

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
FRIDAY, 27 NOVEMBER 2009 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Davies, D.N. (Chairman)

Ansell, Mrs. P.A. Morgan, C.W.J.
Dixon, D.I.

(An apology for absence was received from Councillor J.F. Jillings).

4. Appointment of Chairman

Councillor D.N. Davies was appointed Chairman for the meeting.

5. 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

6. 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Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.4 of the Official Minutes of the Council).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 representatives 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 referred to the report and stated that it made reference to her having said her Husband had expressed a desire for the property to be put on the market. She claimed that her husband had demanded and threatened for it to be sold and that he would not pay the mortgage. The Appellant asked the Officer if the Housing Department provided advice and guidance on how to make an appeal. The Officer advised the Appellant of the right to review and how a further review could be carried out by the Appeals and Complaints Panel. The Appellant stated that she had been considered for 7 properties in the District and she was of the opinion that there was a lack of properties which had some impact on her abilities to find appropriate accommodation. The Officer stated that the Appellant had been considered for a number of properties in the District. The Appellant stated that most independent letting agencies would be reluctant to accept people on benefits. The Officer stated that this was the case for a small number of letting agencies however the Council worked with a fair number of others.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. A Member asked the Officer if the Appellant had been made any offers of properties in the District. The Officer stated that the Appellant had had opportunities and would have been nominated to a landlord first before anyone else. At this point the Appellant stated that she had viewed a property in Hednesford and requested to view a property in Cannock, but this never happened. The Officer stated that the Appellant refused to consider the properties.

The Appellant was then afforded the opportunity to put her case. The Appellant read the following statement:-

"I have requested this final appeal as I feel the prior decisions made regarding my homeless status are incorrect when considering my full situation/circumstances. Since requesting support from an independent agency I can appreciate to some degree the reasons why the homeless department have come to their decisions to date. However, I feel due to my lack of knowledge regarding the homeless procedures and no previous experience on how to appeal/provide appropriate information until recently, has contributed to my situation. I do, take some responsibility due to naivety on my behalf and I can honestly state there has not at any point been any intention to deliberately act or omit any information that has contributed to my situation.

Since receiving support I have now to the best of my knowledge provided relevant information for you to reconsider my situation and homeless decision. Throughout the documentation I'm sure you will agree that due to the actions of others and circumstances out of my control I have been prevented and/or limited to find a satisfactory resolution to my situation to date and I can honestly state I have tried on numerous occasions to prevent this happening".

The Officer was then afforded the opportunity to ask questions of the Appellant. The Officer questioned the Appellant in respect of an offer of a property which was never viewed and refused. The Appellant stated that she declined the offer to view as the property was 1.5 miles away and 2 bus rides from her parents. The Officer stated that accommodation was short in the District and it had been previously stated by the Appellant that she could catch a bus. The Officer asked the Appellant if she had considered using the equity she had from the sale of the property to use as a deposit to privately rent. The Appellant claimed that she had received no equity and it was currently being held by her Solicitor as her husband was trying to claim it from the sale of the property. The Officer asked the Appellant if she had any proof. The Appellant stated she had no written proof although she provided her Solicitors details verbally. The Officer stated that the Appellant could have delayed the sale of her property as the mortgage lender had not issued court proceedings to repossess the property.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. A Member asked what offer would be made when a person was deemed homeless. The Officer stated that the person would be made 1 offer of accommodation from the Council and be asked to make an expression of interest in as many properties as possible, although there was slightly more choice. The Appellant claimed that she had expressed an interest in around 7 properties. A Member asked the Appellant the schools her children were currently at. The Appellant advised Members of the schools within the District. A Member asked the Appellant why she had not viewed one of the properties she had expressed an interest in. The Appellant claimed she had missed a phone call and the property she was interested in had subsequently been taken by someone else. The Officer stated that between 3 to 4 applicants would be nominated to a landlord and it was the landlord's choice of who he/she accepted as a tenant. A Member asked about payments on the mortgage. The Appellant stated that she was paying £20 per month although this was only covering the arrears that had accrued.

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:

- (A) That having considered all the information submitted to it, the Appellants appeal be allowed and the Council's original decision be revised.
- (B) That one offer of accommodation would be made suitable for the Appellants needs in terms of size and location.

Reasons for the Decision

The Panel noted and were duly satisfied that the Appellant was under considerable pressure from her husband to sell the property, due to the marriage having broken down and due also to the various debts that were owing.

After careful consideration the Panel was of the opinion that the Appellant had not made herself intentionally homeless. It was satisfied that the Appellant's actions were as a result of outside pressures and other circumstances out of her control, and also due to her lack of knowledge about her own circumstances and what was expected of her, as opposed to a deliberate act on her part.

CHAIRMAN

The meeting ended at 11.40 a.m.