

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
WEDNESDAY, 11 NOVEMBER 2009 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Allen, F.W.C. (Chairman)

Grice, Mrs. D.

Yates, Ms. W.

(Apologies for absence was received from Councillors M.R. Grocott and D.L. Mawle)

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).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
WEDNESDAY, 11 NOVEMBER 2009 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

3. Homelessness Appeal

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.4 of the Official Minutes of the Council).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 stated that the Appellant was currently in a refuge due to suffering domestic violence in her previous relationship and had been advised by Social Services that she would have her children removed from her if she did not leave her partner. The Appellant's representative claimed the Appellant was frightened of her ex partner and therefore would not contact the Police and his sisters resided close by to the property she previously resided in. The Appellant's children had all been placed in Cannock schools and the Appellant wished to start a new life out of the area she had previously resided in.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. Members confirmed they had no questions for the Officer.

The Appellant was then afforded the opportunity to put her case. The Appellant's representative reiterated the statement she had previously made.

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer stated that the sister of the ex partner lived 4 miles away from the property she had previously resided in and no harassment had been reported to the Police. The Officer also stated that housing benefit was still being paid and the property was available for occupation and it would only be paid if there was the intention of residing at the property. The Officer asked the Appellant why she felt it was unsafe to go back to the property. The Appellant claimed it was due to her ex-partner, although the Officer stated that he resided a considerable distance away from the property.

Members of the Panel were then afforded the opportunity to ask questions of the

Appellant. A Member asked the Appellant if her ex-partner had been violent. The Appellant stated that she had been 'beat up' by her ex-partner and his sisters in 2003 but could not report the incident to the police as she could not recall all of the attack and had been hospitalised. A Member asked where all the children were residing. The Appellant stated that they were all residing in the refuge and had been for the past 6 months. The Appellants representative added that all of the children were at local schools in the area.

Finally, both parties were afforded the opportunity to sum up their respective cases.

A Member at this point asked about the rent arrears on the property when housing benefit was being paid. The Appellant claimed that she was currently paying £15 per week off the rent arrears.

The Panel then deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

At this point (10.35 a.m.) the Chairman asked that all parties be recalled to answer questions raised by Members.

The Chairman asked why the tenancy was in the sole name of the Appellant. The Appellant stated that the tenancy was in her name given that her ex-partner would remove her from the property every time they had an argument. The Chairman asked if the Appellant currently had a GP. The Appellant stated that she was currently at a temporary GP's although she had been at a GP's where she previously resided for 4 years. The Chairman then asked the Appellant if she had had any involvement with Social Services. The Appellant stated that she had been referred to a Children's Centre following a visit from her Health Visitor when she had tried to take an overdose. She explained that it was the Children's Centre who had made contact with Social Services who advised that they would intervene if she did not leave her ex-partner. A Member asked the Appellant if she had spoken with anyone from Social Services. The Appellant stated that she had not spoken with them and the only information she had was what the Children's Centre had told her. A Member asked if she could contact the Health Visitor or someone about her situation. The Appellant claimed that her ex-partner would follow her everywhere she went and even took her mobile from her.

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 Appellant's 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 decided to uphold the Housing Strategy and Service Improvement Managers review decision which found that the Appellant was

"Not Homeless" within the meaning of the Housing Act 1996, on 14th October 2009. In reaching this decision the Panel had listened to all the facts and evidence presented to it, and listened carefully to both parties' explanations.

However the Panel was not satisfied that the Appellant had done all that she could reasonably do in support of her application for Housing assistance to this Authority.

This is because no evidence of an independent or persuasive nature that could persuade the authority was presented and virtually no credible explanation for the lack of proper or adequate responses to the Local authorities' inquiries had been proffered.

No medical records, police reports, witnesses or even evidence of Social Services involvement had been presented that could confirm that the Appellant suffered from domestic violence at the hands of her former partner.

Accordingly the panel was left with little or no choice other than to make a decision based on the evidence that had been presented to it.

The Panel therefore upheld the initial decision and found the Appellant Not Homeless.

CHAIRMAN

The meeting ended at 11.05 a.m.