

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**THURSDAY, 24 NOVEMBER, 2011 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Kraujalis, J.T. (Chairman)

Jones, R.  
Snape, P. A.

Sutton, Mrs. H. M.

**1. Appointment of Chairman**

Councillor J. T. Kraujalis was appointed Chairman for the meeting.

**2. Apologies**

An apology for absence was received from Councillor D. I. Dixon.

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

No declarations of interests 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. Tenancy Appeal**

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.3 of the Official Minutes of the Council).

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Panel through the report.

The Appellant was then afforded the opportunity to ask questions of the Officer.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. A Member asked on what basis Social Needs / Welfare Needs were awarded which were detailed by the Officer. The Officer was asked what the circumstances would be if the Appellant's ex-wife became ill and it was explained that the case would be reviewed should there be a transfer of care. It was reported that no complaints had been made against the Appellant. The Officer was asked how long it took for people to be re-housed and he explained that he could not give a precise timescale, but for people on band 2 it could take between 18 months to two years.

The Appellant presented his case. He informed the Panel that he was living in a one bedroom flat but needed two bedroom accommodation with an enclosed rear garden in order that he could have more access to his son who had severe learning difficulties and complex health needs and this would also enable his ex-wife to have more respite rest. He explained that he was having problems with anti social behaviour from a resident in the flats.

The Officer was afforded the opportunity to ask questions of the Appellant. He asked why the Appellant had withdrawn his interest in the two bedroom property he had been offered and was informed that it was due to its location. The Officer asked how often the Appellant had access to his son and was informed that he stayed alternate weekends, Friday to Sunday evening, and during school holidays. He was asked if the anti social behaviour issue had been reported to the Housing Department and he stated that it had.

Members of the Panel were afforded the opportunity to ask questions of the Appellant. A Member asked if he had viewed the two bedroom property, the Appellant reported that he had not as he did not like the area where it was located. The UChoose system

allowed people to choose the area where they wanted to be housed. He had made expressions of interest in other vacant properties which were listed in an annex to the Report. A Member asked if the Appellant's ex-wife had written a letter of support and evidence to support the respite issue. The Appellant explained that this had not been provided, but he would look into this issue.

The Officer of the Council was requested to sum up his case. He reported that the Appellant's need for a 2 bed house was accepted. The Medical Needs and Special Needs applications were considered by Officers, including the Head of Housing and no priority was awarded. The Appellant was not prevented from seeing his son as he lived in close proximity to his ex-wife.

The Appellant was then asked to sum up his case. He reported that he wanted to be more committed to his son and give more support to his ex-wife. He needed two bedroom accommodation with a back garden to allow his son to have a secure environment in which to play safely. It was not possible for him to use his ex-wife's house and garden.

The Panel then deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

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

**RESOLVED:**

That, having considered all the information submitted to it, the appeal be dismissed and the Housing Services Department decision not to award him a social/hardship priority in relation to his current application for re-housing be upheld.

### **Reasons for the Decision**

The Panel had carefully considered all relevant factors, issues and the representations made by the appellant and by the Tenancy Services Manager. It was the view of the Panel that the Housing Services Department had made the correct decision not to award the applicant additional priority, as the particular circumstances of the case were not considered exceptional. The Council's policies had been correctly applied and followed.

However, the Panel did have sympathy with the applicant's situation and wanted the Housing Department to assist him all it could. The Panel expressed its wishes for the applicant's case to be reviewed to take into account some of his other circumstances, particularly with regard to his ex-wife.

## **6. TENANCY APPEAL**

Prior to consideration of the Report, Members were advised that the Appellant would not be present as he was in prison. The Panel received advice from the Council's legal advisor on what actions they were able to take. The Panel agreed to consider the application in the Appellant's absence.

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 6.1 – 6.3).

The Officer presented the Council's case by taking the Panel through the Report. Members were afforded the opportunity to ask questions of the Officer.

The Panel moved to the next part of the procedure as the Appellant was not present to ask questions of the Officer nor present his case.

The Officer was afforded the opportunity to sum up his case.

The Panel then deliberated in private calling on only the Council's legal advisor and Senior Committee Officer for advice.

The Officer returned to the meeting and the Chairman outlined the decision of the Panel as follows:-

RESOLVED:

That, having considered all the information submitted to it, the appeal be dismissed and the Housing Services Department decision to exclude the appellant from the Housing Register be upheld.

### **Reasons for the Decision**

The Panel carefully considered all relevant factors, issues and the written representations made on behalf of the appellant. The Panel had concerns over the appellant's criminal convictions and in particular his most recent conviction for racially aggravated assault for which he was currently serving a custodial sentence. Such behaviour was not acceptable and the decision to exclude him from the Housing Register was correct and proportionate in all the circumstances and accords with the relevant legislation and guidance in force. However, the Panel stated that the appellant would still be able to re-apply to the Council for housing accommodation in the future should he so wish.

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CHAIRMAN

The meeting ended at 11.25 a.m.