

HOUSING REVIEWS

Head of Service: Rod Brown, Head of Housing & Community
Wards affected: (All Wards);
Urgent Decision? No
If yes, reason urgent decision required: No
Appendices:

Summary

To agree the arrangements for performing statutory housing reviews of decisions relating to homelessness and the suitability of temporary accommodation.

Recommendation (s)

The Committee is asked to:

- (1) Approve the award of a contract for the conduct of reviews of allocation and homelessness decisions to Residential Management Group (RMG) Ltd for a period of 1 year with an option to extend for a further period of 1 year and;
- (2) Nominate and authorise to RMG Ltd the Council's statutory functions pursuant to the provisions of s166A(9) and s202 of the Housing Act 1996 to perform reviews of decisions made either regarding the suitability of accommodation offered s166A(9) or as the result of a decision upon a request for assistance as homeless s202. And:
- (3) Nominate and authorise to the Strategic Housing Manager the Council's statutory functions pursuant to the provisions of s166A(9) and s202 of the Housing Act 1996 to perform reviews of decisions made either regarding the suitability of accommodation offered s166A(9) or as the result of a decision upon a request for assistance as homeless s202.
- (4) Nominate and authorise Housing Reviews Ltd to conclude all outstanding cases as per the previous committee report in October.

1 Reason for Recommendation

- 1.1 The Council has a statutory duty to assist homeless households under the Housing Act 1996 and Homelessness Reduction Act 2017. This includes a statutory duty to review relevant decisions when appropriately challenged.

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2 Background

- 2.1 In common with most smaller local authorities, the Council has historically delegated authority for reviews pursuant to the provisions of s166A(9) and s202 of the Housing Act 1996 to an external body.
- 2.2 At the Community & Wellbeing Committee on 8th October 2024 the committee approved for the Council to enter into a 1-year (+1) contract with Housing Reviews Limited to undertake the reviews on the Council's behalf.
- 2.3 Unfortunately, officers were subsequently informed shortly after the committee decision that Housing Reviews Ltd were no longer willing to contract with the Council.
- 2.4 Housing Reviews Ltd have a number of outstanding cases, which they have agreed to complete.
- 2.5 Officers have been searching for alternative providers of housing reviews in order to maintain a mechanism to perform a review and defend any legal challenge and any subsequent additional temporary accommodation costs which may occur as a result.
- 2.6 Although there are a very limited number of alternative options available on the market, another south-east based local authority recommended RMG Ltd. Officers have subsequently carried out due diligence and our view is that we should secure RMG Ltd's services for a 1-year (+1) period.
- 2.7 In addition, and in the event that RMG Ltd is unable to fulfil the terms of the contract, it is proposed that the Strategic Housing Manager be given authority to undertake the reviews so that the Council is able to defend itself from legal challenges.
- 2.8 Whilst it is useful to have the ability to complete these statutory reviews internally, any officer performing the review needs to be sufficiently detached from the original decision, so as to be objective. In a small housing team, this degree of separation can often be impractical, and the Council does not have the capacity to commit to undertaking all the potential requests for reviews.

3 Proposal

- 3.1 To authorise RMG Ltd to carry out the Council's statutory housing review functions to through an agreement for a contract period of 1-year, with the option to extend for a further year, if agreed by both parties
- 3.2 In addition, it is further proposed to delegate the same statutory review functions to the Strategic Housing Manager to enable the performance of the same statutory housing reviews should RMG Ltd terminate the contract.

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- 3.3 Approve Housing Reviews Ltd to complete the remainder of the cases as per the report to the previous committee.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

- 4.1.1 Minimising homelessness will have a positive impact on inequalities.

4.2 Crime & Disorder

- 4.2.1 None for the purposes of this report.

4.3 Safeguarding

- 4.3.1 Assisting homeless households to access safe and secure accommodation will have a positive impact on safeguarding.

4.4 Dependencies

- 4.4.1 None for the purposes of this report.

4.5 Other

- 4.5.1 None for the purposes of this report.

5 Financial Implications

- 5.1 The cost of procuring the review services will be less than £5,000 for 1 year.

- 5.2 **Section 151 Officer's comments:** The expenditure identified will be met from existing budgets.

6 Legal Implications

- 6.1 The Council has statutory functions under Parts VI and VII the Housing Act 1996 in relation to allocation of social housing and assistance of the homeless: they include the function of carrying out reviews of decisions under the Homelessness Reduction Act 2017. Failure to discharge our statutory duties could expose the Council to legal challenge and pose a significant financial and reputational risk to the Council.

- 6.2 By the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 ("the Order") the Council is permitted to contract out those functions (including the review function) to a third party provided that any such contract is (i) for no more than 10 years and (ii) subject to revocation by the Council forthwith.

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6.3 **Legal Officer's comments:** none other than as outlined in the report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

Safe & Well: Work with partners to improve health and wellbeing of our communities, focusing in particular on those who are more vulnerable.

7.2 **Service Plans:** Not applicable.

7.3 **Climate & Environmental Impact of recommendations:** Not applicable.

7.4 **Sustainability Policy & Community Safety Implications:**

7.5 **Partnerships:**

8 Background papers

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Previous Reports:

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