

APPEALS COMMITTEE

MINUTES of a **MEETING** of the **APPEALS COMMITTEE** held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on Friday, the **5th AUGUST 2005**

PRESENT: Cllr. Ayres (Chairman);
Cllrs. Mrs Larkin, Wedgbury

ALSO PRESENT: Principal Legal Assistant, Member Services Officer
Housing Operations Manager, Appellant, Appellant's sister

168 **ELECTION OF CHAIRMAN**

Resolved:

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

169 **MINUTES**

Resolved:

That the Minutes of the meeting of this Committee held on the 27th June 2005 be approved and confirmed as a correct record.

170 **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 Appeal Against Decision to Apply Worsened Circumstances Policy, 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.

171 **REVIEW OF DECISION TO APPLY WORSENERD CIRCUMSTANCES POLICY (Paragraph 3)**

The Housing Operations Manager presented the case for applying the Worsened Circumstances Policy and answered questions from Members, the Appellant, the Appellant's sister and the Principal Legal Assistant.

The Appellant, with help of her sister, then put her case to the Committee and answered questions from Members.

The Principal Legal Assistant advised that a decision would be made that day and that it would be confirmed in writing. The Appellant could however wait to be told the decision verbally or he would telephone her with this information immediately after the decision had been made.

The Housing Operations Manager, the Appellant and the Appellant's sister then left the meeting and the Committee retired to make its decision.

Resolved:

That

- **The Committee were satisfied that the Council had fully discharged its obligations to the Appellant.**
- **The Housing Department had correctly applied the Council's adopted Policy that the awarding of points would be suspended for 12 months if an applicant had "deliberately made their housing circumstances worse".**
- **The Committee noted that the Appellant did not agree with the evidence of the Housing Operations Manager that the implications of her refusal of the property were fully explained to her verbally before her refusal.**
- **Although the Housing Operations Manager said he was not able to take the evidence regarding the Appellant's son's health into account as he had already made his decision, the Committee was not so bound and decided to exercise its discretion to reduce the period of suspension from 12 to 6 months from the date of refusal, which would be taken to be 15th February 2005.**

(JV)
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