



GREAT YARMOUTH
BOROUGH COUNCIL

AGENDA

for the

HOUSING APPEALS COMMITTEE

26 March 2008

at 10.00 am

**To be held in the Council Chamber
Town Hall Great Yarmouth**

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

HOUSING APPEALS COMMITTEE

To be held in the Council Chamber, Town Hall, Great Yarmouth
on Wednesday, 26 March 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 16 January 2008 (pages 1 - 2).

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 DISCRETIONARY HOUSING PAYMENT**

... The Appeals and Policy Team Manager's report and associated documentation is attached (pages 3-5, green paper).

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HOUSING APPEALS COMMITTEE

16 January 2008 – 10.00 am

PRESENT:

Councillor Cook (in the Chair); Councillors Ames, Blyth, Burroughs, M Coleman, Cunniffe, Easter, Field, Hacon, Jeal and D Thomson.

Mr G Devon (Area Housing Manager), Mr A Thompson (Appeals and Policy Team Manager) and Mrs C Webb (Member Services Officer).

Apologies for absence were received from Councillors B Taylor and Holmes.

1. MINUTES

The minutes of the meeting held on 14 November 2007 were confirmed.

2. EXCLUSION OF 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(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12(A) of the said Act.

3. APPEAL AGAINST REFUSAL OF MUTUAL EXCHANGE

The Committee received the Area Housing Manager's report and letters of appeal relating to an application for a mutual exchange. Members were informed that the application had been refused, as the applicant did not meet the higher criteria required for Wherry Way and they were not in need of the extra levels of care.

The Area Housing Manager explained the circumstances of the case and reported that the decision had been taken in line with Council procedures for dealing with such cases and was consistent with Homeselect policy.

Members of the Committee considered all the information that was available to them. A lengthy discussion ensued in respect of the tenants who wished to move to Gorleston to be nearer their daughter for family support. Members sympathised with the applicant's case and recognised the importance of the provision of suitable accommodation near the applicant's family.

The Area Housing Manager informed the meeting that he would refer the case to the Homeselect Assessment Panel to see if the level of the care needs for the applicant could be re-assessed.

RESOLVED:

- (i) That the Area Housing Manager be asked to refer the applicant's case to the Homeselect Assessment Panel.
- (ii) That the Area Housing Manager's decision to refuse the application for mutual exchange be upheld.

4. APPEAL AGAINST REFUSAL OF DISCRETIONARY HOUSING PAYMENT

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

The Appeals and Policy Team Manager informed the Committee of the background to the appeal. A lengthy discussion took place in respect of the applicant's request for a Discretionary Housing Payment.

The Appeals and Policy Team Manager highlighted the applicant's reasons for his latest move as stated in the supporting documentation. He also drew the attention of the Committee to the information submitted by the applicant, in respect to private healthcare treatments which he had funded, as stated in the supporting documentation.

The report states that the amount of DHP requested is £45.00 per week. However, that has now been reduced to £37.50 per week due to a recent revision of the local reference rent.

Members requested that the applicant should allow the Council's Medical Representative access to his medical files to enable the Council to fully assess his medical needs.

Members of the Committee considered the extensive information that was available to them. They raised concerns over the content and language used by the applicant in his submissions to Members and Council Officers.

A proposal was made to uphold the appellant's appeal on condition that the appellant granted the Council's Medical Advisor full access to his medical files and agreed to undertake a physical examination by the Council's Medical Representative.

RESOLVED:

- (i) That the appeal against the refusal of Discretionary Housing Payment be upheld on condition that the appellant grants full access to his medical files and agrees to undertake a physical examination by the Council's Medical Representative.
- (ii) That subject to the report by the Council's Medical Representative, the amount of Discretionary Housing Payment awarded be in the amount of £37.50 per week which is the difference between the full amount of the appellant's rent and the amount of Housing Benefit to which the appellant is entitled. The award should be reviewed every six months.
- (iii) That the award is also subject to the condition that the appellant actively seeks and accepts (if offered) a suitable Council property.