

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Housing Appeals Panel   **Date:** Wednesday, 31 August 2005

**Place:** Civic Offices, High Street, Epping                                 **Time:** 4.00 - 5.05 pm

**Members Present:** D Stallan (Vice-Chairman in the Chair), K Angold-Stephens, Mrs P K Rush and Mrs R Gadsby

**Other Councillors:** (none)

**Apologies:** Mrs J Davis and Ms S Stavrou

**Officers Present:** A Hall (Head of Housing Services) and G Lunnun (Democratic Services Manager)

### 12. MINUTES

The Panel noted that the minutes of the meeting held on 14 July 2005 had not yet been circulated.

**RESOLVED:**

That approval of the minutes of the meeting of the Panel held on 14 July 2005 be submitted to a future meeting for approval.

### 13. SUBSTITUTE MEMBERS

It was noted that Councillor Mrs R Gadsby was substituting for Councillor Ms S-A Stavrou. The Chairman welcomed Councillor Mrs Gadsby to her first meeting of the Panel.

### 14. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Member Conduct.

### 15. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED:**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act indicated:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
6	Appeal No: 13/2005	3
7	Appeal No: 14/2005	3

8

Previous appeals –  
current position

3 and 4

**16. APPEAL NO. 14/2005**

The Panel was advised that the appellant had telephoned the Civic Offices earlier in the day and had advised that his wife had left him and taken the children and that he no longer saw any reason to pursue his appeal to the Panel. He had also advised that he was no longer residing at the Council's homeless hostel. He had been reluctant to withdraw the appeal in writing. It had been suggested that a letter would be sent to him confirming his withdrawal of the appeal and he had said that he could not provide an address for such a letter as he was moving between friends as and when they could accommodate him. He had advised, however, that he was due to return to the Council's homeless hostel in the near future in order to collect his possessions. It had been agreed, therefore, to address a letter to him at the hostel confirming the withdrawal of his appeal and that this letter would be handed to him when he attended the hostel to collect his possessions.

**RESOLVED:**

That the withdrawal of appeal number 14/2005 be noted.

**17. APPEAL NO.13/2005**

The Panel was advised that this appeal was against a decision of the Housing Resources Manager acting under delegated authority not to pursue the appellant's Right to Buy application be withdrawn.

The Panel was advised that earlier in the day, the appellant had telephoned the Civic Offices to advise that the District Councillor who was due to represent him at this meeting was no longer prepared to do so. The appellant had stated that he did not feel able to attend the hearing alone and had asked for the hearing to be deferred for two weeks. The appellant had been advised that it would be a matter for the Panel to decide whether to defer consideration of the appeal and it had been suggested that the request would carry greater weight if the appellant attended the hearing to explain to the Panel his reasons for requiring a deferment.

Mrs S Lindsay, Housing Resources Manager, and the appellant attended the meeting. Mr A Hall, Head of Housing Services, was in attendance to advise the Panel as required on legal issues and details of the national and local housing policies relative to the appeal.

The Chairman asked the appellant to explain his reasons for seeking a deferment of the hearing. The appellant advised that he needed assistance in presenting his case and that until the day before this hearing he had been under the impression that a district councillor, whom he had approached, would represent him. However, that councillor had advised him on the day before the meeting that he would not be attending the meeting. The appellant also advised that he was unwell and that he had been attempting to obtain a doctor's letter to put before the Panel in support of his case. He said that he had seen his doctor two weeks ago and had requested a letter but it had not yet been received. The appellant stated that the doctor had been aware of the need for the letter to be available for today's meeting and offered to provide details of the doctor's secretary so that confirmation could be obtained of the position, if required.

The appellant answered questions from members of the Panel. He said that he may have mentioned once in a telephone conversation with a Council officer that his

illness might cause a delay in the sale proceedings but he could not be sure. He confirmed that on the application form to the Panel he had indicated that his father would be attending the hearing. However, his grandmother had died recently and his father was attending the funeral abroad. In any event the presence of his father would be for moral support only and not to present the case. The appellant agreed that a letter dated 12 April 2005, sent to the Council, looked unprofessional but it had been written by his doctor. Mrs Lindsay confirmed that Council officers had questioned the validity of the letter sent by facsimile but that the original letter had since been received and the officers were now satisfied that the letter had been written by the appellant's doctor. To clarify matters she said that the letter the appellant was still awaiting in relation to his health was a letter from a consultant.

In response to a question from the Chairman, Mrs Lindsay said that she did not consider that there was any need to defer consideration of the appeal.

The Panel considered the representations made by the appellant for a deferment. They concluded that it ought to take account of the views of the appellant's consultant. It also agreed that the appellant should be given sufficient time to obtain another representative to present his case.

**RESOLVED:**

- (1) That consideration of appeal no. 13/2005 be deferred;
- (2) That the appellant be provided with details of District Councillors, Town Councillors, and the Citizens' Advice Bureau to assist him in finding another representative to present his case; and
- (3) That the appeal be considered at the next meeting of the Panel to be held on 22 September 2005, and that the appellant be advised that if he wishes to submit further documents in support of his appeal, these must be received by 9 September 2005.

**18. PREVIOUS APPEALS - CURRENT POSITION**

The Panel received a report detailing progress on recent appeals where the cases were still active within Housing Services.

The Head of Housing Services reported that since the schedule had been prepared the appeal about the suitability of accommodation offered to the appellant in appeal number 9/05 had been dismissed. Accordingly, that case could be deleted from the schedule. In relation to appeal number 2/2005, compensation had not been sought by the appellant and that case could also be deleted from the schedule, although use of the hard standing would continue to be monitored by officers. Following consideration of appeal number 5/2005, the Housing Portfolio Holder had met with representatives of the North Essex Mental Health Partnership NHS Trust and a letter summarising the outcome of that meeting had been sent to all members and substitutes of the Panel.

**RESOLVED:**

That the progress report on previously heard cases be noted.

**CHAIRMAN**