

## **EAST AYRSHIRE COUNCIL**

### **APPEALS SUB-COMMITTEE OF THE HOUSING COMMITTEE**

#### **MINUTES OF MEETING HELD ON WEDNESDAY 8 NOVEMBER 2000 AT 1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors David Macrae, Daniel Coffey, Willie Coffey, Provost Jimmy Boyd and Councillor Jimmy Carmichael.

**ATTENDING:** David Mitchell, Legal Manager; and Stuart Nelson, Administrative Officer.

**CHAIR:** David Macrae, Chair.

#### **EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-Committee 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 2 of Schedule 7A of the Act.

#### **HOUSE LETTING: APPEAL NO 1/00**

##### **2.1 SUBMISSIONS**

There were submitted copies of (a) the Appeals Hearing Procedure; (b) productions to be relied upon by the parties; and (c) lists of witnesses to be called by the parties.

##### **2.2 PRELIMINARY MATTERS**

The appellant's representative requested that the Hearing be adjourned to a later date and set out the reasons for the request. The Sub-Committee then heard representations by the representative of the Director of Homes and Technical Services on the request for the adjournment.

##### **2.3 ADJOURNMENT/RECONVENTION**

The Sub-Committee adjourned at 1405 hours to take legal advice and reconvened at 1417 hours with the same Members, Officers and parties present and in attendance.

##### **2.4 ADJOURNMENT/RECONVENTION**

The Sub-Committee agreed to accede to the request by the appellant's representative and to adjourn the meeting at 1420 hours. The Sub-Committee reconvened on Tuesday 30 January 2001 at 1400 hours in the Meeting Room, Council Headquarters, London Road Kilmarnock with the same Members, Officers and parties present and in attendance except for Councillor Willie Coffey who had intimated an apology for absence.

## **2.5 SUBMISSIONS**

There were again submitted copies of (a) the Appeals Hearing Procedure; (b) the productions to be relied upon by the parties; and (c) the lists of witnesses to be called by the parties, together with supplementary productions to be relied upon by the representative of the Director of Homes and Technical Services.

## **2.6 APPEALS HEARING PROCEDURE**

At the request of the Chair, the Legal Manager outlined the procedure to be adopted at the Hearing.

## **2.7 REPRESENTATIONS ON BEHALF OF THE APPLICANT**

The Sub-Committee heard (i) representations by the appellant's representative; and (ii) evidence from the appellant and then the first of the witnesses for the appellant, all in accordance with the Hearing Procedure.

## **2.8 ADJOURNMENT/RECONVENTION**

The Sub-Committee adjourned at 1545 hours and reconvened at 1552 hours with the same Members, Officers and parties present and in attendance.

## **2.9 CONTINUATION OF REPRESENTATIONS ON BEHALF OF APPELLANT**

The Sub-Committee heard evidence from a further two witnesses for the appellant, all in accordance with the Appeals Hearing Procedure.

## **2.10 REPRESENTATIONS ON BEHALF OF THE DIRECTOR OF HOMES AND TECHNICAL SERVICES**

The Sub-Committee heard (a) representations by the representative of the Director of Homes and Technical Services; and (b) evidence from two witnesses for the Director of Homes and Technical Services, all in accordance with the Appeals Hearing Procedure.

## **2.11 ADJOURNMENT/RECONVENTION**

The Sub-Committee adjourned at 1723 hours and reconvened at 1730 hours with the same Members, Officers and parties present and in attendance.

## **2.12 CONTINUATION OF REPRESENTATION ON BEHALF OF THE DIRECTOR OF HOMES AND TECHNICAL SERVICES**

The Sub-Committee heard evidence from the Director of Homes and Technical Services, all in accordance with the Appeals Hearing Procedure.

## **2.13 SUMMING-UP**

The appellant's representative and the representative of the Director of Homes and Technical Services, in turn, summed-up their respective cases.

## **2.14 WITHDRAWAL OF PARTIES**

Both parties concerned withdrew from the meeting and the Sub-Committee deliberated in private.

## **2.15 CONSIDERATION AND DETERMINATION OF APPEAL**

Having considered the relevant papers submitted, the representations made at the meeting and evidence given by the witnesses, on behalf of both parties, it was agreed:-

- (a) that the appeal was not upheld; and
- (b) that the Director of Homes and Technical Services liaise with the appellant and offer all appropriate advice and assistance in order to enable him to consider how to proceed in respect of his housing circumstances.

## **2.16 RECALL OF PARTIES**

Both parties were recalled and the Chair advised of the decision of the Sub-Committee.

The meeting terminated at 1845 hours.

**AGENDA**