

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
MONDAY 3 MARCH 2014 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Anslow, C.	Cartwright, Mrs. S
Bottomer, B.	Todd, Mrs. D

1. Appointment of Chairman

Councillor Mrs. S. Cartwright was appointed Chairman for the meeting.

2. Apologies

No apologies were received.

3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No declarations of interest were made.

4. Exclusion of the Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 2 and 3, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

5. Appeal Against Refusal of Tenancy Succession

Consideration was given to the Not for Publication Report of the Head of Housing and Waste Management (Item 5.1 – 5.17 of the Official Minutes of the Council).

The Appellant and his representative were in attendance to present the Appellant's case.

The Chairman introduced the Members present, and invited the appellant, appellant's representative and Council officers to introduce themselves, and then outlined the procedure for the Hearing.

The Officer presented the Council's case by taking the Panel through the report. The Appellant and Appellant's Representative and Members of the Panel were then afforded the opportunity to ask questions of the Officer. The Appellants Representative asked for clarification on the policy of two successions on a tenancy.

The Appellant's Representative presented the Appellant's case on his behalf. The Officer and Members of the Panel were then afforded the opportunity to ask questions of the Appellant and Appellant's Representative.

All parties were given an opportunity to sum up their respective cases.

The Appellant, Appellant's Representative and the Officer then left the room to enable the Panel to deliberate in private, calling on only the Council's Legal Advisor and Senior Committee Officer for advice.

All parties returned to the meeting and the Chairman outlined the decision of the Panel as follows:-

Decision

It was the unanimous decision of the Panel to allow the Appeal to the extent that whilst the Appellant cannot in law succeed to his late mother's tenancy, the Panel will allow him to remain in the property and thus he will be granted an Introductory Tenancy of the said property.

Reasons for Decision

The Panel has carefully considered all relevant factors, issues and the representations made on behalf of the Appellant. It accepts that both the law and the Council's Succession Policy are very clear in that there has already been one previous succession to the tenancy and thus a second succession is not permissible.

However the Panel is sympathetic to the Appellant's case and of the specific needs of his wife. This is a genuine case where the Panel is of the view that the property currently being occupied is suitable for their needs and there would be no real benefit in moving them on into another property.

The meeting closed at 10.50am

CHAIRMAN