

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
TUESDAY 2 MARCH 2010 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Burnett, J. (Chairman)

Davies, D.N.
Dixon, D.I.

Grice, Mrs. D.
Grocott, M.R.

1. Apologies for absence

There were no apologies for absence.

2. Declarations of Interests of Members in Contracts and Other Matters

There were no declarations.

3. Appointment of Chairman

Councillor J. Burnett was appointed Chairman for the meeting.

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).

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
APPEALS AND COMPLAINTS PANEL
TUESDAY 2 MARCH 2010 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 2

5. Appeal against exclusion from Housing Register

Consideration was given to the Not for Publication Report of the Head of Housing (Enclosure 5.1 – 5.4 of the Official Minutes of the Council).

The Appellant and her representative attended the hearing to present her case.

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. The Appellant advised that she was not evicted because of her offence and that the offences occurred in 2008 and not 2009. The Appellant presented a letter from her Probation Officer and also a statement which clarified and corrected a number of errors contained within the Officer's report. These were circulated to Members for information.

Members of the Panel were then afforded the opportunity to ask questions of the Officer. A Member asked the Officer to confirm the procedure in respect of prospective tenants who had convictions. The Officer explained that prospective tenants could be excluded from the housing register depending on their convictions. If the behaviour which resulted in their conviction had been conducted in a Council property then they would have been evicted for a serious breach of tenancy conditions. The Officer was further asked whether the Council housed ex-offenders. The Officer stated that ex-offenders were offered Council properties but it would depend on what the conviction was for, the sentence imposed and whether it was spent. Additionally, an ex-offender would not be offered a property if it was considered that other tenants would be at risk by granting the tenancy.

Another Member asked whether Officers were aware of the Appellant's conviction when she applied for housing. The Officer advised that the Council became aware of the conviction at a later date when she made application to the homelessness team. It was not disclosed on her housing application form.

The Officer was asked to confirm how long someone would be excluded from the housing register following release from prison. The Officer stated that depending

upon the convictions there could be a total exclusion from the register or a temporary exclusion which could be reviewed.

The Appellant was then afforded the opportunity to put her case. She stated that she had not disclosed the conviction on her application form as this was completed in January 2009 and she wasn't convicted of the offences until June 2009. When she was released from prison in October 2009 she informed the allocations team during her interview. She had received two conflicting letters, one which explained that she had been placed in Band 2 which placed her in a high position for potential allocation to a one bed flat, and the other informed her of her exclusion from the housing register due to her conviction.

She advised Members that she had pleaded guilty to the two offences as the tenancy was in her name and she was aware of the criminal activity, although it was not her fault. As it was her first offence she did not think she would receive a prison sentence.

The Officer was then afforded the opportunity to ask questions of the Appellant. She stated that the Appellant's housing application had been cancelled following receipt of further information regarding her conviction.

Members of the Panel were then afforded the opportunity to ask questions of the Appellant. In response to a question, the Appellant confirmed she had been released from prison in October 2009 and was on-licence until 2 December 2010. She applied for housing in January 2009 prior to being sentenced. She remained on the housing list whilst in prison and had informed Officers of her change in circumstances, namely that she had been to prison. She stated that she had been on the Council's housing list for 20 years but in the meantime had been taking private tenancies. She had previously been a live-in carer for a disabled person and had applied for housing when he had passed away. She was currently lodging with her parents who were both suffering from ill health and needed their own space.

A Member asked whether the Appellant had her own bedroom at her parents' house and she confirmed that she had.

A Member expressed concern regarding the conflicting information given to the Appellant about firstly being placed on the housing register and then being informed she had been excluded.

Another Member explained that the Appellant had received the conflicting information as she had completed the housing application form prior to being sentenced and going to prison. She had been placed in Band 2 and informed she was in a high position for potential allocation of a one bed flat. However, at this time the Housing Team were unaware of the pending Court Case and subsequent jail term. The Housing Team then became aware of this information and the Appellant was informed that she had been excluded from the housing list.

A Member questioned the Appellant regarding how the electricity had been abstracted in her property. She said it had been done professionally by by-passing the meter but not by her. She confirmed that her friend did not live at her property but he had been growing the cannabis and abstracting the electricity from her property. He received a

21 month jail sentence.

Finally, both parties were afforded the opportunity to sum up their respective cases.

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

RESOLVED:

- (A) That, having considered all the information submitted, the Appellant's appeal be dismissed and the Officer's original decision be upheld.
- (B) That the Appellant be invited to make a further application for access to the housing register in 12 months time from 2 March 2010, subject to her not being convicted of any other offences in the meantime.

Reasons for the Decision

The Appeals and Complaints Panel has decided to uphold the Tenancy Services Manager's original decision to exclude you from the housing register as a result of you being guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant of Cannock Chase Council.

The Panel were satisfied there has been unacceptable behaviour which falls within the definition in Section 160A(8) of the Housing Act 1996, and that had you been a tenant of the Council at the time of this unacceptable behaviour, the Court would have found it reasonable to grant an outright possession order against you.

Accordingly, the Panel agreed, having regard to your current circumstances, that you are unsuitable to be a tenant.

However, the Panel invites you to make a further application for access to the housing register in 12 months time, subject to you not being convicted of any other offences in the meantime. The 12 month period will start from the date of the Appeal Hearing, namely, 2 March 2010.

CHAIRMAN

The meeting ended at 11.00 a.m.