

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 29 July 2022

DATE DECISION PUBLISHED 8 August 2022

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution **15 August 2022**

CABINET MEMBER NAME AND TITLE

Councillor Dyfrig Siencyn
Leader of the Council

**SUBJECT – Amendments to the Constitution’s Section 13(3) Delegation Scheme –
Head of Housing and Property Department
Purchase or Lease of Individual Properties.**

DECISION

To amend the Constitution in Section 13(3) Delegation Scheme – Head of Housing and
Property Department in order to give authorisation to purchase or lease individual
property, in line with the report.

REASON WHY THE DECISION IS NEEDED

Please see attached Officer Report.

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL’S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report.

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL'S CABINET – OFFICER'S REPORT

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|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and title of Cabinet Member(s): | Councillor Dyfrig Siencyn - Leader |
| Title | Amendments to the Constitution's Section 13(3) Delegation Scheme - Head of Housing and Property Department Purchase or Lease of Individual Properties. |
| Name and designation of the Report's Author: | Iwan G D Evans Head of Legal Services |
| Date of Decision: | 29- 07 2022 |
| Cabinet Member(s)'s Signature: |  Accept the recommendation |

Decision Sought:

To amend the Constitution in Section 13(3) Delegation Scheme - Head of Housing and Property Department in order to give authorisation to purchase or lease individual property, in line with the report.

Background

1. Section 5 of the Constitution makes provision that the Leader may amend the Delegation Scheme in Section 13 of the Constitution, subject to following a notification process.

"5.8.3 The Council's Scheme of Delegation and Executive Functions

(a) The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Head of Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation

from any person, body or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(b) Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he has served it on its chair."

2. It became apparent as the Council proceeded to purchase individual houses for the Housing Strategy and the Housing Action Plan, that the timetable for the process can be tight and that there is a need to move urgently to make offers and exchange contracts. These purchases also address a scheme that has been adopted by the Cabinet and is effectively an operational step within an approved Strategy.
3. As well as buying, the Council also occasionally leases individual properties, again in order to achieve the objectives of the Action Plan or homelessness arrangements. Again, this is a step that requires the ability to be flexible.
4. These matters, which are Cabinet matters, are achieved by the decision of an individual Cabinet Member, which means that decision-making arrangements must be followed in the form of a decision notice, or by removing the calling-in procedure due to the urgent nature of the matter. At times, this can be impractical, or can mean that the urgent procedure becomes the norm. Due to the clear Policy context, it is considered that there is no specific need for individual property purchases for these purposes, to be the subject of Cabinet Member approval on every occasion. Therefore, it is recommended that the Delegation Scheme to Officers is amended by adding the permission as noted in Appendix 1 specifically to the Head of Housing and Property Department, to purchase individual houses. As with all delegated powers, the Head of Department is required to act within the general principles relating to decisions and regular reporting on performance to the Cabinet Member will ensure an overview of the use made of this permission.

Views of Statutory Officers

Monitoring Officer

Author of the report

Chief Finance Officer.

"I am of the opinion that the decision sought is reasonable and pragmatic. Therefore, I do not have any objection from the perspective of financial propriety.

Head of Housing and Property

In the "Schemes for Delegation to Committees", Appendix 1 of Section 13 of the Constitution, it is noted where functions that are not the Executive's responsibility have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.

Functions delegated by the Council

None.

Functions delegated by the Cabinet

1. To act on a day-to-day basis and within the scheme in the following areas:-

- Housing Matters
- Homelessness
- Private sector housing enforcement
- Housing and renovation grants
- Property Matters

(Property)

The right, where terms cannot be agreed with landowners for the purchase of interest in land within six months of the commencement of negotiations, to purchase the same through a compulsory purchase order subject to the provision of the law.

To grant licences, easements and rights of way to, or by, the Council.

In appropriate cases, to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants' claims.

To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council's statutory powers.

To authorise Council tenants to sub-let.

To publish a statutory notice of the intention to conduct a rent review on tenancies.

To commence possession proceedings through the Court against any tenant, licensee or trespasser.

To approve the terms for purchasing, procuring, selling or disposing of all the Council's interest in land where a decision has been made by the Cabinet, Committee, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose.

To approve terms and conditions for and then grant the renewal of a lease.

To approve an extension of an existing lease.

To give consent to assign a lease.

To waive or vary the levying of charges and fees in individual cases where circumstances so dictate.

(Housing)

To exercise the Council's functions in relation to homelessness in accordance with Part 2 – Housing (Wales) Act 2014

To approve the sale of former Council Houses to people who meet the statutory conditions and accept or refuse an offer to re-purchase a former Council house under Section 157 of the Housing Act 1985.

To exercise the Council's functions in relation to unfit housing under the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004.

Subject to the general requirements of the Constitution, procure the freehold or lease individual dwellings in order to fulfil the Housing Strategy or homelessness duties.

To exercise the Council's powers to issue notices and take enforcement steps in relation to houses in multiple occupation.

To exercise the Council's enforcement powers in the private housing sector as well as Mobile Homes.

To approve or refuse and administer grant applications under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002/1860.

To allocate accommodation (including the associated responsibilities) under the Housing Act 1996, including the right to make an agreement with a third party, so that this body undertakes this task on behalf of the Council.

To administer any failure by a private landlord for the purposes of correctly managing the "general areas" on the estate, and a failure to restrict the fee to a reasonable amount under the Landlord and Tenant Act 1985.

To operate a transferable discount scheme.

To exercise the Council's functions relating to drainage, water supply and other environmental health matters under the Public Health Act 1936, Local Government (Miscellaneous Provisions) 1982, Building Control Act 1984 and nuisance under the Environmental Protection Act 1990.

To exercise the Council's functions under the Housing Act 2004.

To serve property notices under the Law of Property Act 1925.

Powers to issue closure notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.