

Homelessness Reviews

Briefing note to accompany request for an interim arrangement under the urgency powers (paragraph 6.3 of the Council's Scheme of Delegation

28th February 2013

This briefing note offers an explanation on the background to the above request under the urgency powers. The request is to confirm an interim arrangement for homelessness reviews while the process is clarified through the committee and system and the Full Council meeting on 18th April.

The council had a challenge to a recent homelessness decision that went to review. One aspect of the challenge was to assert that we hadn't been through the correct constitutional channels to get the homelessness reviews process outsourced. The opinion expressed was that the decision should have been ratified at Full Council.

Legal Services has sought a barrister's opinion and although the barrister came back with a view that we had probably followed correct council procedure, it was only a tentative view and the recommendation was that we should seek further counsel's opinion from a barrister with more expertise in this area.

Since then and following further discussions with the Director for Customer and Community Services and Legal Services a course of action has been agreed (please refer to the attached memo from Legal Services).

One aspect to the agreed course of action is to ensure that the council still has a mechanism to conduct these reviews while this matter is being resolved. Without the urgency decision we do not have a verified method for conducting these reviews. There are currently 4 reviews outstanding. We need to determine these reviews within 56 days or request agreement for a time extension with the applicant. If this is not agreed and we do not determine within 56 days the appellant can go straight to the County Court for a decision.

The original decision to outsource the homelessness reviews function was made in April 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

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