LICENSING, APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing, Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Friday 16 June 2017 at 10.00 am.

Committee Members Present: Councillors D Goldson (Chairman), V Bell, J Savage and J Wilby

Apologies: P Hardy

Officers in Attendance: Mr L Parker – Solicitor npLaw, the Housing Options Senior Case Advisor (D Neville) and the Housing Options Officer (D Lawson)

Also in Attendance: Mr F Tom – Social Services

637 MINUTES

The Minutes of the last meeting of the Licensing, Appeals and Complaints Committee, held on 8 May 2017, were agreed and signed by the Chairman.

638 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press 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 1 of Part 1 Schedule 12A of the Act (as amended).

639 REVIEW OF HOUSING DECISION

(The appellant was not in attendance).

The Chairman welcomed Mr Tom and the housing officers to the meeting. Mr Tom advised the Panel that he had spoken to the appellants the previous day and that, although they had indicated that they would try to attend the meeting, they felt that the review should be postponed so that their legal representative, who was in court, could be in attendance. Officers advised that they had spoken to Mr Popkin, the legal adviser from Shelter, who clarified that he was not in court but that he did not intend to attend the review and instead had forwarded a written submission, which had been circulated previously to members of the Panel.
The Panel considered the request to postpone the review but concluded that, as the date had already been changed to suit the appellants and because it had been made clear to all parties that the review would still proceed if they did not attend, they would conduct the review in the absence of the appellants.

The Chairman outlined the process to be followed for the appeal, noting that Mr Tom was in attendance as the appellants’ Social Worker.

The Housing Options Senior Case Adviser and the Housing Options Officer outlined the Council’s case and advised the Panel of the events leading to their decision that the appellants had intentionally made themselves homeless.

Members considered the written submission from Shelter which sought to provide sufficient grounds to persuade the Panel to overturn the decision of officers. In considering the written submission, the Panel noted the three key points, identified by Shelter, as areas for discussion, as follows:

1. The allegations of abusive language and threatening words towards the neighbours had never been tested in court;

2. The injunction instructing the appellants to remove vehicles from their home was complied with within two weeks;

   and

3. The appellant believed that the breaches to the tenancy agreement were due in part to his perceived mental health condition which caused him to have temporary aberrations.

In response, officers provided the Panel with details of the injunction which had been served on the appellant and it was noted that this referred to several points in addition to the requirement for vehicles to be removed from the property, including three points relating to anti-social behaviour. It was suggested that, as the injunction had been served, all points including those of anti-social behaviour, had been tested in court. It was also noted that although the appellants had removed the vehicles within two weeks of the injunction, these were replaced at a later date. When considering the appellant’s statements regarding his mental health, it was noted that this was not corroborated by any medical evidence and that his behaviour had been continuous over a period of time rather than in temporary aberrations.

Members considered these key points along with the written correspondence from the appellant, Shelter and officers contained within the agenda papers. After responding to several questions, Mr Tom and the officers left the meeting whilst the application was determined. They were then re-admitted and the Chairman announced the decision.

It was then:

RESOLVED: that, considering the written correspondence from the appellant and the written submission from Shelter, together with evidence from the Council’s officers, the Panel concluded that the Council had reached the correct decision that the appellants had made themselves intentionally homeless.
(The meeting closed at 11.55 am)

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Chairman