

R. v. London Borough of Hammersmith and Fulham, ex p. P. and others

Queen's Bench Division

Schiemann J.

July 31, 1989

Introduction

Under the Housing Act 1985, s.60(1) (*Encyclopedia*, para. 1-0126), a person

“becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.”

In *Robinson v. Torbay B.C.* [1982] 1 All E.R. 726, the High Court took the view that the word “deliberate” in this definition governed only the act or omission not the cessation of occupation. This view was approved by the Court of Appeal in *R. v. Salford City Council, ex p. Devenport* (1983) 8 H.L.R. 54, where the conduct of the applicants' children had led to a possession order being obtained against them. A finding of intentionality by the authority was upheld.

The homelessness must be “in consequence of” the deliberate act or omission. This is a question of “cause and effect,” see *Dyson v. Kerrier District Council* [1980] 1 W.L.R. 1205, C.A. and *Din v. London Borough of Wandsworth* [1983] 1 A.C. 657, 1 H.L.R. 73, H.L.

In considering whether it is reasonable for an applicant to continue to occupy accommodation, the authority may have regard to “the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he applied for accommodation or for assistance in obtaining accommodation”: Housing Act 1985, s.60(4). In deciding whether it is reasonable to continue to occupy it is not sufficient for the applicant to show simply that it was reasonable for him to leave, see *R. v. Gravesham Borough Council, ex p. Winchester* (1986) 18 H.L.R., 207, Q.B.D.

Facts

The applicants were members of six homeless families, all related and all of whom had applied to the respondent authority for housing.

The families had all occupied accommodation in Northern Ireland. It was agreed that on the material before them, the respondent authority were entitled to conclude that members of each household except one, known as household 3, had been guilty of criminal and anti-social conduct, such as robbery, burglary, greivous bodily harm and theft of cars. As a

result of this behaviour, the IRA threatened that unless the whole of the extended family, including household 3, left Northern Ireland within 72 hours they would all be killed. As a result of that threat they left. Prior to leaving, none of the applicants sought assistance from either the R.U.C. or the Northern Ireland Housing Executive (N.I.H.E.).

The respondent authority concluded that all the applicants were homeless intentionally on the grounds:

1. The applicants, with the exception of household 3, ceased to occupy their homes in consequence of their own criminal and anti-social behaviour.

2. All the applicants should have turned to the R.U.C. and the N.I.H.E. for help on receiving the threats and the failure to do so was a deliberate act, attracting the description of becoming homeless intentionally.

The applicants sought judicial review of the decisions.

Held (dismissing five applications, granting that of household 3)

(1) The authority were entitled to come to the conclusion that the misbehaviour was something in consequence of which the applicants ceased to occupy their accommodation;

(2) The word "anything" in section 60(1) should not be qualified by other words such as "by way of housing conduct";

(3) The question whether it was reasonable for the applicants (except for household 3) to continue to occupy their homes was to be decided by reference to the time at which they had been acting in an anti-social and criminal manner because it was that conduct which caused the loss of home;

(4) There was no evidence that household 3 was aware of the possibility of obtaining a transfer through the offices of the R.U.C., and accordingly it would not have been reasonable for them to continue to occupy their accommodation following the threat.

A. Arden for the applicants, instructed by Messrs. Alan Edwards & Co.

D. Latham Q.C. and K. Hornsby for the respondents, instructed by the London Borough of Hammersmith and Fulham.

SCHIEMANN J.: The background to this case is sectarian violence in Northern Ireland and the housing shortage in London. The applicants who by direction of the court remain anonymous, come from the province and are homeless. They have a priority need for accommodation. They applied to the defendant council under Part III of the Housing Act 1985 for accommodation. The council determined that they had become homeless intentionally. The applicants sought and obtained leave to move for judicial review of this determination. Thereupon the authority, without prejudice to their legal contentions, in fact reviewed their previous decisions.

On June 17, 1989 letters in identical terms were sent to each of the applicants. Those letters read, after some introductory matter, as follows:

"After very careful consideration of all the information before me and the law, I have concluded that you are:

- homeless in this country
- in priority need

— intentionally homeless because of the reasons, set out in full, in the document being sent to your solicitors. . . .”

That document runs to practically 100 pages and purports to deal with each one of the applications individually. The parties are agreed that I should consider the review documents rather than the earlier decisions. That seems eminently sensible. If the review decision is bad in law then so were the earlier ones. If the review decision is good then it matters not whether or not the earlier ones were bad.

The format of the 100-page document is as follows. It says that in the light of leave having been granted and:

“in the light of the information provided in the above-mentioned affidavits, the council decided to reconsider and review the above mentioned decisions. As a consequence, substantial additional enquiries have been made by the council, including holding detailed interviews with each of the applicants. Such enquiries have secured information from the following sources, which information has been taken into account by myself on behalf of the council in reaching a decision upon this Review and reconsideration.”

The author then lists those whom he has consulted which include a very wide number of sources in Northern Ireland, all of which he identifies but I need not. The author then sets out the statute and the cases which he has considered and concludes that in order to establish whether each applicant is “intentionally homeless” or not it is right to ask oneself the following questions:

- “(a) Did they cease to occupy accommodation?
- (b) Was the accommodation available for their occupation (and any other person who might reasonably be expected to reside with them)?
- (c) Would it have been reasonable for them to continue to occupy it?
- (d) Did they do or fail to do something in consequence of which they ceased to occupy?
- (e) Was the conduct deliberate?
- (f) Where the act or failure to act was the responsibility of one partner, did the other partner acquiesce in those actions?
- (g) Was the act or omission made in good faith by a person who was unaware of any relevant fact?”

Having identified the questions which required answering, he asked them in respect of each of the applicants. In relation to each of the applicants he answered the first two questions in the affirmative. Mr. Arden, who appears for the applicants, takes no issue with that. In the context of the present case question (f) does not arise in a contentious form and therefore I need not stay upon it. The real points in the case arise from questions (c), (d), (e) and (g).

Before considering the merits of the application it is useful to set out the relevant part of the legislation. Section 58(1) provides:

“A person is homeless if he has no accommodation in England, Wales or Scotland.

(2A) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(2B) Regard may be had, in determining whether it would be

reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the district of the local . . . authority to whom he has applied for accommodation. . . .”

Section 60(1) reads:

“A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.”

Subsection (3) provides:

“For the purposes of subsection (1) . . . an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.”

Subsection (4) reads:

“Regard may be had, in determining whether it would have been reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the district of the local . . . authority to whom he applied for accommodation. . . .”

Section 65(1) provides:

“This section has effect as regards the duties owed by the local housing authority to an applicant where they are satisfied that he is homeless.
(2) Where they are satisfied that he has a priority need and are not satisfied that he became homeless intentionally, they shall, unless they notify another local housing authority in accordance with section 67 . . . secure that accommodation becomes available for his occupation.”

Section 67(1) provides:

“If the local housing authority—
(a) are satisfied that an applicant is homeless and has a priority need and are not satisfied that he became homeless intentionally, but
(b) are of the opinion that the conditions are satisfied for referral of his application to another local housing authority in England, Wales or Scotland,

they may notify that other authority of the fact that his application has been made and that they are of that opinion.”

Subsection (2) of that section provides:

“The conditions for referral of an application to another local housing authority are—

- (a) that neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application is made.
- (b) that the applicant . . . has a local connection with the district of that other authority and, . . .”

Section 68(2) provides:

“If it is determined that the conditions for referral are satisfied, the notified authority shall secure that accommodation becomes available

for occupation by the applicant; if it is determined that the conditions are not satisfied, the notifying authority shall secure that accommodation becomes available for occupation by him."

All the applicants are related to one another. In respect of all of them, save one to whom I shall refer as "Household 3," the council concluded that they had been guilty of criminal and anti-social activities in Northern Ireland. While the applicants do not accept that the council's conclusion in regard to this is correct, Mr. Arden on their behalf accepts that the council were entitled on the material before them so to conclude. It is common ground that I do not need to determine whether in fact the applicants had been guilty of this criminal and anti-social activity which varied allegedly from robbery, burglary and grievous bodily harm to taking the cars of others in the neighbourhood without their consent.

What apparently happened was that by reason of this criminal and anti-social behaviour by various members of the family, the IRA, adopting a vigilante role in an area of Belfast in which policing by the RUC is not easy, in broad terms told them that unless the whole of the extended family (including household 3) left Northern Ireland within 72 hours they would all be killed. It is accepted by the council that the threat was real and credible and that it was the threat which was the immediate cause of these families leaving their homes in Northern Ireland.

They went to Hammersmith and asked to be housed there. It is accepted by Mr. Arden that the council could reasonably conclude, as they did, that in their area there was and is an acute housing crisis and that the applicants had no significant connection with Hammersmith and Fulham prior to their arrival.

The council's determination that the various applicants were homeless intentionally was based upon two separate propositions.

1. The applicants, with the exception of household 3, ceased to occupy their Northern Ireland homes in consequence of their own continued criminal and anti-social behaviour.

2. All the applicants should have turned to the RUC and the NIHE for help on receiving the threats and to leave their homes without first having done so was a deliberate act of such a nature that it attracts the description of becoming homeless intentionally.

I look at these in turn; first, causation. The crucial findings of the authority were on the following lines in relation to each applicant. The applicant was guilty of anti-social behaviour towards residents in Belfast. He failed to take steps to control such behaviour, has continued it and has not been arrested for it. That behaviour has given rise to regular complaints. He knew that the likely consequences of criminal and anti-social behaviour by him on that estate would be that the residents of the estate would seek the assistance of the IRA to expel the family from their homes. This is precisely what happened. But for the misbehaviour of the applicant, which resulted in the residents seeking the assistance of the IRA to evict the family, it would have been reasonable for the applicant to continue to occupy his accommodation.

Looking at section 60(1), it is clear that the deliberate act or omission upon which the authority founded their conclusion that the applicant was intentionally homeless was his continued misbehaviour after warnings by or on behalf of neighbours. The deliberate acts in the present case, unlike

many others with which the courts are often concerned, was not the giving of notice or the leaving of the house.

Mr. Latham, who appears for the authority, submits that the question before the court is one of causation: was there material from which the authority could conclude that the leaving of the accommodation was the consequence of the misbehaviour. The section makes no mention of foreseeability but, says Mr. Latham, where, as here, the immediate cause of the evacuation (namely the IRA threat) was foreseeable, then it is easier to say that the bad behaviour was the cause of the homelessness and it is less easy to say that the homelessness was caused by a new intervening act, namely the threat, which broke the chain of causation.

I put to him, and he accepted, that as a matter of logic his argument would equally apply to a situation where the only thing an applicant has done "wrong" was to marry someone of a different sectarian origin in circumstances where it was predictable that the neighbours would ask the IRA to issue a threat similar to the one issued in the present case. There is, he agreed, nothing in the section which draws a distinction between blameworthy and unblameworthy acts which have the predictable consequence of a death threat by the IRA.

Mr. Latham relied upon *Devenport v. Salford City Council* (1983) 8 H.L.R. 54, a decision of the Court of Appeal. That was a case where the applicant council tenants had been guilty of various acts of annoyance to their neighbours. The council took possession proceedings and obtained an order for possession. Thereupon the applicants applied for accommodation under the predecessor of Part III of the 1985 Act. The authority decided that they were homeless intentionally. Proceedings for judicial review were brought but failed. It was held that the section did not require that the applicant should have intended to become homeless or failed to do something with the intention of becoming homeless. It was further held that, although the proximate cause of the homelessness was the County Court possession order, nonetheless the applicants had done something in consequence of which they had ceased to occupy and that the court order was not a new intervening act. The court held—that is the Court of Appeal—that the council were entitled to take the line: if the misbehaviour had not happened the court—that is the county court—would not have been set in motion. By parity of reasoning, said Mr. Latham, the council in the present case were entitled to say that had it not been for the misbehaviour, the IRA would not have been set in motion.

Mr. Arden submitted, first, that the conduct of the applicants was not something "in consequence of which they ceased to occupy accommodation." He said that in the present case there were, at worst, from the point of view of his argument, two causes—the bad behaviour and the IRA threat. If there were two causes, for one of which the applicant was responsible and for the other one of which he was not, without both of which the applicant would not have lost his home, then he could not be said to have caused its loss, for what he did would not by itself have caused him to lose his home.

I reject this submission. Causation is of course a notorious minefield in jurisprudence and philosophy and one can always produce a perfectly plausible argument. However, I consider that the council in the present case were, on the material before them, entitled to come to the conclusion

that the misbehaviour was something in consequence of which the applicants ceased to occupy their accommodation. So far as causation goes, the position seems to me to be analogous to the position in *Devenport* where the misbehaviour led to a court order for possession which led to the loss of the home.

Mr. Arden's second submission was that no reasonable authority could consider the loss of accommodation attributable to illegal threats to the lives of the applicants to be the responsibility of those applicants. The court should as a matter of public policy refrain from making the applicants responsible for the acts of vigilantes.

Put like that the submission sounds seductive. But no one suggests that the applicants have any responsibility for the vigilantes in the sense of having incurred any liability as a result of the acts of the vigilantes. All that the council are saying is that the applicants' behaviour was something in consequence of which they ceased to occupy their accommodation. If that was a conclusion open to the council as a matter of judgment as to causation, as I have held it was, I do not think that the council were entitled, still less obliged, to consider the foreseeable activities of the vigilantes as a matter of fact because as a matter of law those activities are illegal.

Mr. Arden's third submission was that section 60(1) read literally has such odd results that the court ought to construe it as though the word "anything" were qualified by words such as "by way of housing conduct."

I agree that section 60(1) read literally does have some very odd results in any event when construed in the context of the factual situation in Northern Ireland. For example, suppose in a "Catholic street" a tenant joins the RUC. Suppose in a "Protestant street" a former Protestant embraces the Church of Rome. Such conduct might in each case lead to substantial predictable harassment sufficient in effect to force someone to leave his home. Are such persons to be characterised as "homeless intentionally." Clearly this is the result of the construction of the section for which Mr. Latham contended and it is a result which one doubts whether Parliament indeed intended. Yet it is, in my judgment, the result of the natural construction of the section.

In approaching this submission I have borne in mind the approach of the majority of the House of Lords in *Din v. Wandsworth L.B.C.* [1983] 1 A.C. 657. I quote from Lord Wilberforce at p. 663 G:

"In applying and interpreting this Act there are several important points to bear in mind. . . . It forms part of a complex of duties which local authorities owe to categories of persons seeking housing. These persons are normally placed on a waiting list, in some areas a very long one, and are given accommodation according to a points system of priority. Inevitably every allocation of priority housing to homeless persons must have the effect of deferring the hopes of persons in other categories, some of whom may have been waiting for a long time. Thirdly, a decision against priority treatment under the Act does not mean that nothing can be done for the 'homeless' applicants. They can join the waiting list for a council tenancy . . . or they can seek nomination to a housing association, or, with the help of advice, they can seek private sector housing, with temporary accommodation meanwhile. Fourthly, . . . conditions may (and do) differ greatly from one authority to another, and in administering its provisions, they must be taken into account. The Act must be interpreted in the light of these matters, with liberality having regard to its social purposes, and also

with recognition of the claims of others and the nature and scale of local authorities' responsibilities."

I quote further from the same speech at p. 667:

"Such an interpretation, or reconstruction, of the Act is not called for by any purposive approach. . . . The Act reflects a complex interplay of interests. It confers great benefits upon one category of persons in need of housing, to the detriment of others. This being so, it does not seem unreasonable that, in order to benefit from the priority provisions, persons in the first category should bring themselves within the plain words. Failure to do so involves . . . greater expense for a hard pressed authority, and greater pressure on the housing stock."

Lord Fraser of Tullybelton at p. 671, in relation to a construction that he had given to the Act, said:

"There can . . . be no doubt that (this) is the plain meaning of the statutory provisions. But it is said that it produces a result which is harsh and which ought to be ameliorated by some benevolent reading of the Act in favour of the applicant. No doubt there may be cases in which such an argument is admissible, but in my view this is not one of them. Although the parties to this appeal are, on the one side, a homeless person with a family including dependent children and, on the other side, a public authority—circumstances which might perhaps be urged in favour of a benevolent construction in favour of a homeless applicant—the true competition is between the appellant and the many other persons with families in the respondents' area who are homeless or threatened by homelessness. (This) is recognised by subsection (4) of section (61). In these circumstances of a competition between too many homeless persons chasing too little accommodation I would not consider it proper to depart from the plain and unambiguous meaning of the statutory provisions."

Lord Lowry, also, at p. 679 was not willing to rely on the alleged policy of the Act in order to displace its literal meaning. As he pointed out:

"Clearly Parliament did not intend to punish persons for becoming homeless intentionally: the object was to lay down conditions for retaining priority and thereby to discourage persons from so acting as to increase the already heavy burden on housing authorities. The method was to postpone the claims of those who so acted and to give their places in the queue to those who did not."

To those statements I would wish to add this. There is a temptation to apply the phrase "intentionally homeless" to the facts of a particular case and then come up with one's instinctive evaluation. This temptation must be resisted. Parliament has chosen to define this phrase in a particular way and it is the duty of authorities and of the court to apply it as defined by Parliament.

I do not find Mr. Arden's concept of "housing conduct" a clear one. Is it conduct inside a house? Clearly not. I can give notice and leave the house. Consider a household whose members regularly come home singing late at night along the road in which their house is situated to the great annoyance of their neighbours. Is that housing conduct?

While I can recognise the oddities to which a literal construction of the section can give rise, I do not consider that it is right for me to seek to insert words into a section which Parliament has enacted, at any rate unless the words sought to be inserted manifestly accord with Parliament's inten-

tion. No form has been suggested to me of which this could with confidence be asserted and, although I have reserved this judgment, I have not been able to come up with any.

In those circumstances, after some hesitation, I reject this branch of Mr. Arden's submissions. I add merely that the alleged conduct of the applicants is such that it is by no means self-evident that it could not be described as "housing conduct" even if, contrary to my judgment, such a concept is to be imported into the section.

Fourthly, Mr. Arden submitted that there was no material upon which the authority could conclude that the applicants could reasonably have remained in their previous accommodation, it being undisputed that they were under a serious and credible life threat. At this stage one must be careful to identify the time in respect of which section 60(1) reasonableness is to be tested. There is the time when a person does or fails to do something in consequence of which he ceases to occupy the accommodation, and then there is the time when a person actually ceases to occupy the accommodation. The former may be contemporaneous with the latter but need not be. If I am right in the earlier part of this judgment then the present case is one where in the case of all the families save household 3 the acts or omissions in consequence of which they ceased to occupy the accommodation preceded by quite a substantial period of time their actual leaving of that accommodation. It seems to me that the phrase "which it would have been reasonable for him to continue to occupy" refers to the earlier time (there being implied the additional phrase "had he not failed to do something in consequence of which he ceased to occupy the accommodation"). Insofar as Mr. Arden sought to argue that the phrase "which it would have been reasonable for him to continue to occupy" referred to the later time (there being implied the phrase "had he not ceased to occupy") I reject that argument. Mr. Arden accepts that if my construction of the subsection be correct, the authority were entitled to conclude that the applicants could reasonably have remained in their previous accommodation.

Turning to failure to seek help from the Police and the Northern Ireland Housing Executive, this ground of refusal is applicable to household 3 in any event and to the remaining households if, contrary to my holding above, Mr. Arden be right in his submission that the misbehaviour for one reason or another cannot legitimately be described as something in consequence of which an applicant ceased to occupy his accommodation. The findings in relation to household 3 are typical.

"I am satisfied that there were both criminal and civil remedies available to them to safeguard their position and very speedy action would have been taken by the Housing Executive and/or the RUC if they had contacted those authorities. It is also possible that, following a complaint to the RUC, those responsible for the incident involving (household 3) would have been apprehended very quickly, thus negating the reasons why (household 3) felt they had to leave.

Alternatively, . . . there is a standard procedure adopted by the Housing Executive and RUC for dealing with:

- a person forced to leave their home because of actual intimidation, or
- a person still living in their home who is considered to be in acute physical danger.

Through this procedure, I am satisfied that, if it had been considered necessary by the RUC, it is probable that had (household 3) remained and not vacated the property they would have been transferred, very quickly by the Housing Executive to a neutral area in Northern Ireland or, if the RUC considered that they were, in all the circumstances, unable to remain in Northern Ireland, a transfer (would have been) arranged to somewhere outside Northern Ireland.

. . . By failing to seek both criminal and civil remedies available to them and abandoning their accommodation with the Housing Executive, the Executive were unable to assist them. . . . I am satisfied that the situation was such that (household 3) should have sought the assistance of the RUC/Housing Executive in the first instance and should not have abandoned their accommodation. . . .

The members of the extended family who were required to leave were given 72 hours notice." They did not have to leave immediately. "During that time, they sought advice/assistance from Sinn Fein through their local Ward Councillor on a number of occasions but did not seek help from the Northern Ireland Housing Executive or the Royal Ulster Constabulary, apart from two emergency telephone calls to the police on the 7 February. Each time an emergency call was made to the police, advice was given to attend the local police station for interview but no attempt was made by any member of the family to respond to that request.

. . . I am satisfied that (household 3) would have been aware of that request.

Although the RUC did not respond immediately to the emergency calls made, information before me suggests that it is common knowledge that the police, for security reasons, do not always immediately attend an incident for fear of an ambush, but they did respond with advice to the family which was ignored."

Mr. Latham's submission was essentially as follows.

1. The time to which attention must be directed is in this case the time of leaving the accommodation and the act to which the attention must be directed is the act of leaving the accommodation.
2. In considering whether, at the time when the applicants left, it would have been reasonable for them to continue to occupy the accommodation, the Housing Authority is entitled to have regard to the housing crisis in its own area (see section 60(4)).
3. This has the perhaps surprising result that whether a person becomes homeless intentionally may depend on the housing authority to whom he thereafter applies since clearly some authorities suffer from much greater housing pressures than others. This point was recognised in *Din* where Lord Fraser of Tullybelton said at p. 671:

" . . . if the same issue had arisen in another part of the country where accommodation was under less pressure the position might have been different."

4. There is a housing crisis in Hammersmith and therefore an applicant to that authority will have his conduct in leaving his former accommodation judged by stringent standards, the reason being that if he is housed in Hammersmith other deserving cases, of which they have plenty, have to wait even longer.

5. Applying such a stringent standard, the council was entitled to conclude that the applicants' conduct in not waiting at least until the RUC and

the NIHE had been asked to help and had been unable or unwilling so to do was unreasonable.

He drew my attention to *R. v. London Borough of Croydon ex p. Toth* (1987) 20 H.L.R. 576—another decision of the Court of Appeal. That was a case set in England in which an applicant whose husband had left her had been faced with four men who demanded to see her husband, saying that he owed them £1,200. She said that he had gone, whereupon they said that if he was not there the following Friday with £1,200 they would do harm to her and her baby. The local authority came to the conclusion that she was intentionally homeless reasoning that:

“Assuming it is right that she was threatened in this way, the obvious thing to do was to go to the police, not pack up and remove all her furniture and disappear.”

It was submitted on behalf of the applicant, according to O'Connor L.J.:

“that for anybody to think that the police could give anybody any protection was wholly unreasonable. In my judgment, that proposition only has to be stated to be rejected out of hand. They were fully entitled to conclude that a reasonable and proper course for this woman was to go to the police and that her failure to do so demonstrated that it would have been reasonable for her to stay.”

6. This court on an application for judicial review will only interfere if there was no material upon which the council could have been satisfied that it would have been reasonable for the applicants to stay.

To this line of argument Mr. Arden replied as follows:

1. The very fact that the authority seek to rely on the provision of alternative accommodation by the NIHE or RUC shows that in fact they accepted the premise that it was not reasonable for the applicant to continue to occupy his former home. There was no evidence on the basis of which the authority could be *satisfied* that the family would have been protected if they had remained in their former house.

2. It was perverse to conclude that it would have been reasonable for someone who had been subjected to this threat from this quarter in this location to remain at all.

3. Mr. Arden argued that there was no evidence that household 3 were aware of the possibility of obtaining through the good offices of the RUC a transfer to somewhere outside Northern Ireland.

I accept there was no such evidence. I remind myself that the question for the authority was not “would it have been reasonable for him to go” but “were they satisfied that it was reasonable for him to continue to occupy.” Where each course is reasonable then the authority is entitled to conclude that it was reasonable to continue to occupy. I remind myself that it is not for me to substitute my judgment for the authority.

Nevertheless, I do consider that on the facts of the case, so far as they affect household 3, there is substance in the points made by Mr. Arden and I quash the relevant determinations so far as that household is concerned.

Having done so, it would be wrong of me to leave this case without paying tribute to the enormous amount of care with which clearly the Head of the Emergency Housing Unit of the London Borough of Hammersmith approached this extremely difficult and complex task. I have found it difficult even after his fact finding exercise. He must have found it daunting and is to be congratulated on the way in which he tackled it.