

APPEALS COMMITTEE

21 FEBRUARY 2014

Present: Councillors Judith Woodman (Chairperson), Lent and Murphy

Also: Chris Fox, Senior Lettings Manager, Ellen Curtis, Service Manager (Tenant and Leasehold), Paul Rogers, Tenant Support Worker (Huggard housing charity), Serana Ahmed (Huggard), Julia Reynolds, Legal Services and Paul Burke, Committee Services

A01 : 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 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".

A02 : DECLARATION OF INTEREST

The Chairperson reminded Members of their responsibility under Part III of the Members' Code of Conduct, to declare any interest in general terms and complete 'personal interest forms' at the start of the meeting, and then, prior to the commencement of discussion of the item in question, specify whether it is a personal or prejudicial interest, if the interest is prejudicial, Members would be asked to leave the meeting and if the interest is personal, Members would be invited to stay, speak and vote.

A03 : APPEAL AGAINST DECISION TO EXCLUDE

Case 1 – Appellant Miss JS

Chris Fox, Senior Lettings Manager and Ellen Curtis, Service Manager, Tenant and Leasehold, were present to represent the Council at the hearing.

The Appellant was unable to attend but had previously agreed that Mr Paul Rogers, of Huggard housing charity, should attend to represent her. Mr Rogers was accompanied by Serena Ahmed, also from Huggard. Mr Rogers informed the Committee that the Appellant was unable to attend because she had only very recently received the letter inviting her to the hearing. The Appellant has recently moved and the letter had been sent to her previous address. Mr Rogers stated that the Council had been informed of the Appellant's recent change of address.

The hearing was conducted in accordance with the procedure which was read out for the benefit of those present.

From the information received and the submissions made by Chris Fox, Lettings Manager, the Committee found that:-

- (i) A general housing application had been received from the Appellant on 8 February 2013. The Appellant did not disclose that she had criminal convictions or that she had just been in prison.
- (ii) Information was received from Cardiff Community Housing Association on 19 June 2013 and 23 July 2013 concerning the Appellant's conduct whilst she was a tenant of the Association. This included information on her anti-social behaviour which caused nuisance to her neighbours and led to a number of complaints. It confirmed that a possession order was made in relation to that tenancy in November 2012, and an ASBI was granted by the Court preventing her from returning to the street. It also stated that she was convicted of possession with intend to supply.

Supplementary information was received from the National Probation Service on 12 July 2013 indicating that the Appellant had criminal convictions for Assault, for Possession of and Intent to Supply Amphetamine and for Obtaining Pecuniary Advantage by Deception. The Appellant had received a custodial sentence of eighteen months on 16 May 2012 and had not disclosed these convictions on her housing application form;

- (iii) Cardiff Council received a Supplementary Information Form, completed by the Appellant, on 1 August 2013. On the form the Appellant disclosed her conviction for Intent to Supply Amphetamine.
- (iv) The case was referred to the Common Exclusion Panel, which met on 22 August 2013. The Panel decided to exclude the applicant for a period of 12 months and had come to this decision after considering the Appellant's recent anti-social criminal offence and her conduct whilst a tenant of Cardiff Community Housing Association. The exclusion period ends on 1 August 2014;
- (v) The Appellant requested a review of the decision to exclude her from the waiting list on 26 September 2013;
- (vi) The decision was reviewed by the Exclusion Review Panel on 29 October 2013 and the decision to exclude was upheld.

The Chair invited Mr Rogers to present the Appellant's case.

Mr Rogers informed the Committee of the following

- (i) The main issue for the Appellant is the start date of her exclusion. The Appellant feels it is unfair that her exclusion commenced in August 2013 when she made her housing application in February 2013. She believes the exclusion should commence from February 2013;
- (ii) The Appellant was released from prison on 10 October 2012, after only

serving approximately six months of her sentence, the remainder of which was to be served on licence;

- (iii) There were no incidents at her previous address and she received a good reference from the landlord of that property;
- (iv) The Appellant is now at a position where she wants to move on in her life. The process of considering her housing application, including the subsequent exclusion, review and appeal, has taken up a lot of time. The Council could have dealt with it more quickly and helped the Appellant move on to a point where she has more certainty in her life because she would at least be on the waiting list for accommodation that is more suitable for her and her children.

Chris Fox, Ellen Curtis, Paul Rogers and Serana Ahmed left the meeting to allow the Committee to make a decision.

The Committee, having considered all the information before it was of the view that the decision of the Common Exclusion Panel to exclude Miss JS from the waiting list for a period of 12 months was reasonable and should be upheld.

RESOLVED – That

- (1) The Appeal of Miss JS against the decision of the Common Exclusion Panel to exclude her from the waiting list for a period of 12 months be disallowed for the following reasons:-

The Committee was concerned about the Appellant's failure to disclose her criminal convictions, about the nature of her criminal conviction, her persistent anti-social behaviour whilst a tenant of Cardiff Community Housing Association and about the fact that she was made the subject of an Anti-Social Behaviour Injunction.

- (2) The Committee was unanimous in its view that the decision of the Common Exclusion Panel to exclude Miss JS from the waiting list for a period of 12 months was reasonable and should be upheld.

The Committee agreed that the exclusion period would remain at 12 months ending on 1 August 2014 following which time Miss JS would be eligible to re-apply to the waiting list.