

APPEALS COMMITTEE

22 SEPTEMBER 2006

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

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

A14 : 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 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."

A15: REVIEW OF DECISION TO EXCLUDE

MR J. A. C

The Appellant was present at the hearing. The Council was represented by Chris Fox, Housing and Safety Unit Manager and Ceri Meloy, Operational Manager, Advice Services.

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 and Safety Unit.

The Committee considered the following information in respect of the appeal and asked a number of questions and sought clarification on the points discussed:-

- (i) The Applicant had applied to Cadwyn Housing Association; a request to assess through the Exclusion procedure was received from Cadwyn Housing Association on 2 May 2006 following

receipt of a supplementary information form.

- (ii) From the information received, the Housing and Safety Unit discovered that the applicant had failed to disclose all of his convictions; a more accurate disclosure was requested and received on 21 August 2006. As a result of the information provided by the applicant, the application was referred to the Common Exclusion Panel for determination.
- (iii) The Common Exclusion Panel met on 5 September 2006, the Panel, having considered the supplementary information provided, were of the opinion that, in view of the additional information in respect of the applicant's convictions and the fact that he had committed further acts of anti-social behaviour that made him unsuitable at the time of application to be a secure tenant, that he be excluded from the waiting list for a period of 12 months.
- (iv) A letter was sent to the applicant on 8 September 2006 notifying him of the decision of the Common Exclusion Panel to exclude him from the waiting list for a period of 12 months and of his right of Appeal.
- (v) Committee Services received a request for Appeal on 19 September 2006 together with supporting information from the applicant that he had regretted his behaviour in the past and that he had changed to improve his behaviour.

The Committee considered all the evidence before it, and listened to the representations made by the appellant together with the representations made by the Officers of the Housing Safety Unit.

The Committee came to the view that the decision of the Common Exclusion Panel was reasonable and should be upheld. However, the Committee recommended that the timescale for the exclusion be reduced to 9 months.

RESOLVED – That

Applicant Request

Decision

Mr J. A. C Review of decision to
exclude from the
Waiting List.

(1) The Appeal be disallowed for
the following reasons:

- That the Applicant had
demonstrated persistent
anti-social behaviour since
his last period of exclusion
from the housing waiting
list.

- The Committee noted the
applicant's comments that
he was trying to improve
his behaviour and had not
been convicted of any
further offences, however,
the Committee felt that not
enough time had elapsed
for the applicant to
demonstrate that this
improvement could be
sustained.

(2) Taking into consideration the
information provided and the
submissions at the Appeal,
the Committee recommended
that the timescale for the
exclusion be reduced to 9
months.