FIRST-TIER TRIBUNAL

SOCIAL ENTITLEMENT CHAMBER

Held at Liverpool on 13/02/2014

Before Judge D J McMahon

Appellant: Mr. [redacted]	**Tribunal Ref.** SC068/13/12334
	NI No [redacted]

Respondent: Liverpool City Council

DECISION NOTICE

1. The Housing Benefit appeal is allowed.

2. The decision made on 11.03.2013 is allowed.

3. The Respondent submitted that the property occupied by the Appellant was a two-bedroom property. The Respondent further submitted that the Appellant was the sole occupier of the property and, therefore, the property was under-occupied by one bedroom. Accordingly, the Respondent determined that the Appellant's entitlement to Housing Benefit was reduced by 14% from 01.04.2013.

4. The Appellant submitted that he required an additional bedroom to meet his parental responsibilities to accommodate his 15 year old daughter when she came to stay with him. The Appellant had been living in a two bedroom property with his partner and daughter until he and his partner separated in 2006 when his daughter was seven years old. For two years following the separation, the Appellant occupied a one-bedroom property until he managed to secure a two-bed roomed property. The purpose of him wishing to secure a two-bedroom property was to accommodate his daughter when she stayed overnight with him. The Appellant's evidence was that this was every weekend and during the school holidays. The arrangements existing between the Appellant and his former partner in relation to their daughter are agreed on an amicable basis and there are no court Orders in relation to custody, access and contact as between the Appellant and his former partner and their daughter. The Appellant did not dispute that his property was a two-bed roomed property. the Appellant. The focus of the Appellant's appeal was on a right to family life. In other words, that the Housing Benefit Regulations had to be read subject to the Appellant's right to a family life contained in the European Convention on Human Rights, enacted into domestic law by the Human Rights Act 1998. Specifically, the Appellant submitted that the arrangements to accommodate his daughter living with him at regular times during the week and during school holidays, that had existed for many years, were central to the rights to family life of both the Appellant and his daughter. In addition, the Appellant relied on the import of the provisions of the Children's Act 2004, namely, the recognition of the importance of parents in improving the well-being of children and that arrangements are