

BRISTOL CITY COUNCIL

Public Safety Protection Sub-Committee B

22nd March 16

Report of: *Nick Hooper Service Director Crime Reduction and Housing Solutions*

Title: *Private Housing Service – Delegated powers*

Ward: *Citywide*

Officer Presenting Report: *Jonathan Mallinson Private Housing Manager*

Contact Telephone Number: *0117 35 21807*

RECOMMENDATION

That the committee

- (i) note the functions falling within its terms of reference that are discharged by officers in the Private Housing team; and
- (ii) agree that, in addition to the Director being able to exercise the functions himself, they may be exercised by those officers occupying the posts identified by him in appendix 1 in the manner there described and accordingly the Director's arrangements are given effect directly and particularly by this committee.

Summary

The report informs the committee of how matters falling within its Terms of Reference are included in the work of officers in the people Directorate and seeks the committee's approval of the arrangements for discharge of functions

The significant issues in the report are:

Post holders in the People Directorate are authorised to exercise non-executive powers delegated by this committee. This does not alter existing delegations to officers in other Directorates.

Policy

1. *The Council's constitution anticipates most council business being undertaken by officers acting in line with arrangements made by their Director, with more significant decisions being taken at a meeting of the relevant body. This report is wholly consistent with that approach.*

Consultation

2. **Internal**
3. **External**

Not applicable.

Context

- a) *The Private Housing Service is now part of the People Directorate. The service helps to protect tenants in the private rented sector and in some circumstances to assist home owners affected by nuisance or annoyance caused by neighbouring properties. The service also regulates a small number of residential mobile home sites under Caravan site and Mobile Homes legislation.*
- b) *Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation and has done the same for the "local choice" functions. Much of the work undertaken in relation to the matters falling within the committee's terms of reference is undertaken by officers in the Neighbourhoods Directorate. This report is only concerned with the work undertaken in the People Directorate.*
- c) *This report asks the committee to note and approve the arrangements made for discharge of certain non- executive functions by officers occupying particular posts.*
- d) *In summary the non-executive functions concerned are:*
 - i. *Abating or preventing statutory nuisance - Environmental Protection Act 1990.*
 - ii. *Licensing of Caravan Sites - Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 2013.*

- iii. *Community Protection Notices and associated powers - Anti-social Behaviour, Crime and Policing Act 2014 (but only insofar as they are relevant to the functions in the committee's terms of reference – for example graffiti)*

Proposal

4. *The Committee confirms the arrangements described in detail in Appendix A.*

Other Options Considered

5. *N/A*

Risk Assessment

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

8b) *A formal equalities impact assessment is not necessary.*

Legal and Resource Implications

Legal

The subcommittee is empowered by section 101 of The Local Government Act 1972 to arrange for the discharge of functions (i.e. powers or duties imposed on the council under legislation that fall within its terms of reference) by officers. The proposal is lawful (Legal advice provided by Pauline Powell, Team Leader PT &R)

Financial

(a) Revenue

None – carried out within existing resources.

(b) Capital

None – carried within existing resources.

(Financial advice provided by *Michael Pilcher – Finance Business Partner - People*)

Land

Not applicable.

HR Implications:

The recommendation has no HR implications for staff.

HR Advice provided by Lorna Laing, HR Business Partner

Appendices: Appendix A

Record of arrangements made by the Director of People in relation to functions falling within the terms of reference of the Public Safety & Protection Committee

Item no.	Column B - Functions delegated to the Committee	Postholders in the People Directorate authorised to exercise the delegations in this Schedule.
1	i) Service of abatement notice for Statutory Nuisance. ii) The inspection of the authority's area to detect any statutory nuisance. iii) The investigation of any complaint as to the existence of a statutory nuisance	<ol style="list-style-type: none"> 1. Strategic Director of People. 2. Service Director – Housing Solutions and Crime Reduction. 3. The following post holders in the Private Housing and Adaptations Service : a) Service Manager, b) Private Housing Manager, c) Senior Environmental Health Officer, or d) Higher or Standard Environmental Health Officers/Surveyors. 4. Assistant Environmental Health Officers are only authorised to carry out powers under items 2ii) and 2 iii) of column B of this appendix.
3	Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).	<ol style="list-style-type: none"> 4. Assistant Environmental Health Officers are only authorised to carry out powers under items 2ii) and 2 iii) of column B of this appendix.
4		<ol style="list-style-type: none"> 1. The Strategic Director of People. 2. Service Director – Housing Solutions and Crime Reduction. 3. Officers occupying the following posts in the Private Housing and Adaptations Service: a) Service Manager or b) Private Housing Manager.
5	Authorised functions under this paragraph include powers under the Anti-social Behaviour, Crime and Policing Act 2014 that are exercisable by The PS&P Committee i) section 53(1)(b) to serve community protection notice for conduct taking place in the County and City of Bristol or to serve a fixed penalty notice when the offence in question is alleged to have taken place in the County and City of	

	<p>Bristol, Section 43 - Power to issue Community Protection notices, Section 48 Offence of failing to comply with notice – Power to investigate offences and Section 52 Power to issue Fixed Penalty Notices – Authorised person for the purposes of serving fixed penalty notices for offences of failure to comply with a fixed penalty notice.</p> <p>ii) Section 47 Remedial action by local authority – Power to carry out works enter premises and issue notice to carry out works. Section 51 Seizure of item used in commission of offence – designated person under section 53 (1) (c) has the power to execute warrants granted by justice of the peace to seize items.</p>	
		<ol style="list-style-type: none"> 1. Strategic Director of People. 2. Service Director – Housing Solutions and Crime Reduction. 3. The following post holders in the Private Housing and Adaptations Service : <ol style="list-style-type: none"> a) Service Manager, b) Private Housing Manager, c) Senior Environmental Health Officer, or d) Higher or Standard Environmental Health Officers/Surveyors. 4. The following post holders are only authorised to carry out powers under items 5 i) of column B of this appendix, with written confirmation from a Private Housing Manager or Service Manager - Private Housing Sector, that the officer has demonstrated competence to take action under those same provisions: <ol style="list-style-type: none"> a. Assistant Environmental Health Officers b. Private Housing Caseworkers; or c. Gypsy Sites and Community Liaison Officer.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None