

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
MONDAY 19 SEPTEMBER, 2011 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Grice, Mrs. D. (Chairman)

Dixon, D.I.
Easton, R.

Rowley, J.
Sutton, Mrs. H.M.

1. Appointment of Chairman

Councillor Mrs. D. Grice was appointed Chairman for the meeting.

2. Apologies

There were no apologies.

3. 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

4. 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Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).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. There being none Members of the Panel were then afforded the opportunity to ask questions of the Officer.

A Member referred to the report and stated that although there was no physical abuse in the Appellant's relationship with her husband, he asked if there was any evidence of mental abuse. The Officer stated that she had outlined the facts within the report and stated that there was nothing to suggest that the Appellant's husband was a risk.

The Appellant and/or her representative were then afforded the opportunity to present her case. The Appellant's representative outlined to Members of the Panel the facts surrounding why the Appellant had sought help. She advised that the Appellant had self referred through a friend, and when an interview was conducted the Appellant had disclosed information of physical abuse before she came to the UK and control by her husband. When she arrived in the Country she suffered from both emotional and mental abuse within the family home and also alleged sexual abuse. The Appellant's representative claimed that the Appellant had had no contact with her husband, although he did try to contact her in January. She stated that the Appellant was happy to live in Cannock as this is where she felt her home was and would be confident enough to contact the Police if she encountered any problems. The Appellant's representative also advised the Panel that due to the religion and beliefs of the Appellant, it would be unacceptable to leave the family home in her Country and only realised she did not have to encounter the abuse when she spoke with friends in this Country.

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer asked if the Appellant felt that her marriage had declined since her son moved

to the Country and if she feared her husband. The Appellant stated that her husband did not want her son with them and it made the relationship worse, she also stated that she did not fear her husband as he did not know where she was. The Officer asked why the Appellant did not try to find private accommodation when the relationship declined. The Appellant stated that she did not know where to seek help from and was only in employment 2 days per week and was worried about the cost. The Appellant's representative advised the Panel that the Appellant did attend a private sector interview at the Council, however for stability reasons she felt that she would be offered better support for her and her son with the Council. The Officer advised that the Appellant could be entitled to benefits even if she was privately renting.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. A Member asked if the Appellant could return to the household she had left. The Appellant's representative claimed that she could not return and if she did protocols would have to be followed, and she would also be placing her son at risk. A Member asked if there was an agreement that the Appellant's son could reside with her and her husband. The Appellant's representative stated that she had resided in the UK for 4 years and wished for her family to be together, however her husband did not agree and then changed his mind later and accepted. A Member asked the Appellant if she was aware that she could get help for privately renting. The Appellant's representative claimed that the Appellant thought the best option was with the Council especially in terms of support. Members of the Panel raised some concern and wondered whether or not the Appellant fully understood the differences with both privately renting and Council accommodation. A Member also pointed out that there would be a greater choice if privately renting than that of having a Council tenancy. A Member was keen to make sure that the Appellant realised that if her appeal was successful, there would be one offer of accommodation only specific to her needs and reiterated that there was more choice if privately renting.

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 allowed

Reasons for the Decision

The Panel carefully considered all representations made and gave due regard to the relevant provisions contained within the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities 2006. The Panel unanimously decided to overturn the Officer's decision to find the Appellant intentionally homeless as a result of her leaving the matrimonial home.

It was the view of the Panel that the Appellant did not make herself intentionally homeless and was satisfied that she had suffered domestic violence at the hands of her husband, and that it was not reasonable for her to continue to occupy the

property.

CHAIRMAN

The meeting ended at 11.00 a.m.