

General Purposes Committee

on 2 March 2006

Report Title: Amendments to the Constitution Consequent upon the Housing ALMO	
Report of: The Head of Legal Services and Monitoring Officer	
Wards affected: All	Report for: Recommendation to Council
1. Purpose	
1.1 To approve changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations that follow from the decisions to establish the Housing ALMO (Arms Length Management Organisation) with effect from 1 April	
2. Recommendations	
2.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations, set out in Appendices 1, 2, 3, 4, 5 and 6 to this report, to have effect as amendments to Parts F.7, G.2, K.1 and K.5 of the Council's Constitution	
Report authorised by:	
Davina Fiore Head of Legal Services and Monitoring Officer	
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3.1 Executive Summary and Reasons for Change	
This report explains the changes to the Council's Constitution that need to follow from the decision to establish the Housing ALMO (Homes for Haringey) with effect from 1 April 2006.	
4. Access to information:	

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

- (i) Legal Service file on this matter.
- (ii) The Council's Constitution

5. Background

- 5.1 Members of this Committee at their last meeting on 30 January approved a report on the background to the Housing ALMO (Arms Length Management Organisation), the restructure of Housing Management and related staffing issues. The report outlined decisions already taken by The Executive about the scope of the transfer to the ALMO and the Council retained functions.
- 5.2 Subject to ODPM's approval of the Council's ALMO bid, the ALMO will formally come into operation on 1 April 2006. The ALMO will be a separate legal entity from the Council notwithstanding that the Council is the sole shareholder. Statutory functions exercised exclusively by the ALMO should be removed from the scheme of delegation to the Council's officers. From 1 April the ALMO will be accountable to the Council for its performance through the Management Agreement.
- 5.3 Inevitably, there will be areas of "overlap" in functions between the ALMO and the Council's remaining Housing Service. One example is "Right-to-Buy" (RTB) administration. Wherever there is a possibility that the Council's own officers will be involved in exercising a statutory function, it has been left within the Scheme of Delegation for Housing Functions in Appendix 1 to this report.

6. The Council's Retained Housing Service

- 6.1 As Members are aware, the current Director of Housing will become the Chief Executive of the ALMO. The current Assistant Directors for (1) Housing Management and (2) Haringey Home and Building Services will transfer to become Directors of the ALMO covering functions broadly equivalent to those within their existing Services.
- 6.2 The Executive has agreed that the Assistant Director Housing Strategy and Needs (ADHS&N) and the functions undertaken by his Service will remain within the Council. Most of these are duties relating to homelessness and the allocation of accommodation. Appendix 1 shows these functions retained under the Housing Act 1996. There are related powers to make provision for vulnerable adults under the National Assistance Act 1948. There are also management powers in other Statutes relating to temporary accommodation and other retained accommodation.
- 6.3 The ADHS&N will in future report to the Director of Social Services (DSS). The ADHS&N's post will be re-titled as Head of Housing (HH). The HH will be assisted by the Head of Housing Needs (HHN) and Head of Housing Supply (HHS). The

HHN needs to have delegated powers to make decisions in relation to allocations and homelessness.

- 6.4 These have been proposed as interim measures pending further consideration of the whole structure of the retained Housing Service after the Council Elections and the arrival of the new Chief Executive.
- 6.5 The DSS and HH will take on responsibility for “client side” monitoring of performance by the ALMO under the Management Agreement and taking any necessary action in accordance with policy agreed by Executive Members.
- 6.6 There are powers relating to acquisitions and capital works under sections 9 and 12-18 of the Housing Act 1985 which will be retained. Council officers will keep their existing powers relating to disposals and repayment of RTB discounts under sections 32-42 of that Act.
- 6.7 The ALMO will have a role in the administration of RTB sales but, because the Council retains the ownership of all its housing stock, the formal authorisation of RTB and Council mortgage provision functions will pass to the HH.

7. Anti-Social Behaviour

- 7.1 The Executive has agreed that all enforcement action against anti-social behaviour should remain under the direct control of the Council since this is not simply a concern within the Housing context. The logical place for administering these functions in the immediate future is the Community Safety Team under the Head of the Safer Communities Unit (HSCU) who reports to the Assistant Chief Executive, Strategy (ACE-S).
- 7.2 Appendix 2 shows these powers, under the Housing Act 1996 and the Crime and Disorder Act 1998, added to the delegated powers of the ACE-S and also granted to the HSCU who would have day-to-day management responsibility. Appendix 2 shows powers, formerly within the Youth Offending Service in the Social Services Directorate, which have already moved to the HSCU under the ACE-S.
- 7.3 The deletion of the “Youth Offending” powers from the Social Services Directorate is shown in Appendix 3. Appendix 3 only shows the amended Social Services functions not the Housing powers temporarily to be exercised by the DSS.
- 7.4 Authorisation of surveillance action for detecting crime under the Regulation of Investigatory Powers Act 2000 is a very serious matter which should be delegated at Chief Officer level, both in respect of anti-social behaviour (ACE-S in Appendix 2) and other Council retained functions (DSS in Appendix 1).

8. ALMO Functions

- 8.1 The main statutory functions that will transfer completely to the ALMO are Housing Management under the Housing Act 1985, powers relating to introductory tenancies under the Housing Act 1996 Part V Chapter 1 and provision of services to RTB leaseholders under the Landlord and Tenant Act 1985. These functions are all shown as deleted in Appendix 1 to this report.
- 8.2 The opportunity has been taken to delete certain obsolete powers under

Schedules 18 and 19 of the Housing Act 1985 which are shown in Appendix 1.

9. The Officer Structure

- 9.1 As a consequence of the decision to establish the ALMO and the decisions now recommended concerning the scheme of delegation, certain changes need to follow in the “broad brush” description of the Council’s officer structure. These are set out in Appendix 5 (Part K.1 – Officers Article) and Appendix 6 (Part K.5 – Management Structure).

10. Financial Regulations and Writing Off Housing Rent Debts

- 10.1 The ALMO will affect the procedures for writing off housing rent arrears that are considered not recoverable. It is recommended that this be treated in similar fashion to other debts with decisions under £1,000 delegated to the Director of Finance and decisions at or over this figure requiring the authority of the Executive Member for Finance. There are specific provisions on the same lines for other income administered by the ALMO.
- 10.2 The necessary amendments to Financial Regulation 4.11 in Part G.2 of the Constitution are shown in Appendix 4 to this report.

11. Recommendations

- 11.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, Officer Structure and Financial Regulations, set out in Appendices 1, 2, 3, 4, 5 and 6 to this report, to have effect as amendments to Parts F.7, G.2, K.1 and K.5 of the Council’s Constitution.

12. Equalities Considerations

- 12.1 There are no specific equalities implications.

13. Comments of the Director of Finance

- 13.1 There are no financial implications arising from the recommendation in this report. Revisions to the Financial Regulations in terms of write offs for irrecoverable income are proposed to retain those decisions within the Council.

14. Comments of the Head of Legal Service

- 14.1 The legal and constitutional implications are set out in the main part of the report.

15. Use of Appendices

- 15.1 Appendix 1 shows the recommended amendments to Part F.7 at section 6 which is the Scheme of Delegation to Officers for Housing Functions.
- 15.2 Appendix 2 shows the recommended amendments to Part F.7 at section 2 which is the Scheme of Delegation to Officers for the Chief Executive's Service.
- 15.3 Appendix 3 shows the recommended amendments to Part F.7 at section 7 which is the Scheme of Delegation to Officers for Social Services.
- 15.4 Appendix 4 shows the recommended amendments to Part G.2 which is the Financial Regulations (Finance Procedure Rules)
- 15.5 Appendix 5 shows the recommended amendments to Part K.1 which is the Officers Article.
- 15.6 Appendix 6 shows the recommended amendments to Part K.5 which is the Management Structure.