

Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Constitutional and Administrative Matters	
Report No:	COU/SE/17/017	
Report to and date:	Extraordinary Council	17 October 2017
Portfolio holder:	Ian Houlder Portfolio Holder for Resources and Performance Tel: 01284 810074 Email: ian.houlder@stedsbc.gov.uk	
Lead officer:	Leah Mickleborough Service Manager (Democratic Services) / Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	This report seeks the agreement of Council to a small number of minor Constitution amendments and other administrative matters	
Recommendation:	It is <u>RECOMMENDED</u> that, Council: (1) Agrees to add those matters addressed within paragraph 1.3 of Report No: COU/SE/17/017, to the Scheme of Delegation for the Assistant Director (Planning and Regulatory) and the Service Manager (Housing Standards) ; (2) Agrees to increase the delegated limit for the Service Manager (Shared Legal) to negotiate and settle miscellaneous disputes to £50,000; and (3) Agrees to nominate a Councillor to sit on the Shareholder Advisory Group for Verse Facilities Management Ltd.	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>	
Consultation:	The matters within this report have been subject to consultation with the Joint Constitution Working Group
Alternative option(s):	None
Implications:	
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
<i>Are there any equality implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •
Risk/opportunity assessment:	No risks identified
Ward(s) affected:	None
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	None
Documents attached:	None

1. Landlord Redress Scheme Powers

- 1.1 In 2014, the Government made it a legal requirement for all letting agencies and property managers to join a redress scheme. This allows residents the safety of knowing that should their landlord fail to act appropriately, they will be allowed to complaint to an independent body.
- 1.2 In making these powers, the Government identified that the vast majority of letting agencies and property managers acted very well, but a safety net was required where things went wrong. The Government gave local authorities the power to take action where landlords failed to join a redress scheme, and fine landlords up to £5,000 for failing to do so.
- 1.3 The present constitution has not provided officers the delegation to take action against those "rogue" landlords that have deliberately failed to avoid joining such a scheme, and as such it is now being requested that the Assistant Director (Planning and Regulatory) and Service Manager, Housing Standards, are delegated to take enforcement action under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014

2. Minor Disputes

- 2.1 The Service Manager, Legal has delegated authority "To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Assistant Director."

In practice, this limit is very small and gives very little scope to resolve minor matters of dispute which may be time-bound to avoid the matter escalating. Such matters may have to be dealt with under the Chief Executive's Urgency Powers, in lieu of any other powers delegated to officers.

It is therefore suggested to increase this limit to £50,000 which accords with the key decision threshold – any matters above this threshold would have to be dealt with by Cabinet (or via the urgency powers). Given this increase in threshold, it is suggested that the power should only be used after consultation with the relevant portfolio holder and it is emphasised that such matters are fairly unusual, and the Council takes all necessary steps to minimise any settlements made.

Verse Facilities Management Ltd

In 2015, Officers were delegated the authority to establish the Verse Facilities Management Ltd, a joint venture, to deliver facility management services to Forest Heath and St Edmundsbury Council sites. Further delegations were provided to officers to resolve the legal and governance matters associated with forming this company.

The Verse arrangements are now operating, and as a final part of the governance structure, and as presented in [Appendix A](#) of Report No: AGM/SE/17/002 to Annual Council on 18 May 2017, it is now required to

appoint representatives to the Shareholder Advisory Group, who will act on behalf of the Councils in their oversight of the company. One member is being sought from each of Forest Heath and St Edmundsbury Councils, whilst two members will also be sought from Suffolk County Council.