

APPEALS COMMITTEE

26 OCTOBER 2007

Present: Councillor Patel (Chairperson);
Councillors Bridges and Goddard

Also: Julia Reynolds, Legal Services and Val Davies, Committee
Services

A7 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded during discussion of the following item of business on the grounds that, if members of the public were present during the discussions, due to the nature of the business to be transacted, there would be disclosure to them of exempt information as defined in the Local Government Act 1972 and Category 3 of the Local Authority's (Access to Information) (Variation) (Wales) Order 2007 as follows:-

"Category 3 – Information which is likely to reveal the identity of an individual".

A8 : REVIEW OF DECISION TO EXCLUDE

Mr C C

The appellant was present at the appeal.

Mike Friel, Operational Manager, Strategy, Advice & Support and Chris Fox, Housing & Safety Unit Manager, were present to represent the Council at the hearing.

The meeting was conducted in accordance with the procedure, which was read out at the meeting for the benefit of the appellant and the representatives of the Housing & Safety Unit.

From the information received and the submissions made by the Officers of the Housing & Safety Unit present at the meeting, the Committee found that:-

- (i) The appellant had previously held a Council tenancy from the 18 April 1994 until 17 October 2004 on which a notice of seeking

possession on grounds one and two of the Housing Act had been served following numerous complaints about the applicant's behaviour and criminal damage to the property.

- (ii) The appellant had made general housing applications on 8 May 2007 and 7 September 2007.
- (iii) With assistance from the National Probation Service, the appellant provided supplementary information forms on 8 May 2007; 3 July 2007 and 7 September 2007 detailing his convictions.

As a result of the supplementary information received, the application was referred to the Common Exclusion Panel for determination.

- (iv) The Common Exclusion Panel met on 20 September 2007. The Panel, having considered the supplementary information, unanimously concluded to exclude the applicant from the waiting list for a period of 12 months.
- (v) The appellant was advised of the decision of the Common Exclusion Panel to exclude him from the waiting list and of his right of appeal.
- (vi) A request for appeal was received by Committee Services on 10 October 2007.
- (vii) The Review Exclusion Panel met again on 18 October 2007, as there was no additional supporting information to consider, the Panel upheld its original decision to exclude the applicant from the waiting list.

The Committee, having heard all the representations, gave careful consideration to the information put forward by the appellant and the Officers of the Housing & Safety Unit. The Committee noted the appellant had complied with the terms of his licence which had now lapsed but were not convinced that he would engage fully with Tenancy Support Staff, Supported Accommodation Projects or Housing staff.

The Committee unanimously agreed that the decision of the Common Exclusion Panel to exclude the applicant from the waiting list for 12 months was reasonable and should be upheld.

RESOLVED – That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr C C	Review of decision to exclude applicant from the Housing Waiting List.	<p>That the appeal be disallowed for the following reasons:-</p> <ul style="list-style-type: none"> • The appellant's offending history was of an anti-social nature, including GBH, possession of offensive weapons, assault, affray and intimidating and aggressive behaviour towards members of the public, staff, residents and neighbours. • The Committee were of the view that the appellant had not demonstrated remorse for his behaviour. • The Committee noted that the appellant had complied with the terms of his licence; however they were concerned that he had not engaged in any offence related focus work. • The Committee, were not convinced that at this present time that the appellant would engage fully with Tenancy Support staff, Supported Accommodation Projects or Housing staff.

- The Committee upheld the decision of the Common Exclusion Panel to exclude the appellant from the waiting list for 12 months ending on 20 September 2008.

DRAFT – 31 OCTOBER 2007