

The Panel was advised that this was an appeal against the decision of the Assistant Housing Needs Manager (Homelessness) acting under delegated authority that the appellant had become homeless intentionally from accommodation made available to her. The Panel was informed that the Appellants representatives had notified the Council that the Appellant had elected to proceed on the basis of written representations.

The Chairman therefore indicated that the Panel would hear the appeal in the absence of both parties and that the appellant and the Assistant Housing Needs Manager (Homelessness) would be informed of the outcome of the appeal in writing. The Assistant Head of Housing Services was present to advise the Panel on matters of housing policy and legislation relative to the appeal. The Panel noted that they had no prior involvement in the case and that officers had referred the matter to them as a more senior body.

The Panel had before them the following documents which were taken into consideration:

- (a) Facts of the case relevant to the appeal;
- (b) the Assistant Housing Needs Managers (Homelessness) Case;
- (c) A letter dated 10 June 2005 from Assistant Housing Needs Manager (Homelessness) to Essex County Fire and Rescue Service;
- (d) A letter dated 26 July 2005 from Essex County Fire and Rescue Service to Assistant Housing Needs Manager (Homelessness);
- (e) completed Medical Reference form dated 7 June 2005;
- (f) Homeless Report for Medical Assessment dated 9 June 2005;
- (g) Letter dated 13 June 2005 to the Mental Health Unit at St Margaret's Hospital, Epping;
- (h) Letter dated 17 June 2005 from North Essex Mental Health Partnership;
- (i) Interview report of interview with the appellant dated 14 July 2005;
- (j) Letter of Assistant Housing Needs Manager (Homelessness) dated 15 August 2005;
- (k) Housing Needs Report Form dated 12 August 2005;
- (l) Application to the Housing Appeals Panel dated 6 September 2005;
- (m) Letter dated 26 September 2005 of Democratic Services Manager;
- (n) Letter dated 3 October 2005 from Sternberg, Reed Taylor and Gill; and
- (o) Letter dated 5 October 2005 of Democratic Services Manager

The Panel noted that the current whereabouts of the appellant were unknown and that papers for the hearing had been served upon her solicitors. Officers were also seeking re-possession of the tenanted property.

The Panel considered the following submissions in support of the appellant's case:

(a) The appellant's solicitor had advised that the appellant felt suicidal and that the accommodation was small. Their Client suffered from claustrophobia. Their client had advised them that she would not do anything to jeopardise her application for housing but it had been unbearable to continue to reside in the accommodation.

(b) The Panel noted that statements made by the Appellant at interview on 14 July 2005.

The Panel considered the following submissions in support of the case of the Assistant Housing Needs Manager (Homelessness):

(a) Whilst being a patient of Chelmer Ward, St Margarets Hospital, the Appellant had a homeless application to the authority on the 26th May 2005. To assist in dealing with the application the Appellant had attended an interview at the Council Offices on the 7th June 2005. During this interview the Appellant had told the interviewing officer that a fire had occurred at her flat, in Loughton, the tenancy of which was with this authority. The Appellant was, as a result, homeless.

(b) As a result of the homeless application being made, a course of enquiry had been pursued to decide on homelessness, eligibility, priority need, intentionality and local connection. To assist in deciding on these matters, contact had been made with Essex Fire and Rescue Services on 10 June 2005.

(c) The authority was satisfied in this case that the Appellants had committed a deliberate act, which had caused the fire.

(d) The Authority had also taken steps to assess the medical condition of the Appellant and a medical assessment had been carried out. Additionally, the Council had contacted the North Essex Mental Health Team for a view on the Appellants mental condition and had then interviewed the Appellant again.

The Panel noted that the Appellant was eligible for assistance as she was a British Citizen and that the Council was also satisfied she is in a priority need for accommodation as she was vulnerable person. It was noted that after discharge from hospital, the Council had accommodated the Appellant on 7 June 2005 in Ilford. However, the proprietor of that accommodation had contacted Housing Services to say that the Appellant had vacated that accommodation on 31 August 2005.

The discussed the evidence of the appeal. They noted that the Appellant had not applied for any transfer of her accommodation. Evidence received from the North Essex Mental Health Partnership indicated that there was no evidence that the Appellant was suffering from a mental illness of a nature and severity that would have prevented the Appellant from being responsible for her own actions at the time of the fire. Evidence of the Essex Fire and Rescue Service indicated the cause of the fire was, on the balance of probability the fault of the appellant and had been deliberately set. As such the Appellant had made herself deliberately homeless and that the appeal should be dismissed. The Panel asked that officers, as part of the process of seeking possession of the Loughton property, Social Care be notified of the circumstances of the appellant.

The Panel in reaching their conclusions considered that there had been no irregularities in the decision making process adopted by the Council Officers in the decision they reached.

RESOLVED:

(1) That, having regard to the provisions of the Housing Act 1996 as amended, and the Code of Guidance on Homelessness, and having taken into consideration the information presented by and on behalf of the appellant and by the Assistant Housing Needs Manager (Homelessness), in writing, the appeal be dismissed and the decision of the Assistant Housing Needs Manager (Homelessness) that the appellant had become intentionally homeless, be upheld for the following reasons:

(i) On balance of probabilities the appellant was responsible for causing the fire at her tenanted property;

(ii) No evidence of mental illness such as to make the appellant not responsible for her actions had been presented;

(iii) The Appellant had failed to apply for any property transfer;

(2) That the Panel found no irregularities in the decision making process adopted by the Council Officers in the decision they reached;

(3) That officers, as part of the process of seeking possession of the Valley Hill, Loughton property, officers notify Social Care of the circumstances of the appellant.

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The Appellant in this case did not attend the Panel meeting. Officers attempted to but could not contact the Appellant. The Panel determined that the appeal hearing should be deferred to another meeting to allow the Appellant the chance to present their case in person.

RESOLVED:

(1) That the hearing of Appeal 18/2005 be deferred; and

(2) That the Appellant be informed that if they fail to appear at the next arranged date that the Panel may hear the appeal in their absence.

CHAIRMAN