

APPEALS COMMITTEE

16 DECEMBER 2005

Present: Councillor Patel (Chair);
Councillors Hyde, Jones and Pearcy

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

A5 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded during discussion of the following items 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 Section 100(A)(1) of the Local Government Act 1972 as follows:-

“Information relating to any particular occupier, or former occupier, or applicant for, accommodation provided by, or at the expense of, the Authority.”

A6 : REVIEW OF DECISION TO EXCLUDE

(1) Mr M C

Neither the appellant nor his representative were present during the appeal. The Committee agreed to determine the case in the appellant's absence. The Council was represented by the Advice Services Manager and the Senior Housing and Safety Officer.

The meeting was conducted in accordance with the procedure which was read out at the meeting.

From the information received and the submissions made by the Officer of the Housing Safety Unit at the meeting the Committee found that:

- (i) The appellant submitted an application to join the waiting list on 17 May 2005.

- (ii) As result of information provided on the application form the appellant was asked to provide supplementary information, which was received on the 20 May 2005.
- (iii) It was determined that the application should be referred to the Housing Exclusion Panel for determination.
- (iv) The Exclusion Panel met on the 6 October 2005 when it was determined that the applicant be excluded from the Housing Waiting List for a period of six months on the grounds that the applicant had demonstrated persistent anti-social behaviour and there was lack of current evidence of the ability to manage a tenancy.

The Exclusion Panel advised the applicant that it would be happy to reconsider a new application in six months time subject to the applicant accessing and successfully sustaining a planned resettlement project.

- (v) A letter was sent to the appellant notifying him of the decision of the Exclusion Panel to exclude him from the waiting list and of his right of appeal.
- (vi) A letter requesting an appeal was sent to the Committee Services on 20 October 2005.
- (vii) In accordance with the Appeal Panel's procedure, the Exclusion Panel met again on 24 November 2005 in order to review its decision in light of the appeal request, at that meeting the Panel concluded to uphold its decision to exclude from the waiting list for six months.

Councillor Percy withdrew from the discussions at this point in the meeting.

The Committee considered all the evidence before it together with the representations made by the Housing Officer at the meeting and sought clarification on a number of points raised.

The Committee was concerned that, due to the nature of a number of the offences, insufficient time had lapsed to allow the Appellant time to prove his suitability to join the housing waiting list at this time.

The Committee Resolved – that:

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr M C	Review of Decision to exclude from the waiting list.	The Appeal be disallowed and the decision of the Exclusion Panel on the 6 October 2005 to exclude on the grounds of anti-social behaviour and lack of current evidence of the ability to manage a tenancy, be upheld.

(2) Mr C E

Neither the appellant nor his representative was present at the Appeal. It was confirmed that no form of communication had been received from the appellant or his representative explaining the reason for his non attendance.

Following a reasonable period of time to allow the appellant to attend the Committee, the Committee agreed to determine the case in his absence.

The Council was represented by the Advice Services Manager and the Senior Housing Officer.

The Committee considered the following information in respect of the Appeal:

- (i) The appellant had applied to be admitted to the housing waiting list on 22 March 2005, this application had been deferred at the Exclusion Panel on the 27 September 2005 pending receipt of a progress report from the National Probation Service.
- (ii) Following receipt of the application, the appellant was asked to provide supplementary information which was received on 28 April 2005.

(iii) It was determined that the case should be referred to the Housing Exclusion Panel which met on 21 October 2005. Following consideration of the information provided to the Exclusion Panel, it determined that the applicant be excluded from the waiting list for a period of six months with the intention to review the case after this time should the applicant wish to reapply.

The Panel requested that in the event of an application being received, an updated progress report would be required from the applicant's Probation Officer.

(iv) A letter was sent to the applicant advising him of the Exclusion Panel's decision to exclude him from the waiting list and of his right of appeal.

(v) A letter was received from the applicant on the 14 November 2005 requesting an appeal.

(vi) In accordance with procedure the Exclusion Panel convened again on the 24 November 2005 in order to review its decision in the light of the appeal request.

(vii) Having considered the applicant's appeal submission and updated progress report from the applicant's Probation Officer, the Panel determined to uphold its previous decision on the grounds that the decision was reasonable.

The Appeals Committee considered all the information before them together with the representation made by the Housing Officer at the meeting, in particular the Committee noted that the appellant was not excluded from applying to the private sector for housing and that support mechanisms would be available to him at that time.

Clarification was sought on a number of points, the Legal Officer advised that once the exclusion period had expired the applicant would not automatically be placed on the waiting list and would be required to reapply following the expiration of the exclusion period.

RESOLVED – That the appeal be disallowed as follows:

Applicant

Request

Decision

Mr C E

Review of decision to
exclude from the
waiting list.

Appeal disallowed for
the following reason.

Reason:

- (i) The Committee having discussed the case in detail came to the view that the decision of the Exclusion Panel was a reasonable decision given the serious nature and history of the appellant's convictions in relation to the supply of drugs, and that insufficient time had elapsed to determine whether the applicant would show a continued improvement and progress.
- (ii) The Committee recommended that the timescale for the exclusion should be increased to 12 months to allow the applicant time to secure private sector accommodation and to receive appropriate support to allow him to continue his progress within the community.

(3) Mr C D

Neither the appellant nor his representative were present. The Committee was advised that additional information strongly supporting Mr D's case had been received and was included in the papers for the Committee's information. The additional information had not been available for consideration by the Exclusion Panel when it met on 24 November 2005 to reconsider its decision following receipt of Mr C's Appeal.

In light of the additional information in support of the application, it was the Committee's view that the matter should be referred back to the Exclusion Panel for further consideration and that the applicant be advised accordingly. Following determination by the Officer Panel, should the applicant be dissatisfied with the decision, he would still have the right of appeal.

DRAFT – 6 JANUARY 2006