

Constitutional Amendment Proposal

Disabled Adaptations to Council Properties – Appeals Process

At the Cabinet meeting in July 2014 members considered a report on a revised policy for adaptation works to council homes. As part of that report it was agreed to restrict certain works in certain circumstances to ensure the fairest use of the available budget. In doing so, it was also recognised an appeals process should be established to give tenants a proper opportunity to challenge officer decisions. The relevant minute (75/10th July 2014) for that meeting reads:

the Head of Community and Housing to agree the details in relation to the proposed policy in respect of the prioritisation and the Appeals Panel, taking on board the Cabinet wish that the Chairman of the Appeals Panel be independent from Ashford Borough Council.

It has become apparent since the meeting that there would be a constitutional issue of allowing a wholly independent person to chair such an appeals panel when they could be making decisions that impacted on the use of council funds.

As a consequence, further consideration was given to how the current council Appeals Panel could be used as a means of ensuring fair and independent assessment of any tenant appeals in relation to refused adaptation work.

It would seem that this could be achieved in a quite straightforward way. Incorporating any such adaptation appeals within the remit of the Appeals Panel will enable three members to be selected (from a pool of 15 members) and they can consider the evidence, call officers to provide further details, as indeed they can ask the appellant to provide further information, including with the support of an independent advocate. No member would be asked to be part of the Appeals Panel considering a case where they were the ward member and the panel would be politically neutral.

Discussions have taken place with Cllr Claughton in his role both as Deputy Leader and Chair of Ashford Access Group (who have been a key consultee on these proposed policy changes) to gauge his views on this alternative proposal. He is satisfied it provides the independence he was particularly keen to see around the appeals process and is happy to adopt this approach. Cllr Claughton also met with Ashford Access Group on 29th October 2014 to put forward this revised appeals proposal and all members were satisfied that it would deliver an independent and fair appeals process. It is also one to which they could, upon the request of the appellant, be asked to act as an advocate

Recommended: the constitution be amended to reflect that the current Appeal Panel remit be extended to consider appeals against officer decisions to refuse disabled adaptation works to council homes.