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PROCEDURE FOR REVIEW OF DECISIONS

- **HOUSING ACT 1996 (AMENDED 2002)**

PART VI – ALLOCATIONS

AND

PART VII - HOMELESSNESS

Introduction

Under the Housing Act 1996, amended 2002, applicants can request a review of certain decisions made by the Council in respect of both allocations and homelessness.

What decisions can an applicant request to be reviewed?

HOMELESSNESS

Section 202 of the Housing Act 1996, amended in 2002, allows an applicant the right to request a review of:

- a) Any decisions made about his or her eligibility for assistance (Section 184)
- b) Any decisions made to what duty is owed under sections:
 - I. 190 and 191 = Intentional Homeless
 - II. 192 = Not in Priority Need
 - III. 193 = Duty to Secure Accommodation
 - IV. 195 = Threatened with Homelessness
 - V. 196 = Homelessness Intentionally
 - VI. 197 = Duty where other suitable accommodation available.
- c) Any decisions made so as to notify another housing authority that the conditions for referral due to a local connection are met, as under section 198 (1).
- d) Any decisions made on whether the conditions are met for referral of an applicant's cases, as under section 198 (5).
- e) Any decisions made as to the duty owed in the case of a referral, as under section 200 (3) or (4).
- f) Any decisions made as to the suitability of the accommodation offered under any provisions made in b or e as above or under section 193 (7).

ALLOCATIONS

If the Council decides to either:

- a) Not allow a person to access the Letting Scheme, other than at his / her request

OR

- b) Withdraw a person's application from the Letting Scheme, other than at his / her request.

A person who has been placed on the Letting Scheme can also ask for a review with regard to the band they have been designated.

How long will you have to request a review of the decision?

The request must be made within 21 days from the day on which you are notified of the decision and the reasons for it.

What if you need longer than 21 days?

In the majority of cases the Council considers 21 days should allow sufficient time for you to request a review. The Council has discretion to extend this period, but will only do so in exceptional circumstances. If you consider that your circumstances are exceptional, you must make the Council aware as soon as you receive our notification confirming the time limit to request a review.

What happens after you have made your request for a review?

The Council will confirm receipt of your request for a review. At this stage it is most important that you provide details of any relevant information that you feel has not been considered, if you have not already done this.

How long have you got to provide this information?

Two weeks after receiving the invitation to provide it. If no written details are received, then the Council will review its decision based on the facts already provided.

Can anyone else write on my behalf?

Yes, relevant details will be considered from any persons writing on your behalf.

Examples of persons, who may be helpful in writing on your behalf, include Notts Housing Advice, Solicitors and Citizens Advice Bureau. A local Councillor may also be able to offer assistance.

Can you come and tell the Council of your reasons for wanting a review?

Not normally. The Council will only consider oral representations as follows:

- I. In exceptional circumstances where it considers that you would be at a disadvantage if you had to put your reasons in writing. If you feel that this applies to you, you must make the Council aware when requesting a review.

- II. If the Council considers that there is an irregularity in the original decision made on one of the homelessness issues listed in this procedure guide, or in the manner in which it was made, but are nonetheless minded to make a decision against your interests. In such circumstances you will be notified why the Council has made the decision and the basis on which both oral (and written) representation can be made.

How long will the review take?

The Council must complete the review within eight weeks of the date when you notified it of your request for a review, unless you agree to a longer period in writing.

If it becomes clear to the Council that a significant amount of time will be needed to obtain or confirm information relevant to your review, you will be notified as soon as possible and invited to agree an appropriate date for completion.

What happens after the review has been carried out?

You will be notified, in writing that:

Either

- I. The original decision has been confirmed and the reasons for such.

OR

- II. That the original decision has been changed as a result of the review.

Can I request another review of a decision not to change the original one?

I. ALLOCATIONS

No, there is no right to request a decision reached on a previous review.

II. HOMELESSNESS

If you are dissatisfied with the decision on a review relating to homelessness or suitability (see (a) to (f) under “Homelessness Section” on page 2) or if you are not notified of the review decision within the prescribed time, you may appeal to the County Court on any point of law arising from the review decision. An appeal must be brought within 21 days of you being notified of the review decision or of the date on which you should have been notified of the review decision.

**IF YOU HAVE ANY QUERIES REGARDING THE REVIEW PROCESS,
PLEASE CONTACT THE OFFICER DEALING WITH YOUR CASE.**

**This information is available in large
print & other formats.
Please phone 0115 9013674**