

EAST AYRSHIRE COUNCIL

HOUSING APPEALS PANEL

**MINUTES OF MEETING HELD ON THURSDAY 4 SEPTEMBER 2008 AT
1410 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Hugh Ross, Tom Cook, Robert Keohone, Jimmy Kelly and James Sutherland.

ATTENDING: Melanie Barbour, Solicitor; and Jennifer Morrison, Administrative Officer.

CHAIR: The Panel unanimously appointed Councillor Hugh Ross as Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

**PRIVATE LANDLORD REGISTRATION - LATE APPLICATION FEE:
APPEAL NO 1/08**

2.1 ADJOURNMENT/RECONVENTION OF MEETING

As the appellant had not presented herself or sent a representative by 1410 hrs the Panel adjourned at 1411 hrs to take legal advice on whether to proceed with the appeal in her absence, and reconvened at 1415 hrs with the same Members, Officers and Departmental representatives present and in attendance.

Having received advice from the Solicitor that it would be appropriate to continue with the Hearing in the appellant's absence, the Panel agreed to continue with the appeal.

2.2 APPEAL HEARING PROCEDURE

There was submitted and noted a copy of the Appeal Hearing Procedure together with submissions by the Executive Director of Neighbourhood Services and the written Note of Appeal by the Appellant dated 19 May and 10 June both 2008 (all circulated).

As the appellant was not present or represented, the Solicitor who was acting as the legal advisor to the Panel read out the written Note of Appeal by the Appellant dated 19 May and 10 June both 2008 which, it was agreed by the Panel, formed the basis of the appeal.

The Representative of the Executive Director of Neighbourhood Services then presented the Executive Director's case through the leading of evidence from the four witnesses for the Executive Director of Neighbourhood Services, all in accordance with the appeals hearing procedure. The Panel then asked questions of the Executive Director of Neighbourhood Services' Representative and of the four witnesses called by the Department.

Thereafter the Representative of the Executive Director of Neighbourhood Services summed up the Executive Director's without introducing any new information or matters.

2.3 WITHDRAWAL OF REPRESENTATIVES OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

The Representative of the Executive Director of Neighbourhood Services then withdrew from the meeting and the Panel deliberated in private.

2.4 CONSIDERATION AND DETERMINATION OF APPEAL

Having considered the relevant papers submitted, the representations made at the meeting and the evidence given by the witnesses on behalf of the Department, it was agreed that the appeal was not upheld.

2.5 NOTIFICATION OF DECISION

The Panel, in terms of the hearing procedure, noted that the decision would be issued to both parties no later than 10 working days from the date of the hearing.

The meeting terminated at 1520 hrs.