

DETERMINATION BY THE SECRETARY OF STATE UNDER SECTION 32(3) OF THE NATIONAL ASSISTANCE ACT 1948 OF THE ORDINARY RESIDENCE OF X (OR 12 2013)

1. I am asked by CouncilA and the CouncilB to make a determination under section 32(3) of the National Assistance Act 1948 (“the 1948 Act”) of the ordinary residence of X.

The background to the case

2. The following information has been ascertained from the joint statement of facts prepared by the two authorities involved in the dispute, the legal submissions prepared by each of the two authorities and the copy documents supplied.

3. X was born on x date 1972. He is moderately autistic and has learning difficulties. He has brain damage thought to originate from both the circumstances of his birth and his mother’s prenatal alcoholism. X does not speak but he can understand simple things when spoken to. He is able to do basic tasks with a lot of prompting and assistance. He requires constant supervision in and out of the house because he has no awareness of danger and is vulnerable. He has a reasonably placid temperament. He has a mental age of about 5 years and is incapable of making his own decisions. He has no concept of money.

4. CouncilB initially became involved in arranging care for X in about 1975 when he was 3 years old. Between the ages of 3 and 13 he was looked after in a baby nursery and then in a children's home.

5. In about 1985 X moved to ChildrensHomeC2, in CountyC, where TL was the officer in charge. Shortly after X's move, it was announced that ChildrensHomeC2 was to be closed. CouncilB then arranged for TL and her husband to foster X in their own home and CouncilB paid for that foster care.

6. X remained with TL for the remainder of his childhood. When X turned 18 (in 1990), TL's care for X became an adult placement, with CouncilB continuing to fund his placement and also providing day care and respite care services for X.

7. Save for a period of 14 months around 1999 when X was put into care elsewhere by CouncilB (against TL's wishes), TL has been X's carer continuously since 1986 and he has lived in her home throughout that time. In 2000, X was returned to TL's care.

8. Prior to X's temporary removal, TL had moved with him to CouncilC1 in CountyC. CouncilB had agreed to the move to CouncilC1. CouncilB paid TL an adult placement allowance and funded day care and respite services for X. Those services were all provided under section 29 of the National Assistance Act 1948 and section 2 of the Chronically Sick and Disabled Persons Act 1970. X's adult placement was overseen by CouncilB.

9. CouncilB's review of X's care plan in March 2006 indicates that at that point:

- a) He was attending a day centre in CouncilC2 for 5 days a week where he was undertaking a number of activities specified in his care plan.
- b) His needs did not seem to have changed substantially since the previous annual review.
- c) He continued to require the reliable and consistent care and support provided by TL and the focused support he received at the day care centre.
- d) Those services seemed appropriate and beneficial to X.

10. After TL's husband died, TL decided to move to TownD in CouncilD to be nearer to her son and his wife, as she had no close family in CountyC. TL moved to TownD in the area of CouncilD with X on 28 February 2007. The move happened quickly as TL sold her house after 3 days.

11. In May 2007 TL and X made a further house move to the area of CouncilA when TL purchased a suitable property there for herself and X. CouncilA is the neighbouring local authority to CouncilD.

12. Unlike the move to CouncilC1, CouncilB did not choose to move X to CouncilD or to CouncilA, and those changes of address took place without CouncilB's agreement, since TL did not obtain CouncilB's approval for her

proposed move to CouncilD, and then her move to CouncilA, before the moves took place.

13. The earliest contemporaneous record which CouncilB holds of TL's notification that she was moving to TownD with X has been found in an e-mail dated 27 February 2007. The email was sent by PlacementOfficerJ at CouncilB, to members of CouncilB's social services department: it informed them that TL had told PlacementOfficerJ on 26 February 2007 that:

- a) She intended to move to TownD on 28 February 2007 with X, and
- b) She apologised for the short notice.

14. In a witness statement dated 16 July 2008 served in judicial review proceedings, TL states that:

- a) Approximately one week before her move to TownD, she contacted PlacementOfficerJ to inform PlacementOfficerJ of her intended move, and that PlacementOfficerJ told her, in subsequent telephone conversations, that PlacementOfficerJ J had sent a memo to various people at CouncilB.
- b) *"I wished that I had discussed this issue more explicitly with CouncilB before I had moved, however there had been absolutely no problem about my moving from CouncilE to CouncilC1"* and
- c) *"it had simply never crossed my mind that there would be any question of CouncilB not continuing to be responsible to fund [X's] care"*.

15. TL made contact with social services at CouncilA in May 2007, after she and X had moved from TownD to CouncilA. CouncilA then contacted CouncilB. A reviewing officer from CouncilB went to CouncilA to chair a review about X's future.

16. X's care plan was reviewed by CouncilB on 31 May 2007. The new care plan included continuing to:

- a) Support and assist X with his personal care
- b) Support X to enable him to carry out domestic tasks and to further his independent living skills
- c) Support X to manage his finances
- d) Support him to have regular community access and
- e) Support him to identify day services.

17. The May 2007 care also stated that:

- f) CouncilB wanted support from CouncilA to identify day services and respite care services for X.
- g) TL would have to register with a local adult placement service.
- h) CouncilB would remain the funder of the day care and respite care services for X.
- i) CouncilB also continued to pay the adult placement allowance to TL.

18. At a meeting which took place between TL, CouncilB and CouncilA on 20 August 2007, it was agreed that CouncilB would continue to fund X's

assessed services pending a further meeting. However, no further progress was made about the issue of responsibility for the provision of services for X.

19. On 3 September 2007, CouncilB wrote to TL stating (inter alia) that:

- a) Usually if someone moves of their own free will, it is the responsibility of the council where they move to to fund their care.
- b) CouncilB would have expected TL to contact them before she moved.
- c) CouncilB would continue to pay until matters were resolved, but the local Adult Placement rates in CouncilA might be lower.

20. The letter of 3 September 2007 sparked a dispute between TL and CouncilB, leading TL to instruct solicitors to act on X's behalf. X's solicitors contended that CouncilB should continue to be responsible for the provision of services to meet X's assessed needs pending the resolution of the ordinary residence dispute.

21. On 7 February 2008 CouncilA wrote to CouncilB setting out why CouncilA considered that CouncilB was still the local authority responsible for providing and funding services to meet X's assessed needs.

22. On 20 March 2008, CouncilB wrote to X's solicitors confirming that CouncilB agreed to fund services until such time as an agreement between CouncilB and CouncilA could be reached regarding the issue of ordinary

residence. That position was confirmed in a letter from CouncilB to CouncilA on 14 April 2008.

23. On 27 March 2008, CouncilB wrote to CouncilA enclosing a copy of their letter of 20 March 2008 [to TL's solicitors]. CouncilB stated that in the near future, or at the completion of the next review, and subject to agreement, the responsibility for X's future care would be a matter for CouncilA to address.

24. On 8 April 2008, CouncilB telephoned CouncilA to say that they were reviewing X's care plan on 7 May 2008 and from that date they expected CouncilA to be responsible for any care services that X needed.

25. In their letters of 20 March 2008 and 14 April 2008, CouncilB contended that it was fully meeting X's needs, funding day care and respite care services following his move to CouncilA.

26. On 30 April 2008, CouncilA wrote to CouncilB stating that because CouncilB had not arranged any such services for X since his move to CouncilA, CouncilA had, *"felt obliged to arrange some services for X, but that was without any admission that CouncilA was responsible for providing and funding those services... The usual position in any of these ordinary residence disputes is that whilst the two authorities are trying to resolve the issue, the original authority should continue to provide and fund the services that the service user has been assessed as needing."*

27. On 12 May 2008 CouncilA wrote to CouncilB asking:

- (a) Whether CouncilB wanted CouncilA to act as its agent and to arrange day care and respite care services for X and, if so, to confirm that CouncilB would be directly responsible for the cost of those services
- (b) For confirmation that CouncilB would continue to provide and fund those services until the resolution of the ordinary residence dispute
- (c) For confirmation that CouncilB would reimburse CouncilA for any day care and respite care services that CouncilA had arranged so far.

28. On 10 July 2008, after further correspondence, TL's solicitors issued judicial review proceedings against CouncilB, with CouncilA named as an interested party.

29. On 4 August 2008, CouncilB (inter alia):

- a) Confirmed that it wanted CouncilA to act as its agent and to arrange the services that X needed
- b) Confirmed it would be directly responsible for the cost of those services
- c) Confirmed it would reimburse CouncilA for the services that CouncilA had so far arranged, and

- d) That CouncilB would continue to fund the services until the resolution of the dispute as to which authority was responsible for the provision of care services to X.

30. On 5 August 2008 CouncilA confirmed to CouncilB and TL's solicitors that, as CouncilB's agents, CouncilA would identify suitable day care and respite care providers for X in CouncilA and would liaise with CouncilB regarding the commissioning and funding of those services. TL's solicitors asked the Court to stay the judicial review proceedings.

31. On 15 October 2008, CouncilB confirmed its agreement to the cost of the services that CouncilA had arranged as its agents. As part of the day care services, TL also wanted X to attend some specific activities which he had attended whilst receiving day care in CountyC. On 6 November 2008 CouncilB confirmed its agreement to fund the cost of those specific activities in CouncilA.

32. X continues to live with TL who is now approximately 84 years old. CouncilB is currently paying an adult placement allowance of £289.22 per week to TL. The services being provided to X (since March 2013) which are arranged by CouncilA are:

- (i) Autism Day Centre - 2 full days per week at £87.12 per day;
- (ii) Transport to and from the Day Centre;

- (iii) Support Worker for 21 hours per week at £17.26 per hour or £362.46 per week, to enable X to participate in various activities in the community, including:
 - (a) Horse riding
 - (b) Bowling
 - (c) Swimmingwhich activities cost on average an additional £10.50 per week.
- (iv) Respite Care up to 30 nights per year at £147.25 per night.

33. The two local authorities are seeking determination of whether X is now ordinarily resident in the area of either CouncilB or CouncilA and if the latter, from what date did X become ordinarily resident there as this is relevant to the issue of whether any payments made before determination should be refunded.

The relevant law

34. I have considered the joint statement of facts, the additional documentation, the legal submissions provided by CouncilA and CouncilB, the provisions of Part 3 of the National Assistance Act 1948 (“the 1948 Act”), section 2 of the Chronically Sick and Disabled Persons Act 1970 (“the 1970 Act”), the guidance on ordinary residence issued by the Department (“the Guidance”), the cases of *Shah v London Borough of Barnet* (1983) 1 All ER 226 (“Shah”) and *R v Waltham Forest LBC, ex p. Vale*, Times 25 February 1985 (“Vale”) and ordinary residence determination 9-2008.

35. Section 21 of the 1948 Act empowers local authorities to make arrangements for providing residential accommodation for persons aged 18 or over who by reason of age, illness or disability or any other circumstances are in need of care and attention which is not otherwise available to them.

36. Section 29(1) empowers Local Authorities to provide welfare services and is the power under which domiciliary social care services are normally provided.

37. Section 2 of the 1970 Act empowers Local Authorities to make arrangements to meet needs of those to whom section 29 of the 1948 Act applies by providing various services.

38. Ordinary Residence is not defined in the legislation but developing case law in this area has done so and is referred to within the application of the law below.

The Parties' submissions

CouncilA's submissions

39. CouncilA argue the following:

- At no time during the period that X and TL lived in CouncilC1 did CouncilB argue that there had been a change in X's place of ordinary residence, or that their statutory liability for him should cease and transferred to CountyC. This is presumably because CouncilB believed X's place of ordinary residence was still CouncilB. It is disingenuous for CouncilB to maintain that X and TL's more recent move had a material effect on X's ordinary residence.

- TL made CouncilB aware of the move to TownD in February 2007 shortly before it happened. The move proceeded without any opposition from CouncilB. TL stated that approximately one week before her move she contacted PlacementOfficerJ (X's Adult Placement Officer at CouncilB) to inform her of the intended move to TownD (in CouncilD). TL understood that PlacementOfficerJ sent memoranda to various people in Social Services recording the fact that TL and X were moving, and PlacementOfficerJ presumed CouncilB would continue to be responsible for the funding of X's care.

- The minutes of the meeting on 20 August 2007 record a CouncilB social worker explaining that, if CouncilB had been involved in planning and facilitating X's move to CouncilA, and had the opportunity to consult with him to ensure this was what X wanted, they would have continued to have funding responsibility.

- X could not have understood and/or indicated preferences as to where he would wish to live if he had been consulted on that by CouncilB before the move to TownD, or before the later move to CouncilA.

- CouncilB were notified of the move and once they were told of it, it was for them to take any appropriate steps to enter into discussions with TL.

- In other areas, such as payments for Children in Needs in accordance with Section 17 of the Children Act 1989 and in relative/friends foster placement, it is the role of the Local Authority in respect of placements that is key.

- Once a local authority has decided to provide statutory services to a person ordinarily resident in their area, on the basis of their own placement decision, it is not lawful or rational or proper for the authority then to repudiate responsibility for that person by contending that responsibility for the person is transferred to the area of another authority.

- As X lacks the necessary mental capacity to determine where he should live, the issue of ordinary residence falls to be determined in accordance with the Vale case.

CouncilB's submissions

40. CouncilB argue the following:

- The issue is whether, as a matter of law, the ordinary residence of X stopped being in CouncilB at the end of February 2007, or on some date thereafter. If so, then CouncilB has a right to stop caring for X and require the local authority of the new residence to take over X's care.

- How CouncilB decided to provide care to X in the years prior to February 2007, and whether at that time it decided that it was in the interests of X to provide care out of borough in CouncilC1 is entirely irrelevant to the issues now in dispute between CouncilB and CouncilA. The only issue is whether X's ordinary residence stopped being in CouncilB on or after February 2007.

- [Citing the Shah case] TL did not move to CouncilA unlawfully nor on a temporary basis. She voluntarily moved there permanently to be close to her children. She moved for her own permanent interests. Whilst her desire to be near her children was of course understandable, she did not need to move and was not compelled or encouraged to do so by CouncilB, who were not even made aware of her decision to sell her property and move.

- There is no evidence that the move was necessitated by X's care needs or interests. X's move was simply a consequence of TL's decision.

- CouncilA and CouncilB agree that the principle decided in the Vale case applies in this case. Had X been the natural or adopted child of TL, there could be no argument that X's ordinary residence would follow TL's voluntary decision to permanently move to CouncilA.

- CouncilA's argument is that X was placed by CouncilB with TL for most of his life. For that argument to succeed, CouncilA must show that CouncilB willingly and with full knowledge decided to place X with TL in CouncilA. CouncilB did not have prior knowledge of the move and was not given the opportunity to carry out a proper assessment. Given X did not have capacity to decide, his ordinary residence would have followed that of TL.

- CouncilA's argument that 'the reality of the situation is that [TL] was continuing to act in X's best interests and welfare when she undertook the move' is presumptuous. There is no evidence to suggest that TL's decision was for anything other than her own interests as opposed to X's care needs, such that X's move was a consequence of TL's decision. The contemporaneous email of 27 February 2007 sent by PlacementOfficerJ to social services shows that TL gave verbal notification to PlacementOfficerJ on 26

February 2007, only two days before her move. CouncilB was essentially presented with the situation after the event once the move had in essence been decided and completed.

- CouncilB tried to effect a smooth handover of service provision to CouncilA but the latter refused. Pending agreement or determination by the Secretary of State, CouncilB has continued to provide services in compliance with its legal obligation as the former local authority.

Application of the law

The legislative provision under which X's accommodation is provided

41. Section 21 of the 1948 Act empowers local authorities to make arrangements for providing residential accommodation for persons aged 18 or over who by reason of age, illness or disability or any other circumstances are in need of care and attention which is not otherwise available to them. Given the placement is not in residential accommodation, the local authorities rightly agree that the placement of X with TL is not a placement under that section.

42. There is no disagreement regarding the nature of the placement of X with TL after X turned 18 years of age. Both local authorities agree that it was an adult placement in TL's home with CouncilB paying an adult placement allowance and providing day care and respite care services for X all under

section 29 of the 1948 Act and section 2 of the Chronically Sick and Disabled Persons Act 1970. X's adult placement was overseen by HAPS (Council B Adult Placement Services). Adult placements are now known as Shared Lives.

43. As X was not placed with TL pursuant to section 21 of the 1948 Act, the deeming provisions in section 24 cannot apply in determining X's ordinary residence. Broadly, the deeming provisions set out that a person's prior ordinary residence is retained where that person is placed by a local authority in Part 3 accommodation in the area of a another local authority, or is a person provided with NHS accommodation.

X's ordinary residence

44. As paragraph 19 of the Guidance points out, the concept of ordinary residence involves questions of fact and degree and relevant factors include time, intention and continuity. In the case of a person without capacity such as X who is incapable of forming his own intention as to where he should live, other factors will also be relevant and the Vale case should be used to establish ordinary residence.

45. In the Vale case, it was held in the case of a person with severe learning disabilities who was totally dependent on her parents, that the concept of her having an independent ordinary residence of her own which she has adopted voluntarily and for which she has a settled purpose did not arise. She was in

the same position as a small child. Her ordinary residence was that of her parents because that was her “base”. Alternately, the Court said that if it was wrong as to Miss Vale having ordinary residence with her parents, one had to consider the question as if she was a person of normal mental capacity but without requiring the person to have adopted the residence voluntarily.

46. I consider that X ought to be treated as if he is in the same position as Miss Vale. X is not the natural child of TL, but she has cared for him for over two thirds of his life, initially as the officer in charge at his children’s home then, from shortly after him moving there, as his foster carer when the home was closed. Given X has been *in loco parentis* since X was 12-13 years old, I have to treat X’s relationship with TL as materially the same as the Court treated Miss Vale’s relationship with her parents.

47. Similarly to Miss Vale, X is incapable of making his own decisions and in that respect his position can be equated with that of a small child. In the Vale case the Court found that Miss Vale was ordinarily resident with her parents. In X’s circumstances his foster parent, TL, has been his primary carer for many years. His home is with TL and X’s ordinary residence is TL’s ordinary residence.

48. The starting point for considering whether TL acquired ordinary residence in the area of CouncilD in the period between 28 February and May 2007 or the area of CouncilA from May 2007 is the leading case of Shah in which Lord Scarman stated:

‘unless ... it can be shown that the statutory framework or the legal context in which the words are used requires a different meaning I unhesitatingly subscribe to the view that “ordinarily resident” refers to a man’s abode in a particular place or country which he has adopted voluntarily and for settled purposes as part of the regular order of his life for the time being, whether of short or long duration.’

49. The email of 27 Feb 2007 from PlacementOfficerJ at the CouncilB Adult Placement Scheme to social services colleagues (page 30 of the bundle of papers provided by CouncilA on 30 April 2013) explains the reasons for TL’s move to the area of CouncilD: ‘She did apologise for informing us at short notice as she had not anticipated her house to be sold within 3 days. She will be with her son for two weeks while the place is being revamped. Her reason for moving is the safety of herself and X. She is concerned about the fact that if something happened to her or X, family will be too far to assist.’

50. From the evidence provided, TL’s decisions to move to the areas of CouncilD and subsequently CouncilA were both because she wanted to live closer to family members for both her and X’s sakes. The moves were voluntary and the latter move in May 2007 was for settled purposes. There is no doubt that TL’s ordinary residence changed to the area of CouncilA in May 2007. Consequently, based on the first test in the Vale case, which is the appropriate test to apply in X’s case, I find that X’s ordinary residence similarly changed to the area of CouncilA in May 2007.

51. If that is wrong, then considering the second test in the Vale case, the question as if X was a person of normal mental capacity, I find that the same result is reached. The relevant factors to be taken into account in accordance with *Shah* for this purpose include:

- The extent of X's continuing links with the area of CouncilB;
- The time for which he has lived in the area of CouncilA and the nature of the links he has developed there; and
- Whether in accordance with the test in the Shah case he has adopted his residence in the area of CouncilA for a settled purpose.

52. Applying these factors it is apparent to me that:

- X has not lived in the area of CouncilB for a couple of months short of seven years and from the papers it is not evident that he retains any links with the area of CouncilB.
- He has continuously lived in the area of CouncilA for the last six and a half years.
- X's carer and her family and his support network are in the area of CouncilA. X has continued to be a part of his carer's family during the period in question and has been included in their events and celebrations as well as taking part in various activities in the community, including horse riding, bowling and swimming.

53. CouncilA contend that X could not have understood and/or indicated preferences as to where he would wish to live if he had been consulted on that by CouncilB before the move to TownD, or before the later move to CouncilA. In light of the Vale case that does not mean that he cannot be ordinarily resident in the area of CouncilA.

Ordinary residence for those subject to adult placements

54. I will now address whether the fact that X lives with TL as a result of CouncilB placing him with her affects the conclusion I draw above.

55. CouncilA point out that in other areas, such as payments for Children in Needs in accordance with Section 17 of the Children Act 1989 and in relative/friends foster placement, it is the role of the Local Authority in respect of placements that is key. However, X is not placed with TL on that basis, rather as explained earlier in this determination, he is in an adult placement, now known as shared lives.

56. Paragraph 121 of the Guidance makes clear that where a person enters accommodation under the shared lives scheme, social care needs are usually met by services provided under section 29 of the 1948 Act and 'if the person moves to a new local authority for the purpose of entering shared lives accommodation, they generally become ordinarily resident in the new local authority in line with the settled purpose test in Shah.'

57. With each of the moves to the area of CouncilD on 28 February 2007 and to the area of CouncilA in May 2007, X was moving to a new local authority for the purpose of entering shared lives accommodation. There is no mention in paragraph 121 of that person needing to have voluntarily moved or having had capacity to make such a decision.

58. Paragraph 122 of the Guidance provides that if a local authority (A) does not have any shared lives accommodation in its area but a community care assessment identifies a shared lives scheme to be the best way to meet a person's accommodation and support needs, the person may decide to move into accommodation provided by a shared lives scheme in a neighbouring local authority (B). They may be supported in this decision by local authority A who may reach an agreement with local authority B for local authority A to provide support services using its powers under section 29 of the 1948 Act, or for local authority B to provide such services with reimbursement from local authority A. Such a scenario is not the same as X's because firstly, CouncilB did not place X out of its area when placed with TL and secondly, when TL and X moved to the area of CouncilA in May 2007, it is not evident from the papers that CouncilB was involved in placing X with TL in the area of CouncilA nor even made aware of the move before it took place. It should be noted that the papers make reference to CouncilB being given very short notice of the move from CountyC to the area of CouncilD in February 2007 but not the move from the area of CouncilD to the area of CouncilA in May 2007.

59. Paragraph 123 of the guidance confirms that given the deeming provisions do not apply to section 29 of the 1948 Act, in situations where a person's previous local authority is providing or paying for services under section 29 of the 1948 Act, it does not mean that ordinary residence is retained in the previous authority. 'Ordinary residence disputes arising in relation to services provided under section 29 that are submitted to the Secretary of State for determination will be decided accordingly.' Even if arrangements such as those set out in the above paragraph had been made by CouncilB, it would not have prevented TL from acquiring ordinary residence in the area of CouncilA.

60. Ordinary residence determination 9-2008 is given as an example of how the ordinary residence provisions apply to shared lives schemes. In that case, one of the disputing parties placed the individual involved with foster carers in the area of the other disputing party when the individual was two years old and individual was still determined to be ordinarily resident in the recipient LA.

61. X on the other hand was not even placed with TL in the area of CouncilA. There is nothing on the papers to suggest that CouncilB knew of that move and so cannot be held to have placed X with TL. CouncilB do seem to have been made aware of TL's previous move to the area of CouncilD but again, cannot be held to have placed X with TL given they only had two days notice of the move and the decision to move had already been taken.

62. As such, the fact that X lives with TL as a result of CouncilB placing him with her does not affect the conclusion I draw above.

Conclusion

63. CouncilB are correct in their assertion that how they decided to provide care to X in the years prior to February 2007, and whether at that time it decided that it was in the interests of X to provide care out of borough in CouncilC1, even if he was no longer ordinarily resident in the area of CouncilB, is entirely irrelevant to the issues now in dispute between CouncilB and CouncilA. The only issue is whether X's ordinary residence stopped being in CouncilB on or after February 2007. CouncilB may well have been able to assert that X was not ordinarily resident in their area in the years he lived in CountyC prior to 2007 and asked CountyC County to take over the funding and arranging of services for him. The fact they did not is immaterial to whether he is ordinarily resident in the area of CouncilB or CouncilA now.

64. At a meeting on 20 August 2007, a CouncilB social worker may well have explained that, if CouncilB had been involved in planning and facilitating X's move to CouncilA, and had the opportunity to consult with him to ensure this was what X wanted, they would have continued to have funding responsibility. CouncilB would not have been required to accept funding responsibility. Even if they had voluntarily continued to fund, doing so would not have resulted in them actually having funding responsibility, nor would it have affected X's

ordinary residence. It would not have meant that X remained ordinarily resident in the area of CouncilB.

65. Given TL's clear intention to reside in the area of CouncilA for settled purposes from May 2007, the two tests in Vale and the amount of time that TL has cared for X, I find that X has been ordinarily resident in the area of CouncilA since his move there in May 2007.

Signed