



Epping Forest District Council

HOUSING APPEALS AND REVIEW PANEL **Monday, 1st September, 2014**

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 2.30 pm

Democratic Services Officer Adrian Hendry - Directorate of Governance
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Rolfe (Chairman), Mrs J Lea (Vice-Chairman), L Mead, A Mitchell MBE,
Ms G Shiell and Mrs R Gadsby

1. APOLOGIES FOR ABSENCE

2. MINUTES (Pages 3 - 16)

To agree the minutes of the meeting of the Panel held on 12 May 2014 (attached).

3. SUBSTITUTE MEMBERS

(Director of Governance) To report the attendance of any substitute members for the meeting.

4. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

5. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
6	Application No. 5/2014	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

6. APPLICATION 5/2014 (Pages 17 - 68)

To consider the attached restricted report and appendices.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Housing Appeals and Review Panel **Date:** Monday, 12 May 2014

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 2.30 - 5.30 pm

Members Present: Councillors B Rolfe (Chairman), Ms J Hart, Ms G Shiell and Mrs J H Whitehouse

Other Councillors:

Apologies: Councillors Mrs J Lea and K Avey

Officers Present: R Wilson (Assistant Director (Housing Operations)), J Hunt (Assistant Housing Options Manager (Homelessness)), G Lunnun (Assistant Director (Democratic Services)) and A Hendry (for Application 4/2014 only)

31. MINUTES

RESOLVED:

That the minutes of the meeting of the Panel held on 4 April 2014 be taken as read and signed by the Chairman as a correct record.

32. SUBSTITUTE MEMBERS

The Panel was advised that as consideration of Application No.3/2014 had been commenced at the last meeting, it was necessary for the same members to be present at this meeting. Accordingly, Councillor G Sheill was substituting for Councillor Avey.

33. DECLARATIONS OF INTEREST

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

34. 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:

Agenda Item Number	Subject	Exempt Information Paragraph Number
6	Application No. 3/2014	1
7	Application No. 4/2014	1

35. APPLICATION NO 3/2014

Introduction

The applicant attended the meeting to present his case supported by Ms S Wellbelove of Family Mosaic.

Mr J Hunt, Assistant Housing Options Manager (Homelessness) attended the meeting to present his case. Mr R Wilson, Assistant Director (Housing Operations) attended the meeting to advise the Panel as required on relevant legislation and on national and local housing policies relevant to the application.

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

The Chairman explained the procedure to be adopted for the meeting in order to ensure that proper consideration was given to the review of the application.

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

- (a) a summary of the case including the facts of the case;
- (b) the case of the Assistant Housing Options Manager (Homelessness);
- (c) copies of documents submitted by the Assistant Housing Options Manager (Homelessness), namely:
 - (i) a typed copy of notes dated 8 October 2013 of an interview of the applicant by a Housing Officer;
 - (ii) an email sent on 17 December 2013 by the Council's Community Safety Officer, to the Assistant Housing Options Manager (Homelessness);
 - (iii) a police report of an incident between the applicant and his wife on 27 September 2013;
 - (iv) a copy of an email sent on 13 March 2013, from Essex Police to the Council's Community Safety Officer;
 - (v) a copy of an Essex Probation Court Process Form regarding an incident between the applicant and his wife;
 - (vi) court papers regarding the incident between the applicant and his wife on 27 September 2013;
 - (vii) letter dated 24 January 2014, from the Assistant Housing Options Manager (Homelessness) to the applicant; and

- (viii) medical advice to the Assistant Housing Options Manager (Homelessness) from the Council's Psychiatric Adviser;
- (d) copies of documents submitted by the applicant, namely:
 - (i) his completed application form to the Housing Appeals and Review Panel dated 3 March 2014;
 - (ii) letter dated 27 February 2014, from Family Mosaic to "whom it may concern";
 - (iii) a report presented to the Crown Court by a consultant psychologist who had been asked to assess the applicant.

The Chairman reminded members that consideration of this application had been deferred at the last meeting in order to allow the applicant sufficient time to obtain additional documents in support of his case including the report of a consultant psychologist presented to the Crown Court. The Chairman drew attention to the matters which had been considered at the last meeting and he asked the Assistant Housing Options Manager (Homelessness) if officers would still have found the applicant homeless intentionally had, at the time of making their decision, they had been in receipt of the report presented to the Crown Court by a consultant psychologist and the views thereon of the Council's Psychiatric Adviser.

The Assistant Housing Options Manager (Homelessness) advised that three new facts had emerged since the matter had been determined by officers. He drew attention to the opinions contained in the report of the consultant psychologist to the Crown Court that there was evidence that the applicant was probably in the early stages of developing a degenerative neurological condition, most probably Alzheimer's disease. He also drew attention to the advice received from the Council's Psychiatric Adviser following consideration of the report of the consultant psychologist which expressed some doubt as to whether the applicant was fully capacitous at the time of the assault on his wife. The Assistant Housing Options Manager (Homelessness) further informed the Panel that he had received information from the Council's Community Safety Team that the applicant's assault on his wife was the only conviction or report of the applicant being violent.

The Assistant Housing Options Manager (Homelessness) stated that these three new facts suggested that the assault was probably a one-off occurrence associated with the applicant's ill health. He continued that in accordance with the advice contained in the Code of Guidance on Homelessness, to give the benefit of any doubt to an applicant, officers would not have found the applicant intentionally homeless had they been in receipt of the information now before the Panel.

In the light of the comments of the Assistant Housing Options Manager (Homelessness), the Chairman invited the parties to leave the meeting so that the Panel could deliberate on all of the information before it.

The applicant, Ms Wellbelove and the Assistant Housing Options Manager (Homelessness) then left the meeting.

In coming to its decision, the Panel focused on the reasons for the applicant being homeless.

The parties returned to the meeting and were informed of the Panel's decision.

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 applicant and by the Assistant Housing Options Manager (Homelessness) in writing and orally, the decision of the officers that the applicant was homeless intentionally when he assaulted his wife and was required to leave the family home be not upheld for the following reasons:

(a) the applicant when applying as homeless to the Council in October 2013 had been eligible for assistance having an Irish passport, homeless because he had no accommodation available to him and in priority need because of his age; the applicant is sixty-nine years of age;

(b) from 1996 until September 2013 the applicant had lived with his wife in a three bedroom owner occupied property subject to a mortgage in the applicant's wife's name only;

(c) on 28 September 2013 the applicant had been arrested for assaulting his wife occasioning actual bodily harm; the applicant had attended Magistrates' Court on 30 September 2013 and had been bailed to appear at Crown Court, subject to having no direct contact with his wife and not returning to Waltham Abbey where the family home had been situated;

(d) on 27 February 2014, the applicant had been found guilty at Crown Court of assault occasioning actual bodily harm having hit and kicked his wife causing injuries and had received a 12 month community order, supervision requirement and victim surcharge;

(e) the Panel has taken account of a report presented to the Crown Court by a consultant psychologist who had been asked to assess the applicant in relation to the possibility that he might have a condition linked to the development of old age; that report had concluded that the applicant had demonstrated a borderline level of intelligence, suffered memory loss and was probably in the early stages of developing a degenerative neurological condition, most probably, Alzheimer's disease; the Panel noted that this report had not been made available to officers at the time of making their decision;

(f) the Panel has also taken account of the views of the Council's psychiatric adviser having been provided with a copy of the report presented to the Crown Court by a consultant psychologist; the adviser, based on the information made available to him, had expressed some doubt as to whether the applicant had been fully capacitous at the time of the assault;

(g) the Panel also has taken account of the fact the applicant's assault on his wife is the only conviction or report of him being violent;

(h) the Panel also has taken into consideration the view expressed by the Assistant Housing Options Manager (Homelessness) at the meeting that had the report presented to the Crown Court by a consultant psychologist, the views thereon of the Council's psychiatric adviser and the information about no other reported incidents of the applicant being violent been available to officers at the time they had taken their decision they would not have found the applicant homeless intentionally;

(i) having regard to the evidence submitted, on balance, the Panel is of the view that the assault by the applicant on his wife was not a deliberate act committed by him in full responsibility;

(j) the Panel has concluded therefore that the applicant did not make himself homeless intentionally;

(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, having regard to the information available to officers at the time of making their decision;

(3) That the officers establish whether the applicant has a local connection with the District;

(4) That, subject to the outcome of (3) above, the officers work with the applicant to find him settled accommodation as soon as possible in accordance with the provisions set out in Appendix 4 to the Council's Housing Allocations Scheme, and that in the interim he continues to be provided with temporary accommodation provided that he complies with the terms of his occupation of the bed and breakfast accommodation provided for him.

36. ADJOURNMENT

The Panel was advised that consideration of the next case was not due to commence until 4.00pm.

RESOLVED:

That the meeting be adjourned until 4.00pm or earlier if both parties are in attendance at the Civic Offices.

37. RESUMPTION OF THE MEETING

The meeting resumed at 4.00pm.

38. APPLICATION NO 4/2014

Introduction

The Panel considered an application for a review of a decision made by officers under delegated authority that the applicant was intentionally homeless.

The applicant attended the meeting to present her case. Mr J Hunt, Assistant Housing Options Manager (Homelessness), attended the meeting to present his case supported by Ms M Dexter, representing East Thames Housing Association. Mr R Wilson, Assistant Director (Housing Operations) attended the meeting to advise the Panel as required on relevant legislation and national and local housing policies relevant to the application.

The Chairman introduced the members of the Panel and the officers present to the applicant and sought the consent of the applicant and the Assistant Housing Options Manager (Homelessness), to Mr A Hendry (Democratic Services Officer) attending

the meeting for this application as an observer. Both parties agreed to Mr Hendry being present.

The Chairman explained the procedure to be adopted for the meeting in order to ensure that proper consideration was given to the review of the application.

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

- (a) a summary of the case including the facts of the case;
- (b) the case of the Assistant Housing Options Manager (Homelessness);
- (c) copies of documents submitted by the Assistant Housing Options Manager (Homelessness), namely:
 - (i) a copy of an Assured Shorthold Tenancy Agreement between the applicant and her husband and East Choice Limited (an operational subsidiary of East Thames Housing Association);
 - (ii) a copy of a Notice of Eviction of the applicant and her family from the Housing Association rented property;
 - (iii) a copy of a letter from East Homes (an operational subsidiary of East Thames Housing Association) to the applicant, dated 26 June 2013;
 - (iv) a questionnaire completed by East Homes in relation to the applicant's tenancy;
 - (v) the applicant's rent statement for the period 1 January 2012 to 1 July 2013;
 - (vi) a typed copy of notes dated 23 July 2013 of an interview of the applicant by a Housing Officer;
 - (vii) a typed copy of notes dated 20 December 2013 of an interview of the applicant by a Housing Officer;
 - (viii) an Affordability Assessment completed by the applicant;
 - (ix) wage slips for the applicant and her husband;
 - (x) a copy of a letter from the Assistant Housing Options Manager (Homelessness) to the applicant, dated 4 March 2014;
 - (xi) an email from the Council's Council Tax Section to the Assistant Housing Options Manager (Homelessness), sent on 25 April 2014;
- (d) copies of documents submitted by the applicant, namely:
 - (i) her completed application form to the Housing Appeals and Review Panel, dated 29 March 2014.

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 was British and 46 years of age; she had approached the Council as homeless when she had been evicted from a two bedroom Housing Association flat by East Homes;
- (b) the applicant had been eligible for assistance because she was British, homeless because she had no accommodation available to her and in priority need because she had a dependent child;
- (c) the applicant's Assured Shorthold Tenancy Agreement for the two bedroom Housing Association flat from East Homes stated that failure to comply with rent payments might result in legal action and the early termination of the agreement;
- (d) the applicant had been served with a Notice of Eviction to take place on 23 July 2013 as a result of rent arrears; the letter dated 26 June 2013, from East Homes to the applicant stated that, at that time, the arrears amounted to £4,894.81;
- (e) the applicant had stated that she had problems paying back Council Tax debts and got into difficulties with payday loans;
- (f) an Affordability Assessment, completed by the applicant, indicated that she and her husband had sufficient income to pay the rent; the applicant had advised the Council that their combined wages amounted to £2,400 per month;
- (g) the applicant had not applied for Housing Benefit whilst she had resided at the Housing Association rented property;
- (h) officers had determined that the applicant had made herself intentionally homeless as her wilful and persistent refusal to pay the rent for the Housing Association property had been a deliberate omission;
- (i) in making homelessness decisions, the Council must have regard to the Homelessness Code of Guidance, which was required to be used by local authorities to assist with the interpretation of the homeless 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;
- (j) it was considered that the Housing Association property would have been available for the applicant's continued occupation had she paid the rent in full; it was also considered that it would have been reasonable for the applicant to occupy that property had she paid the rent as it had been a two bedroom property with an affordable rent;
- (k) the applicant's rent and charges (£491.36 in 2013/14) were considered relatively low, particularly in regard to the private sector where the rent for two bedroom properties in the area was in the region of £800 per month;

(l) the applicant had a secure job with a reasonable salary; the applicant's husband's employment supplemented her salary and resulted in the household income being over £2,000 per month; according to the Affordability Assessment completed by the applicant, their total income had been £2,600 per month and in an interview, the applicant had acknowledged that it was £2,400 per month; officers considered this allowed them sufficient income to pay their rent, Council Tax and other normal living costs;

(m) the Panel was invited to uphold the officers' decision and in that event, to give the applicant reasonable notice to leave the Council's Homeless Hostel and, with the applicant's consent, to refer the applicant to Children's Social Care.

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

The applicant advised that she 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 Ms Dexter gave the following answers to questions from members of the Panel:

(a) Assistant Housing Options Manager (Homelessness) - Although the applicant and her husband had been joint tenants of the Housing Association property, it was customary for there to be a sole applicant in homelessness cases; the law referred to an applicant and it was necessary to determine which person was responsible; although it was not so in this case, it could be determined that one partner was intentionally homeless and the other not so, if only one of them had been liable for the rent; in this case the applicant had been in priority need because she had a dependent child and it was normal practice to take the person in priority need as the applicant;

(b) Ms Dexter – I was not in post at the time of the applicant's eviction but the Housing Association policy in relation to arrears was to make contact with the tenant; the records showed that letters and emails were sent and calls made to the applicant in this case so she should have been aware of the situation; eviction was only pursued if agreement could not be reached on paying the arrears; the Housing Association had a Benefits Adviser available to assist tenants but there was no record of the applicant, in this case, seeing the Benefits Adviser;

(c) Ms Dexter – When notice was served on the applicant, the rent arrears amounted to £1,762.78; an agreement was made to reduce the arrears and a payment was made in October 2012 but it was not the correct amount and further payments were not made in the following months, so the arrears steadily increased to £5,368.17 at the end of the tenancy;

(d) Ms Dexter – The applicant's file had been archived and it was not possible, in the time available before today's meeting, to obtain copies of the letters and emails sent to the applicant;

(e) Assistant Housing Options Manager (Homelessness) – The Affordability Assessment form had been completed by the applicant at interview;

(f) Assistant Housing Options Manager (Homelessness) – The applicant had Council Tax arrears from a property occupied prior to 25 October 2005 and also got

into Council Tax arrears from the Housing Association property from which she had been evicted;

(g) Ms Dexter – The Housing Association’s Benefits Adviser would have been available to give the applicant advice about loans, including the dangers associated with payday loans; the records showed that the Customer Accounts Team were in contact with the applicant in this case but I do not know what was said;

(h) Assistant Housing Options Manager (Homelessness) – The property occupied by the applicant prior to 25 October 2005 had been a private rental not an East Homes property.

Presentation of the Applicant’s Case

The Panel considered the following submissions made by the applicant:

(a) after the birth of her daughter, the applicant had approached the Council for housing and as a result had been referred to East Homes and had secured a tenancy with them due to her position as a key worker (nurse);

(b) from 2005 until the beginning of 2012, the rent had been paid on the Housing Association property; in 2012 the applicant and her husband had got into financial difficulties due to Council Tax arrears of £3,300 on a property they had occupied prior to 2005; they had to pay £300/£400 per month to clear the arrears (Attachment of Earnings through Court); in an attempt to resolve the situation, payday loans were taken out, e.g., £500 for 28 days necessitated a repayment of £1,200 at the end of that period;

(c) the rent for the Housing Association property, in January 2012, was £362.58 per month, plus £92.64 charges for the upkeep of the building;

(d) in addition to rent arrears, the applicant and her husband got into arrears with the Council Tax on the Housing Association property; the applicant and her husband both assumed that the other was paying the Council Tax; they decided to give priority to paying the Council Tax rather than the rent;

(e) the applicant and her husband had not been entitled to Child Tax Credit or Housing Benefit;

(f) when the applicant and her husband first moved to the Housing Association property, her husband was only working part time (15 hours per week);

(g) bank loans were not available to the applicant and her husband as their credit rating was not good;

(h) the applicant and her husband had tried to resolve the rent arrears for the Housing Association property but the Manager of the Housing Association had not replied to their calls;

(i) the Citizens’ Advice Bureau had contacted the Housing Association and had been told that there could be no agreement reached regarding the rent arrears;

(j) advice had been sought from a solicitor, who had felt that the applicant and her husband had a case but they could not afford to pay his fees;

(k) the Council had tried to resolve the situation with the Housing Association but had been unable to do so;

(l) both the applicant and her husband had worked all of their lives; other than child benefit, no benefits had been claimed;

(m) if the Panel upheld the officers' decision and the applicant and her family were placed in a privately rented property, all of their income would be spent on the rent and household bills;

(n) the Panel was requested not to uphold the officers' decision so that the applicant and her family could have some stability and a right to a family life together;

(o) the applicant had not made herself intentionally homeless; she had tried to resolve the problem with the Housing Association but had got no help from them.

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

The applicant gave the following answer to a question from the Assistant Housing Options Manager (Homelessness):

- the applicant and her husband had Council Tax arrears in respect of both the property they had occupied prior to 2005 and on the Housing Association property they had occupied since that time.

Questions from Members of the Panel to the Applicant

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

(a) the Council Tax arrears on the property occupied prior to 2005 had been cleared; in order to pay the Council Tax arrears on the Housing Association property, it had been necessary to take out a payday loan;

(b) no advice had been sought prior to taking out payday loans;

(c) the rent arrears on the Housing Association property were not currently being paid off but all of the other debts had been cleared; the rent arrears would be paid off as and when money was available but at present there were other expenses to be met;

(d) the applicant's husband did not earn a lot of money as he only worked part-time;

(e) the rent on the property, occupied prior to 2005, had been £600 per month; after the birth of their daughter, both the applicant and her husband had been working only part-time; they had not qualified for Housing Benefit;

(f) the other expenses mentioned in an earlier answer were the costs of after-school clubs for their daughter, which were quite expensive;

(g) the payslip before the Panel for the applicant's husband had included overtime payments;

(h) currently, as all of the payday loans had been paid off, at the end of each month the applicant and her husband had some money left in their account;

- (i) the applicant was unable to say why she was not, at present, clearing the rent arrears on the Housing Association property;
- (j) the applicant did not consider she could accumulate debt and not pay it back;
- (k) the loans listed on the Affordability Assessment form were personal loans, not the payday loans;
- (l) the visit from bailiffs to the Housing Association property had not been a total surprise;
- (m) advice had only been sought from the Citizens' Advice Bureau about the eviction process;
- (n) the Council Tax had not been paid on the property occupied prior to 2005 as a friend, estranged from her husband, had been living with the applicant and her husband and it had been agreed that the applicant and her husband would pay the rent and the friend would pay the Council Tax and some of the bills; it had only been after the friend had left the property, that it had become apparent the Council Tax had not been paid;
- (o) the applicant felt unable to answer a question about why her husband did not take more responsibility for the family;
- (p) the applicant and her husband had been together for ten years;
- (q) the applicant's husband had arranged to pay the rent on the Housing Association property by direct debit but he had stopped this after a few payments; he had then been given money to pay the rent at the Town Hall but had not done so;
- (r) the applicant had taken out payday loans as these were easily available and she had lacked advice about resolving her financial difficulties;
- (s) the applicant accepted that she had neglected to include some items of expenditure on the Affordability Assessment form she had completed, e.g., telephone costs;
- (t) the applicant took her husband to work so he did not incur any travel costs;
- (u) the applicant's husband's employer was not currently creating any full-time permanent posts and the applicant's husband had not considered looking for a full-time job elsewhere;
- (v) the applicant's husband had declined to come to this meeting;
- (w) the applicant, her husband and their friend had all been parties to the tenancy of the property occupied by them prior to 2005; all three names had been on the Council Tax register;
- (x) the Attachment of Earnings for the Council Tax arrears had been applied to the applicant, not her husband;
- (y) the applicant stated that she always tried to live within her means.

At the request of the Chairman, the Assistant Housing Options Manager (Homelessness) stated that Council Tax demands were normally sent to the owner(s) or tenant(s) of a property. In this case, no mention had been made by Council Tax of a third person in relation to the property occupied by the applicant prior to 2005.

Summing Up

Both the applicant and the Assistant Housing Options Manager (Homelessness) stated that they had nothing to add to their cases.

Deliberations

The Chairman indicated the Panel would 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 Ms Dexter then left the meeting.

The Panel expressed sympathy in relation to the applicant's situation but, in coming to its decision, it focused on (a) reaching a view on why the applicant had not paid the rent for her Housing Association rented property; (b) whether the applicant had deliberately done, or failed to do anything as a consequence of which she ceased to occupy the property; and (c) whether the property would have been affordable for the applicant had she continued to occupy it.

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 the applicant and by the Assistant Housing Options Manager (Homelessness) in writing and orally, the decision of the officers that the applicant was homeless intentionally from the housing association rented property she occupied from 24 October 2005 and 23 July 2013 be upheld for the following reasons:

(k) the applicant when applying as homeless in July 2013 had been eligible for assistance being British, homeless because she had no accommodation available to her having received notice on the housing association rented property she had occupied, and in priority need because she had a dependent child;

(l) the applicant and her husband had held an Assured Shorthold Tenancy of a two bedroom housing association rented flat between 24 October 2005 and 23 July 2013; they had been joint tenants;

(m) the rent and charges of the housing association flat had been £491.36 per month at the end of the tenancy in 2013;

(n) the applicant and her husband had both been in employment earning a household income of over £2,000 per month; an affordability assessment completed by the applicant showed that their total income was £2,600 per month whilst in an interview with a housing officer the applicant quoted a figure of £2,400 per month; the affordability statement completed by the applicant had shown monthly expenditure of £1,988 per month which had included the rent for the property, Council Tax and the repayment amounts on three loans; the Panel took account of the fact that that the applicant when

completing the affordability statement had neglected to include some items of expenditure, eg. telephone costs;

(o) the applicant had not been entitled to Housing Benefit as her husband and her had both been working and receiving sufficient income to pay the rent;

(p) rent arrears in respect of the housing association property had started in January 2012; the applicant stated that she had given priority to paying Council Tax on the housing association rented property and Council Tax outstanding on a property she had occupied with her husband prior to 25 October 2005; the Panel took account of the evidence which showed that the Council Tax arrears on the property occupied by the applicant and her husband prior to 25 October 2005 had been completely cleared on 5 January 2009;

(q) the applicant stated that both she and her husband thought that the other was paying the Council Tax on the housing association property and when they had become aware of the arrears greater priority had been given to paying the Council Tax than the rent;

(r) in an attempt to overcome their financial difficulties the applicant and her husband had taken out short term (payday) loans with very high annual percentage rates of interest eg. a 28 day loan for £500 had required repayment of £1,200 at the end of the 28 day period;

(s) when the applicant and her husband had been served by the housing association with a section 21 notice (notice to regain possession of the property) the arrears of rent for the property had been £1,762.78 and the end of the tenancy the arrears had risen to £5,386.17; the housing association had stated that the notice had been served due to rent arrears and that the property would have continued to be available to the applicant and her husband had there not been rent arrears;

(t) the applicant stated that she had received little response or advice from the housing association in relation to her rent arrears; however, the housing association representative at the Panel's meeting advised that although she had not been in post at the time, the housing association's records showed that emails and letters had been sent to the applicant and her husband;

(u) the Panel noted that there were several months when the applicant and her husband had failed to make any rent payments at all and that during the period of nineteen months from January 2012 and July 2013 payments had only been made on eight of those months with two of those payments being less than the monthly rent;

(v) on the evidence available, the Panel is of the opinion that the applicant and her husband were able to afford the rent on the housing association property;

(w) for the reasons set out in (c) - (l) above, the Panel finds the applicant's and her husband's persistent refusal to pay the rent on the housing association property was a deliberate omission as a consequence of which a possession order was made by the courts which led them to cease occupying the housing association property;

- (x) the Panel is of the opinion that the housing association property would have been reasonable for the applicant and her husband and their daughter to occupy as it was a two bedroom property with an affordable rent;
- (y) in the light of the statement made by the housing association it is clear that the property would have been available for the applicant, her husband and their daughter had the rent been paid;
- (z) for the reasons set out above, the Panel considers that the applicant was intentionally homeless;
- (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;
- (3) That provided the applicant complies with the terms of her licence at Norway House, the Council's Homeless Persons Hostel, the Council will continue to provide her and her family with interim accommodation for a period of eight weeks (until 11.00am on Monday 7 July 2014) in order to allow her reasonable opportunity to secure alternative accommodation;
- (4) That the officers, with the applicant's consent, refer the applicant to Children and Families Services to seek their assistance in helping her find alternative accommodation and that the officers continue to offer housing advice and assistance to the applicant.

39. LAST MEETING OF THE CURRENT MUNICIPAL YEAR

The Chairman advised that this would be the last meeting of the Panel during the current municipal year.

He pointed out that Councillor Hart was not seeking re-election later this month, and as a result, this would be the last meeting of the Panel which she would attend. He thanked her for her contribution to meetings of the Panel.

The Chairman also advised that Mr Lunnun would be retiring shortly and that this would be the last meeting of the Panel which he would attend. He thanked Mr Lunnun for his help and advice over the years.

CHAIRMAN

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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