

Report to: Cabinet
Date of meeting: 20 January 2014
Report of: Housing Section Head
Title: Homelessness Reviews

1.0 **SUMMARY**

- 1.1 The council's Contract Procedure Rules allow for exemptions to be made to the usual procurement process in exceptional circumstances. Proposed exemptions must be approved by the Managing Director and Head of Service and the decision reported to the next Cabinet meeting.
- 1.2 The purpose of this report is to inform Cabinet that an exemption has been approved in relation to the contract to carry out Homelessness Reviews on behalf of the Housing Service.
- 1.3 In addition Cabinet is asked to retrospectively delegate to Minos Perdios the function of undertaking reviews under section 202 of the Housing Act 1996

2.0 **RECOMMENDATIONS**

- 2.1 That Cabinet notes that an exemption has been granted in line with the council's Contract Procedure Rules.
- 2.2 That with effect from 1 July 2010 Minos Perdios is delegated pursuant to Article 3 of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Function) Order 1996 the function of undertaking Homelessness Reviews under section 202 of the Housing Act 1996

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Report approved by: Head of Community and Customer Services

3.0 **DETAILED PROPOSAL**

- 3.1 Since July 2010, the council has had an agreement in place with an external supplier (Minos Perdios) to carry out Homelessness Reviews. This is the review of individual cases where the applicant wishes to appeal against our homelessness decision e.g. that they are intentionally homeless, or against the suitability of the property they have been offered at the end of the process. Under the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Function) Order 1996, councils have been able to delegate out these decision since January 1997.

- 3.2 Initially, the number of cases passed to the supplier was low and only a few hundred pounds spent each year. This meant that it was below the threshold where competitive procurement needed to take place.
- 3.3 The level of cases passed to the supplier has increased so that expenditure is more likely to reach levels where competitive procurement should be entered into according to the revised Contract Procedure Rules. This is due to the increasing number of reviews requested and diminished resources to deal with these in house.
- 3.4 A number of legal challenges to our homelessness decisions or the suitability of properties have included a supplementary grounds which challenges the legality of our contracting out and whether this complies with our Contract Procedure Rules. In addition we are being challenged on the our delegation of the function to Minos Peridos.
- 3.5 Following advice from the council's Legal and Procurement Services we have decided to implement an extension to the existing agreement through the process for exemptions within the Contract Procedure Rules and undertake re provisioning of the service in the new year. This will enable a new, tighter specification to be drafted and options for delivery to be examined in terms of value for money and quality.
- 3.6 This decision was approved by the Managing Director and Head of Community and Customer Services on 17 December 2013 and an entry logged on the register of exemptions.
- 3.7 In addition as it is unclear whether the function was formally delegated to Minos Peridos when we commenced contracting with them we are seeking Cabinet's retrospective authority to delegate the making of review decisions under section 202 of the Housing Act 1996 to Minos Peridos from 1 July 2010.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no budgetary implications to the recommendations of this report.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

4.3 **Equalities**

Watford Borough Council is committed to equality and diversity as an employer, service provider and as a strategic partner. In order to fulfil this commitment and its duties under the Equality Act 2010 it is important to demonstrate how policies, practices and decisions impact on people with different protected characteristics. It is also important to demonstrate that the Council is not discriminating unlawfully when carrying out any of its functions

4.3.1 There is not a new or revised policy implication to this report. Equalities issues will be addressed in the re-procurement of the service.

4.4 **Potential Risks**

Please identify potential risks using the graph below. An example is given to demonstrate how the graph should be used. The score is reached by multiplying the likelihood by the impact.

Potential Risk	Likelihood	Impact	Overall score
<i>Procurement of new service is not successful</i>	2	4	8

4.5 **Staffing**

4.5.1 There is no impact on staffing

4.6 **Accommodation**

4.6.1 There is not impact on accommodation

4.7 **Community Safety**

4.7.1 There is no impact on Community Safety

4.8 **Sustainability**

4.8.1 There is no impact on sustainability

Background Papers

- *WBC Contract Procedure Rules*

File Reference

- *None*