

APPEALS COMMITTEE

27 APRIL 2007

Present: Councillor Patel (Chair);
Councillors: Cowan, Gethin, Goddard and Michaelis

Also: David Marr, Operational Manager, Legal Services and Val Davies, Committee Services

A19 : 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."

A20 : REVIEW OF DECISION TO EXCLUDE

Mr K S

The appellant and his Representative were present at the Appeal.

The Council was represented by the Operational Manager, Housing Management and the Housing and Safety Unit Manager.

The meeting was conducted in accordance with the procedure, which was read out at the meeting for the benefit of the appellant and his representative and the representatives of the Housing and safety Unit.

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) The Appellant had previously held a Council tenancy between 27 January 1997 and 17 April 2005 and had made a general application for housing on 4 October 2005.

- (ii) The Appellant made a further general application for housing to the Council on 3 April 2007.
- (iii) The Appellant provided supplementary information in support of his application for housing. As a result of the information received the application was referred to the Common Exclusion Panel for determination.
- (iv) The Common Exclusion Panel met on 20 February 2007. The Panel, having considered the supplementary information, were of the opinion that based on the information provided, that the Applicant would benefit from a period of stability with a supported accommodation scheme rather than the provision of general housing accommodation and that if the Applicant were a secure tenant at the time of the application, it would be reasonable for the Housing Authority to apply for possession of the property under Part IV, S84 of the Housing Act 1985.
- (v) The Applicant was advised 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.
- (vi) A request for Appeal was received by Committee Services on 30 March 2007 together with supporting letters from the Appellant and his Probation Officer.

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

The Committee noted the information provided in respect of the Appellant's convictions and anti-social behaviour. The Committee commended the fact that Mr KS was now engaging with support services and urged him to continue with this support.

The Committee however, were of the view that insufficient time had elapsed for Mr KS to demonstrate that his improved behaviour could be sustained and upheld the decision of the Common Exclusion Panel to exclude Mr KS from the waiting list for a period of 12 months.

RESOLVED - That

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr K S	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 Mr K S 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 from the waiting list for 12 months.

Signed

Date