

Claim no: CO/2025/2014

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
QUEEN'S BENCH DIVISION

BETWEEN



_____ Claimant

-and-

THE LONDON BOROUGH OF SOUTHWARK

_____ Defendant

CONSENT ORDER

UPON the Defendant accommodating the Claimant and his family in alternative suitable accommodation from 7 May 2014 onwards

AND UPON the Defendant notifying the Claimant on 9 June 2014 that the Defendant has a duty to secure that suitable accommodation is made available to him pursuant to the 'main housing duty' contained in s.193(2) Housing Act 1996 and notifying the Defendant on 28 August 2014 that his priority date has been backdated to 7 February 2014

AND UPON the Defendant agreeing to cease with immediate effect all of the policies and practices set out in the Claimant's detailed grounds of challenge, including in particular:

- (i) The 'Housing Options' accommodation scheme described at paras 6 to 9 of the witness statement of Lara ten Caten of 2 May 2014;

- (ii) The use of the double-sided leaflet entitled "Housing Options Service" in the form attached to the witness statement of Lara Ten Caten dated 2 May 2014 at Exhibit LC1 pages 12/13.
- (iii) The requirement that applicants must have lived in the Defendant's borough for 6 months, or any particular period of time, before they can make an application pursuant to Part VII Housing Act 1996.
- (iv) The requirement that potential applicants must prove they have lived at a particular address before they can make an application pursuant to Part VII Housing Act 1996.
- (v) The requirement that potential applicants must "prove" in order to get temporary accommodation under section 188 (1) Housing Act 1996 that:
- They are homeless through no fault of their own
 - They have lived at Southwark for the last six months or have another strong connection to the borough
 - They are entitled to benefits in the UK
 - They have children under 18 or are vulnerable in some way
- (vi) The requirement that potential applicants must be unemployed in order to make an application pursuant to Part VII Housing Act 1996.
- (vii) The requirement that potential applicants must be homeless on the day or within the next 5 days in order for their Part VII Housing Act 1996 application to be investigated as per the form attached to the witness statement of Lara Ten Caten dated 2 May 2014 at Exhibit LC1 page 14
- (viii) The omission in the Defendant's "Action Plans" to advise potential applicants of their right to make a homeless application.
- (ix) The requirement that potential applicants must pursue the Defendant's "Finders-Fee" scheme before they can make an application pursuant to Part VII Housing Act 1996.

AND UPON the Defendant:

- (i) Agreeing to use the double-sided leaflet entitled "Housing Options & Homelessness Services" which was attached to the Defendant's email to the Claimant's solicitor dated 7 January 2015 at 09.59 a.m.
- (ii) Agreeing to inform applicants on page 1 of the wizard online of their right to make an application pursuant to Part VII Housing Act 1996 and reflecting this advice in the Action Plans that are generated thereafter.
- (iii) Agreeing, without delay, to make such enquires as are necessary pursuant to s.184 of Part VII Housing Act 1996 in relation to anyone who it has reason to believe may be homeless or threatened with homelessness save where

that person, or persons, expressly refuses to make an application pursuant to Part VII Housing Act 1996, having been advised of their right to do so.

- (iv) Agreeing, without delay, to secure that suitable accommodation is available for the occupation of anyone who it has reason to believe may be homeless, eligible for assistance and have a priority need, pending a decision as to the duty (if any) owed to him under Part VII of the Housing Act 1996, save where that person, or persons, expressly refuses such accommodation, having been advised of their right to it.
- (v) Having trained its housing caseworkers in the Defendant's obligations under Part VII of the Housing Act 1996 and the changes in its policies and practices set out above.

IT IS ORDERED:



- 1. The Claimant's claim for judicial review is ~~dismissed~~ withdrawn.
- 2. The Defendant shall pay 85% of the Claimant's reasonable costs of the claim, subject to detailed assessment if not agreed.
- 3. There shall be detailed assessment of the Claimant's publicly funded costs.

Solicitor for the Claimant..... *Hansm Saloman*
 Dated..... *29 January 2015*
 Solicitor for the Defendant..... *D. Fowler*
 Dated..... *28th JANUARY 2015*

**ADMINISTRATIVE COURT OFFICE
 BY CONSENT ORDER AS ASKED**

30 JAN 2015
Martyn P. Cowlin
 MARTYN P. COWLIN
 ACS Lawyer

in exercise of powers delegated by the President of the QBD - CPR Part 54.1A.

By the Court