

APPEALS PANEL NO. 1

WEDNESDAY 19 JUNE 2013 AT 2.00 PM

PRESENT: Councillors Mrs Geddes, Harid and Wilson (as substitute for Councillor Mrs Atkinson)

OFFICERS: Homeless Services Officer
Homeless Persons Officer
Legal Services Manager

1. APPOINTMENT OF CHAIRMAN

Consideration was given to the role of Chairman of Appeals Panel 1 for the remainder of the 2013/14 Municipal Year.

It was moved and seconded, and:

RESOLVED – That Councillor Harid be appointed as Chairman of Appeals Panel 1 for the 2013/14 Municipal Year.

Councillor Harid thereupon took the Chair.

2. APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Atkinson.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. APPEAL REGARDING A HOMELESSNESS ISSUE

The hearing had been convened to give consideration to an appeal regarding a homelessness issue.

The Chairman noted that the Appellant was not in attendance, nor was she represented.

Members requested legal advice on the way forward.

In response, the Legal Services Manager drew the Panel's attention to a letter which had been hand delivered by the Appellant to the Civic Centre on 10 June 2013, stating that she had decided "on good authority not to attend the meeting".

Copies of the letter had been circulated to Panel Members prior to the meeting.

The Legal Services Manager advised that it was a matter for Members' discretion as to whether they wished to go ahead and determine the appeal based upon all of the representations / evidence submitted.

In view of the fact that the Appellant had received all of the papers for the Appeals Panel; and had indicated in writing that she did not wish to attend or be represented, the Panel agreed to proceed with consideration of the Appeal in her absence.

The Panel and Officers introduced themselves and the Chairman outlined the purpose of the hearing, together with the procedure to be followed.

The Chairman invited the Homeless Persons Officer to present the case for the Homelessness Unit.

The Homeless Persons Officer outlined the background to the appeal. She informed the Panel that the Appellant had arrived in Cumbria on 17 September 2012, having spent one night in Penrith and one night in a Bed and Breakfast establishment, before presenting to the City Council's Homeless Services on 19 September 2012. Immediately prior thereto, the Appellant had refused two offers of housing from Sevenoaks District Council.

The Homeless Persons Officer provided an overview of the actions taken / accommodation provided in response to the Appellant's two Homelessness Applications. She also explained the homelessness legislation applicable to the case.

The Council had decided that, although the Appellant was found to be homeless; in priority need; and had not become homeless intentionally, she did not have a local connection to Carlisle.

The Appellant had appealed against the above decision, which was upheld by the Homelessness, Prevention and Accommodation Services Manager on 22 March 2013. On 4 April 2013 the Appellant submitted an appeal against the Manager's decision, which led to the Appeals Panel being convened today.

The Homeless Services Officer then explained the test to be applied in terms of demonstrating a "local connection" i.e. to establish a local connection as stated in the English Code Annex 198 para 4.1(i), a person should be resident in a local authority area for at least six months during the previous twelve months, or for not less than three years during the previous five year period. He emphasised that the time which the Appellant had spent in temporary accommodation did not count towards the establishment of a local connection.

The Homeless Services Officer and the Homeless Persons Officer then responded to a considerable number of questions from Members on the matter.

The Chairman thanked the Homeless Services Officer and the Homeless Persons Officer for their input.

The parties left the hearing while the Panel gave detailed consideration to their decision.

On their return the Chairman advised that, having given very careful and detailed consideration to all of the evidence presented, including the written submission hand delivered by the Appellant on 10 June 2013, the Panel:

RESOLVED - (1) That the decision taken by Homelessness Services that the Appellant did not have a local connection to Carlisle be upheld.

In particular the Panel had regard to the Appellant's letter of appeal dated 2 January 2012 and was not satisfied that the evidence of local connection therein was sufficient, having regard to Section 199(i) or Chapter 18 of the Homelessness Code of Guidance.

(2) That the Panel rejected the Appellant's application for compensation.

The Panel further recommended:

- (a) That Homelessness Services in future take steps to satisfy themselves as to the habitability of accommodation prior to agreeing to place applicants.
- (b) That the Communities, Housing and Health Manager investigate whether the deposit paid to the Agent could be reclaimed.
- (c) That Hostel workers be provided with a full set of master keys in order that they can access all areas of the Hostel when necessary.
- (d) That steps be taken to ensure that policies, procedures and processes achieve the aim of providing appropriate support to clients, including early collaboration with other agencies, where appropriate.

[The meeting ended at 3.35 pm]