

Agenda Item No: 9

Report to: Cabinet

Date of Meeting: 30 March 2015

Report Title: Contracting Out Part VII Housing Act 1996 Functions

Report By: Andrew Palmer
Head of Housing and Development

Purpose of Report

To ensure the validity of decisions carried out by Independent Reviews Limited (IRL) (or any other contractor) and to retrospectively ratify those decisions from January 2008.

Recommendation(s)

- 1. That Cabinet confirm the contracting out of a Part VII Housing Act 1996 (as amended) Function namely the S202 review investigations and decisions by (IRL) or any other contractor.**
- 2. That Cabinet retrospectively ratify any S202 review decisions carried out by (IRL) from January 2008.**

Reasons for Recommendations

The Council need to be able to resist any challenge to the contracting out of the S202 Housing Act 1996 (as amended) decisions with IRL (or any other contractor) The Council need to retrospectively ratify any decisions carried out by IRL from January 2008.

Background

1. In January 2008 the Head of Housing signed an agreement on behalf of the Council to contract out a function of Part VII Housing Act 1996 (as amended), namely the S202 review investigations and decisions. The contractor was Independent Reviews Limited (IRL)
2. Personnel at the Council, and in particular the Housing Service have changed since 2008 so although the Council's scheme of delegations incorporated within the Council's constitution was in place it cannot be firmly established whether the contracting out function was approved by the Council's executive.

Legal Requirements

3. The Local Authorities (Contracting out of Allocation of Housing and Homelessness Functions) Order 1996 provides that a local authority may contract out Part VII HA 1996 (as amended) functions, S202 homelessness reviews are not covered.
4. There is no legislation which designates the carrying out of a homelessness review, as a non-executive function. Consequently, Cabinet need to make the decision.

Ratification

5. In light of the Council not being able to verify whether Cabinet gave executive authority in January 2008 formal ratification of S202 decisions since 2008 needs to be approved by the executive. This would provide certainty in respect of Part VII decisions which have already been made and give certainty for the future.

Contractual Arrangements

6. Under the Council's Financial Operating Procedures the value of the contract which is approximately between £2,000-£3,000 per year would not have necessitated the decision to be taken by Cabinet, under normal circumstances

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No

Cabinet Report 30.3.2015
Report Template v25.0

Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No

Background Information

Officer to Contact

Christine Barkshire-Jones
cbarkshire-jones@hastings.gov.uk
01424 451731
