



# Epping Forest District Council

## **HOUSING APPEALS PANEL** **Thursday, 19th January, 2006**

<b>Place:</b>	Civic Offices, High Street, Epping
<b>Room:</b>	Committee Room 1
<b>Time:</b>	4.00 pm
<b>Democratic Services Officer</b>	Graham Lunnun (Research and Democratic Services) Email: <a href="mailto:glunnun@eppingforestdc.gov.uk">glunnun@eppingforestdc.gov.uk</a> Tel: 01992 564244

Members:

Councillors Mrs J Davis (Chairman), D Stallan (Vice-Chairman), K Angold-Stephens, Mrs P K Rush and Ms S Stavrou

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**1. APOLOGIES FOR ABSENCE**

**2. MINUTES (Pages 5 - 36)**

To agree the minutes of the meetings of the Panel held on 24 November, 28 November and 13 December 2005 (attached).

**3. SUBSTITUTE MEMBERS**

(Head of Research and Democratic Services) To report the attendance of any substitute members for the meeting.

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**5. HOUSING APPEALS PANEL - TITLE AND PROCEDURE**

**Recommendation:**

**That the Panel be renamed “Housing Appeals and Review Panel”.**

(Head of Research and Democratic Services) Counsel’s advice in relation to an appeal against a decision of the Panel concerning a homelessness case has highlighted the need to distinguish between the different roles of the Panel.

When considering homelessness cases, the Panel is conducting a review of an officer’s decision under section 202 of the Housing Act 1996, as amended. Counsel has advised that the use of the word “appeal” in such cases, which has been the practice at this Council, is unfortunate. He has emphasised that the section 202 review is part of an administrative process and a case must be considered afresh with an open mind and on the basis of all the evidence. He has further advised that it is not the Panel’s function to reach a narrow decision as to whether or not the officer’s original decision was correct as a matter of law. Rather, the Panel must decide the broad question of whether or not the decision was correct starting from scratch.

Officers are confident that the Panel has been considering these cases correctly but the frequent use of the words “appeal” and “appellant” in the agenda/reports, minutes and procedure could lead to confusion if, and when, a matter is heard in the County Court. Accordingly, it is proposed that the title of the Panel be altered and that references in the agenda/reports, minutes and procedure to “appeal” and “appellant” in homelessness cases should be replaced with “application” and “applicant”.

In relation to other matters coming before the Panel, eg. vehicular crossovers across Council-owned land, the Panel will continue to be considering an appeal.

**6. DETERMINATION OF MATTERS BEFORE THE PANEL**

**Recommendation:**

**To consider proposed changes to be reported orally on the manner in which matters can be presented to the Panel.**

(Head of Housing Services) At present, a person wishing to have a matter considered by the Panel can elect to put their case in person or ask the Panel to make a decision using only the written submissions of the person and the appropriate Housing officer.

It is considered that the current arrangements for written submission cases are in need of review and proposed changes will be reported at the meeting.

**7. EXCLUSION OF PUBLIC AND PRESS**

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated.

<b><u>Agenda Item No.</u></b>	<b><u>Subject</u></b>	<b><u>Exempt information Paragraph Number</u></b>
8	Appeal No. 1/2006	9

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972.

<b><u>Item No.</u></b>	<b><u>Subject</u></b>
Nil	Nil

**8. APPEAL 01/2006 (Pages 37 - 62)**

To consider a restricted report.