

APPEALS COMMITTEE

23 FEBRUARY 2007

Present: Councillor Patel (Chair);
Councillors: Bridges and Goddard

Apologies: Councillor Gethin

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

A17 : 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."

A18 : REVIEW OF DECISION TO EXCLUDE

(1) Mr J V

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 Co-ordination and Development Manager, Housing and Neighbourhood Renewal.

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 present at the meeting, the Committee found that:-

- (i) A general housing application had been received from the applicant on 31 March 2006.
- (ii) Following receipt of his application the applicant was asked to provide supplementary information which was received on 30 March 2006 and 22 May 2006.
- (iii) The case was initially presented to the Common Exclusion Panel on 22 August 2006. The Panel considered the supplementary information relating to offences and were advised that the applicant was awaiting assessment for support. Having considered the information, the Panel determined to defer the case pending the outcome of the assessment.
- (iv) The case was brought back to the Common Exclusion Panel on 21 December 2006 after receiving confirmation that the appellant had failed to engage with the Tenants Support Team and that he had moved to a hostel.
- (v) The Panel, having considered the evidence, were of the opinion that if the applicant was a secure tenant at the time of application, it would be reasonable for the Housing Authority to apply for possession of the property under Section 84 of the Housing Act 1985. The Panel determined that insufficient time had elapsed since accessing the Salvation Army Support Service for the applicant to demonstrate he would be able to continue to sustain his improved behaviour.

The Panel on 21 December 2006 felt that six months would be a sufficient period of time to determine whether the applicant had successfully engaged with the programme.

- (vi) A letter was sent to the applicant on 2 January 2007 notifying him of the decision of the Common Exclusion Panel to exclude him from the waiting list for a period of six months.

(vii) A request for appeal was received by Committee Services on 11 January 2007 together with a supporting letter from the applicant's key worker stating that the appellant had shown a determination to address his problems and was committed to working towards his own goals. As part of the programme, the appellant was required to attend weekly key work sessions and to apply for housing to the Council and local Housing Associations.

The Committee considered the evidence before it and heard representations by the Housing Officers present and sought clarification on a number of the points raised.

The Committee noted the information that the applicant had taken steps to engage with a Support Agency to address his problems. The Committee came to the view that the decision of the Common Exclusion Panel to exclude the applicant from the waiting list for a period of six months was reasonable and should be upheld.

RESOLVED - That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr J V	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 applicant had demonstrated persistent anti-social behaviour and that if he were a secure tenant at the time of his application it would have been reasonable for a Court to grant an order for possession of the property.• That not sufficient time had elapsed since the applicant had accessed Support Services to demonstrate that his improved behaviour

could be sustained.

- The Committee upheld the decision of the Exclusion Panel to exclude the applicant for six months.

(2) Mr G G

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 Co-ordination and Development Manager, Housing and Neighbourhood Renewal.

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 present at the meeting the Committee found that:-

- (1) The applicant applied to Cardiff County Council for housing on 17 November 2006. Attached to the application was a supplementary information form which outlined the applicant's convictions. As a result of the supplementary information provided, the application was referred to the Common Exclusion Panel for determination.
- (2) The Common Exclusion Panel met on 23 January 2007. The Panel having considered the supplementary information relating to offences, but it was not made clear at the Exclusion Panel whether then applicant had undertaken offending related work such as anger management to address his behaviour.

The Panel having considered the evidence before it were of the opinion that if the applicant was a secure tenant at the time of the application then the Housing Authority would have been entitled to possession under Section 84 of the Housing Act 1985.

The Panel felt that not enough time had elapsed since the applicant's release from prison to see whether his behaviour had been modified and were in agreement that the applicant should be excluded for a period of 12 months.

- (3) A letter was sent to the applicant on 26 January 2007, 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.
- (4) A request for appeal was received by Committee Services on 7 February 2007.

The Committee considered all the evidence before it and heard 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 for a period of 12 months was reasonable and should be upheld.

RESOLVED – That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr G G	Review of decision to exclude from the waiting list.	The appeal be disallowed for the following reasons:- <ul style="list-style-type: none">• The applicant had demonstrated persistent anti-social behaviour and that if he were a secure tenant at the time of his

application it would have been reasonable for a Court to grant an order for possession of the property.

- It was unclear whether the applicant had taken action to modify his anti-social behaviour.
- Not sufficient time had elapsed since the applicant's release from prison to see whether he had modified his behaviour.
- The Committee upheld the decision of the Exclusion Panel to exclude the applicant for 12 months.

Signed (Chair)

Date