

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
FRIDAY 4 MARCH, 2011 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Easton, R. (Chairman)

Dixon, D.I.

Morgan, C.W.J.

Freeman, M.P.

Sutherland, M.

Prior to commencement of the hearing, the Senior Committee Officer advised the Panel that the Council's Legal Representative was not present and advised of the reason. Therefore, on this basis the Panel commenced with the preliminary part of the Agenda and then agreed to adjourn the hearing and re-convene at 10.30 a.m.

1. Appointment of Chairman

Councillor R. Easton 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

The hearing then re-convened at 10.30 a.m.

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).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 asked the Officer how housing benefit was paid to the Appellant. She advised that it was paid direct every fortnight. A Member asked how much was paid to the Appellant. The Officer advised that between 6 – 11 December, 2010 the Appellant received £126.26 with a shortfall of £11.05 each week which the Appellant was required to pay.

The Appellant and/or her representative were the afforded the opportunity to present her case. The Appellant advised the Panel that she did not receive the higher housing benefit between April and December, and that it started in December when she reduced her working hours. She advised the Panel that the landlord put the house up for sale and she was issued with a Section 21 notice to quit the property. She advised that at this point she contacted the Council who advised her that she had rights and that she should remain in the property. The Appellant was not denying she had got herself into rent arrears but she stated that the problems started from when the Council advised her that she should stay in the property. She stated that she was now residing with her mother and she had no intention of making herself or her children homeless and was frustrated that she was told it was intentional when it was not. She advised the Panel that she had made mistakes but she was in the situation due to the collapse of her marriage and now struggled financially.

The Officer was then afforded the opportunity to ask questions of the Appellant. She

asked the Appellant why one week per month her rent was always missed. The Appellant claimed that she had utility bills and car repair bills to pay and did not purposely do this. The Officer asked the Appellant what she did to try and find alternative accommodation given that the property she was residing in was too expensive. The Appellant stated that she should have looked for suitable alternative accommodation but didn't as she thought she could still afford the rent. The Officer stated that her colleague had previously contacted the Appellant with suitable properties but she was reluctant to consider these and asked why. The Appellant stated that the rent for the properties were all around £600, although the Officer stated that there was one property around £500 per month.

At this point the Council's Legal representative asked the Appellant if her divorce had been finalised. The Appellant stated that it had not been finalised. She then asked the Appellant if she currently received maintenance payments. The Appellant confirmed she did. The Council's Legal representative asked the Appellant if she had previously resided elsewhere with her husband and also asked if she had checked to see what her full benefit entitlements were. The Appellant confirmed she had resided elsewhere and that she had checked her benefit entitlements. She also confirmed that she was due no monies from her marriage.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. A Member referred to the report and asked why the income and expenditure form had not been returned. The Appellant advised the Panel that she had brought the form to the meeting with her. The Member referred to the arrears that had been sustained and stated that they should have been paid within 6 weeks. The Appellant advised the Panel that she was due to attend court on 1 April, 2011 and advised that she had a further £746 to pay, although she had already paid a proportion. A Member referred to the report and asked the Appellant how her rent was paid. The Appellant advised that her benefits were paid direct into her bank account each week. The Member commented on the accrual of the arrears and stated that it appeared that a rental payment had been missed each month. He also asked what benefits the Appellant previously received and why she refused the help of a debt advisor when referred. The Appellant advised the Panel that she was receiving around £91 per week and that she visited the Citizens Advice Bureau but also thought she could sort the problems herself. A Member stated that benefit claimants complete a form occasionally which contains a record of their income; although he pointed out that the Panel had no record of it. The Appellant stated that she received £1388 per month which was made up of certain benefits including maintenance payments.

At this point the Council's Legal representative asked the Appellant if her landlady was a relative. The Appellant stated that she was and also went on to advise the Panel that she had moved from the Shropshire area and then her marriage broke down in December, 2009.

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 Panel determined to uphold the Officer's original decision to find the Appellant intentionally homeless as a result of her being evicted due to the outstanding arrears of rent.

The Panel noted that the Appellant admitted to the arrears and conceded that she was in receipt of housing benefit, which she used in part to pay off other debts and not pay her priority, namely the rent due.

The Panel accepted that the Appellant's actions resulted in satisfying the legal definition of 'intentionally homeless' as defined in the legislation.

The Panel also recommended that the Appellant sought immediate help, support and assistance from a debt counselling service and/or the Citizens Advice Bureau to address her financial problems and that the Council provided assistance and support to the Appellant in relation to her housing needs as a matter of priority.

CHAIRMAN

The meeting ended at 11.45 a.m.