

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**THURSDAY, 4 NOVEMBER, 2010 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Ansell, Mrs. P.A.

Grice, Mrs. D.

Davies, D. N.

Rowley, J.

**1. Appointment of Chairman**

Councillor F.W.C. Allen was appointed Chairman for the meeting.

**2. 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**

**3. Homelessness Appeal**

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).

The Appellant and her representative attended the hearing to present her 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's representative expressed concern that she did not have a note on her file of the conversation with the Housing Officer from the area where the Appellant had formerly lived. The Officer explained that the conversation had occurred since the Intentionally Homeless Decision had been taken. The Appellant's representative asked to what the 192 record referred to. The Officer explained that this related to '192.com' which had been used to clarify if the person who had made the threats of violence still resided in that area.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. A Member asked how long the Appellant had been residing at her former address and was informed that she had lived there for approximately 7 months following a mutual exchange in that area. The Officer was asked if it was possible for a person living in that area to exchange with someone living in Cannock and was informed that this could be done through a mutual exchange.

The Appellant was then afforded the opportunity to put her case. The Appellant's representative explained that when the first act of violence had taken place the Appellant's daughter was residing with the family. This was following the break up of a relationship the daughter had with the person making the threats and the daughter and son had been attacked. The Police had been involved and the perpetrator had been arrested and released on caution. The Appellant had continued to be threatened both by direct contact and telephone calls. The perpetrator had told them that 'they were all going to die and he would burn the house down'. As the threats increased it was reported to the Police who visited the property. The Appellant's son and the perpetrator had come to blows and her son had been cautioned by the Police. The Police had left a Police car outside the property as a deterrent.

When the Police returned to the property an Officer, whose name could not be recalled, had advised the Appellant that the perpetrator had a violent history and had served 9 years for slashing a person's throat and to get out of the property.

The Appellant was aware that he had a violent history and did not carry out her actions of leaving the property and terminating her tenancy lightly, but wanted to protect her family.

Since moving to Cannock Chase she had not received any further threats as he was unaware of where she lived. However, she had been monitoring him on Facebook and threatening comments had been placed on the site which she had shown to the Police. The Appellant's representative explained that the Appellant was still in fear of violence and had not made herself intentionally homeless.

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer reported that a Police Sergeant, to whom enquiries had been made, had confirmed that the perpetrator was not known to them as a dangerous offender and had declined to support her claim that she could not return home. The Appellant explained that she could not recall the name of the Police Officer who had advised her that he was violent. The Appellant informed the Panel that the perpetrator was on licence and on the dangerous offenders' list and had made threats to all the family. The daughter now lived with her granddad. The Officer asked if it was that the fear of violence was greater than the actual probability of it being carried out. The Appellant reported that she did not want to put her family at greater risk and was reluctant to provide information to the Police for fear of reprisals. The perpetrator had been violent to her daughter during the relationship and this was the reason for it ending. The Appellant had not been aware of the relationship when it had first started while at a previous address, as her daughter knew that she did not approve of him.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. A Member asked the Appellant the age of her daughter and was informed that she was now 22 with a young child. A Member asked if proof had been obtained with respect to the 9 years it was alleged the perpetrator had served for slashing a person's throat or was it just hearsay. The Appellant's representative explained that they had not looked into this matter as they had relied on what the Police Officer had told the Appellant. A Member noted that the Police were not supporting the homelessness application.

A Member asked if the Appellant had asked the Housing Officers where she then lived for advice and was informed that her priority had been to take her children away from the property. The Housing Officer had explained that they could look into moving her to another property.

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.

RESOLVED:

That, having considered all the information submitted to it, the appeal be dismissed and the Officer's original decision be upheld on the basis that the Appellant had made herself intentionally homeless.

**Reasons for the Decision**

The Appeals and Complaints Panel having carefully considered all representations made and having given due regard to the relevant provisions contained within the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities 2006 had agreed to uphold the Principal Housing Options Officer's decision to find the Appellant intentionally homeless as a result of her vacating and relinquishing her tenancy of the property.

It was the view of the Panel that the property was available for occupation and that it was reasonable for the Appellant to continue to occupy it. From the information and responses obtained by the Council Officer from the West Midlands Police and her landlord, it was considered that there was insufficient evidence to support the Appellant's assertion that it was probable that continued occupation of the accommodation would lead to violence or threat of violence being carried out against her or a member of her family.

For the above reasons the appeal was dismissed.

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CHAIRMAN

The meeting ended at 10.55 a.m.