

APPEALS COMMITTEE

21 JULY 2006

Present: Councillor Patel (Chair);
Councillors Percy and Michaelis

Also: Clive Pursey, Legal Services and Val Davies, Committee
Services

Apology: Councillor Cowan

A12 : 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 A.J. J

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 reasons 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 Council was represented by the Operational Manager, Advice Services 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 applicant submitted a general application to join the Housing Waiting List on the 22 September 2005 and again on 14 March 2006 following a change in his circumstances;
- (ii) As a result of information provided on the application form, the applicant was asked to provide supplementary information. Letters of support were received from support agencies on 8 March and 5 May 2006;
- (iii) As a result of the supplementary information received, it was determined that the application should be referred to the Common Exclusion Panel for determination;
- (iv) The Common Exclusion Panel met on 13 June 2006, the Panel recognised the significant improvement in the applicant's behaviour and co-operation with agencies. However the Panel felt that not enough time had elapsed to demonstrate that this was a real and significant improvement in the applicant's behaviour and concluded to exclude him from the Waiting List for a period of six months;
- (v) A letter was sent to the applicant on 16 June 2006 notifying him of the decision of the Exclusion Panel to exclude him from the Waiting List for an initial period of six months and of his right of appeal;
- (vi) A letter requesting an appeal was sent to the Committee Services on 27 June 2006;
- (vii) In accordance with the Appeal Panel's procedure, the Exclusion Panel met again on 6 July 2006 when it was determined to uphold their decision to exclude the applicant from the Waiting List for a period of six months.

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

The Committee took into consideration that the applicant had made an effort to engage with Support Agencies and had taken steps to overcome his problems, however the Committee was concerned that not enough time had elapsed to prove that this could be sustained. The Committee concluded that the decision of the Exclusion Panel was a reasonable decision and should be upheld but that in view of the progress made by

the applicant the exclusion period be reduced to three months.

Applicant

Request

Decision

Mr A.J. J

Review of decision to exclude from the Waiting List.

The appeal be disallowed for the following reasons:

- the Committee recognised from the information presented that there had been significant progress made by the applicant in respect of his behaviour and his engagement with agencies, however the Committee were of the opinion that insufficient time had elapsed to allow the Applicant to demonstrate that this was a real and significant improvement that could be sustained;
- taking into consideration the supporting information from a number of agencies, and the progress made by the Appellant, the Committee recommended that the timescale for the exclusion be reduced to three months.

(2) Ms G. H

Neither the appellant nor her representative were present at the appeal but the Committee was advised that the Support Worker had contacted Committee Services to notify them that the applicant was unable to attend the appeal and had requested that the appeal be heard in her absence. In view of the request, the Committee agreed to hear the case in the absence of the appellant.

The Council was represented by the Operational Manager, Housing and Safety Unit and the Senior Housing 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 Safety Unit at the meeting the Council found that:

- (i) The appellant submitted an application to join the Waiting List on 21 November 2005;
- (ii) Following a change of address on 21 March 2006 further information was sought, following which it was disclosed that the applicant had committed an offence in October 2004;
- (iii) As a result of the 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 29 June 2006 when it was determined that the applicant should be excluded from the Waiting List for a period of 12 months due to her ongoing and persistent anti-social behaviour. The applicant had been evicted from no less than three tenancies including Supported Accommodation Schemes in the past 18 months as a result the Panel were of the view that the applicant would not conduct a tenancy satisfactorily at this time;
- (v) A letter was sent to the appellant on the 4 July 2006 advising her of the Panels decision to exclude her from the Waiting List and of her right of appeal;
- (vi) A request for an appeal was received by the Committee Services on 10 July 2006. A letter was also received from the applicant's Social

Worker in support of her application;

(vii) The Committee was advised that there had been insufficient time to refer the case back to the Exclusion Panel following the request for appeal and had been reported to the Committee for determination;

(viii) The Committee considered all the evidence before it together with the representation made by the Housing Officers at the meeting and the written supporting information from the appellant's Social Worker. The Committee sought clarification on a number of the points raised.

The Committee was concerned about a number of the issues relating to the appellant's anti-social behaviour and the fact that she had failed to demonstrate that there had been any real improvement in her situation.

The Committee having considered all the facts, were of the opinion 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>
Ms G. H	For a review of the decision to exclude from the Waiting List.	The appeal be disallowed and the decision of the Exclusion Panel on the 29 June 2006 to exclude the applicant from the Waiting List for a period of 12 months be upheld on the grounds that the applicant had demonstrated persistent and anti-social behaviour and conduct that makes her unsuitable to be a tenant at this time.