

## APPEALS COMMITTEE

17 MARCH 2006

Present: Councillor Patel (Chair);  
Councillors Gething, Goddard and Percy

Also: Clive Persey – Legal Services and Val Davies – Committee  
Services

### A9 : 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.”

#### (1) Mr GD

Neither the Appellant nor his representative were present during 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 agreed to determine the case in the appellant's absence.

The Committee agreed to determine the case in the Appellant's absence. The Council was represented by the Housing and Safety Unit Manager and the Senior Housing 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 officers of the Housing and Safety Unit at the meeting, the Committee found that:

- (i) the Appellant submitted an application to join the waiting list on 29 September, 2004 and again on 1 October 2004, following a change in his circumstances;
- (ii) as a result of the information provided on the application, the Appellant was asked to provide supplementary information which was received on 3 September, 2004;
- (iii) as a result of the supplementary information provided, it was determined that the application should be referred to the Housing Exclusion Panel for determination;
- (iv) the Common Exclusion Panel met on 30 November 2004 when the application was deferred pending a report regarding the applicant's progress on completion of a drug treatment and testing order;
- (v) a letter was sent to the Appellant on 31 January 2006, 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 section on 20 February, 2006;
- (vii) in accordance with the Appeal Panel's procedure, the Review Exclusion Panel met again on 9 March, 2006 in order to review the previous decision in light of the appeal request, at that meeting the Panel concluded to uphold its decision to exclude from the waiting list for 12 months.

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

The Committee was concerned that due to the Appellant's persistent anti-social behaviour and failure to comply with his National Probation Service Order, he had failed to demonstrate his suitability to join the housing waiting list at this time, and that the decision of the Exclusion Panel was a reasonable decision, and should be upheld.

RESOLVED – That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr GD	Review of decision to exclude from the waiting list.	The appeal be disallowed and the decision of the Exclusion Panel on 24 January 2006 to exclude the applicant for a period of 12 months on the grounds that he had demonstrated persistent anti-social criminal offences; non-cooperation with the National Probation Service and breach of tenancy conditions in Cardiff County Council temporary accommodation, be upheld.

(2) Mr LH

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 agreed to determine the case in his absence.

The Council was represented by the Housing and Safety Unit Manager and the Senior Housing and Safety Officer. The Committee considered the following information in respect of the appeal:

- (i) the Appellant submitted an application to join the waiting list on 21 October 2005 and 10 January 2006, following a change in his circumstances;
- (ii) as a result of information provided on the applications the Appellant was asked to provide supplementary information which was received on 20 October 2005 and 11 January 2006;
- (iii) as a result of the supplementary information received, it was determined that the application should be referred to the Housing Exclusion Panel for determination;
- (iv) The Exclusion Panel met on 7 February 2006. Following consideration of the information provided to the Exclusion Panel, it determined that the applicant should be withdrawn from the waiting list for a period of 12 months, as he had committed further offences since being admitted to the Housing Waiting List in April 2002 and that the offences were of a nature to be regarded as anti-social and destructive to the community;
- (v) a letter was sent to the applicant advising him of the decision to withdraw his application from the waiting list for a period of 12 months, and of his right to appeal;
- (vi) a letter requesting an appeal was sent to Committee Services on 18 February 2006;
- (vii) in accordance with the procedure, the Exclusion Review Panel convened on 9 March 2006 in order to review its decision in the light of the appeal request;
- (viii) having considered the applicant's appeal submission the Exclusion Panel agreed to uphold the original decision to exclude the applicant from the waiting list.

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

The Committee, having noted the evidence and the submissions, were of the view that the Appellant had continued to demonstrate persistent and criminal anti-social behaviour, and had breached his Community Care Order, and that the decision of the Exclusion Panel to withdraw him from the waiting list was reasonable and should be upheld.

RESOLVED – That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr LH	Review of decision to exclude from the waiting list.	The appeal be disallowed and the decision of the Exclusion Panel on 7 February 2006 to withdraw the applicant from the Housing Waiting List for a period of 12 months because he had committed further offences since being admitted to the Housing Waiting List in April 2002, and that the offences were of a nature to be regarded as antisocial and destructive to the community, be upheld.