

REPORT TO:		Council	
DATE:		15 th September 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Legal Services Manager	
TITLE OF REPORT:		Scheme of Delegation 2016 - Enforced Sales Procedure	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	-

1. Purpose of Report

- 1.1 To seek approval for a change to the scheme of delegation of executive functions to officers.

2. Recommendations

- 2.1 That Council approves the amendment to Part 2 of the scheme of delegation to officers as set out below.

3. Reasons for Recommendations and Background

- 3.1 The Council's constitution requires that the scheme of delegation to officers is approved annually at the AGM and the latest version was approved at the AGM on 19 May 2016. However, it is also good practice to review the scheme of delegation regularly and keep it up to date. This helps to ensure that the Council's decision-making processes operate as effectively as possible. Since the AGM an issue has come to light which requires a minor change to the scheme of delegation.

- 3.2 The proposed change to the Scheme of Delegation is to clarify the position regarding the use of the enforced sale process for the recovery of debt and to confirm that this process can be used for debt recovery purposes in respect of both residential and commercial properties. The suggested amended wording is set out below:-

Delegations to Executive Director (Legal and Democratic Services)

<p>4.15 To take action to enforce a sale of property in the following circumstances:- (1) To implement the Council's Enforced Sales Procedure in accordance with the Council's Empty Dwellings Strategy and/or in support of regeneration and housing renewal activity ; or</p>	<p>(1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</p> <p>(2) In consultation with the</p>
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<p>(2) To recover an outstanding debt due to the Council with a minimum value of £1,500 (this includes both residential and commercial property) if satisfied that the power of sale is available to the Council in respect of a particular property.</p> <p>This includes serving the necessary notices pursuant to the Law of Property Act 1925, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property</p>	<p>Head of the Department which raised the debt and the relevant Portfolio Holder</p>
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4. Alternative Options considered and Reasons for Rejection

4.1 Council could decline to make the delegation requested. Any decisions of the type referred to in (2) above would then be matters for committee or full Council. The decision in question is a matter of routine, day to day business and this approach could possibly cause unnecessary delay.

5. Consultations

5.1 None, though discussion has taken place with relevant service managers.

6. Implications

Financial implications (including mainstreaming)	None.
Legal and human rights implications	None, other than those set out in paragraph 3 of this report
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	No

7. Local Government (Access to Information) Act 1985: List of Background Papers

None