

Housing Appeals and Review Panel – Terms of Reference

Recommendations:

- (1) That paragraph (6) of the Terms of Reference of the Panel be amended to read:**

“(6) In relation to appeals or reviews at which the appellant’s/applicant’s case is presented in person or by a representative, subject to (7) below, the hearing shall be conducted in the following order:

- (a) Chairman’s introductory remarks;**
- (b) Presentation of the Officer’s case;**
- (c) Questioning by the appellant/applicant (or representative);**
- (d) Questioning by members of the Panel;**
- (e) Presentation of the case of the appellant/applicant;**
- (f) Questioning by the Officer (or representative);**
- (g) Questioning by members of the Panel;**
- (h) Officer to raise any additional issues arising from the presentations or to clarify any matters previously raised;**
- (i) Appellant/applicant to raise any additional issues arising from the presentations or to clarify any matters previously raised;**
- (j) Panel considers its findings in the absence of the appellant/applicant and the Officer;**
- (k) The decision of the Panel will be conveyed to the appellant/applicant and the Officer in writing;**
- (l) The Panel shall have the discretion to reverse the order in which the cases of the Officer and the appellant/applicant are presented, provided that both parties agree.**

(7) If requested by the appellant/applicant or their representative, the Chairman may agree to (b)-(d) above taking place after (e)-(g) and to (h) and (i) being reversed”; and

- (2) That, subject to (1) above, the Constitution and Members’ Services Scrutiny Panel be asked to consider the proposals and recommend the Overview and Scrutiny Committee and the Council to agree the amendments and make appropriate changes to the Constitution.**

1. (Director of Housing/Assistant to the Chief Executive) The current order of business for consideration of cases by the Housing Appeals and Review Panel provides for the applicant/appellant to present their case and answer questions first, followed by the appropriate Housing Officer presenting his/her case and answering questions. Whilst this follows the order of most appeal proceedings it is considered that it does not lend itself particularly well to Housing Appeals and Review Panel meetings. The Panel is therefore being consulted on a proposed change in the order of business, to help increase the effectiveness of the Panel’s deliberations and to assist appellants/ applicants to present their case in the best way.

2. An appellant/applicant normally attends meetings to present their case without being represented by a professional advocate. Despite being advised in advance of the meeting of the procedure to be adopted and the Chairman of the Panel, as part of his opening remarks, attempting to put an appellant/applicant at ease they appear

frequently to be overwhelmed facing a Panel of normally five members in a fairly formal setting.

3. As a result, since appellants/applicants have to present their case first, many struggle to follow the procedure and present a reasonable case. Often it is not until replies are given to questions from the Housing Officer and members of the Panel that the full extent of the appellant's/applicant's case becomes apparent.

4. It is therefore suggested that the order of presentation be reversed, with the Housing Officer presenting their case and answering questions first, followed by the appellant/applicant.

5. A change in the order of proceedings, with the Housing Officer presenting his/her case first, would have the following benefits:

- (a) the Panel will have the benefit of receiving the full facts of the case at the outset as these are set out in the Officer's report; this will enable members to understand better the submissions made subsequently by the appellant/applicant; and
- (b) the appellant/applicant will have time to settle in the meeting before being expected to address the Panel; will have a better appreciation of the proceedings having witnessed the way in which the Officer presents his/her case and answers questions on it; and, should be better prepared when it comes to their turn to present their case.

6. The Director of Corporate Support Services has been consulted on the proposed change and can see no objections. The only observation she makes is that some professional representatives (e.g. solicitors or barristers), who would be used to an appellant presenting their case first in an appeal environment, may object to such an order of business. It is therefore suggested that if, requested by the appellant/applicant or their representative, the Chairman can agree to the appellant/applicant presenting their case first.

7. In any event, the proposed revised procedure still maintains the discretion to reverse the order in which the cases of the Officer and the appellant/applicant are presented, provided that both parties agree.

8. Members views are sought on the proposed changes. If the Panel supports the proposed changes, it is suggested that the Constitution and Members' Services Scrutiny Panel be asked to consider the proposals and recommend the Overview and Scrutiny Committee and, ultimately, the Council to agree the amendments and make appropriate changes to the Constitution.