

## Is there an irregularity or deficiency in the decision being review?

You are the reviewing officer in the following cases. Please consider the facts and consider whether you have to issue a 'minded to find' letter under Regulation (2) of the Review Regulations and offer the additional procedural safeguards. Specifically, confirm whether:

- a) The original decision-maker made an error of law, or
- b) There was no error of law, but applying the rule from the case in *Hall v Wandsworth LBC* , you must nonetheless accept that there is a deficiency or irregularity in the original decision, or
- c) Neither (a) or (b) applies on the facts.

Give reasons for your answer.

1. Suzi made a Part 7 application. She was found to be neither homeless or threatened with homelessness because she had a continuing tenancy with a private landlord. She's asked for that decision to be reviewed.

You don't think the original decision can stand because Suzi has now received a notice from her landlord. However, you don't think that Suzi has a priority need.

2. Demetra was found to not have a priority need and to have become homeless intentionally. Having considered the circumstances in which Demetra lost her last accommodation you don't propose to uphold the decision that she is intentionally homeless. However, you propose to uphold the decision that she does not have a priority need.

3. Jennifer says that she left her privately rented home because she could not afford her rent. She subsequently applied as homeless but was found to have become homeless intentionally on the basis that she had £7,000 in capital which she could have used to pay the rent.

15 days before she vacated Jennifer had applied to the council's housing register for social housing. In that application she had stated that she could not afford the rent and that she was having to move out. However, no homeless application was taken at the point. Neither was advice given.

When you consider the evidence it's clear that Jennifer did not actually have £7,000 in capital immediately prior to her decision to vacate her former home.

You met with Jennifer and her representatives. You then sent a 'minded to find' letter that you were minded to uphold the intentional decision on the basis that the £7,000 in savings had been spent frivolously instead of using the money to pay the rent.

Jennifer's representatives have sought a further meeting.

4. Donita was owed the main housing duty. She was told that she would only be made one offer from the housing register. The council offered Donita a flat in a tower block, which she refused because it was 'too small' and was 'high rise'.

Donita asked for a review, stating that English is not her first language. She asserts that she misunderstood the relationship between bidding and offers and that her friends had told her that she would get a choice of three properties (a rule from the council's allocation scheme, but which did negate the 'final offer' aspect of the offer in relation to her homelessness).

These submissions had not been made at the time that the original 'discharge of duty' decision was sent to Donita.