

RUSHMOOR BOROUGH COUNCIL RECORD OF EXECUTIVE DECISION



Submission of response to Government consultation Awaab's Law

DECISION MAKERS

Jonathan Canty Development & Economic Growth Portfolio Holder

DECISION AND THE REASON(S) FOR IT

The decision has been made for council officers to submit a response to the Government having discussed the answers to be submitted with elected members at SHLPG & RP Review Group meetings.

On 20 July 2023, Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. Awaab's Law effectively inserts into social housing tenancy agreements a term that will require landlords to comply with new requirements, to be set out in detail through secondary legislation. This means all registered providers of social housing will have to meet these requirements and if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.

The consultation seeks views on the specific requirements to be set and how these obligations will impact on residents and landlords. They are consulting on proposals for:

- timescales for initial investigations of potential hazards.
- requirements to be placed upon landlords to provide written summaries of investigation findings.
- timescales for beginning repair works.
- timescales for completing repair works.
- timescales for emergency repairs.
- the circumstances under which properties should be temporarily decanted to protect residents' health and safety.
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

Officers met with Members to discuss the consultation questions at SHLPG on 15th January 2024 & The RP Review Group on 24th January 2024 where it was agreed that officers should submit an online response on behalf of the Council. Officers have also encouraged individual members to review the consultation and submit their own responses.

The Consultation closes on 5th March 2024

DATE DECISION TAKEN: 01/03/2023

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED N/A

ANY CONFLICTS OF INTERESTS DECLARED None
None

Signed:
(Decision Maker)

JONATHAN CANTY

Signed:
(Decision Maker)

Guidance notes for using this form

Recording executive decisions

New regulations¹ came into effect on 10 September 2012, under which council officers and cabinet members are required to record every decision they take which is connected to the discharge of a function which is the responsibility of the executive (Cabinet). This applies whether the decision is taken by an officer or an individual cabinet member. This record must be published on the Council's website.

Which executive decisions must be recorded?

The regulations state that any decision connected to the discharge of a function, which is the responsibility of the Cabinet, must be recorded and published. However, at Rushmoor we are restricting the recording requirement to those decisions that are 'closely' (rather than remotely) connected with the discharge of a function of the Cabinet. For guidance, this includes any decision that is either:

- A 'key decision'; or
- Delegated to an officer(s)/cabinet member at a Cabinet meeting; or
- Delegated to an officer in consultation with a cabinet member (within the scheme of delegation or authorised at Cabinet); or
- Any executive decision, whether or not it is in the Cabinet Scheme of Delegation, where there is a reasonable expectation of public interest in the matter being decided because it may have an impact on a community living or working in Rushmoor; or
- The subject of urgent action outside the Scheme of Delegation

Decisions which are administrative in nature – for example, purchasing low value items or are otherwise minor or routine, need not be recorded.

In addition, some decisions would be considered exempt from publication because, for example, they affect particular individuals rather than the public in general, or concern the business affairs

¹ The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

of any person (including the Council) where the information could be claimed to be commercially sensitive.

What are key decisions?

Key decisions are not taken by individual cabinet members and are not usually taken by officers, unless specifically delegated by the Cabinet.

A key decision is one which is likely to:

- result in the Council incurring expenditure or making savings which are significant in as much as they will have a material effect on the level of Council tax or balances or contingencies in relation to the Council's overall budget; or
- be significant in terms of its effects on communities living or working in an area comprising two or more wards within the Borough

