

**MINUTES OF THE EXTRAORDINARY MEETING OF THE FULL COUNCIL HELD AT THE  
COUNCIL CHAMBER - COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 4  
JUNE 2019 COMMENCING AT 6.35 PM**

**PRESENT**

Mrs L Eaton JP                      Mayor  
Mrs L Kaufman                      Deputy Mayor

**COUNCILLORS**

Mrs R H Adams  
N Alam  
L A Bentley  
G A Boulter  
M H Charlesworth                  Deputy Leader of the Council  
M L Darr  
R F Eaton  
D A Gamble  
F S Ghattoraya                      Deputy Leader of the Opposition  
Mrs S Z Haq  
Miss P V Joshi                      Leader of the Opposition  
J Kaufman  
Miss A Kaur  
Mrs H E Loydall  
K J Loydall JP  
D W Loydall  
R E R Morris  
Dr I K Ridley

**OFFICERS IN ATTENDANCE**

S J Ball                                  Senior Democratic Services Officer / Legal Officer  
Mrs A E Court                      Chief Executive / Head of Paid Service  
D M Gill                                Head of Law & Democracy / Monitoring Officer  
A Thorpe                                Head of Built Environment

**13.      CALLING TO ORDER OF THE MEETING**

The meeting of the Council was called to order to receive Her Worship The Mayor and Deputy Mayor.

**14.      APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors J W Boyce, F S Broadley, Mrs L M Broadley, D M Carter, C D Kozlowski and Mrs S B Morris.

**15.      DECLARATIONS OF INTEREST**

None.

**16.      FINDING OF MALADMINISTRATION BY THE LOCAL GOVERNMENT AND SOCIAL  
CARE OMBUDSMAN**

The Council gave consideration to the report and appendix (as set out on pages 1 – 14 of the agenda reports pack) which asked it to consider the decision of Local Government and Social Care Ombudsman (“the Ombudsman”) of a finding of maladministration and to determine what action to take in response to the Ombudsman’s recommendations.

The Council was advised that Ms X had first presented herself to Authority A in the early part of May 2018 but failed to attend an appointment with Authority A to discuss her housing needs. Around 25 May 2018, it was said that Ms X had presented herself again to Authority A’s out-of-hours homeless service claiming to have fled her accommodation due to domestic violence. It was said that Authority A had accepted that Ms X was unintentionally homeless and in priority need and therefore provided accommodation to her over the bank holiday weekend.

On 29 May 2018 at 1:21 pm, Authority A was said to have contacted this Council by e-mail with signed consent requesting information and had advised the Housing Options Officer at this Council that Authority A was providing temporary accommodation to Ms X. Further telephone contact was reported to have taken place between the Housing Options Officer and Authority A during which time it had become clear to the Housing Options Officer that Authority A had accepted the interim housing duty and was to provide accommodation to Ms X accordingly.

It was reported that at some time between 1:21 pm and 4:33 pm on 29 May, Ms X had contacted this Council and, in doing so, sought to confirm whether this Council had received the referral from Authority A. It was said that Ms X was advised that as she was not “roofless” (i.e. without accommodation, as she had accommodation that evening provided by Authority A) she would be offered a pre-arranged appointment to discuss her options as was/is normal practice. In any event, at the time that Ms X contacted the Council, the Housing Options Officer was said to have been already dealing with a couple who were homeless and without accommodation.

At 4:33 pm on 29 May, Authority A was said to have purported to refer Ms X to this Council by way of a letter which specifically referenced the referral provisions within the Housing Act 1996. Applying the law correctly, Members were advised that once Authority A had referred Ms X to this Council, Authority A had a continuing duty to provide interim accommodation to Ms X until such time as a decision was made by this Council as to whether the conditions for the referral were met.

Members were further advised that had the conditions for the referral been met, then this Council would have issued a notice accepting the referral, the effect of which would have been that from that point, the application originally made to Authority A by Ms X would have then been treated as if it had been made to this Council directly from the date of the notice. In those circumstances, it was said that it was the unanimous view of Officers that no further application was required.

The Council was also advised that the finding of the Ombudsman that an injustice had been caused to Ms X by her being placed in bed and breakfast accommodation for a period of 5-weeks presupposed that had this Council taken a homelessness application, it would have been in position to provide temporary accommodation that was different to what Ms X was offered. However, at that time, it was reported that this Council would have only been able to provide bed and breakfast or hostel accommodation outside of the Borough, thereby leaving Ms X in no better or worse a position. The accommodation that was offered to Ms X at a later date, which was subsequently deemed suitable by the Ombudsman, was not available on 29 May.

Members were advised that at no time during the consideration of the referral from Authority A was Ms X or her family without accommodation, that the Ombudsman's report had found that this Council had dealt with the referral within legal timescales, that the Council was entitled to reject the referral and that the nature and form of domestic violence which applied to Ms X's circumstances was that of a family breakdown and not one of an abusive or coercive relationship which had been portrayed in the local media.

Having considered the report, the appendix and the chronology of events as verbally presented to the Council, all Members were of the opinion that the Council had followed the proper procedure and had interpreted and applied the law correctly. Members were also clear in their instructions to Officers that the Council should be vigorous in any subsequent press statement following its decision that such was Members' opinion. Whilst accepting the view of Officers, one Member did express a reservation of refusing to implement the Ombudsman's recommendations as a matter of principle and, for that reason alone, was to abstain from the vote.

It was moved by Councillor G A Boulter, seconded by Councillor L A Bentley and

**RESOLVED THAT:**

- (i) The report of the Ombudsman be noted; and**
- (ii) No action on the recommendations as set out in the Ombudsman's report be taken.**

<b>Votes For</b>	19
<b>Votes Against</b>	0
<b>Abstentions</b>	1

**THE MEETING CLOSED AT 7.05 PM**



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**Mayor**

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**Tuesday, 30 July 2019**

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