

SOUTH & EAST LINCOLNSHIRE COUNCILS PARTNERSHIP – HOUSING STANDARDS

Authorisations of Officers/Scheme of Delegation

Post	Level of authorisation	Legislation applicable to task
Service Manager – Safer Communities	1, 2, 3, 4	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, ZZ
Housing Standards Team Leader	1, 2, 3, 4	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, ZZ
Senior Housing Standards Officer	1, 2, 3	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, ZZ
Housing Standards Officer	1, 2	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, ZZ
Housing Standards Administrative Assistant / Private Sector Housing Administrator	1	A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, ZZ

These authorisation apply to necessary duties relevant in the posts in the Housing Standards Team under the Acts of Parliament stated below and Order or Regulations made there under, and any modification or re-enactment of the foregoing, including powers of entry onto land and the drafting, signing and serving of Notices where appropriate.

In respect of the functions of this Authority discharged by officers within the Enforcement area I authorise the attached Scheme of Delegation.

Robert Barlow
Chief Executive
South & East Lincolnshire Councils Partnership

Date 8th October 2024

Signed:



Jonathan Challen
Service Manager – Safer Communities
South & East Lincolnshire Councils Partnership

Date: 8th October 2024

Signed:



Level of Authorisation

Subject to the appropriate practice, procedure and legal requirement being fulfilled

Level 1 –

- Authorisation to carry out relevant duties.
- Authorisation to collect evidence relevant to the investigation
- Authorisation to sign letters
- Authorisation to serve letters and notices
- Authorisation to attend and assist with/in interviews under caution in accordance with the Police and Criminal Evidence Act 1984
- Authorisation to carry out all relevant duties in connection with legal proceedings
- Authorisation to register complaints & set up cases
- Authorisation to complete FOI requests & Data Subject Access Requests
- Authorisation to complete Property Searches
- Authorisation to update relevant details on the Rogue Landlords database
- Authorisation to create & close cases for Housing Standards
- Authorisation to Raise Purchase Orders & Invoices
- Authorisation to Update Website
- Authorisation to complete Performance Returns
- Authorisation to draft all Notices and Orders
- Authorisation to prepare legal prosecution files
- Authorisation to serve All Notices and Orders

Level 2 –

- Authorisation on behalf of the Council to enter premises and adjoining land at any reasonable time, for the purposes of carrying out inspections and visits in connection with complaints, investigations and licensing of Houses in Multiple Occupation, and acting in matters arising under the relevant statutes.
- Authorisation to take photographs relevant to the investigation
- Authorisation to give cautions in accordance with the Police and Criminal Evidence Act 1984
- Authorisation to carry out surveillance in accordance with Regulation of Investigatory Powers Act 2000.
- Authorisation to draft, attend court to apply for, and to execute a “Warrant to Enter Premises” where authorised by the Court
- Authorisation to carry out interviews under caution in accordance with the Police and Criminal Evidence Act 1984.
- Authorisation to sign Witness Statements
- Authorisation to attend Court on behalf of the Council
- Authorisation to Carry out Immigration Act Inspections and take any necessary action
- Authorisation to carry out direct action and remedial work

- Authorisation to sign the following notices:-
 - Notice Before Exercising Power of Entry under the Housing Act 2004
 - Notice to Produce Documents under the Housing Act 2004
 - Compliance Notice under The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
 - Requisition for Information under the Local Government (Miscellaneous Provisions) Act 1976
 - Remedial Notice under the provisions of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
 - Notice of Intention to Enter Premises for the Purposes of Taking Emergency Remedial Action under the Housing Act 2004
 - Notice of Intention to Enter Premises for the Purpose of Taking Urgent Remedial Action under the provisions of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

- Authorisation to initiate spending of Council funds in relation to direct action and remedial works where taking Emergency or Urgent Remedial Action*

*Before taking such action the case must be discussed with another Officer and confirmation recorded that this 2nd Officer agrees with the decision, such confirmation can be in the form of an email.

This confirmation must be received from an Officer with a Level 3 or 4 authorisation where possible, or from an Officer with Level 2 authorisation where no Senior Officer is available, and where delay would cause further risk to the occupants of the property

Level 3 –

- Authorisation to sign all Notices/Orders in relation to the legislation outlined within this scheme of delegation
- Authorisation to request CCTV footage relevant to the investigation
- Authorisation to raise credits for Invoices
- Authorisation to make purchases by means of a Procurement Card in accordance with the relevant terms and conditions relating to the use of those cards.

Level 4 –

- Authorisation to commence the issuing of Financial Penalties where permitted under the relevant legislation
- Authorisation to instruct legal services to commence legal proceedings, to sign necessary paperwork in line with legal proceedings, and to withdraw legal proceedings on behalf of the Council
- Authorisation to initiate spending of Council funds in relation to direct action and remedial works

Legislation applicable to task

General

- A:** Regulation of Investigatory Powers Act 2000
- B:** Police and Criminal Evidence Act 1984
- C:** Human Rights Act 2003
- D:** Data Protection Act 1998
- E:** Freedom of Information Act 2000
- F:** Local Government (Miscellaneous Provisions) Act 1982

Housing Standards

- G:** Housing Act 2004
- H:** Housing Act 1985
- I:** Housing and Planning Act 2016
- J:** The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- K:** Local Government (Miscellaneous Provisions) Act 1976
- L:** Immigration Acts
- M:** The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
- N:** The Housing and Planning Act 2016 (Database of Rogue Landlords and Property Agents) Regulations 2018

- O:** The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017
- P:** The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018
- Q:** The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
- R:** The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- S:** The Redress Schemes for Lettings Agency Work and Property Management Work (England) Order 2014
- ZZ:** Mobile Homes Act 2013
Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
This authorisation is applicable to Officers from SHDC or Officers with S113 agreements only

Enforcement Scheme of Delegation

Authorisation of Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers in particular circumstances. Such authorisations may be subject to limitations and conditions

Reserve delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by the line manager's line manager) if:

- a) that post is vacant
- b) the post-holder is not at work for any reason

Transfer of Functions

Where the name of a post is changed, any delegated powers possessed by the post shall be retained by the renamed post.

When a post is vacant and an employee takes on the duties of the post in an "acting" capacity, they have the same delegated powers that they would have if they held the post.