

**Member Questions to Community Services and Licensing Committee – 24 March 2016**

QUESTION FROM	QUESTION TO
<b>Councillor Chas Townley</b>	<b>Councillor Chris Brine</b>
<p><b>Discretionary Housing Policy</b></p> <p>1. Why has no report on Discretionary Housing Payments been included in the agenda for this meeting, which can be debated tonight, particularly given that it formed part of the work programme for this Committee?</p>	<p>The new DHP policy was agreed by members in March 2015. At the Dec 2015 committee it was agreed to add to the work programme a 12 month update on the DHP policy. A DHP Members Information sheet was sent out in early March 2016 giving this update. This was a factual update on performance of the new DHP policy with no member decision required consequently an Information Sheet was issued rather than a report.</p>
<p>2. In the purpose of the policy section of the DHP Policy (adopted in March 2015) it states “We will operate this policy in line with the Discretionary Financial Assistance Regulations (2001) and the guidance issued by the Government’s Department for Work and Pensions (DWP) in its DHPs Guidance Manual (Guidance Manual)”, as the published document includes both Guidance from the DWP and a good practice guide; Can the Chairman state:-</p> <p>a) Whether the Council has adopted, either just the Guidance, or both the Guidance and the Good Practice Guide, as forming part of the Council’s policy,</p> <p>b) whether the adopted policy refers to the guidance document</p>	<p>The policy has adopted the DWP guidance manual including the good practice guide – last revision February 2016.</p>

<p>published at the time when the policy was adopted in March 2015 or if it automatically incorporates any further revisions of the guidance as it is updated by DWP?</p>	
<p>3. During the current financial year how many applications for Discretionary Housing Payments have been refused for reasons which meant the claim did not meet the legal requirements of the Regulations, including:</p> <ul style="list-style-type: none"> <li>a) because the claimant was not receiving any Housing Benefit or Local Housing Allowance (Regulation 2(a)) ;</li> <li>b) because the claimant was already receiving housing benefit that fully covered the Landlord's full rent charge (including cases where the rent is above the Local Housing Allowance) (Regulation 4(a)) ;</li> <li>c) Any other reason which made the claim invalid in law (eg Regulation 3)</li> </ul> <p>And, the number that were valid claims but were refused because of the application of the Council's policy on the basis:-</p> <ul style="list-style-type: none"> <li>d) Is not in need of 'further financial assistance' by virtue of the financial resources test applied by the Council and were <ul style="list-style-type: none"> <li>a. Council Tenants <ul style="list-style-type: none"> <li>i. Where members of the household were in receipt of disability benefits</li> <li>ii. Where members of the household were not in receipt of disability benefits</li> </ul> </li> <li>b. Registered Provider Tenants <ul style="list-style-type: none"> <li>i. Where members of the household were in receipt of disability benefits</li> <li>ii. Where members of the household were not in receipt of disability benefits</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>a) 5 DHP claims have been refused because they are not in receipt of Housing benefit or LHA.</li> <li>b) No DHP claims have been refused because the claimant was already receiving HB to cover the full rent charged by the landlord.</li> <li>c) No DHP claims have been refused due to the claim being invalid in law.</li> <li>d) Valid claims refused because of financial resources test: (Disability benefits treated as Disability Living Allowance, Personal Independence Payments and Attendance Allowance) <ul style="list-style-type: none"> <li>a) Council Tenants: <ul style="list-style-type: none"> <li>i. 14 claims where members of the household were in receipt of disability benefits.</li> <li>ii. 8 claims where members of the household were not in receipt of disability benefits.</li> </ul> </li> <li>b) Registered Provider Tenants: <ul style="list-style-type: none"> <li>i. 0 claims where members of the household were in receipt of disability benefits.</li> <li>ii. 1 claim where members of the household were not in receipt of disability benefits.</li> </ul> </li> </ul> </li> </ul>

<p>c. Private Tenants</p> <ul style="list-style-type: none"> <li>i. Where members of the household were in receipt of disability benefits</li> <li>ii. Where members of the household were not in receipt of disability benefits</li> </ul> <p>e) The application was declined for any other local policy reason (split by tenure and disability as in d) above)</p>	<p>c) Private Tenants:</p> <ul style="list-style-type: none"> <li>i. 3 claims where members of the household were in receipt of disability benefits.</li> <li>ii. 6 claims where members of the household were not in receipt of disability benefits.</li> </ul> <p>e) No DHP application has been declined for any other local policy reason.</p>
<p>4. Given that in the DWP guidance (paragraph 1.15) it states “There is no definition of the phrase “further financial assistance” in law. It is up to you(the council) to interpret it”, how then does Stroud District’s policy provide guidance for decision makers to decide in what circumstances ”further financial assistance” should be given and how disability income and expenditure should be accounted for in the assessment of a client’s financial resources?</p>	<p>Each application should be considered on a case by case basis based on its own merits.</p> <p>Included in the policy under 8.3: The amount of DHP award will be dependent on relevant factors affecting the application, such as:</p> <ul style="list-style-type: none"> <li>• the gap between the housing benefit and the rent they have to pay</li> <li>• any steps taken by the applicant to reduce their rent</li> <li>• the financial circumstances of the applicant and his/her household</li> <li>• the disability / health issues of the applicant and his/her household</li> <li>• the exceptional nature of their circumstances</li> <li>• the amount of debt the claimant has</li> <li>• the amount of savings or capital the claimant has</li> <li>• our duty to prevent homelessness</li> <li>• if the property has been significantly adapted for the needs of a disabled person</li> <li>• any other exceptional circumstances</li> </ul> <p>Typically the decision maker will look at steps the applicant</p>

	has taken to change their circumstances, such as seeking help from Citizens Advice Bureau or similar body and actively bidding on Gloucestershire Homeseeker
<p>5. The report to Committee in March 2015 stated “We receive limited funds each year for the DHP scheme. Because the amount that can be spent on the scheme each year is restricted, not everyone who claims a DHP may be awarded one. Who receives DHP is entirely at the discretion of the Council”</p> <p>Would the can the Chair confirm therefore that the primary purpose of the policy is to contain expenditure within the available grant <u>and any additional funding provided by the Council?</u></p>	<p>The Council is constrained by the “Discretionary Housing Payments (Grants) Order 2001” that stipulates the maximum an authority can spend on DHP is 2.5x the Authority’s contribution from Central Government, inclusive of the government contribution.</p> <p>Central Government contribution to DHP is ring-fenced and any under spends are returned.</p>
<p>6. Typically for claims issued on a short term basis (other than a removal allowance or other one off cost), how long are claims usually granted for?</p>	<p>Claims are typically between 1 to 25 weeks 15 claims have been paid for more than a year 33 claims have been paid between 26 weeks to 51 weeks</p>
<p>7. In the introductory paragraph of the policy agreed by Committee in March 2015 it states that the purpose of discretionary housing payments are for “periods of short term need” and comments have been made to me that indicate this is a barrier in continuing on a renewed basis claims for people whose circumstances have not changed (including discouraging people making renewed claims); Given that Regulation 5 appears to give the Council <u>full discretion</u> to determine the period of award is there any legal bar on the Council amending its policy to provide for renewal of claims on a unconditional basis where there is no change in circumstances (including financial circumstances), except to ensure spending is maintained within the maximum legal expenditure of the Council?</p>	<p>Again, each application should be considered on a case by case basis based on its own merits. There is no limit to the length of time over which a DHP may be made. When there is a specific end date, we make it clear to the applicant what the period of the award is. We also provide information on how to re-apply if necessary.</p> <p>Guidance states it is unlawful for an authority to have a blanket and routine policy.</p>
<p>8. Has the impact of the short-term policy applied by the Council been reviewed and what is the estimate of the number of renewed claims which have been discouraged by the publicity of this element of the policy?</p>	<p>Whilst DHP is to help with housing costs, during periods of short term need, applicants are not discouraged from re-applying - see 7.</p>

<p>9. In accordance with the Regulations the Council is required to withdraw awards of DHP to clients sanctioned by DWP (even though they are legally still entitled to claim HB), over the last three years how many times have sanctioned clients had awards of DHP withdrawn?</p>	<p>There have been no cases where DHP has been withdrawn</p>
<p>10. At the first meeting of the Committee of in this civic year I requested an opportunity for the Committee to undertake an early review of the Discretionary Housing Policy. The reasons I did so is because I believed that the changes made to the policy in February would still result in a significant underspend of the grant. Furthermore a joint seminar looking at Welfare Reform issues (including DHP) was agreed to take place during October. This did not take place Taking all these factors including that no report is available for debate at this meeting and the Constitution states that,</p> <p style="padding-left: 40px;">“Councillors will participate constructively in the good government of the District in the interests of all residents. They will contribute actively to the formation and review of the Authority’s policies, budget, strategies, plans and service delivery” (page 160);”</p> <p>Does the Chair accept that the Committee has not been given an adequate opportunity to actively contribute to a further review of the Discretionary Housing Payment policy and its operation and what steps will he be taking to ensure that the Committee can undertake a full and effective review in the new civic year?</p>	<p>A Welfare Reform members information evening was held in January 2015 which covered the proposed new DHP policy prior to it being agreed at the March 2015 committee. A further Welfare Reform evening including DHP was planned in October but unfortunately was cancelled due to an external speaker pulling out at short notice. There was no decision made at the March 2015 Committee or any subsequent committee to undertake a further review of the new DHP policy during its first year of operation. If members want a future review to be undertaken then this could be put forward as a proposal for the work programme which will be considered by members in the new Civic Year.</p>