

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Housing Appeals and Review Panel    **Date:** Thursday, 20 January 2011

**Place:** Committee Room 1, Civic Offices, High Street, Epping    **Time:** 2.30 - 4.35 pm

**Members Present:** Councillors Mrs R Gadsby (Chairman), Mrs J Sutcliffe (Vice-Chairman), R Barrett, Mrs C Pond and B Rolfe

**Other Councillors:**

**Apologies:**

**Officers Present:** A Hall (Director of Housing) and G Lunnun (Assistant Director (Democratic Services))

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### **22. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Panel held on 9 September 2010 be taken as read and signed by the Chairman as a correct record.

### **23. SUBSTITUTE MEMBERS**

It was noted that there were no substitute members present at the meeting.

### **24. DECLARATIONS OF INTEREST**

There were no declarations of interest by members of the Panel under this item.

### **25. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information.

<b>Agenda Item No.</b>	<b>Subject</b>	<b>Exempt Information Paragraph No.</b>
6	Application No. 1/2011	1

**26. APPLICATION NO. 1/2011**

The Panel was advised that despite being sent the guidance notes for appellants and applicants to meetings of the Panel in which it was clearly stated that it would not be possible to conduct the proceedings in the presence of children, the applicant had attended the Civic Offices with the father of her child and her child with the intention of all of them being admitted to the meeting. On being reminded that the proceedings could not be conducted in the presence of children the applicant had decided that she would attend the meeting alone, whilst the father looked after the child outside of the meeting.

The Panel considered a request for a review of a decision made by officers under delegated authority that the applicant had made herself homeless intentionally from temporary accommodation provided by the Council and that the duty on the Council to provide the applicant with accommodation had been discharged. The applicant attended the meeting to present her case. Mr J Hunt, Assistant Housing Options Manager (Homelessness), attended the meeting to present his case accompanied by Mr B Howland, Homeless Persons' Hostel Manager. Mr A Hall, Director of Housing, attended the meeting to advise the Panel as required on relevant legislation and national and local housing policies relative to the application.

The Chairman introduced the members of the Panel and officers to the applicant.

The Chairman outlined the procedure to be followed in order to ensure that proper consideration was given to the application. In recognition that the applicant wished the father of her child to present evidence to the Panel it was agreed that she would leave the meeting whilst he gave evidence in order to mind her child.

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

- (a) copies of documents submitted by the applicant, namely:
  - (i) her application to the Housing Appeals and Review Panel dated 1 December 2010;
  - (ii) letter dated 4 January 2010 from solicitors acting on behalf of the applicant setting out representations on behalf of the applicant;
  - (iii) undated letter received by the Council on 13 January 2011 from the father of the applicant's child.
- (b) a summary of the case including the facts of the case and an outline of the Homelessness legislation;
- (c) the case of the Assistant Housing Options Manager (Homelessness);
- (d) copies of documents submitted by the Assistant Housing Options Manager (Homelessness), namely:
  - (i) the licence to occupy accommodation at the Council's Homeless Persons' Hostel signed by the applicant on 29 April 2010;
  - (ii) a letter dated 18 October 2010 from the Hostel Management Team to the applicant;

- (iii) incident report form made by the Hostel Management Team regarding an incident on 18 October 2010;
- (iv) notes taken by a Housing Officer at an interview undertaken by the Assistant Housing Options Manager (Homelessness) of the applicant on 19 October 2010 (wrongly dated 19 November 2010);
- (v) letter dated 25 October 2010 from the Assistant Housing Options Manager (Homelessness) to the applicant.

The Assistant Housing Options Manager (Homelessness) advised the Panel that he would also be showing sequences from CCTV coverage of the grounds and car park of the Homeless Persons' Hostel when presenting his case.

The Panel considered the following submissions in support of the applicant's case, some of which were submitted on her behalf by her solicitors in the letter dated 4 January 2011:

- (a) the duty under section 193 of the Housing Act 1996 continued until one of the events described in that section occurred; the relevant provision on which the Council relied was section 193(6)(b) which stated:

"The local authority shall cease to be subject to the duty under this section if the applicant becomes homeless intentionally from the accommodation made available for his occupation...";

- (b) section 191 of the Housing Act 1996 stated that "a person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy";

- (c) the Council had stated that the applicant had deliberately behaved in an anti-social manner by chasing a guest of hers whilst carrying a knife in the grounds of the Homeless Persons' Hostel on 18 October 2010; as a consequence of her behaviour the Hostel Management Team had served the applicant with notice to terminate her licence and she had ceased to occupy the accommodation;

- (d) intention required a deliberate act or omission;

- (e) it was clear from the Council's letter dated 25 October 2010 that officers believed the applicant made herself intentionally homeless; this meant that they believed she must have deliberately done something or failed to do something which had led to the loss of the accommodation; the legislation required that the accommodation must be lost in consequence of the alleged deliberate act or failure to do something;

- (f) the incident of 18 October 2010 had not been a wilful and deliberate act on the part of the applicant in terms of engaging "anti-social behaviour" as the Council's submission that the applicant had deliberately behaved in an anti-social manner by chasing a guest whilst carrying a knife in the grounds of the Hostel was not only factually incorrect, but the Council had also failed to take into consideration the circumstances at the time;

- (g) the applicant had an argument regarding her car with her ex-partner and father of her child who had been at the property on the afternoon of 18 October 2010; the argument had escalated and the applicant had told the father of her child that she

intended to run to her car to prevent him from leaving in it; she had begun to run outside of her chalet towards the car but the father of her child had run after her and managed to get ahead of her; when Hostel Management officers had come on the scene they had witnessed what looked like the applicant "chasing" after the father of her child; however the CCTV footage should be reviewed as it would clearly show that the applicant had ran outside towards the car first and that the father of her child had ran out after her, therefore highlighting that she was not "chasing" him;

(h) before the applicant had ran out to the car she had been cooking in the kitchen where the argument with the father of her child had taken place; she had been using a knife in the kitchen and she had not realised that running out with the knife in her hand would cause her any trouble as she had not been "chasing" after the father of her child and the knife had been pointing downwards;

(i) the applicant had suffered a termination the same week as the incident and had been distressed and had not realised what the implications would be of running through the grounds of the Hostel with a knife in her hand;

(j) in the circumstances of the applicant's case it would be grossly unreasonable to suggest that she could have been expected to appreciate the gravity of the situation especially because what appeared to the officers on site to have been the applicant chasing the father of her child with a knife was not accurate;

(k) the Police had been called to the scene on 18 October 2010 and after speaking to both the applicant and the father of her child had not charged the applicant as she had not committed an offence; the applicant had simply been asked to apologise to the officers on site; this had been in spite of the fact that the officers insisted that she should be charged; after the Police had left, the father of the applicant's child had informed the Hostel Manager that the applicant had not been chasing after him with a knife and that she had simply ran to the car and then had ran back inside;

(l) it could not be said that the applicant had wilfully and deliberately engaged in an act which had led to the loss of her accommodation; this was a crucial element of the case of intentional homelessness which the Council would need to be able to justify in the light of the evidence;

(m) the Homelessness Code of Guidance for Local Authorities stated that every applicant was entitled to individual consideration of his or her application; paragraph 11.16 of the Code stated that for homelessness to be intentional, the act or omission that led to homelessness had to be deliberate, and applicants had always to be given the opportunity to explain such behaviour; an act or omission should not generally be treated as deliberate, even where deliberately carried out, if it was forced upon the applicant through no fault of their own;

(n) the officers had failed to take into account all relevant factors when considering whether the applicant had in fact engaged in what was claimed to be anti-social behaviour;

(o) the officers had failed to comply with the Homelessness Code of Guidance and had reached a legally flawed decision;

(p) the applicant had always respected the officers at the Hostel and had abided by the conditions of her licence except on one occasion when she had allowed a guest to stay overnight following her discharge from hospital as she had been lonely;

(q) the applicant simply had wanted to settle down in her own home and had not been a person who committed anti-social behaviour.

The applicant answered the following questions of the Assistant Housing Options Manager (Homelessness) and Members of the Panel:-

(a) The representations made by your solicitor state that the CCTV coverage will clearly show that you ran towards the car first and that you were not chasing the father of your child; this conflicts with the statement made by you to the Homelessness Case Officer on 19 November 2010 when you stated that you jumped out of the window of your chalet with a knife in order to run after the father of your child to stop him from taking the car; which statement is correct? I left the chalet first and he followed; I was running towards the car but he ran faster than me and overtook me.

(b) Did you leave the chalet through a window? Yes, I was trying to get to the car before the father of my child.

(c) If the evidence shows that you were chasing the father of your child with a knife in your hand, do you accept that this implies you were trying to attack him with the knife? This was not the case. I was trying to get to the car first and I had a knife in my hand at the time as I had been preparing food in the kitchen. I had no intention of doing anything violent.

(d) Why did you say when interviewed on 19 November 2010 that you had chased the father of your child? I apologise for saying that which was wrong. I was not chasing him carrying a knife. I am not a violent person. I have always been a good occupant at the Homeless Persons' Hostel. I have always attempted to maintain good relations with the staff and other occupants.

(e) What led to the argument with the father of your child? We were arguing over a £20 note which I had refused to give him but he had taken. He had then advised that he would be leaving and I had not wanted him to leave so I had attempted to get to the car first.

(f) When interviewed you stated that it was your intention to slash the tyres of the car; do you stand by that statement? I may have said that, but I would not have done so. I did not look for a knife before leaving the chalet, it was in my hand at the time. When I was interviewed I was required to answer the questions posed and that is why I said what I did at that time.

(g) Did the father of your child steal the £20 note from your purse? He took the £20 note. We often lent each other money but on this occasion I did not want him to give him £20. We argued and at the time I had a knife in my hand. I accept that someone could draw conclusions on why I was carrying a knife but I had no intention of attacking the father of my child or causing damage to the car; it was just a silly argument over £20.

(h) Who does the car belong to? It is mine.

(i) Does the father of your child have keys to the car? We were arguing over £20. The father of my child said that he intended to leave and I had not wanted him to do so. I had ran out of the chalet in order to get to the car first.

(j) Did you say that your intention was to slash the tyres of the car? I did say that but I would not have done so.

(k) What is your current relationship with the father of your child? We are not living together but we are ok in each other's company.

(l) Was it not difficult to jump out of the window whilst continuing to hold the knife in your hand? I cannot recall. My only intention was to get to the car first and I did not think about what I was doing.

(m) Was the window open at the time? I think so.

(n) Who had the keys to your car at the time of the argument? I think that the father of my child had the keys.

(o) You said that you left the chalet first to get to the car but you did not have the keys. How did you intend to stop him from leaving in the car? I would have stood by the car to stop him from driving off.

At this stage in the proceedings the applicant stated that she wished the father of her child to give evidence to the Panel. She agreed to leave the meeting in order to mind her child whilst he was admitted to the meeting.

The father of the applicant's child attended the meeting. The Chairman outlined matters to him and invited him to explain the letter which he had submitted in support of the applicant.

The father of the applicant's child stated:

(a) the applicant and myself had been arguing in the kitchen of her chalet and I had decided that I needed to get some fresh air, leave the hostel and come back later when matters had quietened down;

(b) I had left the chalet first in order to get to the car and the applicant had chased me in an attempt to catch me; however I had got to the car before her and had driven off;

(c) the applicant had been carrying a knife in her hand at the time because she had been preparing something to eat; she had not intended to stab me she was not that way inclined;

(d) my son's life had been disrupted as a result of having to leave the Hostel and he needed stability; the applicant had found it difficult living in the Hostel but she had continued to be a good mother during this period;

(e) the applicant had not displayed anti-social behaviour trends; she was an intelligent, articulate, ambitious, virtuous and highly educated person.

The father of the applicant's child answered the following questions of the Assistant Housing Options Manager (Homelessness) and Members of the Panel:-

(a) Can you confirm that you left the chalet first and that the applicant ran after you in an attempt to catch you? Yes, but she did not intend to stab me; she was simply trying to stop me from leaving and wanted to get to the car first but I got there first and drove off.

(b) Are you employed? I am studying Civil Engineering.

(c) Can you describe what happened immediately before you both left the chalet? The applicant had been in the kitchen cooking something; we had the biggest argument ever; I had the keys to the car in my pocket and I had left through the door of the chalet; the applicant had jumped out of the window of the chalet in an attempt to get to the car first; she had not deliberately picked up the knife but had it in her hand at the time; nothing like this had ever happened before during the nine years that I have known her.

(d) Why did you take the keys to the car and the £20 note? We borrow money from each other all of the time; the applicant was not upset about me taking the money; she simply did not want me to leave.

(e) How did you get to the Homeless Persons Hostel? In the car; we both use it.

(f) Why did the applicant state that she intended to slash the tyres of the car? She was not thinking straight.

(g) Were you a party to the applicant being housed in the Homeless Persons' Hostel? No, the applicant's mother moved properties and could no longer accommodate the applicant; I was not involved in that decision.

The father of the applicant's child left the meeting and the applicant returned. The Chairman explained to the applicant what had happened in her absence.

The Panel considered the following submissions of the Assistant Housing Options Manager (Homelessness):

(a) the applicant was 27 years old and the other member of her household was her son aged 11 months;

(b) prior to approaching the Council as homeless, the applicant had been renting accommodation from her mother; the applicant had approached the Council as homeless on 6 April 2010 as her mother had asked her to vacate the accommodation she had been occupying;

(c) the applicant and her son had been placed at the Council's Homeless Persons' Hostel whilst enquiries had been carried out as a result of her Homelessness application; the applicant had been duly accepted for the full housing duty in accordance with Section 193 of the Housing Act 1996 as amended on 28 June 2010;

(d) the applicant had been accommodated at the Homeless Persons' Hostel between 6 April 2010 and 19 October 2010; initially the applicant had been provided with a room in the main Hostel building but due to the medical circumstances relating to her prematurely born son she had been transferred to a chalet;

(e) on 19 October 2010 the applicant's licence to occupy accommodation at the Homeless Persons' Hostel had been terminated because she had breached the conditions of her licence;

(f) had the applicant not breached the conditions of her licence and been served with notice to vacate her accommodation at the Homeless Persons' Hostel she would have been able to continue living there until she had been re-housed in permanent Council or Housing Association accommodation; the applicant had been served with notice to vacate the Homeless Persons' Hostel due to her committing a serious act of anti-social behaviour;

(g) when the applicant had signed her licence to occupy accommodation at the Homeless Persons' Hostel she had agreed to abide by its terms and had accepted that failure to do so might result in the licence being terminated; paragraph 4.5 of the licence (Nuisance) stated that in serious acts of anti-social behaviour including serious acts of violence or involvement with drugs, the Council could issue a notice requiring an occupant to vacate the hostel within two hours;

(h) on 18 October 2010, the applicant had received notice terminating her licence to occupy accommodation at the Homeless Persons' Hostel the following day because she had chased a man through the grounds of the Hostel whilst carrying a knife; the closed circuit television images taken of the incident showed a man running from the applicant's hostel towards the car park; the CCTV images then showed the applicant running in the same direction in pursuit of the man with a knife in her hand; the man being chased by the applicant had been the father of her child; the CCTV images then showed the father of the applicant's child entering a car and driving away from the site;

(i) (the CCTV sequences were shown to the Panel and to the applicant) attention was drawn to the gap between the father of the applicant's child running across the screen and the applicant running across the screen; attention was also drawn to the knife in the applicant's hand and the way it was held by the applicant; the distance from the applicant's chalet to the car park was approximately 105 yards; it was clear to officers and witnesses that the father of the applicant's child had left the chalet first and that she had been chasing him with the knife in her hand (the knife was shown to the Panel and the applicant); the incident had been witnessed by staff, contractors on site and other residents;

(j) the Police had been called after the incident and had decided not to arrest the applicant;

(k) the applicant had been interviewed in order to gather information and to give her an opportunity to comment on the incident so that a decision could be made on whether the duty to accommodate her should be discharged; the applicant had stated that she had argued with the father of her child and that she had been running and carrying a knife after him with the intention of slashing the tyres of the car;

(l) on 25 October 2010, the applicant had been advised that it had been decided to deem her intentionally homeless and as a result there had no longer been a duty to provide her with temporary accommodation under Section 193 of the Housing Act 1996 as amended; the applicant had been informed that she was required to vacate the bed and breakfast accommodation she had been provided with; the applicant had sought a review of this decision and the Council had exercised its discretion to accommodate her pending the outcome of this review;

(m) there were many vulnerable people including children residing in the Homeless Persons' Hostel; an act of someone chasing someone else with an 8" blade knife in their hand represented a clear breach of the license conditions and would have been frightening for anyone who had witnessed the event;

(n) in making homelessness decisions the Council had regard to the Code of Guidance which was used by Local Authorities to assist with the interpretation of the Homelessness legislation; the Code of Guidance (11.7) stated that a person became homeless or threatened with homelessness intentionally if they deliberately did or failed to do anything in consequence of which they ceased to occupy accommodation (or the likely result of which was that they would be forced to leave accommodation);



and that the accommodation was available for their occupation and it would have been reasonable for them to continue to occupy the accommodation; the Code of Guidance (14.17(vii)) stated that, under Section 193(2) of the Act, the Council would also cease to be subject to the duty (to accommodate) if the applicant became homeless intentionally from accommodation made available under Section 193 (temporary accommodation);

(o) it was considered that the breach of the licence conditions was a deliberate act by the applicant; the applicant had breached her licence by committing an act of serious anti-social behaviour by chasing a man whilst carrying a knife; the applicant's accommodation at the Homeless Persons' Hostel would have continued to be available for her occupation had she not breached her licence; it was considered that it would have been reasonable for her to occupy the accommodation at the Homeless Persons' Hostel as she had a two bedroom chalet to occupy and had received full Housing Benefit towards her licence fee;

(p) the Panel should consider what message would be given to others if the officers' decision was not upheld; it would be assumed that it was acceptable to run through the grounds of the Homeless Persons' Hostel holding a large knife;

(q) the applicant had not caught the father of her child, had she done so the incident could have been much more serious;

(r) in making representations on behalf of the applicant, solicitors had stated that the applicant had left the chalet first, that her actions had not been deliberate and that she had not been charged by the Police; the Panel would need to determine who had left the chalet first but it was submitted that the CCTV coverage clearly indicated that the father of the applicant's child had left first and had been followed by the applicant; this sequence was supported by the notes taken following an interview with the applicant, in the letter submitted by the father of the applicant's child and when he had given oral evidence at this meeting; as to whether the actions had been deliberate, account should be taken of the fact that the applicant had climbed through a window, had run through the grounds of the Hostel and into the car park; she had not returned to her chalet until the father of her child had driven off; the distance which she had ran with the knife in her hand had been approximately 105 yards; these facts did not give the impression that her acts had been accidental; it was submitted that the acts had been deliberate; she had said at interview that it had been her intention to slash the tyres of the car although at this meeting she had said that she would not have done so;

(s) there was no reason to believe that the applicant had been incapable of managing her affairs or that she had not been fully aware of the consequences of her action; the fact that the Police had taken no action was not a material fact as it was clear the conditions of the licence had been breached;

(t) the father of the applicant's child had stated that it had not been the applicant's intention to stab him; this was speculation; she had been running after him with a large knife in her hand; it was for the officers responsible to enforce the licence conditions and not the father of the applicant's child;

(u) the Panel was invited to uphold the officers' decision; in the event that they did so, reasonable notice should be given to the applicant to vacate her bed and breakfast accommodation and, with the applicant's consent, a referral should be made to the Children and Families Service in order that the provisions of the Children Act 1989 could be applied.

The Assistant Housing Options Manager (Homelessness) and the Homeless Persons Hostel Manager answered the following questions of the applicant and members of the Panel:-

(a) (to the Assistant Housing Options Manager (Homelessness) by the applicant) – The CCTV sequences do not show the chalet occupied by the applicant; the applicant has said had they done so it could be seen that the applicant had left the chalet first; why do you say that the applicant was chasing the father of her child? Staff at the Hostel have stated that the father of your child left the chalet first and that the applicant ran after him through the grounds of the Hostel to the car park; witnesses have confirmed this version; the CCTV sequences show the applicant chasing him carrying a large knife.

(b) (to the Assistant Housing Options Manager (Homelessness) by the applicant) – What do you mean by saying that the applicant deliberately behaved in an anti-social manner? This was not something which happened accidentally on the spur of the moment lasting only a matter of seconds; the applicant had climbed out of a window, had ran over 100 yards carrying a large knife; she had been aware of what she was doing and it had not been reasonable behaviour; the Act had been deliberate; it was not known what the applicant's intentions were and she had given different evidence about that aspect.

(c) (to the Assistant Housing Options Manager (Homelessness) by the applicant) – You have seen the applicant previously and in all other contacts with officers she has acted in a proper manner; she has never sworn, she has always paid the rent on time and has always lived in harmony with other residents; how can you say that the applicant had been guilty of anti-social behaviour in view of that background? The evidence shows the applicant running through the grounds and the car park of the Hostel carrying a large knife and appearing to be in pursuit of the father of her child; it is that incident which has to be considered.

(d) (to the Homeless Persons' Hostel Manager by a member of the Panel) Where was the applicant's child throughout the incident? The incident took between two and three minutes; when the applicant returned to her chalet she had been visited by the Deputy Hostel Manager who had found the child asleep in one of the rooms.

(e) (to the Homeless Persons' Hostel Manager by a member of the Panel) Can you confirm the distance from the applicant's chalet to the car park? It has been paced out as 105 yards from the door of the chalet to where the car was stationed.

(f) (to the Homeless Persons' Hostel Manager by a member of the Panel) Is it possible that the applicant left the chalet first and that this is not featured on the CCTV sequences? The caretaker, two contractors on site and other residents witnessed the whole event and they all state that the father of the applicant's child left the chalet first.

The Chairman asked the applicant if she wished to raise any further issues in support of her case.

The applicant stated that she had been in the kitchen at the time of the argument with the father of her child. She said she had not looked for a knife before leaving the chalet as she had been using it to prepare food. She stated that it was a lie that the father of her child had left the chalet first. She continued that he had followed her but had ran faster and overtaken her. She said that she was not a violent person and had acted on impulse. She stated that if she had thought about what she was doing she would have left the knife in the chalet. She submitted that her actions had been

completely out of character and this had been the only mistake she had made whilst being accommodated at the Hostel.

The Chairman asked the Assistant Housing Options Manager (Homelessness) if he wished to raise any further issues in support of his case.

The Assistant Housing Options Manager (Homelessness) stated that it was difficult to comment on someone's character. He emphasised that he had not suggested that the applicant would have stabbed the father of her child if she had caught him. He had focused on the facts that she had been chasing him and had been carrying a large knife. This act was clearly in breach of the terms of the licence conditions and amounted to an act of serious anti-social behaviour.

The Chairman indicated that the Panel will consider the matter in the absence of both parties and that the applicant and the Assistant Housing Options Manager (Homelessness) would be advised in writing of the outcome. The applicant, the Assistant Housing Options Manager (Homelessness) and the Homeless Persons' Hostel Manager then left the meeting.

In coming to its decision the Panel focused on the evidence regarding the incident which had led to the applicant being served notice to terminate her licence to occupy accommodation at the Council's Homeless Persons' Hostel. The Panel noted that there were a number of conflicting statements made and information provided. The panel considered these conflicts and, in respect of each one, reached a conclusion (based on the balance of probabilities) considered to be the most likely true occurrence.

**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 information presented by and on behalf of the applicant and the Assistant Housing Options Manager (Homelessness) in writing and orally, the decision of the officers that the applicant was homeless intentionally from temporary accommodation provided by the Council and that as a result the duty on the Council to provide her with accommodation has been discharged, be upheld for the following reasons:

(a) the applicant signed a licence to occupy accommodation at the Council's Homeless Persons' Hostel; one of the conditions of the licence was that no acts of anti-social behaviour would be tolerated in the hostel; the licence also stated that any breach of the conditions of the licence could result in the licence being terminated;

(b) the applicant breached the conditions of the licence by apparently chasing the father of her child from her chalet through the grounds and car park of the hostel whilst holding a large knife; this act was witnessed by contractors on site, staff and other residents as well as being captured on CCTV; this incident is considered to have constituted a serious act of anti-social behaviour which could have resulted in an injury or damage to property, justifying the issue of a notice requiring vacation from the hostel within two hours in accordance with the conditions of the licence;

(c) the following conflicting evidence was submitted in relation to the incident:

(i) following an interview with the Assistant Housing Options Manager (Homelessness) the day after the incident, the applicant had signed a statement stating that she had jumped out of the window of her chalet holding a knife and had run after the father of her child to stop him from taking her car with the intention of slashing the tyres of the car with the knife;

(ii) the applicant, at the meeting of the Panel, was adamant that she had not chased the father of her child but had left her chalet through a window before him, holding a knife which she had been using in the kitchen, following an argument with him in an attempt to get to her car before him and to prevent him from leaving in the car; however, as he had been able to run faster than her, he had overtaken her and got to the car first; she also said that she had not intended to slash the tyres of the car and had just happened to have the knife in her hand at the time;

(iii) in a letter submitted in support of the applicant, the father of the applicant's child stated that he had run out of the chalet and that the applicant had tried to catch him as she had not wanted him to leave in the car; when addressing the Panel, the father of the applicant's child confirmed that the applicant had run out of the chalet after him following "the biggest argument they had ever had" in an attempt to catch him but not to stab him with the knife;

(iv) the Assistant Housing Options Manager (Homelessness) stated that contractors on site, staff and other residents had witnessed the father of the applicant's child leaving the chalet first and being followed by the applicant;

(d) in considering the conflicting evidence set out in (c) above, we have also taken account of CCTV coverage which was shown to us; the first sequence shown to us was the area outside of the chalets; the applicant's chalet was not visible but was only just out of picture; the sequence showed the father of the applicant's child running across the screen and there followed a considerable delay before the applicant was shown running in the same direction as the father of her child, with a knife visible in her hand; having regard to the short distance between the applicant's chalet and the area shown in this sequence, to the speed at which the applicant was running, the distance between the father of the applicant's child and the applicant, and the fact that the applicant said that she had exited the chalet through a window,, we have concluded that the applicant did not tell the truth at our meeting and that the father of her child had left the chalet first and that the applicant had chased him;

(e) conflicting evidence was also submitted by the applicant about her intentions in leaving the chalet carrying a knife; the applicant, following an interview with the Assistant Housing Options Manager (Homelessness) the day after the incident, stated that her intention had not been to attack the father of her child but to slash the tyres of the car in order to prevent him from leaving; however, in making submissions to the Panel, the applicant said that whilst she had made this statement, she had not intended to slash the tyres of the car and was only carrying the knife as she had been using it in the kitchen; we do not know what the applicant's true intentions were but we do question why she continued to retain the knife whilst climbing out of the window of her chalet in order to follow the father of her child; bearing this in mind, and the fact that the applicant changed her explanation about the proposed use of the knife, we conclude that, on the balance of probabilities, she probably intended to use the knife in some way, and didn't just happen to

have the knife in her hand; whatever the intentions of the applicant, we have also concluded that it would have been distressing for anyone witnessing a person holding a large knife and appearing to chase another person, particularly residents of the hostel who by virtue of being at the hostel are of a vulnerable nature;

(f) account has been taken of the evidence regarding the argument between the applicant and the father of her child which led to the incident and it is not considered that this justified the action which the applicant took:

(g) had it not been for this deliberate act (chasing the father of her child through the grounds and car park of the hostel with a knife), the accommodation at the hostel would have been available and reasonable for the applicant and her family to continue to occupy; the accommodation was suitable for the applicant and her family and was affordable as the applicant received full Housing Benefit towards her licence fee;

(2) That no deficiency or irregularity has been identified in the original decision made by the Council officers or the manner in which it was made; it is considered that the decision to issue a notice on 18 October 2010 requiring the applicant to vacate the Homeless Persons' Hostel within two hours was appropriate in the circumstances;

(3) That the Council continues to provide interim accommodation for a period of six weeks from the date of the letter notifying the applicant of the Panel's decision in order to allow the applicant reasonable opportunity to secure alternative accommodation; and

(4) That the officers, with the applicant's consent, refer the applicant to the Children and Families Service to seek their assistance in helping her to find alternative accommodation.

**CHAIRMAN**