

5. CABINET REFERRALS

Housing and Community Overview and Scrutiny Committee – 13 November 2013

OS/242/13 HOMELESSNESS STRATEGY & SERVICE REVIEW 2013-2018 – refers to agenda item 12 – amended.

J Hedger introduced the report and explained that the draft Homelessness Strategy had come to the Housing & Community OSC in July. Following that, the strategy had been subject to public consultation, the comments from which were contained in the report. J Hedger explained that the strategy would need constant review to ensure the best service was being given.

In addition J Hedger said that the team had now split, with one team focusing on the people aspect of homelessness and the other focusing on the property aspect. J Hedger said that more preventative work was being done with people before they lost their homes and that £10,000 had been spent on training the team involved and there was a renewed focus on providing very high levels of customer service within the team.

Councillor Mahmood referenced the rise in homelessness mentioned in the report and asked how the system was accommodating this and intervention work being done prior to people becoming homeless. J Hedger said that there had been an increase in homelessness due to various factors; such as domestic abuse, young people becoming parents and welfare reforms. J Hedger said that there were provisions for temporary accommodation in the hostel in Berkhamsted and properties that were not currently in permanent occupation and, in addition, the Homelessness team had a business account with Travelodge. J Hedger also stated that the team were working very hard to ensure as much preventative work was being done with people prior to them losing their homes.

Councillor Douris then commented in relation to point 4 that he did not agree with the proposal to stop member involvement in the housing appeals process. Councillor Douris felt that the current method was democratic and fair and that, while he acknowledged a member led appeals process may not be the common appeals process format amongst local authorities, he felt that Dacorum's member involvement in this matter was unique and should be valued. DBC is in a minority in building to the Passivhaus standard. We therefore should not be overly concerned that we are in a minority concerning the conduct of housing appeals. Councillor Conway concurred, adding that she strongly disagreed with point 4.13 about the hearing by councillors creating an 'intimidating' atmosphere.

J Hedger explained that Dacorum Borough Council was one of only three local authorities to still utilise a member panel appeals process and that one of those are currently reviewing that process for reasons similar to those outlined in the report. J Hedger said that in some cases appeals meetings had been cancelled because, due to new information coming to light at the last minute, she could not risk some decisions going to appeal and then being overturned.

Councillor Douris said he understood that but he did think that potential cross-examination by the panel provided more assurance.

I Connolly said that Arkright Solicitors had advised the Housing team to move away from a Member led process as it was felt that an officer led process would be better as the current one was seen as being too adversarial and too 'court-like' with many unnecessary questions being asked during the process.

N Brathwaite added that the Housing team had recently been in receipt of a County Court appeal related to a housing appeals case where an applicant was actually appealing the process due to not having visibility of the decision making process. N Brathwaite commented that the issue was therefore not related necessarily to the decisions made by the Council but with the appeals process itself.

J Hedger also responded to Councillor Conway's earlier point and said that whilst she understood Councillor Conway's view, her team often received feedback from applicants that the process was both adversarial and formal and in addition the process was not necessarily aligned to the legislation regarding appeals.

J Hedger also added that the Housing team had developed a huge amount from the time when the member led appeals committee was initially devised and that with this in mind there appeared to be no additional benefit to customers to have member involvement in the appeals process.

Councillor Bassadone said that she did not see how the officer led process would be fairer and more transparent than the member led one. J Hedger replied by saying that currently the decision was made by members behind closed doors with no record of this decision making process being made. The process the officers would carry out would be more informal and provide the customer more access to all parts of the decision making process.

Councillor Bassadone then asked if the officers felt under pressure from Arkrights solicitors to make amendments to the process. J Hedger said that this was not the case and that the officers had independently begun considering changes to the process prior to Arkrights involvement. I Connolly added that both Arkrights and Shelter did not see value in the current process of having councillors determining appeals.

Councillor Killen commented that with the potential suit that was upcoming at County Court surely it would be better to wait until this case had occurred to see if there was a learning opportunity from it before moving ahead with abolishing the member led process.

J Hedger said that the Housing service had been looking at this issue for 6-12 months and that the impending case was a recent development that had no bearing on the inclusion of the recommendation in the report currently before members of the OSC. Councillor Killen acknowledged this but added that in her opinion there seemed to be a problem not with the process but with the style of the process, that maybe the 'adversarial' style be changed to an investigative one and if so surely that could alleviate some of the issues. Councillor Killen said if the issue was around the transparency of the decision, could the decision making process not be minuted? J Hedger said it was not aspects of the process but rather the whole process which was the problem.

The Chairman said she found the report astounding to read. She could not see how suggesting what is perceived is a lack of transparency could be solved by going from a member led process to an officer led process. The Chairman said that the members were provided with all the relevant paperwork before the meeting and were

given advice throughout the process by Dacorum Borough Council's legal team. The Chairman asked that, if the Councillors were provided with all of that information, why the officers are of the opinion that the Councillors were somehow less informed and thus unable to make the correct decision. The Chairman also pointed out that all members of the housing appeals committee receive training on housing appeals. Further, the basis of the Panel's decision was given at the time of the hearing and explained in detail in the subsequent decision letter. The Chairman commented that she found the suggestion that moving away from a member led panel somehow would provide a higher level of customer care difficult to comprehend.

J Hedger said that she noted the Chairman's comments but that she had to reiterate that the members panel was a very small part of the housing appeals process and that she personally made a number of significant decisions in this area regularly in line with Council policy and her decisions were visible to the Corporate Management team and the Portfolio Holder for Housing.

Councillor Hollinghurst said he completely disagreed with the suggestion made to remove the member led panel from the appeals process. Councillor Hollinghurst felt that Arkrights solicitors should not have any input into this matter as they had a commercial interest in the appeals process. Councillor Hollinghurst said that the decisions made during the appeals process were extremely important and decisions of that magnitude should not be taken by officers whose actions would not be subject to scrutiny from democratically elected members. Councillor Hollinghurst added that if the primary issue with the existing process was transparency then this could be rectified and that he recalled that this issue was brought before the Housing & Community OSC before and members had expressed their strong opposition to it then.

J Hedger responded to this by saying that officers' actions would be scrutinised if the new process was adopted as quarterly reports on the process would be brought to Overview & Scrutiny meetings and the officers involved in the process had weekly meetings with Councillor Griffiths.

Councillor Hollinghurst said that would not be equivalent to the current level of scrutiny as members would not receive documents on an individual case by case basis.

I Connolly stated that there would be no officer bias involved in the assessment of cases and that all of the decisions were made on the balance of probability. I Connolly also referred to other important decisions that were made in the Council without member involvement.

Councillor Adeleke said that, although he personally had no involvement in the appeals process, he did not think that member involvement should be viewed as a potential obstacle to the transparency of the process.

Councillor Adeleke then asked if the predicted monetary value saved if members were no longer involved in the process would really have that much of an impact. J Hedger said that a £300 cost would be incurred for every appeals session so cumulatively the savings would have a great impact on her budget. J Hedger again reiterated it was the decision making process, conducted behind closed doors, that was leading to issues of transparency and not members themselves.

Councillor Douris then asked for Councillor Griffiths opinion on the matter given her role as Portfolio Holder.

Councillor Griffiths said that the external consensus was that member involvement in the appeals process was not best practice. Councillor Griffiths pointed out that the Council had evolved a lot over the years with processes and policy's changing but that this appeals process was the only process still in place that did not appear to have moved on.

Councillor Griffiths stated that members had to trust the judgement of officers pointing out that they often made key decisions in the areas of evictions and housing allocations without member intervention. Councillor Griffiths agreed with the report and said that more often than not applicants found the member led appeals process a stressful experience. Councillor Griffiths said that from her point of view she did not see what value it added and that officers did keep her very informed of their casework in this area at the weekly meetings J Hedger mentioned.

The Chairman responded to Councillor Griffiths and said that the issue was not about trusting the officers but that member involvement in the appeals process did add value and aid transparency. Furthermore, the decision to evict is not taken by officers but by the Courts.

Councillor Flint then added that she would have to agree with Councillor Griffiths concerning the point about the hearing being intimidating as she had previously accompanied an applicant to the appeals process and found it to be an unpleasant experience for the applicant.

S Parker asked if the applicants had been consulted.

Councillor Douris and Councillor Killen both recommended that the Cabinet be asked to defer making a decision on abolishing the Member Panel until this Scrutiny Committee has had the opportunity of considering the advice being sought from a barrister about the recently received appeal. The committee agreed to this unanimously.

Outcome:

The new Homelessness Strategy 2013-2018 was noted and supported.

However, the Housing & Community Overview & Scrutiny Committee recommend that Cabinet does not make a decision regarding the abolition of the member led appeals panel until the Housing & Community Overview & Scrutiny Committee consider the matter further on taking into account the legal advice awaited in respect of the recently received appeal.

Actions:

None