

COUNCIL – 23RD JUNE 2008

Report of the Chief Financial Officer

ITEM 5.7 2008/09 BUDGET – HOUSING APPEALS PANEL

Purpose of Report

To enable the Council to approve changes to the Constitution required to implement a measure agreed as part of the Council's 2008/09 Budget.

Recommendation

That the following changes be made to the Council's Constitution:

- (i) that items 1(ii) and 1(iii) relating to housing appeals be deleted from the functions of the Appeals and Review Panel in Part 3 of the Constitution;
- (ii) that the Procedure Rules for considering housing appeals be deleted from Part 4 of the Constitution;
- (iii) that delegated authority be given to the Director of Housing and Health to consider and determine appeals against the Council's refusal to include an applicant on the housing register and to consider and determine appeals against any Council decision relating to homelessness.

Reason

To implement a saving identified in the Council's 2008/09 Budget.

Background

At its meeting on 25th February 2008, the Council agreed the Budget for 2008/09 (minute 72C refers). The budget included a saving within the Housing and Health budget from changing from the current system of housing appeals to an appeal to officers.

The Council currently operates an Appeals and Reviews Panel to consider housing appeals. It is used primarily to hear appeals against homelessness decisions and also to consider whether offers made are reasonable. In addition the panel can be used for appeals when applicants have been excluded from the housing register.

The use of the Panel causes difficulties in moving people on from their temporary accommodation due to the time taken to convene the Panel. This situation is often exacerbated by Applicant requests for postponements. Further, the operation of the Panel requires the clerking of an external solicitor, together with the additional time and cost involved in drafting decisions.

The *Allocation of Housing and Homelessness (Review Procedures) Regulations 1999* (SI 1999 No.71) set out the procedures to be followed by housing authorities in assessing appeals and carrying out reviews. There is **no requirement** contained within the legislation or guidance for Member Panels to undertake reviews. Further,

we understand that we are the only Council in the county with a member appeals panel for homelessness cases.

By switching to an officer review process applicants would be able to receive decisions on the outcome of their review more quickly. In addition, it is estimated that £10,000 per annum could be saved based on the additional time spent by applicants in bed and breakfast accommodation pending the review.

The proposed officer review process is based on the Homelessness Code of Guidance that stipulates that reviews must only be undertaken by officers who are more senior to those who have taken the original decision. The process will require the Senior Housing Options Officer within the Housing Needs Section to authorise all original homelessness decisions, allowing appeals to be heard by either the Housing Needs Manager or Head of Strategic and Private Sector housing. The advice of legal services will still be sought to assist in relation to complex and appeal cases. It is envisaged that appeals will no longer be heard in a “court room” format but will in most cases be based on written submissions by the appellant or their advocate with the opportunity for the officer conducting the appeal to undertake further interviews with the appellant if this is deemed necessary or appropriate. There will be no additional cost implications in administering the proposed new process.

In developing the proposed officer review process we conducted a fact-finding exercise and considered how homelessness review panels are constituted at other Authorities. The proposed process is considered comparable to those employed at other Authorities.

The change from the current system of using the Appeals and Reviews Panel to consider housing appeals to an appeal to officers requires changes to the Council’s Constitution. The required changes would be:

- to delete the references to housing appeals in the responsibilities and procedure rules of the Appeals and Reviews Panel;
- to delegate the determination of housing appeals relating to homelessness and the housing register to the Director of Housing and Health who could sub-delegate that function.

The consideration of appeals is a local choice function and the Constitution currently allocates some appeals to the Executive and some to Council. It is not proposed to change the current situation that housing appeals remain a Council function.

Officer to Contact: Simon Jackson, (01509) 634699
simon.jackson@charnwood.gov.uk