

HOUSING

The Director of Social Services and Housing is authorised to take the following action and discharge the following functions of the Council:-

1. The powers and duties of the Council under the Housing Acts 1985 and 1996 (and any regulations made thereunder) excepting the following:-
 - (a) setting of rent levels
 - (b) Section 17 Housing Act 1985 (acquisition of land for housing purposes)
 - (c) Section 19 Housing Act 1985 (appropriation of land)
 - (d) Section 23 Housing Act 1985 (making of byelaws)
 - (e) consideration of periodical review of housing needs
 - (f) Section 27A (Management Agreements)
 - (g) disposal of land other than Council houses under the "Right to Buy" legislation, freehold reversions, small land sales and licences to occupy or access Council land
 - (h) Section 102 Housing Act 1985 (variation of terms of secure tenancies)
 - (i) determination of arrangements for consultation with tenants pursuant to Section 105 Housing Act 1985
 - (j) Part VI Housing Act 1985 (repair notices)
 - (k) Part VIII Housing Act 1985 (area improvement)
 - (l) Part IX Housing Act 1985 (slum clearance)
 - (m) Part X Housing Act 1985 (overcrowding)
 - (n) Part XI Housing Act 1985 (houses in multiple occupation)
 - (o) Part XVII Housing Act 1985 (compulsory purchase and land compensation)
 - (p) Determination of housing allocation scheme - Section 167 Housing Act 1996
2. The recovery of rent, service charges and other debts

3. Write off rent arrears, irrecoverable debts and rechargeables up to a maximum of £1,000 in each case.
4. Adjustment of charges to tenants in respect of heating and service charges and recalibration of electricity meters in accordance with pricing charges by energy producers.
5. Determination of rent allowances and housing benefit allocations.
6. Issuing of formal cautions in respect of car parking and housing benefit offences.
7. Negotiating and concluding Nomination Agreements with registered social landlords or similar organisations under which the Council secures the maximum nomination rights allowed by law and any relevant consents.
8. Management of caravan sites, including allocation of pitches and removal of caravans.
9. The allocation, letting and management of garages on housing land (including termination of tenancies and recovery of possession).
10. In respect of land under the control of the Committee, the powers of the Council under Sections 11 and 15 Berkshire Act 1986 and the powers and duties of the Council concerning the removal of vehicles.
11. Approval of applications for home adaptation, grants under EPATS scheme and loans to homeless persons.
12. Determination of applications for Tenants Compensation for improvements.
13. Assessment and management of Leasehold Service Charges.
14. Concluding agreements on contractual terms and conditions for the supply of Forestcare services.
15. Councils powers under Section 63 Berkshire Act 1986 (urgent repairs to water, gas and electricity apparatus).

Warrants for possession of dwellings may only be sought after consultation with the Chairman (or Vice-Chairman if the Chairman is unavailable) of the Committee

The Director of Public & Environmental Services is authorised to discharge the functions of the Council under the following legislation:-

1. Part VI Housing Act 1985 (repair notices)
2. Part X Housing Act 1985 (overcrowding)
3. Part XI Housing Act 1985 (houses in multiple occupation)

The Director of Corporate Services is authorised to take the following action:-

1. Six monthly declarations as to rate of interest where no change involved (Schedule 16 Housing act 1985)
2. Recovery of mortgage arrears

SOCIAL SERVICES

The Director of Social Services and Housing is authorised to take the following action and discharge the following functions of the Council:

**The power and duties of the Council under the following legislation
(and regulations directions and guidance made thereunder).**

SERVICES TO CHILDREN AND FAMILIES

1. The Children Act 1989 excepting:
 - (a) hearing representations of childminders and day care providers under Section 77 of the Children Act 1989
 - (b) agreeing the Children Services Plan
 - (c) agreeing the Child Care Plan
 - (d) hearing Stage 3 complaints under Section 26 of the Children Act 1989
 - (e) setting the charging rate for users of children's services
 - (f) authorising the constitution of the Secure Accommodation Review Panel
 - (g) approving Section 19 Day Care Reviews.
2. The Children and Young Persons Act 1933.
3. The Children and Young Persons Act 1963.
4. The Children and Young Persons Act 1969.
5. The Adoption Act 1976.
6. The Chronically Sick and Disabled Persons Act 1970.
7. The Children Act 1975, Part II.
8. The NHS Act 1977 Schedule 8.
9. The Family Law Reform Act 1969 Section 7(4) (Supervision of Wards of Court).
10. The Education Act 1996 Section 322.
11. The Housing Act 1996 Section 213 (1)(b).

ADULT SERVICES

1. The National Assistance Act 1948 except Section 47.
2. The Chronically Sick and Disabled Persons Act 1970.
3. The National Health Services Act 1977.
4. The Mental Health Act 1959.
5. The Mental Health Act 1983.
6. The Disabled Persons Services Consultation and Representation Act 1986.
7. The Health Service and Public Health Act 1968.
8. The NHS and Community Care Act 1990 – Except: Approving the Community Care Plan.
9. The Carers (Recognition of Services) Act 1995.
10. The Community Care (Direct Payments) Act 1996 - Except Approving the introduction of the Scheme.
11. The Housing Act 1985 Section 72(b).
12. The Supplementary Benefit Act 1976 Schedule 5.
13. The Public Health (Control of Disease) Act 1984 Section 46(2) and (5).
14. The Housing Grants Construction and Regeneration Act 1996 Section 23 and Section 24.

INSPECTION COMPLAINTS AND REGULATORY FUNCTIONS

The Complaints Procedure Children and Families

1. The Children Act 1989 Section 26: Review of cases and enquiries into representations (complaints procedure) in respect of Part III of the Children Act 1989.
2. The Children and Young Persons Representation Procedure (Children) Regulations 1991.
3. Take action on the recommendation of the Review Panel to include the making of compensatory awards in accordance with the Ombudsman's guidance of 1993 for time and trouble of pursuing the complaint and exceptional distress payments, in consultation with the Council's external auditors.

The Complaints Procedure in Relation to Adult Services

4. The NHS Community Care Act 1990 Section 50 and Section 7(B) of the Local Authority Social Services Act 1970.
5. The Complaints Procedure Directions 1990.
6. Receive complaints from qualifying individuals - power to take action on the recommendation of the Review Panel.
7. The Registered Homes Act 1984 Excepting: sitting on the Representation Panel under Section 13.
8. The Residential Care Homes Regulations 1984.
9. Authorise the registration authority inspectors to enter and inspect homes under Section 17 of the Registered Homes Act 1984.
10. Authorise the issue and service of notices under regulation 20 of the Residential Care Homes Regulations 1984 and to bring prosecutions under Section 17 and other Sections of the Registered Homes Act 1984.
11. Child Minding and Day Care for Young Children. Authorise action relating to the registration and cancellation of child minders and day care providers under Part X of the Children Act 1989.

ACCESS TO PERSONAL INFORMATION

Grant or deny access to Personal Information held on Social Services files under the Access to Personal Files Act 1987 and the access to Personal Files (Social Services) Regulations 1989 and take all appropriate actions under those regulations.

GUARDIAN AD LITEM

1. Maintain a panel of guardian ad litem in accordance with the Guardian Ad Litem Reporting Officers (Panels) Regulation 1991.
2. Payment of fees and expenses of individual members of the Panel in accordance with the regulations.

AUTHORISED PAYMENTS AND GRANTS

Within the provision of the NHS and Community Care Act 1990, arrange for the purchase and provision of appropriate care services to those persons assessed as having needs that fall within Bracknell Forest Borough Council agreed priorities and matrix, subject to appropriate contractual and financial arrangements, the approved policies and estimates for Bracknell Forest Borough Council and the proper identification of appropriate suppliers.

GUARANTEES RENTS AND PAYMENTS

1. Guarantee to other public bodies and private landlords and to authorise the payment of any rent accruing due from tenants in those cases where Bracknell Forest Borough Council has asked other bodies or private landlords to retain the tenants in their housing whilst efforts are made by Bracknell Forest Borough Council officers to rehabilitate them in places coming within the provision of Section 17 of the Children Act 1989.
2. Vary the assessment scale in respect of financial contributions by a parent or young person for any service provided by the Council under Part 3 of the Children Act 1989 for reasons affecting the welfare of the child in question.
3. Waive or vary the charges of any services provided by Bracknell Forest Borough Council under Part 3 of the Children Act 1989 where a failure to do so would adversely affect the welfare of the child in question.
4. Make contributions towards the maintenance of children placed with a person as a result of a Residence Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.
5. Approve payment of legal expenses of applicants for Residence Orders or other Section 8 Orders in respect of children in care to the extent that they are not met by the Legal Aid fund.
6. Approve the payment of the legal expenses in respect of adoptive parents of children who are being placed for adoption by the Council as an Adoption Agency.
7. Arrange interest free loans to foster parents to provide accommodation to sibling groups by extending their present home or to purchase larger homes, the amount of any outstanding loan to be reduced by way of a special allowance for as long as they care for foster care children.
8. Grant allowances to persons who have adopted children in accordance with Section 57 of the Adoption Act 1976 and regulations which may be issued by the Secretary of State.
9. Such action as may be necessary to implement the payment of the various foster care allowances for the time being approved by the Council within current budgetary limits and in consultation with the Director of Finance, to increase the allowance annually in accordance with scales recommended by the National Foster Care Association.
10. Sanction payment of the cost of initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.
11. Approve applications to go on school expeditions, including expeditions abroad of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.

12. Make ex gratia payments to staff in respect of claims relating to damage or injury resulting from the actions of service users or in carrying out the Council's functions under Section 265 of the Public Health Act 1875
13. Assess the contribution to be paid towards board and lodging by working children in accordance with the currently agreed formula provided that the amount remain for weekly personal pocket money and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
14. Waive charges or make additional allowances where a child has exceptional circumstances, such as apprenticeship and heavy travelling expenses.
15. Include the contribution of children in lodgings in appropriate circumstances in order to help to assimilate the heavier costs of lodgings after leaving care.
16. Waive the assessment charges for any services to the clients in circumstances where it is essential for the family for social and/or medical reasons and to record every case requiring any such action in a register provided for this purpose in respect of home care services.
17. Authorise the following facilities for any registered disabled person within the approved budget and within approved policies:-
 - (i) attendance at centres providing appropriate development opportunities;
 - (ii) the provisions for special facilities;
 - (iii) minor alterations and adaptations to premises including the installation of appropriate equipment and works to be supervised by the appropriate professional staff;
 - (iv) contribute where assessed or as appropriate to the cost of adaptations to premises where the client is not eligible for a grant.
 - (v) act as receiver in all matters in which it is appropriate for an officer of the Council so to act
 - (vi) authorise the making of the necessary amendment orders providing for exemption for disabled car badge holders in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982
 - (vii) administer the Borough scheme for badges for disabled persons drivers or passengers
 - (viii) issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982

**THE HEALTH SERVICE AND SOCIAL SERVICES AND SOCIAL SECURITY
ADJUDICATION ACT 1983**

1. Section 17 - power to abate the minimum charge for domiciliary services.
2. Section 22 - power to abate charge over land.
3. Section 24 - power to determine the rate of interest.

APPROVALS

1. Change the names of children who are the subject of a care order in favour of Bracknell Forest Borough Council subject to requirements of Section 33 of the Children Act 1989.
2. Appoint an independent visitor for a child where appropriate in accordance with paragraph 17 of Schedule 2 of the Children Act 1989.
3. Guarantee apprenticeships and similar deeds under Paragraph 18 of Schedule 2 of the Children Act 1989
4. Give consent for the marriage of a young person in care under Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
5. Approve and sign applications for passports of children and young persons in the care of the Council.
6. Arrange for a child in care to live abroad subject to the approval of a Court in accordance with paragraph 19 of Schedule 2 of the Children Act 1989.
7. Approve the application of children and young persons in the care of Bracknell Forest Borough Council who wish to join Her Majesty's Forces.

THE LOCAL AUTHORITY SOCIAL SERVICES ACT 1970. SCHEDULE 1

Subject to any contrary indication in this schedule all the powers and duties under legislation listed in Schedule 1 to the Director of Social Services.