

HOUSING APPEALS AND REVIEW PANEL – TERMS OF REFERENCE

(1) The terms of reference of the Housing Appeals Panel shall be to hear appeals against and reviews of the decisions of the Director of Housing ("the Director") acting under delegated authority, on the following housing matters only:

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

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

(ii) 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) The Panel shall comprise five Councillors, including a Chairman and Vice-Chairman, appointed at the Annual Council meeting. Each political group represented on the Panel shall be required to nominate the equivalent number of substitutes to cover for any member of the Panel who is unavailable.

(3) A minimum of three members shall constitute a quorum for meetings of the Panel. Only members of the Panel present throughout the proceedings shall participate in the decision making process. Members arriving after the commencement of a Panel meeting will be required to leave immediately without taking part in the proceedings.

(4) In the absence of both the Chairman and Vice-Chairman at any meeting of the Panel, a Chairman shall be appointed from the members of the Panel present (but not any substitute members) for that meeting only.

(5) Notwithstanding the provisions of paragraph 3 it shall be competent for the Panel to hear and adjudicate on applications if less than three members are present, provided that both the applicant and the Officer or representative agree.

(6) In relation to appeals or reviews at which the applicant's case is presented in person or by a representative, the hearing shall be conducted in the following order:

- (a) Chairman's introductory remarks;
- (b) Presentation of the case for the applicant;
- (c) Questioning by Officer (or representative);
- (d) Questioning by members of the Panel;
- (e) Presentation of the Officer's case;
- (f) Questioning by the applicant (or representative);
- (g) Questioning by members of the Panel;
- (h) Summing up by Officer;
- (i) Summing up by the applicant;
- (j) Panel considers its findings in the absence of the applicant and the Officer;
- (k) The decision of the Panel will be conveyed to the applicant and Officer in writing.

(l) The Panel shall have discretion to reverse the order in which the cases of the applicant and the Council are presented, provided that both parties agree.

(7) If requested by the appellant/applicant or their representative, the Chairman may agree to (6)(b)-(d) above taking place after (e)-(g) and to (h) and (i) being reversed.

(8) The Panel is authorised to determine any appeal (other than a review of a decision relating to homelessness) where the appellant and/or their representative fails to attend the hearing at the appointed time, place and venue and has given no prior notification to the Council of the reasons for their absence.

(9) For reviews of homelessness decisions, where the appellant and/or their representative fails to attend the hearing at the appointed time, place and venue and has given no prior notification to the Council of the reasons for their absence, the Panel shall be authorised to decide whether or not the hearing shall proceed in the absence of the applicant, or shall be adjourned to another date.

(10) Meetings of the Panel shall be open only to those members appointed save that a Councillor or nominated person shall be permitted to attend in order to assist with the presentation of the applicant's case.

(11) The Panel shall make recommendations to the Housing Portfolio Holder/Cabinet on any matters of policy arising from specific cases.