

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

**Committee:** Housing Appeals and Review Panel      **Date:** Thursday, 15 February 2007

**Place:** Civic Offices, High Street, Epping      **Time:** 4.00 - 4.40 pm

**Members Present:** Mrs P K Rush (Chairman), Mrs R Gadsby (Vice-Chairman),  
Mrs P Richardson and J Wyatt

**Other Councillors:**

**Apologies:** Mrs P Smith

**Officers Present:** R Wilson (Assistant Head of Housing Services (Operations)) and G Lunnun (Democratic Services Manager)

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### **28. SUBSTITUTE MEMBERS**

The Panel noted that there were no substitute members present as only those members who had been at the last meeting of the Panel held on 25 January 2007 could determine the application before this meeting.

### **29. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda Item 5 (Application No: 9/2006) by virtue of having the same general practitioner as the applicant. He determined that his interest was not prejudicial and that he would remain in the meeting for the duration of the consideration and voting on the application.

### **30. 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 paragraphs 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 Numbers</b>
5	Application No: 9/2006	1 and 2

### **31. APPLICATION NO: 9/2006**

The Panel gave further consideration to an application for a review of a decision made by the Assistant Housing Needs Manager (Homelessness) acting under delegated authority which had been deferred at the last meeting.

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

- (a) a letter dated 7 February 2007 (received by the Council on 15 February 2007) from the applicant's general practitioner to "whom it may concern"; and
- (b) an e-mail dated 7 February 2007 from the Council's Medical Adviser giving advice about post-natal depression.

Members were reminded that the applicant was seeking a review of the decision that she had made herself homeless intentionally from temporary accommodation provided by the Council and that the duty on the Council to provide her with temporary accommodation had been discharged.

In coming to its decision, the Panel focused on the applicant's personal circumstances, her actions during the period August-November 2006, the medical evidence submitted by her doctor and advice from the Council's Medical Adviser.

**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 Needs Manager (Homelessness) and the advice of the Council's Medical Adviser, in writing and orally, the decision of the Assistant Housing Needs Manager (Homelessness) that the Council has discharged its duty to the applicant, under Section 193 of the Act be upheld for the following reasons:

- (a) the applicant confirmed that she had fully understood the terms and conditions of her licence to occupy accommodation at the Council's Homeless Persons' Hostel including the requirements to sign the register each day and to seek approval from the Hostel staff for any absences from the Hostel of more than one night;
- (b) the applicant moved into the Council's Homeless Persons' Hostel on 8 August 2006; she signed the register on 9, 11, 14, 16 and 17 August; on 20 August she informed the Hostel staff of an absence of one week to look after her mother who had been ill; she signed the register again on 28, 29 and 30 August; she did not sign the register throughout September 2006; she telephoned the Hostel staff to advise that she would return to the hostel on 3 October 2006; she failed to return on that date and had not signed the register again up to the time the notice to terminate the licence to occupy accommodation at the Hostel was issued on 6 November 2006;
- (c) had it not been for these deliberate acts (failure to sign the register daily and/or inform Hostel staff of all absences of more than one night) the accommodation at the Homeless Persons' Hostel would have been available and reasonable for the applicant to continue to occupy;

- (d) account has been taken of the evidence of the applicant regarding the need to look after her mother, her sisters and brother; it is noted that this need ceased in early October 2006;
  - (e) account has also been taken of the evidence submitted by the applicant's doctor and the advice regarding post-natal depression submitted by the Council's Medical Adviser;
  - (f) on balance, it is not considered that the evidence submitted under (d) and (e) above is sufficient to show that the applicant was unable to manage her affairs, and, in particular, was unable to meet the requirements of her licence to occupy accommodation at the Council's Homeless Hostel;
- (2) That no deficiency or irregularity has been identified in the original decision made by the Assistant Housing Needs Manager (Homelessness) or in the manner in which it was made, accepting that he was not made aware and had no evidence when making his decision about the applicant's medical condition;
- (3) That the Council continues to provide interim accommodation for a period of twenty-eight days 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;
- (4) That the officers refer the applicant to Social Care to seek assistance in helping the applicant find alternative accommodation.

**CHAIRMAN**