

Cabinet

10 June 2019



Time and venue:

2.30 pm in the Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB

Membership:

**Councillor Isabelle Linington (Chair); Councillors Joe Miller (Deputy-Chair)
Liz Boorman, Phil Davis, Tom Jones, Jim Lord and Ron Maskell**

Quorum: 4

Published: Friday, 31 May 2019

Agenda

1 Minutes of the meeting held on 27 March 2019 (Pages 1 - 8)

2 Apologies for absence

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Public question time

To deal with any questions received from members of the public in accordance with Council Procedure Rule 11 (if any).

6 Written question from councillors

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12 (if any).

7 Matters referred to the Cabinet

Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in part 4 of the Council's Constitution.

None.

8 Discretionary Housing Payment (DHP) Policy 2019/2020 (Pages 9 - 22)

Report of Director of Service Delivery
Lead Cabinet member: Councillor Ron Maskell

9 Exclusion of the public

The Chief Executive considers that discussion of the following items is likely to disclose exempt information as defined in Schedule 12A of the Local Government Act 1972 and may therefore need to take place in private session. The exempt information reasons are shown beneath the items listed below. Furthermore, in relation to paragraph 10 of Schedule 12A, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. (The requisite notices having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

(Note: Exempt papers are printed on pink paper).

10 North Street Quarter - scheme delivery (Pages 23 - 34)

Report of Director of Regeneration and Planning
Lead Cabinet member: Councillor Jim Lord

Exempt information reason 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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Public participation: Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: A member of the Council may ask the Leader, a Cabinet Member or the Chair of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or subcommittee when that item is being received or under consideration by the Council.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

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Cabinet

Minutes of meeting held in Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB on 27 March 2019 at 2.30 pm

Present:

Councillor Andy Smith (Chair)

Councillors Elayne Merry (Deputy-Chair), Paul Franklin, Bill Giles, Tom Jones, Isabelle Linington, Ron Maskell and Tony Nicholson

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Philip Evans (Director of Tourism & Enterprise), Ian Fitzpatrick (Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Catherine Knight (Assistant Director of Legal and Democratic Services) and Simon Russell (Committee and Civic Services Manager)

Also in attendance:

Councillors Stephen Catlin (Leader of Independent Group), Mike Chartier (Chair of Audit and Standards Committee) Johnny Denis (Vice Chair of the Council), Peter Gardiner (Chair of Scrutiny Committee), and Sarah Osborne (Leader of Liberal Democrat Group)

82 Minutes of the meeting held on 8 March 2019

The minutes of the meeting held on 8 March 2019 were submitted and approved and the chair was authorised to sign them as a correct record.

83 Apologies for absence

None were reported.

84 Declarations of interest

Visiting member Councillor Chartier, declared an interest in agenda item 11 (Devolution of open spaces to Town and Parish Councils) as a Lewes Town Councillor.

85 Question from councillors

Visiting member, Councillor Catlin enquired about the transfer of Market Tower to Lewes Town Council. The matter was not within the remit of the Devolution Committee and Councillor Catlin was advised that a future report was scheduled to be considered at the June Cabinet meeting subject to valuation and other condition surveys. The Chief Executive confirmed that a letter would be sent on behalf of the Cabinet to Lewes Town Council, updating them on progress of the matter.

86 Order of business

As Duncan Kerr, CEO of Wave Leisure Trust Ltd was present at the meeting, the Chair and Cabinet agreed to take agenda item 10 (Wave Leisure annual service delivery plans 2019/20) first.

87 Wave Leisure annual service delivery plans 2019/20

The Cabinet considered the report of the Director of Tourism and Enterprise seeking their approval for the 2019/2020 Annual Service Delivery Plans for Leisure and Newhaven Fort proposed by Wave Leisure Trust.

Duncan Kerr addressed the Cabinet and advised that the plan would continue to be refined subject to success of previous programmes and to reflect changes in the landscape with partners.

Councillor Merry thanked Mr Kerr for the informative presentation given at the Equality and Fairness Stakeholder Forum.

Visiting member, Councillor Gardiner expressed thanks to Mr Kerr and Wave Leisure for their fantastic work. He suggested that Wave Leisure continue to tackle health problems such as childhood obesity and elderly inactivity, particularly in rural areas.

It was clarified that the swimming pool at Ringmer and Seaford was owned by East Sussex County Council and was not part of the contract with Lewes District Council.

Resolved (Non-key decision):

(1) To approve the Annual Service Delivery Plan for Leisure as set out in the report.

(2) To approve the Annual Service Delivery Plan for Newhaven Fort as set out in the report.

Reason for decisions:

The management agreement between the Council and Wave Leisure requires Cabinet to approve the Annual Service Delivery Plans.

88 Portfolio progress and performance report quarter 3 - 2018-2019

The Cabinet considered the report of the Director of Regeneration and Planning regarding the Council's progress and performance in respect of key projects and targets for the third quarter of the year (1 October – 31 December 2018), detailed at appendix 1 to the report.

Good news for the quarter 3 included demolition beginning on site for the North Street Quarter, footprint agreed for Downs Leisure Centre, planning going ahead for the Blue Services Hub and improvement to sickness absence rates. Further information was detailed in the report.

15 of the Council's 20 key project were on target for the year end and more than 75% of the council's key performance indicators (KPI) were either met, exceeded or within acceptable levels. The report did not reflect improvements that had been made since the 31 December 2018.

Section 4 of the report detailed areas of work where the Council had missed their targets including housing, benefits processing and calls. Councillor Merry reported that performance on processing benefits claims were improving to be within target for quarter 4. Significant improvements had been made for call handling times and abandonment figures and were scheduled to be within target for quarter 4.

As it would be their last meeting of the Cabinet, Councillor Merry expressed her thanks to officers for their effort and achievements during significant change and the support given to her as portfolio holder.

Visiting member and Chair of Scrutiny Committee, Councillor Gardiner echoed Councillor Merry's comments and asked that staff be commended for their extraordinary achievement in difficult circumstances. The Chief Executive confirmed that this would be relayed to staff through the monthly newsletters.

Visiting member, Councillor Osborne and the Cabinet discussed the issue of fly-tipping around the District. Base line data had indicated a startling increase in fly-tipping and it was agreed that significant engagement with the County Council needed to take place to tackle the issues. Data would also be collected from other district councils to assist with the engagement.

Visiting member, Councillor Catlin commented on staff feedback to the joint transformation programme and increasing councillor awareness that in accordance with section 8 of the Scrutiny Procedure Rules, they can submit an agenda item to the Committee and Civic Services Manager for inclusion on the next available agenda of the Scrutiny Committee. It was confirmed that this would be included as part of the 2019/20 member induction programme.

In response to a question from Councillor Catlin, the Director of Service Delivery confirmed that a KPI would be created for speed of Mears Group repairs.

Visiting member, Councillor Chartier, commented on the KPI for the average number of days to re-let LDC Council homes. It was suggested that information in the report to explain why certain properties were unable to be re-let immediately be relayed through the tenant's newsletter in future editions.

Resolved (Non-key decision):

(1) That the council's progress and performance for quarter 3 be received and noted.

(2) That the recommendations made by Scrutiny Committee at its meeting on the 7 February 2018 be considered.

Reason for decision:

To enable Cabinet to consider specific aspects of the Council's progress and performance.

89 Finance update - performance quarter 3 - 2018-2019

The Cabinet considered the report of the Chief Finance Officer updating members on the Council's financial performance for quarter 3 2018/19.

The general fund was currently predicting an adverse variance of £1,001k at the outturn and would require some injection from reserves to produce a balanced position for year end. The main variances were due to additional expenditure in managing the increased demand relating to homelessness and expenditure incurred from unlet properties. On the other hand, the Council has been successful in securing grant income of about £600k. This together with use of available budget contingency has reduced the required use of reserve to £487k. The housing revenue account (HRA) budget was on target and capital expenditure was in line with expectations. Treasury management performance was on target and all activities were within the treasury and prudential limits.

Thanks were expressed to the Chief Finance Officer and finance team for ensuring a healthy financial situation.

In response to a question from visiting member, Councillor Gardiner, the Director of Regeneration and Planning confirmed that a report around short term lettings for vacant properties was scheduled for a future Cabinet meeting.

Resolved (Non-key decision):

- (1) To agree the General Fund, HRA and Collection Fund financial performance for the quarter ended December 2018.
- (2) To agree the amended capital programme as set out at appendix 3 to the report.
- (3) To agree the Treasury Management performance.

Reason for decisions:

To enable Cabinet members to consider specific aspects of the Council's financial performance.

90 Devolution of open spaces to Town and Parish Councils

The Cabinet considered the report of the Director of Regeneration and Planning to note progress and consider recommendations from Devolution Committee regarding the next steps in the process for devolution of open spaces.

In response to a question from Councillor Nicholson, the Assistant Director for Legal and Democratic Services advised that officer recommendation 3 was site specific and an exception to the typical overage rules that would apply to future applications.

The Cabinet were given a verbal update on Valley Road Play Area and East Side Recreation Ground. They were advised that the transfer of Valley Road Play Area had been completed and the transfer of East Side Recreation Ground was imminent.

The Cabinet agreed a slight revision to officer recommendation 5 to reflect the whole Hollycroft Field site and this was detailed below.

Councillor Smith stated the importance of monitoring costs to the Council for future devolutions.

Visiting member, Councillor Chartier declared an interest in this item as a Lewes Town Councillor.

Resolved (Key decision):

- (1) To agree to enter into a lease/management arrangement for Riverside Country Park with Newhaven Town Council on terms to be agreed and to be reported to Cabinet before completion of that lease/management agreement.
- (2) To agree to amend the existing boundary line at Lewes Road Recreation Ground, Newhaven to reflect the boundary of the previous landfill site to

enable devolution of the Lewes Road Recreation Ground to Newhaven Town Council

(3) To agree to vary the standard form of overage provision to allow a specific development, commensurate with the use of the site, to take place at Lewes Road Recreation Ground, Newhaven.

(4) To agree in principle the devolution to Lewes Town Council of Mountfield Road Pleasure Ground and Stanley Turner Recreation Ground, subject to:

(i) exploring with the Charity Commission the substitution of Lewes Town Council as sole charitable trustee in place of Lewes District Council

(ii) consideration of the future management arrangements of the car park at Mountfield Road.

(iii) officers reporting back to Cabinet for final agreement on final terms of devolution.

(5) To agree to devolve Hollycroft Field site, including play space to East Chiltington Parish Council on the basis that the whole of the site including grass verges will be transferred, subject to due diligence and associated matters on the part of the Parish Council and agreement on the future maintenance of the site

Reason for decisions:

To further progress the devolution of open spaces to Town and Parish Councils.

91 Equality and fairness annual report 2018 and action plan 2019

The Cabinet considered the report of the Chief Executive setting out progress against the Council's current Equality Objectives and 2018/19 Action Plan and to seek approval of an Action Plan for 2019/20.

In a response to a question from visiting member, Councillor Chartier, the Director of Regeneration and Planning advised that the input into any outcomes from the Joint Equality and Fairness Planning Group and Joint Equality and Fairness Stakeholder Group would be outlined in future reports. The Chief Executive added that he was Chair of the internal officers working group, comprising of volunteers from different service areas and assured members that feedback from Stakeholder Groups were analysed in detail whilst reviewing policy and designing future service delivery.

Resolved (Key decision):

(1) That note the Annual Report of activities carried out in 2018, set out at appendix A to the report.

(2) To approve the Action Plan proposed at appendix B to the report.

Reason for decisions:

To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities and comply with the Council's duties under the Equality Act 2010.

92 Vote of thanks

As they would not be standing for re-election in May's District elections, Councillors Gardiner, Osborne, Nicholson, Franklin and Chartier expressed their thanks to fellow councillors and officers for their co-operation and support during their time at the Council.

Councillor Smith stated the importance of a co-operative approach to decision making and thanked fellow councillors and officers for everything they had achieved together. He wished all those councillors standing and not standing all the best for the future.

93 Exclusion of the public**Resolved:**

That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and a description of the exempt information is shown below. (The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

94 Public conveniences cleaning contract

The Cabinet considered the exempt report of the Director of Regeneration and Planning to note approval to public convenience cleaning proposals for one year from 1 April 2019.

In response to a question from visiting member, Councillor Denis, the Director of Regeneration and Planning advised that the process of submitting a community bid for cleaning public conveniences would be taken into consideration going forward as part of a review of how the council operated.

Visiting member, Councillor Catlin, asked that in future, consideration be given to opening the public conveniences at Southover Grange Gardens all year round.

Resolved (Key decision):

To note the cancellation of the recent procurement and agreement of a one year contract with Kingdom Services Group Ltd.

Reasons for decision:

- (1) Higher than anticipated tender returns.
- (2) Alignment of future procurement with Eastbourne Borough Council.

Notes: (1) The report remained exempt. (2) Exempt information reasons 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting ended at 3.35 pm

Councillor Andy Smith (Chair)

Report to:	Cabinet
Date:	10 June 2019
Title:	Discretionary Housing Payment Amended Policy 2019/2020
Report of:	Tim Whelan, Director of Service Delivery
Cabinet member:	Councillor Ron Maskell
Ward(s):	All
Purpose of report:	To review the revised Discretionary Housing Payment Policy for Lewes District Council
Decision type:	Key decision
Officer recommendation(s):	To adopt the Revised Policy for Lewes District Council
Reasons for recommendations:	To ensure that the Discretionary Housing Payment scheme is administered consistently across the district
Contact Officer(s):	Name: Angy Weaver Post title: Senior Specialist Advisor (Thriving Communities) E-mail: angy.weaver@lewes-eastbourne.gov.uk Telephone number: 01273 085096

1 Introduction

1.1 Discretionary Housing Payments (DHPs) have been in place since 2001 and are designed to give additional financial help to someone who gets Housing Benefit or the Housing Element of Universal Credit but are still struggling to meet their rental obligations or are unable to get accommodation. DHPs are intended to be short term help and are not meant to continuously bridge the gap between a customer's rent and the benefit they receive.

DHPs are not available to help someone pay their council tax.

1.2 Central Government allocates a contribution for Discretionary Housing Payments. Overall funding for 2019/2020 the Government covers four separate areas

- Core funding
- Local Housing Allowance
- Removal of the Spare Room Subsidy
- Benefit Cap

For 2019/2020 Lewes District Council's allocation is £209,143.

Local Authorities can top the DHP budget spend up to 2.5 times this amount from their own resources.

Customers have to apply for a DHP and supply an income and expenditure form. Consideration is given to their incomings and outgoings and a decision is made on whether or not to award a DHP.

There is an expectation that customers will reduce any unnecessary expenditure and apply for any welfare benefits they are likely to be entitled to.

2 Proposal – Main changes to the Policy

2.1 Non-dependant deductions will not be covered on an ongoing basis. If a customer has a deduction made from their Housing Benefit or Universal Credit Housing Costs because they have adults other than their partner living in their household then a deduction may be made. This is based on the income of the adult. It is expected that the non-dependant contributes the amount of the deduction to the customer in order to make up the shortfall.

2.2 When considering an award of a Discretionary Housing Payment whether there is a guarantor will be taken into account and if the landlord has insurance against rent arrears.

3 Consultation

3.1 Citizens Advice, Brighton Housing Trust, Food bank have been consulted and have raised no major concerns.

4 Scrutiny Committee

4.1 The Scrutiny Committee at its meeting on 7 February 2019 expressed concerns with bullet point 5 of section 4.1 of the policy.

- Whether the Landlord has insurance to cover rent arrears and if the landlord was approached regarding this, the relationship between the landlord and the tenant would be adversely affected. They are recommending adopting the policy omitting this bullet point.

5 Financial appraisal

5.1 The financial awards made under this policy are made from the contribution from Central Government. Any additional expenditure must be met by the Local Authority. In previous years both LDC and EBC have spent the allocation in full as any residue must be returned to Central Government.

6 Legal implications

6.1 The administration of Discretionary Housing payments are governed by the Discretionary Financial Assistance Regulations 2001.

7 Appendices

Appendix 1 - Discretionary Housing Payment Policy 2019/2020

Appendix 2 – Minute extract – Scrutiny Committee (7 February 2019)

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Lewes District Council and Eastbourne Borough Council Discretionary Housing Payment (DHP) Policy 2019/2020

The Discretionary Housing Payment (DHP) Policy 2019/2020

Eastbourne Borough Council and Lewes District Council receive separate allocations from Central Government and may only make awards from their separate allocations. Any payments made above the allocation can only be made if Members of the Individual Councils agree to give additional funds. Records for payments made and Government returns must be kept separately for each Local Authority.

1 Background

- 1.1 This scheme began on 2 July 2001. The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001 referred to as 'the regulations'.
- 1.2 The DHP Policy will follow guidance provided by the Department for Work and Pensions.
- 1.3 The regulations give the Council a very broad discretion. However, decisions must be made in accordance with ordinary principles about good decision making, i.e. administrative law. In particular, the Council has a duty to act fairly, reasonably and consistently.
- 1.4 This updated policy reflects any new guidance issued by the Department for Works and Pensions in response to legislative changes.
- 1.5 The main legislative changes are:
 - Council Tax liability will not be recognised as a Housing cost because Council Tax Benefit will be replaced by a Council Tax Reduction Scheme. Therefore DHP cannot be employed as further financial assistance in relation to Council Tax liability.
 - DHP award is extended to include specific support for those applicants affected by welfare reform. Namely those affected by the benefit cap, the social sector size criteria and the Local Housing Allowance (LHA) reforms
- 1.6 All applications will continue to be considered in line with the policy but the decision to award (or not award) a DHP is discretionary.
- 1.7 Discretionary Housing Payments cannot cover ineligible service charges or deductions from Housing Benefit or Universal Credit Housing Costs to recover an overpayment.
- 1.8 Any reduction due to a Non-dependant deductions will not be eligible to be covered by Discretionary Housing Payment

2 What are Discretionary Housing Payments (DHPs)

- 2.1 Discretionary Housing Payments (DHPs) provide successful applicants with further financial assistance when the Council considers that help with housing costs is needed.
- 2.2 The following objectives are at the heart of the decision making process
- Promoting and sustaining appropriate tenancies
 - Homelessness prevention
 - Supporting the vulnerable in the local community
 - Helping applicants through personal and difficult events
 - Promoting financial and social inclusion
 - Benefit cap cases will be considered a priority
- 2.3 The Council's specialist teams in Customer First and Homes First will work together and with third parties (landlords, appointees, advice and advocacy groups, etc) to promote DHP and to identify and support applicants whose needs meet the objectives of the scheme.

3 **Housing costs that can be considered**

3.1 Housing costs are not defined in the regulations and this gives the Council a broad discretion to interpret the term. The minimum qualifying criteria is that to award DHP in relation to rent the applicant must be in receipt of:

- Housing Benefit (HB); **or**
- Universal Credit (UC) Housing Costs element; **and**
- has a rental liability **and**
- requires further financial assistance with housing costs.

3.2 In the narrowest sense, if an applicant has entitlement to Housing Benefit (HB), or Universal Credit (UC) Housing Costs element, then housing costs mean rent.

3.3 A wider interpretation can be applied to include rent in advance, deposits and other lump sum costs associated with a housing need such as removal costs.

3.4 The level of award may cover all or part of a shortfall or assist with the cost of taking up a tenancy. In effect this means there are three broad uses of the DHP fund

- to assist an applicant in receipt of HB/UC who has a shortfall between the level of their benefit and their ongoing rental liability (their housing costs)
- to assist with the cost of taking up a tenancy
- To help clear rent arrears to maintain a tenancy

3.5 An award of DHP is at the discretion of the Council and every application will be considered on its own merit.

3.6 Examples of housing circumstances that might be considered for an award of DHP are:

- Local Housing Allowance reforms
- Social size criteria
- The Housing Benefit cap.
- Other cases whose circumstances merit an award

4 Factors we may take into account.

4.1 Some of the factors that may be taken into account when deciding on the eligibility for Discretionary Housing Payments are:

- The level of the shortfall between HB/UC and housing costs.
- Whether there is a genuine risk of eviction because of the shortfall.
- What steps the applicant has taken to alleviate the problem.
- Is there a guarantor for the rent
- Whether the Landlord has insurance to cover rent arrears
- Whether more affordable accommodation is available which the applicant could move to.
- Whether the applicant, or anyone in the household, suffers from a health condition, illness or disability, which means their choice of housing is restricted either temporarily or permanently
- If the applicant has other debts to pay, which make meeting the shortfall more difficult. Discretionary Housing Payments are not to be provided to pay off other debts.
- If the applicant has debts, have they taken advice on how to manage these effectively.
- If the applicant or anyone in their household, has any exceptional expenses which make it harder than normal for them to meet the shortfall (e.g. frequent travel to hospital).
- If there has been a recent change of circumstances, which makes it more difficult to meet the shortfall.
- Could the applicant reduce other expenditure so that they can meet the shortfall?
- The applicant's rent has been increased during a benefit period which cannot be allowed because of the eligible rent rules.
- Is the claimant or member of their household fleeing domestic violence
- The extent of the shortfall between rent and Housing Benefit/UC, including whether the claimant has any capital or disregarded income which can be used to meet it, or whether anyone else is able and willing to help to meet it

5. Making an application

- 5.1.1 Regulations require that an application has to be made for a DHP and that the Council must act consistently.
- 5.2 Applications will only be accepted in writing (email or letter on the prescribed form).
- 5.3 The person who applies for a DHP will be the person entitled to HB/UC or someone acting on behalf of the person concerned, such as an appointee or a landlord, if it is reasonable to do so. The application must be signed by the claimant or the appointee.
- 5.4 Only a Council can accept applications for DHPs. Our policy is that DHPs are administered by a Specialist Officer to ensure consistency of decision making and to facilitate payment alongside the existing HB/UC scheme.
- 5.5 An applicant can make a new application at the end of an award but there is no automatic extension of awards. The new award will be considered on its own merits

6 Assessing an application

- 6.1 Decisions may be made collaboratively between Customer First and Homes first staff. This ensures that due consideration is given to the impact of the decision on issues of homelessness and sustainable housing.
- 6.2 If the application is for a payment to cover rent arrears the Local Authority may take into account whether there is a guarantor or if the landlord has insurance that includes cover for unpaid rent.

7 Limits on the size of an award

- 7.1 Regulations place a limit on the DHP award so that it does not exceed the weekly eligible rent on the applicant's home. The limit only applies where the award is calculated as a weekly sum, for example, to meet a shortfall.

8 Duration of a DHP award

- 8.1 The length of time over which a DHP is awarded is discretionary. In most cases payments will not extend beyond the end of the financial year in which an application is made. The length of time is determined on a case by case basis.
- 8.2 A DHP award is not intended to be an ongoing payment. It is designed to assist on a short term basis to provide applicants with an opportunity to address their housing situation.

8.3 The Council can use DHPs for a rent deposit or rent in advance for a property that the applicant is yet to move into if they are already entitled to HB/UC Housing Element for their present home. If the applicant is moving in to the Local Authority area consideration will be given as to whether an application has been made to the previous authority for a Discretionary Housing Payment for rent in advance.

8.4 There are no rules on backdating other than the duty to act consistently.

9 Notification of decisions

9.1 Applicants will be notified of the outcome of the decision in writing. This includes the amount and duration of the award where applicable and how to dispute the decision.

10 Appeals

10.1 There is no recourse to appeal a DHP decision in law as DHPs are discretionary and do not form part of Social Security legislation.

10.2 The Council's policy is that any request to review a DHP decision will be considered by a different officer from the Decision Maker who will not normally be involved in the original decision making process.

10.3 Where appropriate the applicant's landlord will also be notified of the DHP decision, in accordance with data protection.

11 Paying an award of DHP

11.1 DHPs will normally be paid to the person or organisation in receipt of HB alongside the existing HB payment method. If UC is in payment the payment will be separate from the UC housing costs payment.

11.2 In the case of council tenants and council placements payment would usually be in the form of a rebate to the rent account.

11.3 DHP may be paid to someone other than the applicant if it is considered reasonable to do so. That could be an agent, an appointee or a landlord.

11.4 Where a DHP is used to meet the cost of moving to a new home (rent in advance or deposit) making the payment to the landlord will be considered in most cases.

12 Change of Circumstances

12.1 It is the applicant's responsibility to notify the Council of any change of circumstance which may affect the award of a DHP. For example, if a change in income resulted in an increase in HB/UC which meant the DHP was no longer required.

12.2 DHPs can be stopped where the award was made on the basis of the applicant's misrepresentation or failure to disclose a material fact.

- 12.3 DHPs can be stopped where they have been paid on the grounds of an error.
- 12.4 In all cases DHPs are recoverable from the applicant to the fund, at the discretion of the Council.

13 Recovery of overpaid DHP

- 13.1 The only method of recovery if a DHP is overpaid is to request repayment of the debt from the applicant. This is generally in the form of an invoice. Overpaid DHP cannot be recovered by reducing future Housing Benefit payments.



Lewes District Council

Meeting: Cabinet
Date: 27 March 2019
Subject: Discretionary Housing Payment Amended Policy 2019/2020
Report of: Head of Customer First

The Cabinet is asked to consider the minute and resolution of the Scrutiny Committee held on 7 February 2019 as set out below.

Minute extract Scrutiny Committee – 7 February 2019

44 Discretionary housing payment amended policy 2019/2020

The Committee received the report which detailed the revised Discretionary Housing Payment Policy for Lewes District Council and Eastbourne Borough Council.

The Senior Specialist Advisor for Thriving Communities (SSATC) explained that prior to the Joint Transformation Program, Lewes District and Eastbourne Borough Councils had two separate Discretionary Housing Payment Policies (DHPP). As a result of the implementation of a shared services model, the 2 DHPP were reviewed and consolidated into one policy across both authorities.

The SSATC highlighted the main changes to the DHPP as detailed in section 3 of the report. She further highlighted the factors which may be taken into account when the eligibility for discretionary housing payments was decided, as detailed in appendix 1.

The Committee expressed its concern with bullet point 5 in section 4.1 of appendix 1. The Committee was concerned that if a landlord had insurance to cover rent arrears and the landlord was approached by the authority in the first instance, the relationship between the landlord and the tenant would be adversely affected. The Director of Service Delivery clarified that DHP applied to instances of short term financial issues, with the landlord being approached regarding their insurance for rent arrears as a result of long term financial issues.

The Committee wished to thank the SSATC and her team for aligning the policies but it would not support the policy with the inclusion of bullet point 5 in section 4.1 of the report.

Resolved:

That Cabinet be recommended to adopt the Discretionary Housing Payment Amended Policy 2019/2020 subject to the exclusion of the bullet point 5 in section 4.1 of appendix 1 to the report.

Reason:

To ensure that the Discretionary Housing Payment scheme is administered consistently across both Lewes District and Eastbourne Borough Councils.

For a copy of the report please contact Democratic Services

Tel. (01273) 471600.

E-mail: committees@lewes-eastbourne.gov.uk

A copy may be downloaded on the Council's website by following the link below:

<http://democracy.eastbourne.gov.uk/mgGeneric.aspx?MD=CommitteesLanding&bcr=1>

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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