

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
MONDAY 18 MAY, 2009 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors Easton, R. (Chairman)
Easton, Mrs. D.M. Todd, Mrs. D.M.
Grice, Mrs. D.

63. Appointment of Chairman

Councillor R. Easton was appointed Chairman for the meeting.

64. Exclusion of the Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 2 and 3, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

65. Homelessness Appeal

Consideration was given to the Not for Publication Report of the Head of Planning and Regeneration (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).

The Appellant and his representative attended the hearing to present the Appellants case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Panel through the report. The Appellant was then afforded the opportunity to ask questions of the Officer. The Appellant confirmed that he had no questions to ask of the Officer.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. Members asked for clarification that the Appellant did not hand in the keys to the property in question. The Officer confirmed that the landlord of the property had confirmed that the keys were returned some time later by the Appellants neighbour. The Officer also stated that the Appellant had given 4 weeks notice, although he had left the property before the end of the notice period and therefore his housing benefit had ceased and arrears accrued. She confirmed that housing benefit ceased on 6 November, 2008 and the tenancy was terminated on 17 December, 2008.

The Appellant was then afforded the opportunity to put his case. The Appellant claimed that he had sent an email to his landlord stating that he was giving 4 weeks notice. The Appellant claimed that he vacated the property and moved to a different area and then took up residence with his partner at the time on 1 November, 2008. He then moved out on 1 January, 2009. The Appellant stated that he was in need of accommodation not only for him but his son as well given that his son was taking exams and it was not ideal residing with his sister as her son had disabilities. He also claimed that his ex partner who resided in the District frequently caused nuisance. The Appellant stated that he thought he was 'doing the right thing' by relinquishing his previous tenancy and moving to another area to reside with his partner at the time.

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer stated that the Appellant was in a new relationship, he had a secure tenancy and

he must have known the risks of relinquishing the tenancy. The Appellant stated that 'life was full of risks'.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. Members were keen to know if the Appellant currently resided in the District. The Appellant confirmed he did reside in the District and that he had 3 children who lived in different areas. A Member referred to the nuisance that the Appellant was receiving from his ex-partner and asked if he had reported it. The Appellant confirmed that he had reported it to the Council and that his ex-partner was on her final warning, he also claimed that the threats were of a verbal nature. He stated that he could not make a report to the Police as he claimed that his ex-partner would stop him from seeing his son. A Member sought clarification as to the reason why the Appellant had not returned the keys to the landlord of the property in question personally. The Appellant stated that he did not return the keys given that he was residing in Lichfield. A Member asked if the Appellant had been in contact with his landlord to move when he was experiencing nuisance from his ex-partner. The Appellant stated that his family resided in the District and he wished to remain in the local area.

Finally, both parties were afforded the opportunity to sum up their respective cases. The Panel then deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

Members recalled both the Officer acting on behalf of the Council, the Appellant and his representative to seek advice on whether the Council's Housing Policy could be changed in relation to the exclusion of the Appellant from the Council's Housing register for a period of 12 months as a result of his intentional decision. The Officer confirmed that the Council's Housing Policy could be changed in relation to the exclusion from the Council's Housing Register.

RESOLVED:

- (A) That, having considered all the information submitted to it, the Appellants appeal be dismissed and the Officer's original decision be upheld.
- (B) That, the deferment of the Appellants application on the Council's Housing Register for a period of 12 months be waived.

Reasons for the Decision

The Panel found the Appellant intentionally homeless as a result of him voluntarily giving up his tenancy in order to reside with his partner at the time in Lichfield.

The Panel noted that the Appellant had conducted his tenancy in a reasonable manner and was not at risk of repossession, and further, was reasonable for him to continue to occupy the residency in the District as it was secure accommodation.

The Panel carefully considered the Appellants representations in relation to the reasons for leaving the property, and were of the opinion that the property was available for continued occupation, therefore the Panel were of the opinion that the Appellant had made himself intentionally homeless from the property he had resided at within the District.

Therefore, the appeal was dismissed.

The Panel however recommended that the deferment of the Appellants application on the Council's Housing Register for a period of 12 months be waived. The recommendation had been made due to the Panel having some compassion for the Appellants situation and the mitigating circumstances.

CHAIRMAN