

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Housing Appeals and Review Panel    **Date:** Monday, 22 October 2012

**Place:** Committee Room 1, Civic Offices, High Street, Epping    **Time:** 2.30 - 4.15 pm

**Members Present:** Councillors A Mitchell MBE (Chairman), B Rolfe (Vice-Chairman), Mrs R Gadsby, Ms J Hart and Mrs J H Whitehouse

**Other Councillors:**

**Apologies:**

**Officers Present:** A Hall (Director of Housing), G Lunnun (Assistant Director (Democratic Services)) J Hunt (Assistant Housing Options Manager (Homelessness)) and P Dee (Deputy Manager of the Council's Homeless Persons' Hostel)

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### 30. SUBSTITUTE MEMBERS

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

### 31. DECLARATIONS OF INTEREST

There were no declarations of interest made by members of the Panel in pursuance of the Code of Member Conduct.

### 32. 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 items of business set out below as they 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 Number</b>
5	Application No 7/2012	1
6	Application No 8/2012	1

**33. APPLICATION NO 7/2012**

**Introduction**

The Assistant Director Democratic Services advised the Panel that the previous Friday he had received a telephone call from solicitors in Swansea stating that they were acting for the applicant under the Legal Help and Help at Court Scheme. He continued that the solicitors had requested deferment of the review as they had not received the applicant's housing file after requesting it from the Council and could not therefore make arrangements for the applicant to have legal representation at this meeting.

The Assistant Director Democratic Services stated that he had advised the solicitors that a decision on deferment could only be made by the Panel and to enable them to consider the matter the request should be put in writing. He added that he had provided his e-mail address for the solicitors to send their request and had emphasised the need for the request to be received before the start of this meeting.

The Assistant Director Democratic Services reported that he had subsequently been informed by the Housing Directorate that they had received a request from the solicitors for the applicant's file but had advised the solicitors that this could not be provided without the applicant's consent which had still not been received.

The Panel noted that when the Assistant Director Democratic Services had not received a written request from the solicitors by late morning he had contacted the applicant by telephone and had established that she would be attending this meeting. He had also established that she wished to proceed with the review at this meeting without any legal representation/submissions.

The applicant, accompanied by her daughter's grandmother, the Assistant Housing Options Manager (Homelessness) and the Deputy Manager of the Council's Homeless Persons' Hostel attended the meeting.

The Chairman asked the applicant if she wished to proceed with her application being determined by the Panel without any legal representations/submissions. The applicant stated that she wished to proceed with the matter at this meeting without such representation/submissions.

The Panel considered a request for a review of a decision made by officers under delegated authority that the applicant was homeless intentionally when she was evicted from the Council's Homeless Persons' Hostel and that the duty on the Council to provide her with temporary accommodation had therefore been discharged.

The Chairman introduced the members of the Panel and officers present to the applicant and explained that Mr A Hall, Director of Housing, would be advising the Panel as required on relevant legislation and national and local housing policies relative to the application.

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 17 September 2012;

- (ii) a copy of an undated letter from a friend of the applicant;
- (iii) a copy of an undated letter from the applicant to the Council's Assistant Housing Options Manager (Homelessness);
- (b) a summary of the case including the facts of the case;
- (c) the case of the Assistant Housing Options Manager (Homelessness);
- (d) copies of documents submitted by the Assistant Housing Options Manager (Homelessness), namely:
  - (i) copies of two licences for the applicant to occupy accommodation at the Council's Homeless Persons' Hostel;
  - (ii) copy of letter dated 11 January 2012 from the Deputy Hostel Manager to the applicant;
  - (iii) copy of letter dated 14 February 2012 from the Deputy Hostel Manager to the applicant;
  - (iv) copy of letter dated 12 March 2012 from the Deputy Hostel Manager to the applicant;
  - (v) copy of letter dated 4 April 2012 from the Deputy Hostel Manager to the applicant;
  - (vi) copy of letter dated 20 July 2012 from the Deputy Hostel Manager to the applicant;
  - (vii) copy of letter dated 20 July 2012 (second letter) from the Deputy Hostel Manager to the applicant;
  - (viii) copy of a written account prepared by the Deputy Hostel Manager regarding an incident involving the applicant and her eldest son on 16 August 2012;
  - (ix) copy of letter dated 20 August 2012 from the Hostel Manager to the applicant;
  - (x) a typed copy of notes of an interview of the applicant by the Homelessness Case Officer dated 22 August 2012;
  - (xi) copy of letter dated 28 August 2012 from the Assistant Housing Options Manager (Homelessness) to the applicant.

### **Presentation of the Applicant's Case**

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

- (a) the officers' decision was unfair; the applicant had been accommodated at the Council's Homeless Persons' Hostel for eight months and was still homeless;
- (b) the applicant's children had never had a proper home as they had always lived in temporary accommodation;

- (c) the applicant had suffered depression which had led to her breaching the conditions of her licence at the Council's Homeless Persons' Hostel;
- (d) the applicant's children needed to be in settled accommodation for the benefit of their education;
- (e) the applicant admitted to six breaches of the conditions of her licence of accommodation at the Council's Homeless Persons' Hostel but submitted the following in mitigation of the incidents:
  - (i) between 6 and 8 January 2012 she had allowed the father of her unborn child to stay at the Hostel overnight; at the time she had been suffering from labour pains and heavy bleeding and needed support;
  - (ii) on 13 February 2012 she had allowed one of her sons to play football outside of the building but she had not supervised him because it had been too cold for her to stand outside; without her permission he had entered the building and had kicked a football around the dining room; she had punished him by withdrawing his computer game for a week and telling him to behave appropriately;
  - (iii) on 10 March 2012 she had allowed an overnight stay by the father of her unborn child as she had again required support; she had suffered a miscarriage the year before and had been stressed about being able to carry her baby full term; the sister of her unborn baby's father had also stayed until approximately 11.30 pm to provide support;
  - (iv) in relation to her absence from the Hostel between 30 March and 3 April 2012 she had taken her sons to stay with their father for a few days which was a long distance; after leaving her sons with their father she had stayed with her mother rather than returning to the Hostel; she had attended the Hostel office to report being absent but no one had been present; she had telephoned to advise of her absence but the call had not been logged; she had not realised she had to report absences again each day;
  - (v) on 16 July 2012 she had returned to her room at the Hostel to find that the father of her daughter had broken in; he had been drunk and she could not persuade him to leave and had not known what to do so she had left him on the sofa in her room to recover and he had remained there overnight;
  - (vi) on 16 August 2012 she had suffered post natal depression and needed support; her daughter had been poorly and would not stop crying; she had decided to leave the Hostel with her daughter, whilst cooking, to visit her daughter's aunt who lived approximately seven minutes away; she had stayed with her daughter's aunt for approximately two hours; she had left her sons playing in the Hostel grounds which she considered was a safe environment; her sons had been aware that they could go to another resident if they wished to speak to someone in her absence and they had been given a mobile phone to contact the applicant if necessary; she had punished the son who had been involved in a fight by not allowing him to attend a family party the following weekend; she admitted that she had forgotten to turn off the electric hob before leaving the Hostel because she had been so concerned about her daughter.

**Questions from the Assistant Housing Options Manager (Homelessness) to the Applicant**

The applicant gave the following answers to questions from the Assistant Housing Options Manager (Homelessness):

- (a) the applicant had not informed her sons when she had left the Hostel on 16 August 2012 but they had a mobile phone to contact her if they needed to speak to her; there were times when she was on site and her sons did not know where she was but this was not a problem because they had the mobile phone and were able to contact her if necessary;
- (b) the applicant's sons were aged 11 and 8;
- (c) it was accepted that her sons were young to be left alone on site but she had left the site on 16 August 2012 in a moment of panic as she had been concerned about the condition of her daughter.

**Questions from Members of the Panel to the Applicant**

The applicant gave the following answers to questions from members of the Panel:

- (a) she knew that the rules at the Homeless Persons' Hostel were not flexible and she had not sought permission to waive them;
- (b) it had not occurred to her to seek help from the Hostel Management Team as she did not think they would agree to the conditions of her licence being broken;
- (c) she had not been herself whilst pregnant with her daughter;
- (d) she had not used the emergency telephone number or telephoned the Police when the father of her daughter had broken into her accommodation as she had not wanted to get him in trouble; although they were no longer together, they still had an amicable relationship; he had not caused any damage when breaking in and had not been threatening towards her;
- (e) all of the matters she had raised in mitigation had been mentioned when she had been interviewed by her Homelessness Case Officer but they had not all been recorded in the interview report which only represented a summary of the matters discussed at the interview;
- (f) when leaving the Hostel on 16 August 2012 the electric hob had not been switched off because she had panicked and had forgot that she had started cooking; she had not been herself at the time having suffered a bad caesarean operation; she had telephoned the father of her daughter who had suggested that she should go to his sister's for support;
- (g) whilst accommodated at the Homeless Persons' Hostel she had been away for approximately five weeks staying with various people; other than the incidents highlighted at this meeting she had received permission to be away from the Hostel; when she had been pregnant with her daughter she had not been able to look after her sons who had spent time with their father and their grandmother; she had visited her mother as she could not cope with the stairs at the Homeless Persons' Hostel at that time and had been concerned about losing her baby;

- (h) she had lived in Ongar before being accommodated at the Homeless Persons' Hostel; her daughter's father lived in Ongar; she had moved to Ongar in order to be some distance from her former husband who had been unable to accept their divorce and had continuously visited her often at unsocial hours;
- (i) her daughter's father was a friend but he would never take full responsibility for their daughter; the father of her sons helped to support them and they saw him every weekend;
- (j) her daughter's grandmother had been unable to offer a lot of support as she had problems of her own having had seven children;
- (k) (answer given by the grandmother of the applicant's daughter) - the applicant had received another warning about breaching the conditions of her licence on an occasion when it had not been her fault; this had not been mentioned by the officers in the case which they had put to the Panel; on that occasion the complaint had concerned the applicant and her children being in the grounds of the Hostel at 1.00 am; however, this had been necessitated by a carbon monoxide leak in the applicant's chalet which had been serious and could have resulted in deaths if the fault to the flue had not been repaired;
- (l) support had not been sought from the staff at the Homeless Persons' Hostel because they were not there all of the time; the applicant had not intended to stay away from the Hostel for two hours on 16 August 2012 but had lost track of time;
- (m) during the five weeks when the applicant had been away from the Hostel her children had not been to school; the school had been aware of the circumstances;
- (n) the applicant's daughter had been given medicines to help stop her crying but these had little effect;
- (o) the applicant's sons had not been present when the father of her daughter had broken into her Hostel accommodation as it had been at a weekend when they had been with their father;
- (p) prior to moving to Ongar the applicant had lived in the London Borough of Waltham Forest in private rented accommodation; when the rent had been increased she had been unable to afford that accommodation even though in receipt of Housing Benefit.

**Presentation of the Case of the Assistant Housing Options Manager (Homelessness)**

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

- (a) the applicant had originally approached the Council as homeless when she had received notice to vacate her privately rented accommodation; the applicant had been accepted for the full housing duty in accordance with Section 193 of the Housing Act 1996, as amended; the duty on the Council was to ensure that temporary accommodation was made available to the applicant; the Council provided the applicant with temporary accommodation

at its Homeless Persons' Hostel; the applicant first moved in to the Hostel on 15 December 2011;

- (b) the applicant had been accommodated initially in a room and subsequently in a chalet at the Homeless Persons' Hostel;
- (c) the Panel should have regard to the conditions of the licences to occupy accommodation at the Hostel and note that the applicant had signed the licence agreements containing those conditions;
- (d) the applicant would have continued to occupy accommodation at the Homeless Persons' Hostel until she was re-housed in Council or Housing Association accommodation; however she was considered to have breached the conditions of her licence which led to several warning letters being issued and ultimately notice to leave the accommodation;
- (e) the first breach of the licence had occurred on 6 and 8 January 2012 due to the applicant having an overnight visitor stay which was not permitted in accordance with Condition 4.3 of the licence agreement; the applicant had been issued with a warning letter;
- (f) the second breach of the licence conditions had been on 13 February 2012 due to the applicant's son playing with a football in the dining room which was considered to have been a nuisance under Condition 4.5 of the licence agreement; the applicant had received a further warning letter;
- (g) the third breach of the licence conditions had been on 10 March 2012 when the applicant had allowed a visitor to stay overnight and other guests to stay until after 10.30 pm; the applicant had received a further warning letter;
- (h) the fourth breach of the licence had taken place between 30 March 2012 and 3 April 2012; the applicant had been absent without notifying the Hostel Management Team on 30 March, 31 March, 2 April and 3 April 2012; the applicant's children had been absent without the applicant notifying the Hostel Management Team on 30 March, 31 March, 1 April, 2 April and 3 April 2012; these were breaches of Condition 4.3 of the licence agreement; a further and final warning letter had been issued to the applicant as a result of this incident;
- (i) on 20 July 2012 the Deputy Hostel Manager had explained to the applicant that she had received a final warning and that she needed to make sure that she complied with her licence conditions in future or she risked receiving notice and being made homeless; at that time the applicant disclosed that she had again allowed a visitor to stay overnight on 16 July 2012 for which she received a further warning letter;
- (j) on 16 August 2012 the sixth and final breach of the licence conditions had taken place which had led to the applicant receiving notice; on that day the applicant had left the hostel for two hours leaving two of her children aged 11 and 8 respectively alone and unsupervised; one of her children had been involved in a fight with another child; in addition the applicant had left her cooker on which could have resulted in a fire; these incidents were considered to be in breach of Condition 4.5 of the licence agreement;
- (k) after leaving the Homeless Persons' Hostel, the Council had been required to decide whether the duty to accommodate the applicant should be discharged

on the basis that she had become intentionally homeless from temporary accommodation; the applicant had been interviewed by her Homelessness Case Officer after she had received the notice to leave the Homeless Persons' Hostel in order to give her the opportunity to comment on the information which officers had received from the Hostel Management Team; the applicant had stated that she had been absent on occasions because she had been unwell and that she had allowed a visitor to stay overnight repeatedly because she had been lonely; she had stated that she had left her two sons unsupervised for two hours on 16 August 2012 because her baby had been crying and she felt that her sons could telephone her on a mobile phone or go to a neighbour if they had a problem; the applicant had admitted to leaving the cooker on when she had left her chalet on 16 August 2012;

- (l) the applicant had been advised that the duty to accommodate her had been discharged because she was considered to have made herself homeless intentionally from temporary accommodation; as a result she was advised that the Council no longer had a duty to provide her with temporary accommodation under Section 193 of the Housing Act 1996 as amended; she was informed that she would be required to vacate the bed and breakfast accommodation which had been provided for her after she had left the Hostel; the applicant had then sought a review of the decision and the Council had exercised its discretion to accommodate her in the bed and breakfast accommodation pending the outcome of this review;
- (m) in making homelessness decisions, the Council must have 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 on Homelessness (Paragraph 11.7) stated that a person became homeless, or threatened with homelessness, intentionally if he or she deliberately did or failed to do anything in consequence of which he or she ceased to occupy accommodation, the accommodation was available for his or her occupation, and it would have been reasonable for him or her to continue to occupy the accommodation; Paragraph 14.17 of the Code stated that under Section 193(2) of the Housing Act 1996 the housing authority 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);
- (n) it was considered that the breaches of her licence were deliberate acts by the applicant; as a consequence the applicant had ceased to occupy accommodation at the Council's Homeless Persons' Hostel which would have continued to be available for her occupation had she complied with the conditions of her licence; the accommodation provided was considered to have been reasonable for her to occupy; in the chalet she had occupied two bedrooms whilst sharing a kitchen and bathroom with one other family; the applicant could have received support from the Hostel Management Team and the licence fee had been affordable for her;
- (o) in addition to the warning letters which the applicant had received she had been reminded verbally of the need to comply with her licence conditions because of the risks she faced in becoming homeless if she received notice; the applicant had been fully aware that breaches of her licence conditions could result in the licence being terminated;
- (p) whilst the licence conditions might seem to be very prescriptive it was necessary to have such rules in place as there could be as many as



46 households accommodated at the Hostel at any one time; many of the facilities on the site were shared or of a communal nature and the licence conditions were drawn up for the comfort and welfare of all of the residents; conditions were necessary to ensure that only those authorised to stay at the Hostel were present at any time and for health and safety reasons in the event of an evacuation of the premises; in relation to the communal areas there was a need for residents to ensure that their children were supervised so as not to cause a nuisance to other residents;

- (q) members were invited to uphold the officers' decision; in the event that they did so then reasonable notice should be given to the applicant to vacate her bed and breakfast accommodation and a referral made to the Schools, Children and Families Directorate of Essex County Council because there were children at risk of harm through homelessness.

**Questions from the Applicant on the Case of the Assistant Housing Options Manager (Homelessness)**

The applicant had no questions to ask.

**Questions from Members of the Panel on the Case of the Assistant Housing Options Manager (Homelessness)**

The Assistant Housing Options Manager (Homelessness) and the Deputy Hostel Manager gave the following answers to questions from Members of the Panel:

- (a) the Hostel Management Team had been made aware of the break-in by the father of the applicant's daughter as part of the reporting of the incident on 16 July 2012;
- (b) Hostel Management staff were normally available on site from 9am until 5pm Monday to Friday and for two hours on Saturday morning; there was an out of hours emergency number to report emergencies, issues and absences; when messages were taken it was normal for the name, address and a brief explanation of the matter to be recorded; calls out of hours went initially to the Standby Officers at the Civic Offices and if necessary they would call out the Hostel member of staff on standby duty; the pack of documents provided to each resident at the Hostel included details of the emergency number and details were also shown on the office door;
- (c) part of a gas flue had not been fixed properly which had resulted in carbon monoxide fumes in the applicant's accommodation; the matter had been dealt with and it had been possible to go back into the chalet the following day;
- (d) there were often many children accommodated at the Hostel at any one time, from babies to late teenagers; problems were experienced with children but fights resulting in injuries were rare;
- (e) there was no set number of warnings given to residents before serving a notice to terminate a licence; residents were not encouraged to break the conditions; sympathetic consideration was given to requests to be absent if there were good reasons; in cases of emergency a report from the resident the following day would be acceptable;
- (f) the applicant was not given notice following the breach of the conditions immediately after the final warning letter because she was bidding for

properties and would have expected to be successful with a bid in the near future;

- (g) residents were allowed to return to the Hostel after 10.30pm.

### **Summing Up**

The applicant stated that she had been left fat on the bottom of the oven and that was what had set off the alarm. She further stated that another resident had taken off the pan she had left on the hob before any issue had arisen.

The Assistant Housing Options Manager (Homelessness) stated that he had nothing to add to his case.

### **Deliberations**

The Chairman indicated that the Panel would consider the matter in the absence of both parties and 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 Deputy Hostel Manager then left the meeting.

In coming to its decision, the Panel focussed on the evidence regarding the incidents which had led to the applicant being served notice to terminate her licence to occupy accommodation at the Council's Homeless Persons' Hostel.

### **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 approached the Council as homeless when she received notice to vacate her private rented accommodation; she was accepted for the full housing duty in accordance with section 193 of the Housing Act 1996, as amended; the duty was to ensure that temporary accommodation was made available and the Council provided her and her family with accommodation at its Homeless Persons' Hostel;

(b) the applicant signed a licence to occupy accommodation at the Council's Homeless Persons' Hostel; conditions of the licence in relation to occupation include restrictions allowing only those people detailed on the homeless application to reside at the dwelling; no visitors being allowed to stay overnight and all guests to leave by 10.30 pm; visitors not to be on the Hostel premises between the hours of 10.30 pm and 9.00 am; all absences to be reported to the Hostel staff; and approval to be obtained from the Hostel Manager for all absences from the Hostel of longer than one night; conditions in relation to nuisance include not causing or allowing members of the licensee's household to cause a nuisance or annoyance to neighbours, tenants, residents or others with the licensee being responsible for the

behaviour of members of their household and their visitors; the licence also stated that any breach of the conditions of the licence could result in the licence being terminated;

(c) the applicant admitted to breaching the conditions of the licence on the following occasions:

(i) between 6 and 8 January 2012, she allowed a male visitor to stay overnight; the applicant received a warning letter on 11 January 2012 drawing attention to the occupation conditions of her licence and pointing out that failure to abide by those conditions could lead to the licence being terminated;

(ii) on 13 February 2012, one of the applicant's sons kicked a football around and was running around the dining room; the applicant received a further warning letter on 14 February 2012 drawing attention to the nuisance conditions of her licence and pointing out that failure to abide by those conditions could lead to the licence being terminated;

(iii) on 10 March 2012, the applicant allowed a male visitor to stay overnight ; the applicant received a further warning letter on 12 March 2012 drawing attention to the occupation conditions of her licence;

(iv) between 30 March and 3 April 2012 the applicant and her children were absent from the Hostel without notifying the Hostel Management Team; the applicant received a further warning letter on 4 April 2012 drawing attention to the occupation conditions of her licence and pointing out that failure to abide by those conditions could lead to the licence being terminated; this letter was headed "final warning";

(v) on 16 July 2012 the applicant informed Hostel staff that she had again allowed a male visitor to stay overnight; the applicant received a further warning letter on 20 July 2012 drawing attention to the occupation conditions of her licence and pointing out that failure to abide by those conditions could lead to the licence being terminated; also on 20 July 2012 the Deputy Hostel Manager explained to the applicant that as she had already received a final warning she could be served with a notice to vacate the property but this action would not be taken on this occasion as she was bidding for properties under Band 1 of the Council's Allocations Scheme and that if she continued to do so could expect to be housed in the near future; the applicant was provided with another copy of her licence at that time and was asked to read it and explain to her children anything she thought they should be aware of in relation to the conditions of the licence;

(vi) on 16 August 2012 the applicant left the Hostel for two hours, leaving her two sons aged eleven and eight alone and unsupervised; one of those children was involved in a fight with another child at the Hostel; subsequently the applicant's child was spoken to in the applicant's presence and he admitted to spitting at the other child and pushing that child to the floor; another resident who witnessed the incident stated that the applicant's child had spat at and hit the other child and the latter had only kicked back when pinned to the floor; also prior to leaving the Hostel the applicant started cooking on the hob in the shared kitchen in the Hostel and she left the Hostel without turning off the electric hob; as a result of this sixth breach of the licence conditions the applicant's licence to occupy the Homeless Hostel was terminated;

(d) the applicant submitted the following in mitigation of the incidents:

(i) in relation to (c)(i) above, she needed support because she was pregnant at the time, suffering from labour pains and heavy bleeding and panicked; the overnight visitor was the father of her unborn child;

(ii) in relation to (c)(ii) above, she allowed her son to play football outside of the building; she did not supervise him because it had been too cold for her to stand outside; she punished him for playing football inside the building by withdrawing his computer game for a week and telling him to behave appropriately;

(iii) in relation to (c)(iii) above, she allowed an overnight stay by the father of her unborn child for the same reasons as in (d)(i) above; she had suffered a miscarriage the year before and was stressed about being able to carry her baby full term; the sister of her unborn baby's father had also stayed until approximately 11.30 pm to provide support;

(iv) in relation to (c)(iv) above, she took her sons to stay with their father for a few days which was a long distance; after leaving her sons with their father she stayed with her mother rather than returning to the Hostel; she went to the Hostel office to report being absent but no one was in the office; she telephoned to advise of her absence but the call had not been logged; she had not realised she had to report absences again each day;

(v) in relation to (c)(v) above, she returned to her room at the Hostel to find that the father of her daughter had broken in; he was drunk and she could not persuade him to leave and did not know what to do so she left him on the sofa in her room to recover and he remained there overnight;

(vi) in relation to (c)(vi) above, she suffered post natal depression and needed support; her daughter was poorly and would not stop crying; she decided to leave the Hostel with her daughter to visit her daughter's aunt who lived approximately seven minutes away; she stayed with her daughter's aunt for approximately two hours; she left her sons playing in the Hostel grounds which was a safe environment; her sons knew they could go to another resident if they wished to speak to someone in her absence and they had a mobile telephone to contact the applicant; she had punished the son who had been involved in the fight by not allowing him to attend a family party the following weekend; she forgot to turn off the electric hob before leaving the Hostel because she was concerned about her daughter;

(e) the Panel has taken account of the mitigating circumstances but notes that the applicant breached the conditions of her licence on six separate occasions despite receiving repeated warnings, including a final warning, that any breach could result in her licence being terminated; the Panel also notes that all of the warning letters had invited the applicant to discuss any issues with the Hostel Management team but she had not taken up this offer; the Panel further notes that after receiving the fourth warning letter headed "final warning" the Deputy Hostel Manager spoke to the applicant to reiterate the importance of her not breaching the conditions of her licence again and explaining that despite the previous final warning the applicant's licence would not be terminated at that time because she was close to being able to secure a Council property; she had been handed another copy of the licence to read and advised to make her sons aware of the restrictions;

(f) the Panel is of the opinion that the applicant was in no doubt about the possible consequences of breaching the conditions of her licence but continued to do so;

(g) had it not been for this deliberate acts of breaching the conditions of her licence, 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 as it comprised one half of a chalet including two bedrooms and a kitchen and a bathroom shared with one other family; the accommodation was affordable;

(h) in the light of the above, the Panel is of the opinion that that the Council's duty to accommodate the applicant has been discharged because she was homeless intentionally from the accommodation made available to her under section 193 of the Act;

(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 20 August 2012 requiring the applicant to vacate the Homeless Persons' Hostel was appropriate in the circumstances;

(3) That the Council continues to provide the applicant with bed and breakfast accommodation until Sunday 13 January 2013 (the last night) 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".

#### **34. APPLICATION NO 8/2012**

The Panel was advised that following the receipt of additional information since the application for a review had been made, the officers had reconsidered this case and had decided to set aside the decision to deem the applicant intentionally homeless. As a result there was no need for the Panel to consider this case.

#### **35. FUTURE MEETINGS**

The Panel noted that the next meeting would be held on 22 November 2012.

Some members stated that they would prefer meetings of the Panel to be held on a day other than a Thursday.

#### **RESOLVED:**

That the Assistant Director Democratic Services seek the views of members and substitutes on the Panel with a view to establishing whether there is a day other than Thursday which is more convenient for members.

**CHAIRMAN**