

<b>Committee(s):</b> Enforcement, Environment and Housing	<b>Date:</b> 13 December 2021
<b>Subject:</b> Approval of Non-Cooperation Policy	<b>Wards Affected:</b> All
<b>Report of:</b> Tracey Lilley, Corporate Director (Housing and Community Safety)	<b>Public</b>
<b>Report Author/s:</b> Name: Angela Abbott, Corporate Manager (Housing Needs and Independent Living) Telephone: 01277 312500 E-mail: angela.abbott@brentwood.gov.uk	<b>For Decision</b>

### Summary

In January 2019, Local Authorities were given clarity on the steps that could be taken when applicants under the homelessness legislation demonstrate a “deliberate and unreasonable refusal to cooperate”. In line with other Local Authorities, the Council is seeking to implement a Non-Cooperation policy to cover such circumstances. These cases are the exception and the policy will enable officers to take appropriate action when the need arises.

### Recommendation(s)

**Members are asked to:**

**R1. To approve the Non-Cooperation policy included in Appendix A.**

### Main Report

#### **Introduction and Background**

1. In January 2019, Chapter 14 of the Code of Guidance 2018 outlined the circumstances under which the Council can bring the prevention or relief duty to an end. One of these circumstances is “deliberate and unreasonable refusal to co-operate”. This is where there is a deliberate and unreasonable refusal to take any of the steps that they agreed to take, or to take the steps that the Council set out for them to take where agreement could not be reached in their personalised housing plan (PHP).
2. Regulation 2 of the Homelessness (Review Procedures etc) Regulations 2018 requires a Council to publish its procedure in connection with this. The policy document includes the procedure that will be used.

3. If agreed, the policy (and the associated procedure) will be published on the Council's website.

### **Reasons for Recommendation**

4. To ensure that the Housing Department has documentation to support the implementation of the legislation in case of any challenges or complaints made.

### **Consultation**

5. Consultations have taken place with the appropriate staff within the Council. The Tenant Talkback group were not consulted on the policy's content of the policy because this reflects the legislation in place, and the policy has been created to seek authorisation from members for the implementation of this.

### **References to Corporate Plan**

6. Drive continuous improvement of our housing services.
7. Continue a service improvement programme to ensure our services are delivered efficiently.

### **Implications**

#### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources**  
**Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk**

8. There are no financial issues arising from this report, the adoption of the policy will reduce the risk of challenges and the associated costs (e.g. legal costs).

#### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Governance Solicitor & Deputy Monitoring Officer**  
**Tel & Email: 01277 312500 / amanda.julian@brentwood.gov.uk**

9. The content of the policy has been reviewed by the Council's lawyers and the amendments incorporated into the final version. Legal advice will be sought as needed on the policy's adoption and the associated correspondence.

#### **Economic Implications**

**Name/Title: Phil Drane, Director of Strategic Planning**  
**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

10. There are no economic implications arising from the adoption of the policy.

## **Background Papers**

None

## **Appendices to this report**

- Appendix A: Non Cooperation Policy