

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON MONDAY, 29 MARCH 2010
IN COMMITTEE ROOM 2, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.55 PM**

Members Present: Mrs M McEwen (Chairman), Mrs P Brooks, Ms J Hedges, J Markham, R Morgan, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and B Rolfe

Other members present:

Apologies for Absence: J Philip and J Knapman

Officers Present I Willett (Assistant to the Chief Executive), A Hall (Director of Housing), B Moldon (Principal Accountant) and M Jenkins (Democratic Services Assistant)

47. NOTES OF THE LAST MEETING

It was noted that the draft notes for the last meeting of the Panel held on 22 March 2010 were not yet ready for circulation. They would be circulated for approval at the 24 June 2010 meeting of the Panel along with the notes for this meeting.

RESOLVED:

That the Panel notes for the 22 March and 29 March 2010 meetings be approved at the 24 June 2010 meeting of the Panel.

48. ELECTION OF ACTING VICE CHAIRMAN

The Chairman requested nominations from the Sub-Committee for the role of Acting Vice Chairman.

RESOLVED:

That Councillor D Stallan be elected Acting Vice Chairman for the duration of the meeting.

49. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor B Rolfe was substituting for Councillor J Philip.

50. DECLARATION OF INTERESTS

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda by virtue of being the Housing Portfolio Holder and having been the Chairman of the Housing Appeals and Review Panel. The Councillor determined that his interest was not prejudicial and that he would stay in the meeting of the consideration of the item:

- Item 6 Review of the Scope of the Housing Appeals and Review Panel

(b) Pursuant to the Council's Code of Member Conduct, Councillors B Rolfe, Mrs J Hedges and Mrs J Whitehouse declared personal interests in the following item of the agenda by virtue of being members or reserve members of the Housing Appeals and Review Panel. The Councillors concerned had determined that their interests were not prejudicial and that they would stay in the meeting for the consideration of the item:

- Item 6 Review of the Scope of the Housing Appeals and Review Panel

51. TERMS OF REFERENCE / WORK PROGRAMME

The Terms of reference were noted. The Panel was advised that its Work Programme for 2009/10 was almost complete. It was suggested that an extra item for discussion in the 2010/11 cycle would be the supply of water to meetings in Committee Rooms 1 and 2 instead of supplying coffee as requested at the meeting.

52. REVIEW OF THE SCOPE OF THE HOUSING APPEALS AND REVIEW PANEL

The Panel received a report from Mr A Hall, Director of Housing, regarding a review of the Scope of the Housing Appeals and Review Panel.

Following the formal business of a meeting of the Housing Appeals and Review Panel (HARP) in August 2009, members of the Panel had an informal discussion with the Director of Housing and the Assistant Director (Democratic Services) regarding the scope of the housing appeals and reviews undertaken by the Panel. Concern was expressed about the cost and the member and officer time involved with housing appeals about relatively minor matters.

The HARP was established in 1991, in order to carry out reviews of key decisions affecting housing clients which also allowed clients to attend the meeting.

Between 1991 and 31 December 2009:

- the HARP had considered 249 cases, an average of around 13 each year;
- the lowest and highest number of cases were in 1994/5/6 (4 cases) and 2004/05 (27 cases) respectively; and
- around 30% of all appeals/reviews were allowed, around 70% of all appeals/reviews were dismissed.

The policy since 1991 had been that any client of the Housing Directorate could appeal against any decision made by an officer from the Housing Directorate on any housing matter. The only exceptions were as follows:

- (a) to ensure that statutory timescales for homelessness review are met, except for those cases listed at (b) below, reviews of homelessness decisions are not first considered by an Assistant Director;
- (b) because of the potential number of cases, and the need to undertake some reviews very quickly, the following statutory homelessness

reviews were only undertaken by an Assistant Director, and not by the HARP:

- whether or not single applicants were “homeless” or had a “priority need.”
- whether or not an allocation of either temporary or permanent accommodation was suitable for the applicant and his/her family.
- whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority.

The Director of Housing proposed that only cases within an agreed list of cases should be considered by the HARP in future. It was noted that, by taking such an approach, the following types of cases would no longer be heard by the HARP:

- The banding of housing applicants in accordance with the Housing Allocations Scheme
- Allocation of Council garages
- Applications for vehicular crossovers
- Write-off of former rent arrears
- General housing management issues
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- General housing management issues
- Covenants and leases of former Council or leasehold properties.

Based on the 231 cases heard by the HARP since its inception, and the 29 cases heard by the HARP in the last 2 years, the approach suggested would reduce the workload of officers and members by an estimated 45%, resulting in the average number of cases heard by the HARP each year being reduced from around 13 cases to around 7 cases with an associated estimated reduction of 240 “man hours.”

Ten members of the HARP were consulted on the report, and five responses (50%) were received. Of the five members that responded:

- 2 members (40%) fully supported the proposals within the draft report.
- 3 members (60%) generally supported the proposals except for reasons given on their response form.

The proposals were also supported by the Epping Forest Tenants’ and Leaseholders’ Federation and by the Housing Scrutiny Standing Panel.

At the meeting, it was agreed to recommend that, in addition to the list of cases proposed by the Director of Housing to be covered by the HARP in future, the HARP should also consider appeals against housing allocation bandings.

Concern was expressed about the number of appeals that were convened, with the appellants failing to appear. Therefore, it was agreed to recommend that, with the exception of reviews of homelessness decisions, all other appeals should be heard in the absence of appellants, if they failed to appear without giving notice of their absence.

RECOMMENDED:

(1) That with effect from 2010/11 Municipal Year, the Terms of Reference for the Housing Appeals and Review Panel be amended to only allow appeals and reviews in relation to the following issues:

(a) all homelessness reviews, with the exception of the following types of reviews that are already only undertaken by officers;

(i) whether or not single applicants are “homeless” or have a “priority need;”

(ii) Whether or not an allocation of either temporary or permanent accommodation is suitable for the applicant and his/her family; and

(iii) whether or not a homeless applicant should be referred to another local authority, due to their local connection with that local authority;

(b) housing succession cases, where the successor is under-occupying Council accommodation, and has been required to transfer to smaller accommodation;

(c) exclusion of housing applicants from the Housing Register;

(d) non-provision of discretionary home improvement grants;

(e) refusal of requests for disabled adaptations to Council properties requested by the tenant;

(f) refusal to sell Council owned-land under 50 square metres to occupiers for garden use;

(g) refusal of requests from housing applicants for “priority moves” (i.e. those very urgent and rare cases, dealt with outside of the usual Allocations Scheme);

(h) disagreements with tenants and former tenants on the level or liability for current or former rent arrears; and

(i) the banding of an applicant, in accordance with the Housing Allocations Scheme in being at the time of the decision

(2) That the Terms of Reference of the Panel be amended to:

(a) require appeals to be determined (other than reviews of homelessness decisions) if appellants fail to appear at a Panel meeting without giving a reason;

(b) for reviews of homelessness decisions authorise the Panel to decide whether or not the hearing shall proceed in the absence of the applicant, or shall be adjourned to another date; and

(3) That all other appeals and reviews are determined by the relevant Assistant Director of Housing (or, in the case of some homelessness reviews listed at (1) (a) (i)-(iii), the Housing Options Manager), provided that the reviewing officer has had no material previous involvement with the case;

(4) That appeals and reviews eligible for determination by the Housing Appeals and Review Panel continue to be generally considered first by the relevant Assistant Director of Housing except (in accordance with current policy all homelessness reviews that do not involve the types of homelessness reviews listed at (1) (a) (i)-(iii), with such cases be considered only by the Housing Appeals and Review Panel; and

(5) That revised Terms of Reference for the Housing Appeals and Review Panel, incorporating the changes in (1) above, be submitted to the Council for approval and that appropriate changes be made to the Council's Constitution and Scheme of Officer Delegation accordingly.

53. TREASURY MANAGEMENT

The Panel received a report from Mr B Molden, regarding Treasury Management.

Local authorities' treasury management activities were prescribed by statute. The powers came from the Local Government Act 2003. A local authority in England and Wales may borrow or invest for any purpose relevant to its functions under any enactment. The Council was required to produce prudential indicators each year on the expected capital activity or introduce limits upon that activity and also reflect on the outcome of the Council's underlying capital appraisal system.

The Key Changes to the Code were as follows:

(a) Scrutiny – The Council would be expected to name a committee responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies.

(b) Approval Process – The annual strategy could be approved by a named relevant committee and did not have to be approved by Full Council.

(c) Training of Members – The Director of Finance and ICT should ensure that all members tasked with treasury management responsibilities.

(d) Reporting – In addition to the Annual strategy and year end operation report, a mid-year report would be required.

It was proposed that the roles and responsibilities of the Audit and Governance Committee be changed to add the scrutiny of the treasury management strategy and policies. The Audit and Governance Committee had been consulted about this proposal and was supportive of the idea.

Currently the Cabinet received the treasury outturn report during the September meeting. It was proposed that this should continue and the Cabinet should receive the mid-year report at the December meeting.

RECOMMENDED:

(1) That paragraph 11.4 of Article 11 (Audit and Governance Committee) be amended by the additional of the following new paragraph (to be designated "(m)":

"(m) To be responsible for the scrutiny of the Council's treasury Management Strategy, including consideration of mid-financial year and outturn reports."

(2) That the Treasury Management strategy continue to be approved by the Council;

(3) That the Treasury Management mid-financial year and outturn reports continue to be referred to the Cabinet following scrutiny by the Audit and Governance Committee; and

(4) That a report be submitted to the Council recommending that the Constitution be amended as indicated in recommendation (1) above.

54. FINANCIAL REGULATIONS - ACCEPTANCE OF E-INVOICES

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Financial Regulations – Acceptance of E-Invoices.

Requests have been received from various organisations for the Council to accept electronically transmitted invoices, either by email or fax. Correspondence had indicated that some organisations intended to start charging a fee covering the cost of paper invoices and relevant postage, if the District Council continued to apply Financial Regulations precluding electronic invoices. Chief Officers were required to ensure that payment was not made unless a proper VAT invoice had been received, checked, coded and certified for payment.

All of the current controls applying to the processing of invoices remained. To cope with the proposed change the following would be undertaken:

- A specific email account would be set up which was accessible by delegated Finance and ICT staff only.
- Suppliers would be confirmed of the dedicated email account and PDF format e-invoices only would be accepted when they inquired about e-invoices.
- Finance staff would print the e-invoices, attach normal certification slip and forward the e-invoice to the relevant Directorate for the checks detailed in Financial Regulations.
- The e-invoice would be recorded on the Marketplace system

Members felt that this initiative should be trialled for specific suppliers for 6 months to 1 year. This should allow for a better analysis to take place of the proposed changes and the security requirements.

RECOMMENDED:

(1) That the proposal to amend Financial Regulation 3.24 as follows be deferred:

“3.24 To ensure that payments are not made on a faxed invoice, statement or other document other than a formal invoice. Formal invoices may include e-invoices received in PDF format via the dedicated e-mail address provided by the Chief Finance Officer in the Finance and ICT Directorate”;

(2) That the Director of Finance and ICT be requested to run a pilot scheme of six months' to one year's duration to assess the implications of an e-invoices system; and

(3) That, if a pilot is not considered to be a practical proposition, the matter be reviewed again in 2010/11.

55. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

It was noted that the reports regarding Review of the Scope of the Housing Appeals, Review Panel and Treasury Management and E Invoices would be put before the Overview and Scrutiny Committee on 15 April 2010.

56. FUTURE MEETINGS

The next programmed meeting of the Panel was on Thursday 24 June 2010 at 7.30p.m. in Committee Room 1.