

CABINET

Delegated Authority to Undertake Appeals or Reviews Individual Cabinet Member Decision Councillor David Kerr Report of Corporate Director (Community Services)

PURPOSE OF REPORT			
To seek an amendment to the Scheme of Delegation to enable officers to be authorised to undertake appeals or reviews in relation to tenancy and housing register matters.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
Date Included in Forward Plan		Not applicable	
This report is public			

RECOMMENDATIONS

- (1) That delegated authority be given to the Head of Council Housing to designate in writing officers who are authorised to undertake appeals or reviews in relation to Introductory Tenancies, Demoted Tenancies, and matters arising from the Housing Register.
- (2) That the Scheme of Delegation in Part 3 of the Constitution be amended accordingly and that in accordance with Rule 1.4(b) of the Cabinet Procedure Rules, the Chief Executive present a report to Council setting out this change.

1.0 Introduction

- 1.1 There are a number of circumstances where a housing applicant or a tenant can request an internal review (either oral or paper) of a decision taken by Council Housing Services. These are legal rights.
- 1.2 When a notice is served to end or extend an Introductory Tenancy the tenant has the legal right to request an internal review at which a panel considers whether or not the action is proportionate. If eviction is being sought the court is subsequently required to determine whether or not the correct procedure has been followed, if this is accepted, the court *must* grant an outright possession order.
- 1.3 Similar rights to review exist where the Council seeks to demote a tenancy (Demoted Tenancy) and where someone is deemed ineligible to go on the Housing Register.

1.4 Under previous delegated authority named officers undertook these reviews. Due to staff absences only the Principal Housing Manager remains to undertake the reviews, and this situation needs to be urgently addressed to enable reviews to be undertaken and to be undertaken within statutory timescales.

2.0 Proposal Details

2.1 It is proposed that the Head of Council Housing is given the delegated authority to designate in writing senior officers to undertake appeals or reviews in relation to Introductory Tenancies, Demoted Tenancies, and matters arising from the Housing Register, and that the Scheme of Delegation be amended accordingly. This will ensure that officers will always be available to deal with such reviews and appeals.

3.0 Details of Consultation

3.1 Advice has been sought from the Head of Legal and Human Resources

4.0 Options and Options Analysis (including risk assessment)

4.1

Option	Advantages	Disadvantages	Risks
1. Do nothing	None	The Council will fail in meeting its statutory duties.	Judicial Review.
2. Delegated authority given to designate officers to undertake the appeals and reviews	The Council will meet its statutory duties. Appeals and reviews will be undertaken in an as efficient way as possible.	None identified.	None identified

5.0 Officer Preferred Option (and comments)

5.1 The preferred option is Option 2 as set out above.

6.0 Conclusion

6.1 It is necessary to amend the existing delegated authority to ensure the efficient management of the Service and to meet statutory requirements.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan:

- To deliver value for money customer focused service.
- To reduce crime and the fear of crime
- To support sustainable communities

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Impact assessments have been undertaken and no issues have been identified.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of this report.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no additional legal implications arising out of this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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