

# PART 12 – HOMELESSNESS REVIEW BOARD

## 1. Terms of Reference

- 1.1 Full powers of the Council to adjudicate and decide upon the following issues (where they have not been resolved through Officers' review) as allowed under Section 202(1) of the Housing Act 1996:
- (a) an applicant's eligibility for assistance (Sections 185-1886);
  - (b) what duty (if any) is owed to the applicant if s/he is homeless or threatened with homelessness (Sections 190-193, 195-197);
  - (c) the cessation of the full housing duty where the applicant was previously subject to it (Sections 193(5) – (7));
  - (d) whether the conditions for referral to another authority are satisfied (Section 198(5));
  - (e) the duty owed in the case of a potential or actual referral (Sections 200(3) – (4));
  - (f) the suitability of accommodation offered in discharge of any duty owed (Sections 206 and 210).

## 2. Membership

- 2.1 The membership of Board can be found at Appendix H - Membership of Cabinet, Committees etc.

## 3. Procedure for Homelessness Review Boards

- 3.1 The procedure for the Board to carry out reviews is:
- (a) Should the appellant or his/her representative fail to attend or notify the Clerk to the Board they do not wish to attend, the Board may decide to continue the Review taking into account the views of the Community and Planning Services Director (*the Housing Officer*) and any written submission supplied by the appellant. The appellant will be asked to submit a written representation whether or not he/she wishes to attend the hearing.
  - (b) The Chairman will introduce him/herself and other Members of the Board and the Clerk (*a member of the Democratic Services Team*) and the Secretary to the Board (*a member of the Legal Services Team*).
  - (c) The Chairman will take appearances from the Community and Planning Services Director's representative (*the Housing Officer*) and the appellant or his/her representative who will both state their name and position and the names and positions of any witnesses they intent to call.
  - (d) Witnesses shall be present only when giving evidence. The appellant or

his/her representative and the Community and Planning Services Director's representative will however be present throughout the presentation of the case.

(e) The Community and Planning Services Director's representative will summarise the reasons for the decision.

(f) The Community and Planning Services Director's representative may call witnesses. Each witness in turn:

(i) gives evidence;

(ii) may be questioned by the appellant or his/her representative (the appellant's representative does not at this stage, make statements or comments, the opportunity to do so comes later);

(iii) may be questioned by Members of the Board;

(iv) may, if necessary be re-questioned by the Community and Planning Services Director's representative.

(g) The appellant or his/her representative summarises his/her case.

(h) The appellant or his/her representative may call the appellant and any other witnesses. Each witness in turn;

(i) gives evidence;

(ii) may be questioned by the Community and Planning Services Director's representative;

(iii) may be questioned by Members of the Board;

(iv) may, if necessary, be re-questioned by the appellant or his/her representative.

(i) The Community and Planning Services Director's representative sums up the Director's case.

(j) The appellant or his/her representative sums up the appellant's case.

(k) Members of the Board may ask the parties or, if necessary, any witnesses who may be recalled for this purpose, for any additional information or clarification required.

(l) The parties, their representatives and any witnesses then present shall withdraw.

(m) The Board will then deliberate in private, attended by the Clerk and the Secretary to the Board if required. If it intends to reach a decision, then it will either recall the parties, their representatives and witnesses to announce its decision or will inform the parties in writing within five clear working days. The decision and the reasons for reaching such a decision will be confirmed in writing by the Chief Executive.

(n) The Board may wish to adjourn to an appropriate date if it feels it did not have sufficient information to make a full and considered opinion. If the Board decides not to make a decision immediately, then its decision will be notified in writing to the applicant and his/her representative by the Chief Executive within five clear working days of the decision being made by the Board.

(o) The Board will comprise of three elected Members. The Chairman shall be the Portfolio Holder for Balanced Communities and the remaining membership will be drawn from the Council ignoring, if necessary, proportionality rules.

(p) No meeting of the Board shall take place unless the 3 Members are present.

