



CONSENT ORDER

In the		HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT
Claim No.	CO/1574/2015	
Claimant <i>(incl ref.)</i>	THE QUEEN on the application of AK AH/2685/002	
Defendant <i>(incl ref.)</i>	BRISTOL CITY COUNCIL SBS/DZ2.909	
Intervener	THE AIRE CENTRE	

Before *The Honorable Mrs Justice Andrews DBE*

UPON the parties having agreed the attached statement of reasons;

AND UPON the Claimant agreeing to make all reasonable efforts to seek alternative accommodation that she can afford, and to apply for alternative support available to her including applying for housing benefit and 'mainstream' housing and social security when she has the necessary documentation;

AND UPON the Defendant agreeing that it is not prevented by s2 Localism Act 2011 nor by Schedule 3 of the Nationality Immigration and Asylum Act 2002 from providing support and assistance to EEA nationals who are victims of trafficking to the extent that such support and assistance is necessary to avoid a breach of Article 3 and 4 of the European Convention on Human Rights and/or to comply with Article 11 of Directive 2011/36/EU.

IT IS HEREBY ORDERED and BY CONSENT that;

1. The Defendant do ensure that the Claimant has accommodation that she is able to occupy, until she has alternative accommodation that she is able to occupy
2. The Defendant do continue to provide the Claimant with subsistence support of £35 per week until the week ending 18 December 2015
3. This claim for judicial review is withdrawn and the hearing listed for 18 - 19 November 2015 is vacated.

4. The parties do make written submissions on the appropriate order as to costs within 14 days, in default of agreement.
5. There be detailed assessment of the Claimant's legal aid costs, pursuant to the Civil Legal Aid (Costs) Regulations 2013

Dated this 16th day of November 2015

Geraldine P. Andrews
16/11/15

We consent to an Order being made in the above terms

[Signature]

[Signature]

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STATEMENT OF REASONS IN R (AK) v BRISTOL CITY COUNCIL (CO/1574/2015)

- a. The Claimant is a Lithuanian National and a victim of human trafficking. She has escaped from the criminal gang for whom she was forced to work. She has not filed a criminal complaint in relation to the traffickers.
- b. On 14 October 2014 the designated Competent Authority under the National referral Mechanism for the Identification of Victims of Trafficking (NRM) made a conclusive grounds determination that the Claimant is a victim of human trafficking.
- c. As an EEA national who had not been granted leave to remain at the time when her claim was made, and who did not satisfy the "habitual residence test" and/or was not a jobseeker or a worker (as defined) in the relevant legislation, the Claimant was ineligible for Housing Benefit and housing assistance, Employment Support Allowance and Jobseeker's Allowance.

- d. The Claimant claimed that she was entitled to support and assistance from the Defendant from the Defendant's Crisis Fund and/or under s.1(1) of the Localism Act 2011, as the only means by which she could provide for her most basic needs, she claimed, was through continuing to engage in prostitution, which she did not want to do. She claimed that the failure to provide her with accommodation and support breached her rights under Articles 3 or 4 of the European Convention on Human Rights or Article 11 of the EU Trafficking Directive (Directive 2011/36/EU).
- e. The Defendant denied that it had the power to provide the support claimed under s 1(1) of the Localism Act 2011, and further denied (if it had such a power) that it was under a duty to do so in the Claimant's circumstances. The Defendant contended that the Claimant could return to Lithuania to access support and assistance, and that she did not meet the requisite threshold of destitution for the failure to provide her with support to constitute a breach of her rights under Articles 3 or 4 of the European Convention on Human Rights or Article 11 of Directive 2011/36/EU.
- f. On 23 April 2015 Mr Justice Supperstone granted the Claimant an interim injunction requiring the Defendant to forthwith provide the Claimant with accommodation and £50 per week in cash or vouchers with liberty to apply.
- g. In June 2015, the Claimant obtained casual work as a cleaner. On 29th September 2015 the parties agreed that the £50 per week payments were no longer required, but because the Claimant's working hours fluctuated payments were reduced to £35 per week.
- h. The Claimant applied for Housing Benefit in October 2015 in view of the hours she was working as a cleaner.
- i. On 6 November 2015 Mr Justice Nicol granted the Claimant a Protective Costs Order and capped the Claimant's costs at £150 per hour for work not covered by a legal aid certificate (as the Claimant's legal aid had been withdrawn on means grounds (a decision that has been challenged)).

- j. On 9 November 2015 the Home Office stated that it would grant the Claimant Discretionary Leave to Remain for an initial period of 1 year subject to satisfactory completion of documentation and security checks.

- k. The Defendant has now agreed to:
 - i. Continue to provide accommodation to the Defendant until she has access to alternative accommodation that she is able to occupy;
 - ii. Continue to provide the Claimant with subsistence support of £35 per week until the week ending 18 December 2015.

- l. The Defendant is also now prepared to concede that It is not prevented by s2 Localism Act 2011 nor by Schedule 3 of the Nationality Immigration and Asylum Act 2002 from providing support and assistance to EEA nationals who are victims of trafficking to the extent that such support and assistance is necessary to avoid a breach of Article 3 and 4 of the European Convention on Human Rights and/or to comply with Article 11 of Directive 2011/36/EU.

- m. The Claimant has agreed to continue to make all reasonable efforts to seek alternative accommodation that she can afford, including applying for 'mainstream' housing and social security when she has the necessary documentation.

- n. The Claimant considers that the Defendant's concessions provide her with the substantive remedy sought in the proceedings, and is thus content to withdraw her claim on these terms.

By the Court