

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
THURSDAY 29 SEPTEMBER, 2011 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Burnett, J. (Chairman)

Cartwright, Mrs. S.M.	Kraujalis, J.T.
Jones, R.	Sutherland, M.

1. Appointment of Chairman

Councillor J. Burnett 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Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).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 Appellants attended the hearing to present their 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 Appellants were 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 asked how many properties the Appellants had been asked to consider. The Officer representing the Council commented that the Appellants were in priority need however the decision that was made was based on their last settled accommodation. She then advised that the Appellants had been asked to consider 3 properties; however they were declined without consideration. She advised that accommodation had been offered in Rugeley, Pye Green and a Social Landlord property in Stafford. She stated that a further property in Hednesford was offered for consideration however, there was a delay in the Appellants contacting the Council by which time the property had been let. The Officer did however advise Members of the Panel that one of the properties was turned down due to the narrow staircase. A Member asked if reassurance could be given that the Appellants would be placed in top priority in the future. The Officer advised the Panel that the Appellants had been placed in the lowest banding due to the intentional decision. A Member asked the Officer if there was any pressure being applied to the son for the Appellants to move out. The Officer advised that she had had no contact with the son and believed there was no pressure being applied.

The Appellants were then afforded the opportunity to present their case. The Appellant advised that the lettings company who managed the property that his son occupied had stated that neither he nor his wife could have any claim on the property although it had been agreed that they could reside there. The Officer commented that the Appellants were entitled to assistance through the Council however, it was pointed out that the Appellant did have a good income. The Appellant advised that he and his

wife returned to the UK due to his medical problems which had become worse whilst living abroad. The Appellant then referred to the mobile home that he and his wife resided in whilst living abroad and advised that the ownership of his home had to be signed over to the landlord of the site along with other homes. He claimed that there had been problems with the landlord of the site and 1 month's rent was still owed, however the landlord still had a number of his belongings. The Appellant advised the Panel that he visited the Council on 9 August for a medical and whilst he was there he was informed that by being placed in category 4 of the UChoose Scheme it was likely that he would not have many offers of housing. At this point the Officer advised the Panel that on 12 August a request was made for further information in order to help the Appellants, however further information was not received. The Appellant advised the Panel that he did supply a letter to the Council.

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer asked the Appellant to explain the reasons why he and his wife returned to the UK. The Appellant confirmed the reasons why and also stated that if he had not suffered the problems, he would still be living abroad. The Officer asked if anyone had made any enquiries in the UK with regard to he and his wife moving back. The Appellant informed the Panel that whilst in the UK for a holiday he visited the Council however advice could not be given as he had no proof of his National Insurance number. The Officer asked if any indication was given by Officers that he could be successful with housing. The Appellant stated that no indication was given. The Officer asked about living arrangements with his son. The Appellant stated that he and his wife lived day to day in the garage although they did have sleeping and bathroom facilities in the property.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. A Member asked the Appellant what prompted him to live abroad. The Appellant advised the Panel that he had purchased a property around 15 years ago and then due to health reasons decided to move there. A Member asked the Appellant what the medical facilities were like abroad. The Appellant stated that they were much better. He also commented that when he came back to the UK he had no alternative but to bring his wife back just in case anything happened. A Member asked why the accommodation offered in Rugeley was unacceptable. The Appellant stated that the only reason for refusal was due to the narrow stairs in the property. A Member referred to the report and asked why the Appellant did not view the property in Cannock. The Appellant claimed that the rent together with utilities would be very expensive and was not aware he could receive help towards them.

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's had made themselves intentionally homeless.

Reasons for the Decision

The Panel has carefully considered all representations made and has given due regard to the relevant provisions contained within the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities (2006).

It was the unanimous view of the Panel that the Appellants had made themselves intentionally homeless as they voluntarily gave up their settled accommodation in Spain and returned to the UK of their own volition. The property in Spain was available for their occupation and it was reasonable for them to continue to occupy it.

However, the Panel did express its sympathy with the Appellant's situation with regard to their health and the fact they were residing at their son's home where the living arrangements were far from ideal. The Panel were nevertheless confident that the Council's Housing Options Team would continue to work closely with the appellants in making every effort to secure them with suitable alternative accommodation as soon as possible.

CHAIRMAN

The meeting ended at 11.20 a.m.