

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Legal Services  
TO: Civic Affairs Committee 20/3/2013  
WARDS: None directly affected

### **CONSTITUTION AMENDMENT: REVIEW OF HOMELESSNESS DECISIONS**

#### **1 INTRODUCTION**

- 1.1 The Council's arrangements for conducting reviews of decisions relating to homelessness applications have been challenged. This report proposes a change to the Constitution to avoid scope for doubt.

#### **2. RECOMMENDATIONS**

- 2.1 That the Council treats its functions relating to the review of homelessness applications under the Housing Act 1996 as executive functions.
- 2.2 That the Head of Legal Services is authorised to amend the Constitution to reflect this.

#### **3. THE ISSUE**

- 3.1 The Local Government Act 2000 radically changed the structure of decision-making in local government. Amongst other things, it introduced the "leader and cabinet" model of governance.
- 3.2 Regulations under the Act divided Council functions between those that were to be the responsibility of the Executive, those that remained with the Council, those that had an element of joint responsibility and those for which the Council could choose whether they should be the responsibility of the Council or of the Executive.
- 3.3 The Council has responsibility for making decisions about its obligations when people apply for help because they are homeless. The primary legislation is the Housing Act 1996. The Council also

has a duty to provide a review of a decision, if requested by an applicant. Prior to the Local Government Act 2000 and, for a period afterwards, reviews were carried out at member level by a Homelessness Appeals Sub-Committee.

- 3.4 One of the areas of choice for the Council when implementing the “leader and executive” model of governance was whether “homelessness appeals” should be the responsibility of the Council or whether it should be an Executive function. The Council wished, at the time, to retain the member level review and so it decided not to pass responsibility for this function to the Executive.
- 3.5 In 2004, a report by the Head of Housing Services, to the Housing and Health and Scrutiny Committee and the Executive Councillor for Housing and Health recommended that homeless reviews be outsourced, on a three year contract. The Executive Councillor’s decision was:

“Subject to consideration by the Civic Affairs Committee in view of the amendment required to the Constitution, to recommend Council to out source the homelessness decision review/appeals procedure to an external agency, on a three-year contract.”

As the review was treated as a Council function, the decision on its outsourcing needed to be made by the Council.

- 3.6 The Civic Affairs Committee met on August 31, 2004. The meeting recommended an amendment to the constitution to remove reference to the Homelessness Appeals Sub-Committee, in line with the proposal from the Executive Councillor.
- 3.7 Unfortunately, whilst the Civic Affairs recommendation regarding the Constitution was considered and approved by Council, the Executive Councillor’s recommendation to outsource the function was not. Doubt has been cast on whether the decision to outsource was made properly and it would be prudent now to put the matter beyond doubt.
- 3.8 The contract for outsourcing reviews of homelessness decisions is about to expire. The Director of Customer and Community Services is submitting a report to the Executive Councillor for Housing Community Services Scrutiny Committee recommending that a further contract should be let.

3.9 The original point of designating the homeless review function as the responsibility of the Council, rather than that of the Executive, was to preserve the member review by the Homelessness Appeals Sub-Committee. As the Sub-Committee was dissolved in 2004, there is little reason for this to remain a Council function. Other responsibilities for homelessness rest with the Executive, and it would be sensible, and avoid unnecessary bureaucracy, to treat the review element similarly. This would allow the Executive Councillor to make decisions without the need for consideration by full Council.

#### 4.0 **CONSULTATIONS**

The decision and views of the Executive Councillor for Housing and the Community Services Scrutiny Committee on 14 March will be reported to this meeting.

#### 5.0 **OPTIONS**

If the Council decides not to treat its functions relating to the review of homelessness applications under the Housing Act 1996 as executive functions, the Council itself will need to decide whether or not the homelessness review/appeals process should be outsourced. It should also delegate responsibility for the management of this function to a regulatory committee.

#### 6. **IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** – None. No equality impact assessment has been carried out in connection with this report as it relates to a procedural constitutional issue, rather than a substantive policy in delivering a service.
- (d) **Environmental Implications** – Nil
- (e) **Procurement** - None
- (f) **Consultation and communication** - None
- (g) **Community Safety** - None

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report: None

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