

APPEALS COMMITTEE

MINUTES of a **MEETING** of the **APPEALS COMMITTEE** held in Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **17TH OCTOBER 2005**

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

ALSO PRESENT: Senior Solicitor, Homeless Persons Officer, Member Services Officer
Appellant, Appellant's representative

291 **ELECTION OF CHAIRMAN**

Resolved:

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

292 **DECLARATIONS OF INTEREST**

Councillor	Interest	Minute No.
Harrington	Code of Conduct (Personal and Prejudicial) as he found he knew the applicant's representative. He then left the meeting.	295

After taking advice from the Democratic Services Manager, the meeting proceeded. The Chairman explained to the Appellant that there would normally be three Members hearing the Appeal, but because Councillor Harrington had declared an interest and had left the meeting there would now only be two. He then asked the Appellant and her representative if they were happy for the hearing to continue with two Members and they confirmed that they were.

293 **MINUTES**

Resolved:

That the Minutes of the meeting of this Committee held on the 5th August 2005 be approved and confirmed as a correct record.

294 **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 Suitability of Temporary Accommodation Offer 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.

295 **REVIEW OF SUITABILITY OF TEMPORARY ACCOMMODATION OFFER**

The Chairman explained the procedure for the hearing and introduced himself, the other Member and the Officers present.

The Homeless Persons Officer presented the case for the Suitability of the Temporary Accommodation Offer and answered questions from Members, the Appellant and the Appellant's representative.

The Appellant's representative, with the help of the Appellant, then put the Appellant's case to the Committee and they both answered questions from Members and the Homeless Persons Officer.

The Chairman advised that a decision would be made that day and that the Appellant could either wait to hear the decision verbally or be telephoned with the decision immediately after the decision had been made. The Appellant, Appellant's representative, Homeless Persons Officer and Member Services Officer then left the meeting and the Committee then retired to make its decision.

Resolved:

That the Committee had been asked to consider the reasonableness of accommodation for the Appellant and her baby daughter.

At the point at which the property was let, neither the Council nor the Appellant could have foreseen the disturbance that the Appellant would suffer from people knocking at the door and windows of the property at any time of the day or night.

It transpired that the previous occupant's activities and connections were the reason for these disturbances.

The Committee has taken into account the fact that the Appellant was suffering from mobility problems and is due to undergo further surgery and rehabilitation later this year. The Committee was also concerned that the Appellant had a very young baby and was separated from her at night.

Taking all these matters into account the Committee decided to allow the appeal and made the decision that it was an unreasonable offer.

(JV/AEH)
MINS:AXXX0542