



GREAT YARMOUTH
BOROUGH COUNCIL

AGENDA

for the

HOUSING APPEALS COMMITTEE

30 July 2008

at 10.00 am

**LARGER PRINT COPY AVAILABLE
PLEASE TELEPHONE: 01493 846325**

HOUSING APPEALS COMMITTEE

To be held in the Council Chamber, Town Hall, Great Yarmouth
on Wednesday, 30 July 2008 at 10.00 am

A G E N D A

DECLARATIONS OF INTEREST

You have a **PERSONAL INTEREST** in a matter being discussed at a meeting IF

- It relates to something on your Register of Interests form; or
- A decision on it would affect you, your family or friends more than other people in your Ward.

You have a **PREJUDICIAL INTEREST** in a matter being discussed at a meeting IF

- It affects your financial position or that of your family or friends more than other people in your Ward; or
- It concerns a planning or licensing application you or they have submitted
- **AND IN EITHER CASE** a reasonable member of the public would consider it to be so significant that you could not reach an unbiased decision.

If your interest is only **PERSONAL**, you must declare it but can still speak and vote. If your interest is **PREJUDICIAL**, you must leave the room. However, you have the same rights as a member of the public to address the meeting before leaving.

1. MINUTES

To confirm the minutes of the meeting held on 30 April 2008 (pages 1 - 3).

2. EXCLUSION OF PUBLIC

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 Part I of Schedule 12(A) of the said Act."

***3. APPEAL AGAINST REFUSAL OF MUTUAL EXCHANGE**

... The Appeals and Policy Team Manager's report and associated documentation are attached (pages 4 - 5, green paper).

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HOUSING APPEALS COMMITTEE

30 April 2008 – 10.00 am

PRESENT:

Councillor Cook (in the Chair); Councillors Ames, Blyth, Burroughs, M Coleman, Field, B Taylor and D Thompson.

Councillor Pettit attended as a substitute for Councillor Holmes.

Mr A Thompson (Appeals and Policy Team Manager), Mrs N Swann (Legal Services Manager and Deputy Monitoring Officer) and Mrs C Webb (Member Services Officer).

An apology for absence had been received from Councillor Cunniffe.

1. MINUTES

The minutes of the meeting held on 26 March 2008 were confirmed.

2. EXCLUSION OF THE PUBLIC

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the said Act.

3. APPEAL AGAINST REFUSAL OF DISCRETIONARY HOUSING PAYMENT

The Committee received the Appeals and Policy Team Manager's report and associated documentation, relating to an appeal against the refusal of Discretionary Housing Payment (DHP).

At the Housing Appeals Committee meeting held on 26 March 2008, Members considered this application for Discretionary Housing Payment.

The decision of Members at that meeting was as follows:-

- (i) That the Appellant undertook a physical examination by a Medical Practitioner of the Council's choosing and granted full access to his medical records.

- (ii) That subject to the report by the Council's Medical Practitioner, the application would be re-assessed by the Committee in order for Members to make a fully informed decision.
- (iii) That this was also subject to the condition that the Appellant actively sought and accepted (if offered) a suitable Council property.

The Appeals and Policy Team Manager had since written to the Appellant and his representatives informing them of the Committee's decision. The Appellant and his representatives had contacted the Council and informed us that the Appellant was not prepared to undertake a medical examination and that he would not be re-applying to go on the Council's Housing Waiting List.

The Legal Services Manager and Deputy Monitoring Officer stated that the Appellant had not complied with the requests of the Committee to furnish the relevant medical reports to allow them to reach a decision regarding the award of DHP. The Committee should therefore now make a decision as to whether to pay DHP.

Members reiterated that the reason why the Committee had requested that the appellant underwent a physical examination by a Medical Practitioner was due to the fact that his medical grounds formed a major part of his application and Members did not feel qualified to make a decision on medical grounds.

A Member informed the meeting that she found the style of the Appellant to be unpleasant when pursuing his application for DHP. The Appeals and Policy Team Manager informed the meeting of the response received from the Appellant's representative regarding his choice of language within his application.

A Member suggested that the Committee could offer the Appellant a one bedroom Council property. However, the Chairman stated that this was not within the remit of this Committee.

Members unanimously agreed to uphold their original decision that no further Discretionary Housing Payments would be paid to the Appellant unless he complied with the conditions made by the Committee on 26 March 2008.

RESOLVED:

- (i) That no further Discretionary Housing Payment would be made unless the Appellant undertook a physical examination by a Medical Practitioner of the Council's choosing and granted full access to his medical records.
- (ii) That subject to the report by the Council's Medical Practitioner the application would be reassessed by the Committee in order for Members to make a fully informed decision.
- (iii) That this was also subject to the condition that the Appellant actively sought and accepted (if offered) a suitable Council property.
- (iv) That any future application be dealt with under existing Council policy.
- (v) That this application was now concluded.

4. CLOSURE OF MEETING

The meeting closed at 10.40 am