

APPENDIX 1

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

PART F.7 of the Constitution – Scheme of Delegation to Officers

Section 6 – Housing Functions

[this extract starts at page 117 of Part F.7 in the version of the Constitution updated in June 2005]

Section 6. Housing Services <u>Functions</u> – Scheme of Delegation
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To the Director of Housing- Social Services

All Housing Services functions ~~of~~ retained by the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council. Included in this delegation are the statutory and non-statutory functions also delegated to the designated officers as listed below

Schedule of abbreviations used in the Schemes of Delegation for Housing

Director of Housing- Social Services	DH <u>DSS</u>
Assistant Director – Housing Strategy & Needs	AD – HS&N
<u>Head of Housing</u>	<u>HH</u>
Assistant Director – Housing Management	AD – HM
Assistant Director – Haringey Home and Building Services	AD – HH&BS
<u>Head of Housing Needs</u>	<u>HHN</u>
<u>Head of Housing Supply</u>	<u>HHS</u>

Non-statutory delegations

<u>Power to monitor performance of the ALMO under the Management Agreement and to take any action in the interests of the Council's "client side"</u> <u>Housing functions in accordance with policies</u>	<u>DSS</u>
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<i>agreed by The Executive</i>	
Power to accept properties for temporary accommodation.	AD – HS&N <u>HH</u> <u>HHS</u>
Power to alter levels of arrears tracing and collection as costs and circumstances dictate <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Power to negotiate and complete agreements for the temporary re-housing of private sector tenants to facilitate house renovation	AD – HS&N <u>HH</u>
Power to authorise all action to enforce provisions of right-to-buy leases and to authorise Court proceedings for enforcement	AD – HS&N <u>HH</u>
Power to authorise service of Notice to Quit for all non-secure tenancies	AD – HS&N <u>HH</u>
Power to determine requests for access to personal files <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Authority to waive the requirement for an owner to have lived in a property for three years prior to applying for a House Renovation Grant.	AD – HS&N <u>HH</u>
<i>Power to provide services for travellers in accordance with policies agreed by The Executive</i>	<u>HH</u>

Statutory Delegations

National Assistance Act 1948		
Section 21	Power to provide accommodation for persons in need	AD – HS&N <u>HH</u>
Section 22	Power to make charges for such accommodation in accordance with persons income	AD – HS&N <u>HH</u>
Section 23	Power to make rules in respect of the management of premises in which accommodation is provided	AD – HS&N <u>HH</u>
Section 24	Power to provide residential accommodation for any person subject to provisions under this Act.	AD – HS&N <u>HH</u>
Section 26	Power to provide accommodation in premises maintained by voluntary organisations	AD – HM
Section 29	Power to make welfare arrangements for people with disabilities	AD – HS&N

Section 32	Power to make financial adjustments between Authority providing accommodation etc. and Local Authority area of residence	DH <u>HH</u>
Section 43	Power to recover cost of assistance from persons liable for maintenance	AD – HS&N <u>HH</u>
Section 48	Power to provide temporary protection for property of persons admitted to hospital etc.	AD – HS&N <u>HH</u>
Section 55	Powers of entry <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Section 56	Power to recover sums due summarily as a civil debt <i>in relation to the Council's retained housing functions.</i>	AD – HM <u>HH</u>
Land Compensation Act 1973		
Section 39	Power to re-house residential occupiers displaced pursuant to certain compulsory acquisition or housing powers	AD – HS&N <u>HH</u> <u>HHN</u>
Section 40	Power to re-house caravan dwellers displaced by Council as above	AD – HS&N <u>HH</u> <u>HHN</u>
Rent Act 1977		
Section 68	Power to apply to the rent officer for consideration of a fair rent	AD – HM <u>HH</u> <u>HHN</u>
Criminal Law Act 1977		
Section 12A(6)(d)	Power to sign and issue a certificate to a protected intending occupier	AD – HM <u>HH</u> <u>HHN</u>
Housing Act 1980		
Section 81	Power to consult tenants on improvements	AD – HHBS
Section 82	Power to give statement for refusal of Section 81 to consult	AD – HM
Housing Act 1985		
Section 9	Power to provide accommodation by the erection, conversion, acquisition, altering, enlarging, repairing or improving of houses	AD – HHBS <u>HH</u>
Section 10	Power to provide furniture in respect of	AD – HS&N

	any house acquired etc. under S.92	<u>HH</u>
Section 11	Power to provide board and laundry facilities in connection with housing accommodation already provided	AD – HS&N <u>HH</u>
Section 12 & 15	Power to provide buildings or land connected with providing accommodation	AD – HM <u>HH</u>
Section 13	Power a) to lay out public streets, and open spaces when developing housing land; b) to contribute to expenses of laying out streets etc when selling land for housing purposes	AD – HM <u>HH</u>
Section 14	Power to execute works in connection with housing operation outside own area	AD – HM <u>HH</u>
Section 18	Power to deal with land acquired or appropriated for provision of accommodation	AD – HM <u>HH</u> <u>HHS</u>
Section 21	Power to manage, regulate and control local authority houses	AD – HM
Section 26	Power to make financial assistance available towards tenant's removal expenses	AD – HM
Section 32-42	Powers in relation to disposals of any housing land including repayment of discounts	AD – HM <u>HH</u>
Section 48	Duty to provide information on service charges	AD – HM
Section 82	Power to decide to apply to Court for Order determining secure tenancy	AD – HM
Section 83	Power to serve notice terminating secure tenancy	AD – HM
Section 89	Functions in relation to succession to periodic tenancies	AD – HM
Section 92	Consent to assignment of tenancies by way of exchange	AD – HM
Sections 93 & 94	Functions relating to consent to sub-letting of secure tenancy of dwelling house	AD – HM
Section 96	Functions under tenants' right to repairs	AD – HM
Section 97	Power to consent to tenant's improvements	AD – HM

Section 98	Power to give statement of reasons for refusal of Section 97 consent	AD – HM
Section 100	Power to reimburse cost of tenant's improvements	AD – HM
Section 102	Power to vary terms of secure tenancy upon service of appropriate notice	AD – HM
Section 104	Power to provide information about secure tenancy	AD – HM
Section 105	Power to consult secure tenant over matters of housing management	AD – HM
Section 106	Power to provide information about housing allocation of secure tenancies	AD – HM HH HHN
Section 118	Power to determine whether conditions giving right to buy are satisfied	AD – HM HH
Section 121A	Power to apply for Court Order suspending the right to buy in cases of anti-social behaviour etc.	AD – HM HH
Section 124	Power to serve Notice admitting/denying right to buy	AD – HM HH
Section 125	Power to serve Notice on tenant in relation to purchase price and mortgage advance	AD – HM HH
Sections 126, 127 & 129	Power to determine purchase price and discount	AD – HM HH
Section 128	Power to exercise the right of landlord to require re-determination of price by DV	AD – HM HH
Section 128	Power to serve Notice informing tenant of re-determination	AD – HM HH
Section 132 and 133	Power to determine right to and minimum amount of mortgage	AD – HM HH
Section 134	Power to extend period in which tenant can claim right to mortgage	AD – HM HH
Section 135	Power to serve Notice as to amount of mortgage	AD – HM HH
Section 136	Power to serve Notice on new tenant of right to purchase and obtain mortgage (after former tenant has given notification of desire to buy and obtain mortgage)	AD – HM HH
Section 138	Power to complete sale	AD – HM

		<u>HH</u>
Section 138(2)	Power to exercise discretion not to complete if more than four weeks' rent outstanding	AD – HM <u>HH</u>
Section 138A & Schedule 5A	Power to serve initial demolition notice on secure tenant claiming right to buy	AD – HM <u>HH</u>
Section 138B & Schedule 5	Power to serve final demolition notice	AD – HM <u>HH</u>
Section 139	Power to determine terms of mortgage deed	AD – HM <u>HH</u>
Section 140	Power to serve completion notice	AD – HM <u>HH</u>
Section 141	Power to extend period in which tenant can serve notice claiming deferral of completion	AD – HM <u>HH</u>
Sections 144 & 146	Power to serve the notice of admission or denial of tenant's right to acquire on shared ownership terms	AD – HM <u>HH</u>
Section 147	Power to serve notice of initial contribution.	AD – HM <u>HH</u>
Section 150	Power to grant shared ownership lease.	AD – HM <u>HH</u>
Section 151 and Schedule 9	Power to serve notice on tenant of entitlement to further advance.	AD – HM <u>HH</u>
Section 152	Power to serve pre-completion notice.	AD – HM <u>HH</u>
Section 153	Power to serve completion notice.	AD – HM <u>HH</u>
Section 154	Power to give certificate as to title	AD – HM <u>HH</u>
Sections 155, 155A, 155B & 155C	Powers to determine and demand repayment of discount on early disposals	AD – HM <u>HH</u>
Section 156	Power by written notice to postpone the change taking effect in favour of a legal charge advanced by a specified body	AD – HM <u>HH</u>
Section 178	Power to charge tenant Council's legal costs of mortgage, in accordance with scheme as laid down from time to time by the Council	AD – HM <u>HH</u>
Section 184	Power to decide whether inclusion of land with dwelling house is reasonable	AD – HM <u>HH</u>
Section 197, 222,	Power to authorise entry for inspection	AD – HM

260, 319 & 395	etc. for various purposes	<u>HH</u>
Section 428	Power to borrow for purposes of Act	AD – HM <u>HH</u>
Section 435-440	Powers to make advances etc	AD – HM <u>HH</u>
Section 438	Power to waive or reduce interest to a person acquiring a house in need of repair	AD – HM <u>HH</u>
Section 438 and Sch 16	Power to alter certain mortgage interest rates to the higher of standard national rate or applicable local average rate	AD – HM <u>HH</u>
Section 438 and Sch 16	Power to charge the higher of the standard national rate or the applicable local average rate upon Council mortgages	AD – HM <u>HH</u>
Section 438 and Sch 16	Power to declare at six-monthly intervals the rate of interest applicable to certain advantages, transfers and monies left outstanding as described in Section 110(1)	AD – HM <u>HH</u>
Section 438 and Sch 16	Power to serve Notice of variation of mortgage rate	AD – HM <u>HH</u>
Section 442	Power to indemnify Building Societies in respect of mortgage advances, where the Council has obtained the Secretary of State's agreement to a Scheme	AD – HM <u>HH</u>
Section 442 and 444	Power to indemnify recognised bodies, with the approval of the Secretary of State	AD – HM <u>HH</u>
Section 443	Power to make contributions towards mortgage costs incurred.	AD – HM <u>HH</u>
Section 449	Power to approve loans and bonuses in accordance with the directions of the Secretary of State	AD – HM <u>HH</u>
Section 452	Power of Council to vest mortgage property in itself where it is entitled to exercise power of sale	AD – HM <u>HH</u>
Section 452 and Sch 17	Power to vest in the Council with leave of the County Court.	AD – HM <u>HH</u>
Section 452. and Sch 17	Power to set up fund equal to value of property, and interest from date of vesting.	AD – HM <u>HH</u>
Section 523	Power to assist in provision of separate service pipes for houses	AD – HM <u>HH</u>
Section 536	Power to give notice in writing of determination.	AD – HM <u>HH</u>

Section 537	Power to determine whether assistance in respect to a defective dwelling be by way of reinstatement grant or by way of repurchase.	AD – HM HH
Section 540	Power to give notice in writing as to form of assistance.	AD – HM HH
Section 547 and Sch 20	Power to serve notice specifying proposed terms and conditions of acquisition.	AD – HM HH
Section 547 and Sch 20	Power to extend period for request or notification.	AD – HM HH
Section 562	Power to publish notification in local newspaper of effect of designation or valuation	AD – HM HH
Section 582	Power to notify persons that compulsory purchase order not confirmed	AD – HM HH
Section 583	Power to authorise continuance of tenancies of houses compulsorily acquired and to be used for housing purposes	AD – HM HH
Section 610	Power to apply to Court to modify covenants relating to converting of houses into several tenements	AD – HM HH
Schedule 6 Part I	Power to require reservation of easements on disposal of secure tenancy	AD – HM HH
Schedule 6 Part I	Power to seek indemnities in respect of restrictive covenants on disposal	AD – HM HH
Sch 17 Para 3	Power to determine compensation and accounting provisions arising upon vesting under Section 112	AD – HM HH
Sch 18 Para 1	Power to advance money to residents for the purchase of houses	AD – HM
Sch 18 Paras 2,4,5	Power to take possession or order the sale of houses	AD – HM HH
Para 7	Duty to provide information as to cost of service charges	AD – HM HH
Sch 18 Para 3	Power to allow proprietors to permit occupation as a furnished house	AD – HM
Schedule 19, Paras 2-6	Power to obtain estimates and consult tenants before undertaking certain works (to be recharged to tenant as part of service charge)	AD – HH & BS
Para 7	Duty to provide information as to cost of service charges	AD – HH & BS

Schedule 21 Para 5	Power to determine whether designation <u>relating to defective dwelling is</u> to be disregarded and give notice accordingly.	AD – HM HH
Schedule 21 Para 6	Power to give appropriate notice when s.13(4) <u>new designation of defective dwelling is</u> applicable.	AD – HM HH
Housing Associations Act 1985		
Sections 34 & 58	Power to promote and assist housing associations	AD – HS&N HH
Section 61	Power to sell furniture to persons housed by housing associations	AD – HM HH
Landlord & Tenant Act 1985		
Sections 20 & 20ZA and Regulations made under these sections	Power to: — provide details of proposed works or agreements to tenants or to recognised tenants' associations representing them; — to obtain estimates for the proposed works; — to invite tenants or the recognised tenants' association to propose the name of persons from whom the landlord should try to obtain estimates; — to have regard to observations made by tenants or the recognised tenants' association in relation to proposed works or agreements and estimates; — to give reasons for carrying out works or entering into agreements	AD - HH & BS
Section 20B	Power to issue notices to leaseholders that relevant costs have been incurred	AD – HH & BS
Section 21	Power to provide summaries of costs	AD – HH & BS
Section 22	Duties in relation to inspection of documents by leaseholders	AD – HH & BS
Section 23	Duties in relation to information held by superior landlords	AD – HH & BS

Housing and Planning Act 1986		
Section 4	Power to write off losses due to estimates of service charges and rechargeable works given to leaseholders proving to be inadequate	HP
The Leasehold Reform, Housing and Urban Development Act 1993		
Sections 104-107	Power to amend the Council's Voluntary Sales Scheme.	AD – HM HH
Section 108-120	Power to administer the Rents to Mortgages Scheme	AD – HM HH
Housing Act 1996		
<i>Part V Chapter I – Introductory Tenancies</i>		
Section 124	Functions relating to introductory tenancies	AD – HM
Section 125	Duration of introductory tenancies	AD – HM
Section 125A	Power to serve notice extending trial period of introductory tenancy	AD-HM
Section 125B	Power to arrange a review, by a different senior officer, of a decision under s.125A	AD-HM
Section 127	Authorising proceedings for possession	AD – HM
Section 128	Service of notice of proceedings for possession	AD – HM
Section 129	Authority to review decision to seek possession	AD – HM
Section 133	Functions in relation to succession to introductory tenant	AD – HM
Section 136	Provision of information about tenancies	AD – HM
Section 137	Consultation on matters of housing management	AD – HM
<i>Part V Chapter III – Injunctions against anti-social behaviour</i>		

Section 152	Power to apply for injunctions against anti-social behaviour	AD – HM
Sections 153 – 157	Functions in relation to powers of arrest and injunctions	AD – HM
<i>Part VI – Allocation of housing accommodation</i>		
Section 159-160A	Functions in relation to allocation of housing accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 166	Functions in relation to applications for housing accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 167	Functions in relation to allocation scheme	AD – HS&N <u>HH</u> <u>HHN</u>
Section 168	Publication of information about allocation scheme	AD – HS&N <u>HH</u> <u>HHN</u>
Section 170	Making requests to registered social landlords about accommodating persons with priority under the allocation scheme.	AD – HS&N <u>HH</u> <u>HHN</u>
Section 171	Authorising prosecutions for false statements and withholding information	AD – HS&N <u>HH</u>
<i>Part VII - Homelessness</i>		
Section 177	Determining whether it is reasonable to continue to occupy accommodation	AD – HS&N <u>HH</u> <u>HHN</u>
Section 179	Duties of local housing authority to provide advisory services	AD – HS&N <u>HH</u> <u>HHN</u>
Sections 180-181	Power to assist voluntary organisations	AD – HS&N <u>HH</u>
Section 184	Duties relating to inquiry into cases of homelessness or threatened homelessness	AD – HS&N <u>HH</u> <u>HHN</u>
Section 187	Making requests for information to Secretary of State about persons from abroad	AD – HS&N <u>HH</u>
Section 188	Interim duties to accommodate in case of apparent priority need	AD – HS&N <u>HH</u>

		<u>HHN</u>
Section 190	Duties to persons becoming homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 191	Determining whether persons are homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 192	Duties to persons not in priority need who are not homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 193	Duties to persons with priority need who are not homeless intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 195	Duties in case of threatened homelessness	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 196	Determining whether persons are threatened with homelessness intentionally	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 198	Powers to refer case to another local housing authority	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 200	Duties to applicant whose case is considered for referral or referred	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 202	Power to review decisions on request	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 203	Functions relating to procedure on review	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Sections 204 & 204A	Functions relating to provision of accommodation during appeals	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 206	Functions relating to discharge of functions by local housing authorities	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 208	Functions relating to discharge of functions by out of area placements	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 209	Functions relating to discharge of functions by arrangements with private landlord	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>
Section 210	Functions relating to suitability of accommodation	<u>AD – HS&N</u> <u>HH</u> <u>HHN</u>

Sections 211 & 212	Duties to protect property of homeless persons and persons threatened with homelessness	AD – HS&N <u>HH</u> <u>HHN</u>
Section 213	Duties relating to co-operation between relevant housing authorities and other bodies	AD – HS&N <u>HH</u> <u>HHN</u>
Section 214	Action in relation to false statements withholding information and failure to disclose changes in circumstances	AD – HS&N <u>HH</u> <u>HHN</u>
Crime and Disorder Act 1998		
Section 1	Power to apply for anti-social behaviour orders	AD-HS&N
Regulation of Investigatory Powers Act 2000		
Part II	Authorisation of all action related to surveillance for the detection of crime	<u>DH</u> <u>DSS</u>