

## APPEALS COMMITTEE

23 AUGUST 2007

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

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

### A3 : 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 the Local government Act 1972 and Category 3 of the Local Authority's (Access to Information) (Variation) (Wales) Order 2007 as follows:-

"Category 3 – Information which is likely to reveal the identity of an individual".

### A4 : REVIEW OF DECISION TO EXCLUDE

Mr K L F

The appellant was present at the hearing.

Mike Friel, Operational Manager, Strategy, Advice & Support and Chris Fox, Housing Safety Unit Manager, were present to represent the Council at the hearing.

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 & Safety Unit.

Prior to submissions being put forward by both parties, the Committee's attention was drawn to a letter from the National Probation Service (Page 29 of the report refers), it was clarified that the National Probation Service was represented on the Panel that had made the original decision to exclude Mr K L F from the waiting list, in view of this, the Committee was asked to note that the supporting evidence contained in the letter had been written on behalf of the applicant and was not the view of the

Probation Service.

The Committee noted this information.

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 made a general application to the Council on the 5 February 2007.
- (ii) Following consideration of the Housing Application, further supplementary information was requested which was received on the 14 March 2007. The applicant disclosed a conviction for ABH in May 2006 for which he had received a two year Rehabilitation Order.
- (iii) As a result of the supplementary information received, the application was referred to the Common Exclusion Panel for consideration. The Panel which met on the 26 June 2007 was concerned that there had been incidents of domestic abuse. The Exclusion Panel based on the information submitted, unanimously concluded that the applicant should be excluded from the waiting list for the period of 12 months for offences attributable to domestic abuse.
- (iv) In accordance with the procedure, the Review Exclusion Panel met again on the 2 August 2007 when it concluded that the information contained in the applicant's submission contained no new information to support the applicant's case and the decision made at the Exclusion Panel on 26 June 2007 was upheld.
- (v) A request for Appeal was received by Committee Services on the 25 July 2007 together with a letter (written on behalf of the applicant) supporting his application.

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

The Committee came to the view that the decision of the Common Exclusion Panel to exclude the applicant from the waiting list was reasonable, however, the Committee having heard the representations concluded that the timescale for the exclusion should be reduced to 6 months.

RESOLVED – That the decision of the Exclusion Panel be upheld and the Appeal be disallowed.

<u>Applicant</u>	<u>Request</u>	<u>Decision</u>
Mr K L F	Review of the decision to exclude from the waiting list.	<p>(1) The Appeal be disallowed for the following reasons:-</p> <ul style="list-style-type: none"><li>• The applicant had been convicted of offences attributable to domestic abuse which took place in the presence of children.</li><li>• The Committee noted the applicant’s comments that he had successfully completed an Integrated Domestic Abuse Programme and that he had not committed further offences.</li><li>• The Committee did not condone domestic violence but were of the view that the applicant had made a positive commitment to improve his behaviour.</li></ul> <p>(2) Taking into consideration the information provided and the submissions at the Appeal the Committee concluded that the timescale for the exclusion be reduced to 6 months.</p>
Signed .....	.....(Chairperson)	
Date .....	.....	

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