

## APPENDIX 10

[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 – SCHEME OF DELEGATION TO OFFICERS**

#### **SECTION 6 – HOUSING SERVICES**

#### **STATUTORY DELEGATIONS**

**(starts on page 119 of the June 2005 update)**

<b>Housing Act 1985</b>		
Section 9	Power to provide accommodation by the erection, conversion, acquisition, altering, enlarging, repairing or improving of houses	<b>AD - HHBS</b>
Section 10	Power to provide furniture in respect of any house acquired etc. under S.92	<b>AD - HS&amp;N</b>
Section 11	Power to provide board and laundry facilities in connection with housing accommodation already provided	<b>AD - HS&amp;N</b>
Section 12 & 15	Power to provide buildings or land connected with providing accommodation	<b>AD - HM</b>
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	<b>AD - HM</b>
Section 14	Power to execute works in connection with housing operation outside own area	<b>AD - HM</b>
Section 18	Power to deal with land acquired or appropriated for provision of accommodation	<b>AD - HM</b>
Section 21	Power to manage, regulate and control local authority houses	<b>AD - HM</b>
Section 26	Power to make financial assistance available towards tenant's removal expenses	<b>AD - HM</b>
Section 32-42	<del>Power to dispose of any land acquired for housing purposes</del> <i><u>Powers in relation to disposals of any</u></i>	<b>AD - HM</b>

	<u>housing land including repayment of discounts</u>	
Section 48	Duty to provide information on service charges	<b>AD - HM</b>
Section 82	Power to decide to apply to Court for Order determining secure tenancy	<b>AD - HM</b>
Section 83	Power to serve notice terminating secure tenancy	<b>AD - HM</b>
Section 89	Functions in relation to succession to periodic tenancies	<b>AD - HM</b>
Section 92	Consent to assignment of tenancies by way of exchange	<b>AD - HM</b>
Sections 93 & 94	Functions relating to consent to sub-letting of secure tenancy of dwelling-house	<b>AD - HM</b>
Section 96	Functions under tenants' right to repairs	<b>AD - HM</b>
Section 97	Power to consent to tenant's improvements	<b>AD - HM</b>
Section 98	Power to give statement of reasons for refusal of Section 97 consent	<b>AD - HM</b>
Section 100	Power to reimburse cost of tenant's improvements	<b>AD - HM</b>
Section 102	Power to vary terms of secure tenancy upon service of appropriate notice	<b>AD - HM</b>
Section 104	Power to provide information about secure tenancy	<b>AD - HM</b>
Section 105	Power to consult secure tenant over matters of housing management	<b>AD - HM</b>
Section 106	Power to provide information about housing allocation of secure tenancies	<b>AD - HM</b>
Section 118	Power to determine whether conditions giving right to buy are satisfied	<b>AD - HM</b>
<u>Section 121A</u>	<u>Power to apply for Court Order suspending the right to buy in cases of anti-social behaviour etc</u>	<b><u>AD-HM</u></b>
Section 124	Power to serve Notice admitting/denying right to buy	<b>AD - HM</b>
Section 125	Power to serve Notice on tenant in relation to purchase price and mortgage advance	<b>AD - HM</b>
Sections 126, 127 & 129	Power to determine purchase price and discount	<b>AD - HM</b>
Section 128	Power to exercise the right of landlord	<b>AD - HM</b>

	to require re-determination of price by DV	
Section 128	Power to serve Notice informing tenant of re-determination	<b>AD - HM</b>
Section 132 and 133	Power to determine right to and minimum amount of mortgage	<b>AD - HM</b>
Section 134	Power to extend period in which tenant can claim right to mortgage	<b>AD - HM</b>
Section 135	Power to serve Notice as to amount of mortgage	<b>AD - HM</b>
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)	<b>AD - HM</b>
Section 138	Power to complete sale	<b>AD - HM</b>
Section 138(2)	Power to exercise discretion not to complete if more than four weeks' rent outstanding	<b>AD - HM</b>
<u>Section 138A &amp; Schedule 5A</u>	<u>Power to serve initial demolition notice on secure tenant claiming right to buy</u>	<b><u>AD-HM</u></b>
<u>Section 138B &amp; Schedule 5</u>	<u>Power to serve final demolition notice</u>	<b><u>AD-HM</u></b>
Section 139	Power to determine terms of mortgage deed	<b>AD - HM</b>
Section 140	Power to serve completion notice	<b>AD - HM</b>
Section 141	Power to extend period in which tenant can serve notice claiming deferral of completion	<b>AD - HM</b>
Sections 144 & 146	Power to serve the notice of admission or denial of tenant's right to acquire on shared ownership terms	<b>AD - HM</b>
Section 147	Power to serve notice of initial contribution.	<b>AD - HM</b>
Section 150	Power to grant shared ownership lease.	<b>AD - HM</b>
Section 151 and Schedule 9	Power to serve notice on tenant of entitlement to further advance.	<b>AD - HM</b>
Section 152	Power to serve pre-completion notice.	<b>AD - HM</b>
Section 153	Power to serve completion notice.	<b>AD - HM</b>
Section 154	Power to give certificate as to title	<b>AD - HM</b>
<u>Sections 155 &amp; 155A, B, &amp; C</u>	<u>Powers to determine and demand repayment of discount on early disposals</u>	<b><u>AD-HM</u></b>
Section 156	Power by written notice to postpone the change taking effect in favour of a	<b>AD - HM</b>

	legal charge advanced by a specified body	
<u>Section 156A</u>	<u>Powers in relation to Council's right of first refusal</u>	<b><u>AD-HM</u></b>
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	<b>AD - HM</b>
Section 184	Power to decide whether inclusion of land with dwelling house is reasonable	<b>AD - HM</b>
Section 197, 222, 260, 319 & 395	Power to authorise entry for inspection etc. for various purposes	<b>AD - HM</b>
Section 428	Power to borrow for purposes of Act	<b>AD - HM</b>
Section 435-440	Powers to make advances etc	<b>AD - HM</b>
Section 438	Power to waive or reduce interest to a person acquiring a house in need of repair	<b>AD - HM</b>
Section 438 and Sch 16	Power to alter certain mortgage interest rates to the higher of standard national rate or applicable local average rate	<b>AD - HM</b>
Section 438 and Sch 16	Power to charge the higher of the standard national rate or the applicable local average rate upon Council mortgages	<b>AD - HM</b>
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)	<b>AD - HM</b>
Section 438 and Sch 16	Power to serve Notice of variation of mortgage rate	<b>AD - HM</b>
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	<b>AD - HM</b>
Section 442 and 444	Power to indemnify recognised bodies, with the approval of the Secretary of State	<b>AD - HM</b>
Section 443	Power to make contributions towards mortgage costs incurred.	<b>AD - HM</b>

<b>Housing Act 1996</b>		
<i>Part V Chapter I – Introductory Tenancies</i>		
Section 124	Functions relating to introductory tenancies	<b>AD – HM</b>
Section 125	Duration of introductory tenancies	<b>AD – HM</b>
<u>Section 125A</u>	<u>Power to serve notice extending trial period of introductory tenancy</u>	<b><u>AD-HM</u></b>
<u>Section 125B</u>	<u>Power to arrange a review, by a different senior officer, of a decision under s.125A</u>	<b><u>AD-HM</u></b>
Section 127	Authorising proceedings for possession	<b>AD – HM</b>
Section 128	Service of notice of proceedings for possession	<b>AD – HM</b>
Section 129	Authority to review decision to seek possession	<b>AD – HM</b>
Section 133	Functions in relation to succession to introductory tenant	<b>AD – HM</b>
Section 136	Provision of information about tenancies	<b>AD – HM</b>
Section 137	Consultation on matters of housing management	<b>AD – HM</b>