

APPEALS COMMITTEE

22 SEPTEMBER 2006

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

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

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."

A13: REVIEW OF DECISION TO EXCLUDE

(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 had made application to the Hafod Housing Association;
- (ii) The Applicant was asked to provide supplementary information, which was received on 20 February 2006. As a result of the supplementary information provided, the application was referred to the Common Exclusion Panel for determination;
- (iii) The Common Exclusion Panel met on 6 July 2006. The Panel having considered the supplementary information were of the opinion that the Applicant had demonstrated behaviour that made him unsuitable at this time to be a tenant, by virtue of the Housing Act 1996 Section 160 (A). The Panel felt that insufficient time had elapsed for the applicant to demonstrate sufficient improvement in his behaviour and determined that the applicant be excluded from the waiting list for a period of six months;
- (iv) A letter was sent to the applicant on 17 July 2006 notifying him of the decision of the Common Exclusion Panel to exclude him from the waiting list for a period of six months and of his right of Appeal;
- (v) A request for Appeal was received by Committee Services on 19 July 2006 together with a supporting letter from the Appellant stating that he has worked to improve awareness of his past behaviour and would be able to maintain a tenancy.

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 noted the information provided in respect of the applicant's offences and came to the view that the decision of the Exclusion Panel to exclude the applicant from the waiting list was reasonable and should be upheld, however, given the serious nature of the convictions and the fact that insufficient time had elapsed to evaluate the applicant's behaviour in the community, the Committee recommended that the exclusion period should be increased to 12 months.

RESOLVED – That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr M.L.	Review of decision to exclude from the Waiting List.	<p>The appeal be disallowed for the following reasons:</p> <ul style="list-style-type: none"> - The Committee were of the opinion that the offences committed were of a very serious nature, and that insufficient time had elapsed since the expiry of the Applicant's licence in April 2006 to evaluate his behaviour within the Community. - The Committee noted that whilst the applicant was in prison, he had received warnings as a result of his behaviour. - The Committee recommended that the time period for the exclusion be increased to 12 months.

(2) Ms N. R.

The Appellant and two representatives were present at the Appeal.

The Operational Manager, Advice Services and the Senior Housing Safety Officer represented the Council.

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

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 Applicant made applications on 25 February 2005; 12 April 2005 and 8 October 2005 and had applied to Cardiff County Council, Hafod Housing Association, Cardiff Community Housing Association and Linc-Cymru Housing Association.
- (ii) The Applicant provided supplementary information in support of her application. The case was originally discussed at the Exclusion Panel on 14 December 2005 when the Applicant's case was deferred for 6 months in order to obtain evidence of a period of stability and subsequently on 6 July 2006 when the decision was made to defer the application pending information in respect of her current accommodation.
- (iii) The Exclusion Panel met on 8 August 2006 to consider all the information before it. The Exclusion Panel determined that the Applicant be excluded for a period of 6 months in order to establish whether the Applicant could suitably maintain a tenancy at Adams Court for this period and for the City Centre Team to carry out an assessment.
- (iv) A letter was sent to the Applicant on 14 August 2006 advising her of the Panel's decision to exclude her from the waiting list and of her right of Appeal.
- (v) A request for Appeal dated 15 August 2006 was submitted to Committee Services, together with supporting information from the Applicant and a number of Agencies requesting that the Applicant be allowed to join the waiting list.

The Committee considered all the evidence before it, together with the submissions made by the Appellant and her representatives and the representations made by the Officers of the Housing Safety Unit.

The Committee, having heard all the representations decided to allow the Appeal for the following reasons:-

- The applicant was receiving support from her family;
- The applicant was engaging well with support Agencies and on-going support would be given;
- The applicant had made an effort to show an improvement in her behaviour.

RESOLVED – That

Applicant

Ms N. R.

Request

Review of the
decision to
exclude from the
waiting list.

Decision

The Appeal be
Allowed.