

APPEALS COMMITTEE

27 JULY 2007

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

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

A1 : 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."

A2 : REVIEW OF DECISION TO EXCLUDE

Mr N A

The appellant's legal representative attended to accompany him at the hearing, however, the appellant was not present and following discussions with the Council's Legal Advisor, his legal representative was of the view that it would be inappropriate to attend the appeal to put forward submissions in her Client's absence.

It was confirmed that no communication had been received from the appellant 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 his absence.

The Council was represented by the Operational Manager, Advice Services and the Housing & Safety Unit Manager.

The meeting was conducted in accordance with the procedure which was

read out for the benefit of those attending.

From the information received and the submissions made by the Officers of the Housing & Safety Unit present at the meeting, the Committee found that:

- (i) General Housing applications had been received from the applicant on 21 August 2006 and 20 September 2006. The applicant had applied to Cardiff County Council, Taff and Linc Cymru Housing Associations but his case had been deferred as until now as he had been evicted from the YMCA and his whereabouts were unknown.

A further general application was received from the applicant on 8 March 2007 following which supplementary information was requested.

- (ii) The case was initially presented to the Common Exclusion Panel on 15 May 2007, the Panel considered the supplementary information together with further information from the applicant's solicitor.
- (iii) A request for appeal was received by the Committee Services on 8 June 2007 together with a request by the appellant's solicitor for a three week extension to the 21 days submission date which was agreed following legal advice provided by the Council's legal representative.
- (iv) The case was considered by the Panel again on 14 June 2007 and 26 June 2007 to reconsider its original decision. The Panel upheld the original decision on both occasions to exclude the applicant from the waiting list for a period of 12 months due to his persistent anti-social behaviour.

The Committee considered all the evidence before it together with representations made by the Officers of the Housing & Safety Unit and sought clarification on a number of the points raised.

The Committee noted the information set out in a letter from the Appellant's solicitor supporting his case together with information set out in a statement from the Appellant.

The Committee having considered all the evidence before it were of the view that the decision of the Common 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 N A	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.• The applicant had not demonstrated that he had significantly improved his behaviour since his initial offence for which he had received a custodial sentence.• The Committee upheld the decision of the Exclusion Panel to exclude the applicant from the waiting list for 12 months.

Signed

Date