



To: Executive Councillor for Housing (and Deputy Leader): Councillor Catherine Smart
Report by: Director of Customer and Community Services
Relevant scrutiny committee: Community Services Scrutiny Committee 14/3/2013
Wards affected: All Wards

**HOMELESSNESS REVIEWS (APPEALS)
Not a Key Decision**

1. Executive summary

This report informs Members of the homelessness reviews process at Cambridge City Council and is requesting permission to continue to outsource this function as well as proposals to change the constitution to avoid any doubt about the process following a legal challenge. A further report will be presented at the next Civic Affairs Committee on this subject and recommendations from both reports will be subject to ratification at Full Council on 18th April 2013.

2. Recommendations

The Executive Councillor is recommended:

- 1) To support the recommendation to Civic Affairs Committee and Council that the Council treats its functions relating to the review of homelessness applications under the Housing Act 1996 as executive functions.
- 2) Subject to the Council accepting the above recommendation, to authorise the Director of Community Services:
 - a) to re-tender the homelessness reviews contract for a period of 3 years with an option to extend for a further 2-year period; and
 - b) to extend the existing contract until a new contract begins.

3. Background

- 3.1 The council has a duty to accommodate certain categories of homeless persons as defined by the part VII of the Housing Act 1996 (as amended Homelessness Act 2002). If an applicant wishes to appeal against an adverse homelessness decision there is a right to request a review of the decision as cited in s202 of this Act. Many local authorities conduct reviews internally, but the council agreed to change its process for reviewing decisions and contracted this function out to a suitably qualified organisation.
- 3.2 The decision to outsource the homelessness reviews function was first made in 2004. This succeeded a Member panel review process. The reasons for this change were as follows:
- § Less pressure on officer and Member time
 - § The reviews would be totally independent of the council
 - § Tendering could identify homelessness law specialists and review decisions would provide an effective quality control measure on housing advisors' decisions
- 3.3 The process adopted since 2004 continues to fulfil the objectives outlined above and provides a balanced set of outcomes. In the current financial year there have been 15 reviews to date. Of these the council decisions in 8 cases have been upheld, 2 have been overturned, 2 have been withdrawn and 3 are still outstanding. Of the 8 cases that were upheld 2 went on to a further appeal in the County Court where 1 was upheld and in the other the council accepted a request for a re-review.
- 3.4 In addition to meeting the objectives outlined above, the contract offers good value for money, costing the council less than £10,000 per annum, excluding a calculation of officer time. The original report to Housing and Health Scrutiny Committee in 2004 concluded that the outsourced review process was the second cheapest option of 4 behind a straightforward senior officer review process. However, tendering this service realised even greater savings than envisaged in 2004 where fees were estimated at £150 per hour. The costs under the current contract have been considerably less than that. Secondly, the key consideration for the council has been to achieve ensure that the reviews can be seen to be determined entirely independently.
- 3.5 The current contract for the homelessness reviews function expires on 31.3.13.

4. The Constitutional Issue

- 4.1 A separate report on the homelessness review function is being put before the Civic Affairs Committee. This is because a legal challenge to a homelessness review decision has cast doubt on the procedure followed in 2004. In essence, the Council approved a change to the constitution to remove the role of the member review panel, in the light of the outsourcing, but a recommendation to approve the outsourcing did not go to Council. As the review had been treated as a Council function (because of the role of the member panel), the decision on its outsourcing should have been made by the Council.
- 4.2 As the reviews are no longer undertaken by a member panel, there is no reason for this to be treated as a Council function. Civic Affairs and Council are being asked to agree that it should be classed as an executive function.

4. Implications

(a) **Financial Implications**

The financial implications pertaining to the current contract are detailed at 3.4 above. The fees submitted by bidders will be subject to a significant weighting in the scoring assessments and the council can reserve the right not to award a contract if no submitted prices are acceptable.

(b) **Staffing Implications** (if not covered in Consultations Section)
None

(c) **Equal Opportunities Implications**

No Equalities Impact Assessment has been carried out. There is no proposed policy change and there are provisions for unlawful discrimination and equal opportunities within the contract.

(d) **Environmental Implications**
Nil

(e) **Procurement**

In the main body of the report

(f) **Consultation and communication**

This is not a new policy approach

(g) **Community Safety**

Not relevant

5. Background papers

These background papers were used in the preparation of this report:

Report to Housing and Health Scrutiny Committee in April 2004
Report to Civic Affairs Committee on 20 March 2013 - Constitution
Amendment: Review Of Homelessness Decisions

6. Appendices

None

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Author's Name: David Greening
Author's Phone Number: 01223 - 457997
Author's Email: david.greening@cambridge.gov.uk