

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
FRIDAY, 10 FEBRUARY 2006 AT 12.15 P.M.

PART 1

PRESENT: Councillors

Grocott, M.R. (Chairman).

Allen, F.W.C. Dixon, D.I.
Ansell, Mrs. P.A. Hodges, E.J.

Also in attendance:

Miss J. Tunnicliffe (Senior Committee Officer)
Miss C. Beddow (Senior Solicitor)
Mr. N. Haywood (Tenancy Services Manager)

Appellant
Appellant's Representatives

26. Appointment of Chairman

Councillor M.R. Grocott was appointed Chairman for the meeting.

27. Exclusion of Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in paragraph 4, Part I, Schedule 12A, Local Government Act, 1972.

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PART 2

28. Homelessness Appeal

Councillor M.R. Grocott was appointed Chairman and dealt with the preliminaries, including the exclusion of the public from the meeting.

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 6.1 – 6.4 of the Official Minutes of the Council).

The Appellant and his representatives attended the meeting to present their cases.

The Chairman invited all those present to introduce themselves. He also asked the Appellant if he had received, read and understood the procedure and agenda. The Appellant confirmed he had.

The Officer then presented the Council's case by taking the Panel through the report. The Appellant and his representatives were afforded the opportunity to ask questions of the Officer. Both the Appellant and his representatives asked questions of the Officer. An issue arose concerning the Appellant's address. It appeared that the address given by the Appellant was for postal reasons only and the Appellant was currently living in Bed and Breakfast accommodation. The Appellant and his representative stated that the Council were aware that he was living in Bed and Breakfast accommodation some time ago. The Council's Officer confirmed that the most recent communication received by the Council stated that the Appellant was of no fixed abode. Following this Members of the Panel were also afforded the opportunity to ask questions.

At this point the hearing was adjourned for 5 minutes to allow the Officer to seek clarification regarding the Appellant's current living arrangements. Following this, the meeting reconvened. The Officer had sought clarification from the Housing Benefits Department who confirmed that a form was received on 10 January 2006, which was the first communication received stating that the Appellant was residing in Bed and Breakfast accommodation. The Department also confirmed that a medical form was received on 31 January 2006.

The Appellant was afforded the opportunity to put his case. The Appellant's representative explained that the Appellant wished to move his life forward and reside in the area of Cannock Chase as he did not wish to be reacquainted with old friends. The Appellant was currently receiving help and support from various

agencies within the District. The Appellant's representative explained that she had received an arrest referral, due to the Appellant being taken into custody by the Police in July/August of 2005. The Appellant was now in contact on a regular basis with his support worker.

The Officer was then afforded the opportunity to ask questions of the Appellant and his representatives. The Officer explained that the agency that currently provided support for the Appellant was available in many areas and not just Cannock. Therefore, it was not essential for the Appellant to live and reside in the Cannock area. The Appellant's representative confirmed that agency support was available outside the District and stated that by not allowing the Appellant to reside in the Cannock area could jeopardise his future.

The Members of the Panel were afforded the opportunity to ask questions of the Appellant and his representatives. A question was asked of the Appellant relating to what connections he had with the District. The Appellant confirmed that he had never lived or worked and had no immediate family in the Cannock area. The Council's Solicitor referred to the report and asked why the Appellant thought he was in priority need and how he felt he was vulnerable based on the test set out in the case of *R v Camden LBC ex parte Pereira* (1999) 31 HLR 317, CA. The Appellant stated that Cannock was the only area where he had not been in trouble for 3 years and felt he was vulnerable as a consequence of living rough, eating scraps out of skips and having had a need to use heroine to keep warm.

Finally, both parties were afforded the opportunity to sum up their respective cases. The Panel then deliberated in private calling on only the Council Solicitor and Senior Committee Officer for advice.

RESOLVED:

That having considered all the information submitted to it, the Appellant was eligible for assistance, homeless, or threatened with homelessness, with a local connection to the Cannock area and in priority need for housing due to his deemed vulnerability in accordance with Section 193 of the Housing Act 1996 (as amended).

Reasons for the Decision

The Panel noted that the Appellant was receiving substantial levels of support from various agencies within the Cannock area and as a result of this support network he had started to take control of his life. Furthermore, the Panel had regard to his personal circumstances and the difficulties he had faced in his life and agreed that he was vulnerable and therefore in priority need for housing.

CHAIRMAN