arrange for their demolition.
- (21) The delegated functions with regard to the housing of homeless persons.
- (22) The following functions under the Right to Buy and Rents to Mortgages legislation:
  - (i) Powers to determine whether or not dwellinghouses are excluded from the right to buy and rents to mortgages being dwellinghouses for physically disabled persons.
  - (ii) Powers to determine whether or not dwellinghouses are excluded from the right to buy and rents to mortgages being groups of dwellinghouses with a Social Services or special facility.
  - (iii) Powers to determine whether or not dwellinghouses for the elderly can be exempted from the right to buy and rents to mortgages and authorised to make application to the Secretary of State whenever necessary for a determination as to whether or not a dwellinghouse comes within this category.

- (iv) Powers to extend a tenant's time for service of a Notice deferring completion or claiming his right to mortgage.
  - (v) The enforcement of the Council's rights in respect of completion notices and rent arrears.
  - (vi) Powers to serve all appropriate notices on Council house sales and rents to mortgages and other appropriate notices under the legislation.
  - (vii) Powers to extend the period in which a tenant is allowed to give notice in writing to the Council of his intention to take up a mortgage.
  - (viii) Powers to accept a statutory declaration in cases where it is considered that there is insufficient evidence to corroborate a tenant's claim under the Right to Buy.
- (23) To write off sums outstanding in respect of former tenants' arrears.
- (24) To determine whether applicants are eligible for assistance in respect of defective dwellings.
- (25) To establish and maintain a Housing Register.
- (26) To exclude applicants from the Housing Register in appropriate circumstances and to deal with special circumstances not adequately provided for within the Housing Register policy.
- (27) To accept the lowest or most suitable tenders received in connection with the Housing Planned Maintenance programme.
- (28) To accept the lowest or most suitable tenders received from contractors in connection with the Housing Capital Programme.

N.B. Items 27 & 28 are to be exercised jointly with the Council's Director Of Legal & Property Services.

In relation to budgets and contracts managed on behalf of the Council:-

- (29) To authorise revenue expenditure within estimates on behalf of the Council subject:
- (i) to compliance with the Standing Orders and Financial Regulations of the Council; and
  - (ii) the consent of Wigan Council's Cabinet where the proposed expenditure is in respect of any new purpose or project or in pursuance of a new policy or an extension of an existing policy involving a continuing financial commitment, unless the expenditure was specifically approved in the annual revenue estimates.

- (30) To authorise capital expenditure on behalf of the Council provided that:-
- (i) the project is included in the approved Capital Programme; and
  - (ii) the project is not estimated to exceed £150,000; and
  - (iii) the Standing Orders and Financial Regulations of the Council have been complied with; and
  - (iv) Budget Release has been obtained from the Director of Finance and Information Technology if the project is estimated not to exceed £150,000 and otherwise from the Strategy (Resources) Sub-Committee.
- (31) The acceptance of tenders or quotations up to £50,000 on behalf of the Council provided that:-
- (i) the Standing Orders and Financial Regulations of the Council have been complied with; and
  - (ii) the Council's Scheme of Delegations has not been exceeded; and
  - (iii) all the tenders or quotations for any one contract are opened at the same time by a member of the departmental management team and one other officer graded PO or above; and
  - (iv) in the case of the acceptance of a tender or quotation other than the lowest (or the highest where payment is to be made to the Council) a report on the action taken is submitted to the next Strategy (Resources) Sub-Committee stating the reasons thereof.
- (32) The acceptance of tenders or quotations up to £150,000 provided that:-
- (i) the Standing Orders and Financial Regulations of the Council have been complied with; and
  - (ii) the Council's Scheme of Delegations has not been exceeded; and
  - (iii) all the tenders or quotations for any one contract are received by the Chief Executive or an officer designated by him and are opened at the same time by the Chief Executive or an officer designated by him and the appropriate Chief Officer or an officer designated by him; and
  - (v) in the case of the acceptance of a tender or quotation other than the lowest (or the highest where payment is to be made to the Council) a report on the action taken is submitted to the next meeting of the Council's Cabinet stating the reasons thereof.

- (33) To sign as agent for the Council contracts (except for the acquisition or disposal of land or of any interest in land) provided that:-
- (i) the contract does not exceed £150,000; and
  - (i) the Standing Orders and Financial Regulations of the Council have been complied with; and
  - (ii) the Council's Scheme of Delegations has not been exceeded; and
  - (iii) the Council's Director of Legal and Property Services has approved the form of contract as appropriate for the type of contract concerned; and
  - (iv) Notification of the exercise of the delegation is given to the Council's Director of Legal and Property Services and Director of Finance and Information Technology in such form and with such information as they may require; and
  - (v) Notification of the exercise of the delegation is placed before the next appropriate Panel Meeting in such form and with such information as the Director of Finance and Information Technology may require.
- (34) The disposal of surplus or obsolete company equipment etc. to the highest bidder.
- (35) To approve price variations under contracts containing a fluctuation clause in conjunction with the Council's Director of Finance and Information Technology.
- (36) To let any necessary contracts in respect of their functions for projects on Council land which are to be funded by Landfill Tax Credits subject to the normal rules as to the suitability of and the signing of contract documentation.

In respect of Council land:-

- (37) The declaration of land not exceeding £5,000 in value surplus to the requirements of the housing service.

In respect of claims against the Council:-

- (38) To make, as agent for the Council, ex-gratia payments to claimants for loss or damage to property up to a maximum of £1000 subject to the following conditions:-
- (i) that the power to settle is restricted to claims which do not involve personal injuries;
  - (ii) that a receipt is signed by the claimant, in a form approved by the Council's Director of Legal and Property Services, acknowledging the compensation in full and final settlement of their claim;

- (iii) that claims are only settled where the Chief Executive accepts that there is a clear liability on the Council for the loss or damage sustained by the claimant;
  - (iv) that no settlements are made purely for the convenience of avoiding the need to correspond with and provide reports to the Council's insurers; and
- that the cost of the settlement is met out of the Housing Revenue Account.

Delegations from Board to Chief Executive in respect of The Company's operation as a business

- (39) The day to day management of Wigan and Leigh Housing Company Limited within existing Human Resources and Equality and Diversity Policies and approved budgets.
- (40) Appointment of staff at Principal Officer level and below.
- (41) Discipline and dismissal of staff at Principal Officer level and below.
- (42) Determination of grading issues and grievances.
- (43) Determination of individual requests for employment benefits, pensions benefits or the waiver of the Company's rights as employer where the cost to the Company does not exceed £1000.
- (44) To make ex-gratia payments to claimants for loss or damage to property to a maximum of £1000 subject to the following conditions:
  - (i) that the power to settle is restricted to claims which do not involve personal injuries;
  - (ii) that a receipt is signed by the claimant acknowledging the compensation in full and final settlement of their claim;
  - (iii) that claims are only settled where the Chief Executive accepts there is a clear liability on the Company for the loss or damage sustained by the claimant;
  - (iv) that no settlements are made purely for the convenience of avoiding the need to correspond with and provide reports to the Company's insurers.

### **Delegations from Board to the Appointment and Appeals Panel**

- (45) To consider appeals from employees on grievance, discipline, capability and regrading issues in accordance with agreed Company policies and procedures.
- (46) To oversee the recruitment and selection of Independent and Tenant Board Members.
- (47) To oversee the recruitment and selection of the Chair and Vice-Chair of the Board.
- (48) To oversee the recruitment, selection and appointment of chief officers of the Company
- (49) To consider other appeals in accordance with agreed Company policies and procedures.

### **Delegations from Board to Business and Performance Committee**

- (50) To determine investment priorities and programmes.
- (51) To monitor revenue and capital programme expenditure.
- (52) To award contracts whose value exceeds the officer delegation level.
- (53) To agree performance targets on local and national performance indicators and monitor performance.
- (54) To approve service improvement and value for money reviews and associated improvement plans.

### **Delegations from Board to Governance, Standards and Audit Committee**

- (55) To monitor the effectiveness of the company's governance arrangements.
- (56) To set, monitor and evaluate an ongoing programme of training and development for Board Members.
- (57) To promote and maintain high standards of conduct throughout the company.

- (58) To monitor the internal and external audit function including monitoring progress on auditors recommendations.
- (59) To approve auditor's remuneration.