

Subject: HOUSING REVIEWS AND APPEALS

Report to: EMT 2 June 2016,
Housing & Neighbourhoods Committee 16 June 2016

Report by: Trevor Chaplin - Group Manager Housing Services

SUBJECT MATTER/RECOMMENDATIONS

This report details the procedures for tenants and residents to review or appeal decisions. It is recommended that a consistent approach is adopted to enable timely and appropriate decisions.

1. INTRODUCTION/BACKGROUND

1.1 GYBC & GYCH, as landlord, are responsible for making decisions on housing matters. These decisions attract reviews and appeals rights, which, in some limited cases, could be heard before a Housing Appeals Committee. This Committee does not form part of the revised governance structure and therefore a decision is required on how these reviews and appeals are concluded.

2. HOUSING APPEALS

2.1 Decisions made by officers on housing matters cover a range of issues including whether a person is owed a statutory homelessness duty, whether a person is eligible for social housing, whether a tenant can carry out a mutual exchange with another tenant or whether a statutory succession has taken place when a tenant has died. These decisions will have a right of review or appeal. How those reviews and appeals are conducted is, in some circumstances, defined by legislation, e.g. homelessness, introductory tenancies, or by guidance from central government.

2.2 Decisions that previously had a right to be reviewed by a Housing Appeals Committee were predominantly around tenancy matters on mutual exchanges and succession rights. In addition there has been a right for housing benefit decisions on Discretionary Housing Payments (DHP) to be heard at this committee.

2.3 The number of decisions heard by the committee declined and between 14 May 2013 and 15 May 2016 there were two meetings, on 18 June 2014 and 15 October 2014. In both cases the Committee upheld the original decision made by the officer.

2.4 In 2014, GYBC adopted a revised Allocation Scheme. The section on reviews states;

The review process under the allocation scheme is as follows:

- a. An application must be made by the applicant within 21 days of the decision regarding their application. But we may extend the time limit in exceptional circumstances.*
- b. The review must be conducted by another council officer who was not involved in the original decision and is senior to the officer who made the original decision.*
- c. The review process will normally be based on written representations.*
- d. The review officer may make further inquiries and interview applicants and other interested parties but there will be no requirement to hold a full oral hearing.*
- e. The review should be concluded within 8 weeks of the review request or as soon as reasonably practicable afterwards. The decision on review will be and communicated in writing to the applicant and give reasons if against the applicant.*

2.5 This process has the advantage of being flexible and reasonably quick to administer. This allows applicants to be informed of revised decision as soon as reasonably possible so that they can make choices on options. During 2015/16, the scheme attracted 76 review requests.

2.6 It is proposed that this process is adopted across housing decisions. The current Tenancy Policy on reviews and appeals is currently based on this approach but includes reference to the Housing Appeal Committee. This reference will have to be deleted if the recommendation of this report is accepted.

2.7 Administrative decisions, including those made on housing matters are subject to the right of judicial review which will remain as an option should a person wish to continue the appeal process.

2.8 The Deputy Monitoring Officer has been consulted on this report and they have agreed with the recommendation at para 6 below.

3. FINANCIAL IMPLICATIONS

None

4. RISK IMPLICATIONS

None

5. CONCLUSIONS

A revised procedure for housing reviews and appeals is required due to the end of the Housing Appeals Committee. As an existing procedure is in use,

this should be adopted across housing decision making.

6. **RECOMMENDATIONS**

That the procedure for reviews and appeals detailed in para 2.4 above is adopted for housing decisions.

7. **BACKGROUND PAPERS**

None

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Deputy Monitoring officer has agreed with recommendation at para 6.
Section 151 Officer Consultation:	N/A
Existing Council Policies:	GYBC Allocation Scheme, Tenancy policy
Financial Implications:	N/A
Legal Implications (including human rights):	Considered and judicial review available. Recommendations agreed by the Deputy Monitoring Officer.
Risk Implications:	N/A
Equality Issues/EQIA assessment:	No issues
Crime & Disorder:	N/A
Every Child Matters:	N/A