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HOUSING APPEALS COMMITTEE

5 November 2008 – 10.00 am

PRESENT:

Councillor Cook (in the Chair); Councillors Blyth, Butcher, M Coleman, Cunniffe, Field, Grey, S Hacon, B Taylor and D Thomson.

Mr A Thompson (Appeals and Policy Team Manager) and Mrs C Webb (Senior Member Services Officer).

Apologies for absence had been received from Councillor P Hacon, Holmes and Burroughs.

1. MINUTES

The minutes of the meeting held on 30 July 2008 were confirmed.

2. EXCLUSION OF THE PUBLIC

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the said Act.

3. APPEAL AGAINST REFUSAL TO PAY A DISCRETIONARY HOUSING PAYMENT

The Committee received the Appeals and Policy Team Manager's report and associated documentation relating to the decision to refuse Discretionary Housing Payment (DHP).

The applicant wished it to be noted that he did not agree with his War Pension and Disability Living allowance being referred to as income and wished it to be referred to as an award. Therefore, any reference to "income" in these minutes refers to the award of benefit made to the appellant.

The Appellant was awarded maximum Housing Benefit with effect from 7 May 2008 but under the Local Housing Allowance Rules they were only entitled to receive £85.38 per week. This meant that their Housing Benefit was £93.47 per week less than their rent. Due to this shortfall the Appellant had applied for a Discretionary Housing Payment.

The Appellant and his wife received the amount of £713.58 per week to meet their living expenses. However, this figure included a War Pension of £509.50 per week and Disability

Living Allowance of £113.75 per week. All of these amounts were disregarded when calculating Housing Benefit and this is why they qualified for maximum eligible Housing Benefit.

When considering an application for a Discretionary Housing Payment, some of the key elements we took into account were a claimant's financial situation and any factors concerning their health or any disabilities. In this case we accepted that the Appellant and his wife did have medical problems, however, we felt that their "income" was sufficiently high to enable them to afford the additional rent. We had not contacted the Appellant's Doctor to verify their medical needs as our decision was primarily based on financial grounds.

It was also considered that the Applicant and his wife were living in a property with a very high rent of £775.00 per month and that he could reduce his outgoings by moving to less expensive accommodation. As some of the Applicant's expenses seemed particularly high, he was asked to give more details of this expenditure but at the time of the case coming to Committee no further information had been forthcoming.

Members considered all of the information available to them and following a vote unanimously agreed to uphold the recommendation of the Appeals and Policy Team Manager not to award a Discretionary Housing Payment on the grounds that the Applicant had sufficient income to be able to afford his rent.

RESOLVED:

That the Appeals and Policy Team Manager's decision not to award a Discretionary Housing Payment be upheld.

4. APPEAL AGAINST REFUSAL TO PAY A DISCRETIONARY HOUSING PAYMENT

The Committee received the Appeals and Policy Team Manager's report and associated documentation regarding the decision to refuse a Discretionary Housing Payment (DHP).

The Applicant and her husband moved into their present rented accommodation on 21 June 2008. The rent is £650 per month (£150 per week). The Applicant did not apply for Housing Benefit until 6 August 2008 and were subsequently awarded Housing Benefit with effect from 21 July 2008. Under the Local Housing Allowance Rules they were only entitled to receive a maximum of £103.85 per week. As the Applicant worked she did not receive the maximum Housing Benefit. However, in 2007 the Applicant was in receipt of Housing Benefit at her former address. Following an investigation by the Fraud Section it was discovered that the Applicant had failed to declare to the Council that she was in receipt of Child Tax Credit and Working Tax Credit and had, therefore, received an overpayment of £432.22. This overpayment was being deducted from her ongoing Benefit at the rate of £14.15 per week. In an effort to assist the Applicant with her financial problems with effect from 22 September 2008 this deduction was reduced to £4.00 per week.

On 17 September 2008 the Applicant was served with a notice requiring possession of her rented accommodation due to rent arrears. On 25 September 2008 she applied for a Discretionary Housing Payment.

The Discretionary Housing Payment was refused as:-

- (i) We were making deductions from her Housing Benefit due to her previous overpayment. If we now paid a Discretionary Housing Payment we would effectively be paying back the overpayment for her, however, we did reduce the deduction from

over £14 per week to £4.00 per week thereby giving the Applicant an additional £10 per week towards her rent.

- (ii) She was told by her landlords that eviction proceedings would commence on 26 September 2008 due to arrears of £1,665. Even if we paid a Discretionary Housing Payment it was unlikely that it would cover more than a few hundred pounds and, therefore, how would this prevent the Applicant from being evicted and how would she maintain the ongoing rent.
- (iii) Discretionary Housing Payments were normally only awarded for a few months, therefore, how would the Applicant afford the rent plus the arrears, plus repaying her previous Housing Benefit overpayment once the Discretionary Housing Payment ceased.

Members considered all of the information available to them and following a vote unanimously agreed to uphold the decision by the Appeals and Policy Team Manager not to award a Discretionary Housing Payment.

RESOLVED:

That the Appeals and Policy Team Manager's decision not to award a Discretionary Housing Payment be upheld.

5. CLOSURE OF MEETING

The meeting ended at 10.15 am.