

APPEALS COMMITTEE

MINUTES of a MEETING of the APPEALS COMMITTEE held in Committee Room 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on Friday, the 10th JUNE 2005

PRESENT: Cllr. Harrington (Chairman);
Cllrs. Cowley, Holland

ALSO PRESENT: Principal Legal Assistant, Senior Member Services Officer,
Member Services Officer, Homeless Persons' Officer, Assistant
Homelessness Officer (part), Shelter Caseworker, The Appellant

52 ELECTION OF CHAIRMAN

Resolved:

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

53 MINUTES

Resolved:

That the Minutes of the meeting of this Committee held on the 6th April 2005 be approved and confirmed as a correct record.

54 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.

55 REVIEW OF HOMELESSNESS DECISION

The Homeless Persons' Officer gave a review of the homelessness decision made on 5th April 2005.

The Shelter Caseworker put questions to the Homeless Persons' Officer.

The Homeless Persons' Officer submitted a statement made by the Assistant Homelessness Officer.

The Shelter Caseworker then put the case for the Appellant and produced documentation in support.

The Assistant Homelessness Officer was called and answered questions from the Shelter Caseworker, the Principal Legal Assistant and Members.

The Homeless Persons' Officer summed up the case for The Council; the Shelter caseworker summed up the case for the Appellant.

The Principal Legal Assistant advised that he would contact the Shelter Caseworker and the Homeless Persons' Officer and advise the decision later that day.

All parties then left the meeting and the committee retired to make their decision.

Resolved:

That the Committee were quite satisfied that the property offered and refused was reasonably suitable for the needs of this homeless family after taking regard of the points made as to the fears of racial harassment on the Stanhope Estate expressed by one of the appellants. The Committee wished to make it clear that it did not consider the risk of racial harassment or abuse was any greater in the Stanhope area than elsewhere. The Committee were told on behalf of the appellants that they both had difficulty in speaking and understanding the English language. It was the duty of the housing authority to tell homeless applicants of their rights and, in particular, that they had the right to seek review of the suitability of an offer of accommodation whether or not that offer was accepted. There was very slight doubt that the Housing Department had fully complied with its obligation in this regard; the Committee heard evidence on behalf of the appellants that, after this decision was made, as a result of an approach from the Local Government Commissioner, the Housing Department had changed the wording of its documentation to ensure that applicants were so aware.

In these circumstances the Committee decided to give the benefit of that slight doubt to the appellants.

The appeal is upheld.

The Committee wished to make it clear to the appellants that the Housing Department may not be in a position to avoid an offer in the Stanhope area and that it was unlikely, given the pressures on the Housing Department, that it would be a house rather than a flat or maisonette.
