

APPEALS COMMITTEE

MINUTES of a **MEETING** of the **APPEALS COMMITTEE** held in the Blue Room, Level 1, Civic Centre, Tannery Lane, Ashford on the **6TH APRIL 2005**

PRESENT: Cllr. Greaves (Chairman);
Cllrs. Eke, Holland

ALSO PRESENT: Principal Legal Assistant, Senior Member Services Officer
Housing Operations Manager, Homeless Persons Officer

525 ELECTION OF CHAIRMAN

Resolved:

That Councillor Greaves be elected as Chairman for this meeting of the Appeals Committee.

526 MINUTES

Resolved:

That the Minutes of the meeting of this Committee held on the 17th February 2005 be approved and confirmed as a correct record.

527 EXCLUSION OF THE PUBLIC

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely Review of Homelessness Decision, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraph 3 of Schedule 12A of the Act.

528 REVIEW OF HOMELESSNESS DECISION

The Housing Operations Manager submitted a report setting out details of the appeal.

As the Appellant was expected, but had not arrived, the Senior Member Services Officer left the meeting to telephone the Appellant. The Appellant advised that she had a hospital appointment and was thus unable to attend, but asked that the appeal hearing should proceed and requested to be advised of the outcome. The Committee was disappointed that the Appellant was not present, but agreed to proceed with determining the Appeal as requested.

The Housing Operations Manager and the Homeless Persons Officer then presented their report to the Committee and answered Members' questions.

The Principal Legal Assistant read out a letter, dated 21st February 2005, submitted by the Appellant's Solicitors as contained in the Agenda papers. He also read from the Secretary of State's Homelessness Code of Guidance for Local Authorities, particularly paragraphs 6.16 to 6.20 thereof.

All parties left the meeting whilst the Committee reached its decision. The Principal Legal Assistant then returned to assist Members with the wording of their decision.

All other parties then returned to the meeting to be advised of the outcome.

Resolved:

- That**
- (i) the Committee regret that it was not possible for the Appellant to attend in person and to answer the many questions that they wished to ask in connection with the issues arising in this case. To avoid the undoubted stress that would be caused to the Appellant by any further delay, the Committee reluctantly decided to determine the Appeal in her absence as she requested when contacted by telephone on the morning of the Appeal hearing.**
 - (ii) on the information before it, the Committee decided to uphold the decision of the Housing Operations Manager.**
 - (iii) the Appellant is advised that if she is dissatisfied with the decision, she does have a right to appeal to a County Court on a point of law within 21 days.**
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