

**APPENDIX II**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON TUESDAY 4 NOVEMBER 1997 AT 1400 HRS  
IN THE COUNCIL CHAMBERS, CIVIC CENTRE,  
JOHN DICKIE STREET, KILMARNOCK**

**PRESENT:** Councillors David Macrae, Douglas Reid, David Fulton and John Smith.

**ATTENDING:** Apryl Chalmers, Senior Solicitor; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillor Drew McIntyre.

**CHAIR:** Councillor 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 2 of Schedule 7A of the Act.

**HOUSE LETTING - REQUESTS TO SUCCEED TO TENANCY**

**2.1 APPELLANT NO 2/97**

There was submitted a report dated 21 October 1997 (circulated) by the Director of Housing on an appeal submitted by Appellant No 2/97 in connection with the tenancy of a Council house.

The Sub-Committee received Christopher McAleavey, Senior Depute Director of Housing and Janette Nightingale, Assistant Area Housing Manager, together with the appellant, who was accompanied by her mother.

The Sub-Committee then heard the Senior Depute Director who summarised the terms of the Director's report, and the appellant put forward her representations. The appellant, with the approval of the Chair, also submitted three letters in support of her appeal.

Councillor John Smith joined the meeting during the Senior Depute Director's summarising of the Director of Housing's report.

Thereafter, following questions put by the Members of the Sub-Committee to, and summing up by, both parties, the Senior Depute Director of Housing and the Assistant Area Housing Manager, together with the appellant and her mother withdrew from the meeting and the Sub-Committee deliberated in private.

The Senior Depute Director of Housing and the Assistant Area Housing Manager, together with the appellant and her mother were then recalled.

The Chair intimated that the Sub-Committee's decision was to reject the appeal against the decision of the Director of Housing not to grant the tenancy of the house concerned to the appellant, the Sub-Committee being satisfied (i) that the appellant was ineligible to statutorily succeed to the tenancy since (a) she had not occupied the house concerned as her principal home for at least one year prior to the death of the secure tenant as required in Section 52 of the Housing (Scotland) Act 1987; and (b) in any event, the deceased secure tenant had previously succeeded to the tenancy of the house concerned and succession on a second occasion was precluded by Section 52 of the above Act; and (ii) that the appellant was ineligible for a non-statutory succession to the tenancy of the house concerned in terms of the Council's House Allocation Policy as she had not occupied the house as her principal home for a period of two years prior to the death of the secure tenant.

## **2.2 APPELLANT NO 3/97**

There was submitted a report dated 24 October 1997 (circulated) by the Director of Housing on an appeal submitted by Appellant No 3/97 in connection with the tenancy of a Council house.

The Sub-Committee received Christopher McAleavey, Senior Depute Director of Housing and Jennifer Queripel, Assistant Area Housing Manager, together with the appellant and her representative.

The Sub-Committee then heard the Senior Depute Director of Housing who summarised the report by the Director of Housing and the appellant and her representative who put forward their representations.

Thereafter, following questions put by the members of the Sub-Committee to, and summing up by, both sides, the Senior Depute Director of Housing and the Assistant Area Housing Manager, together with the appellant and her representative, withdrew from the meeting and the Sub-Committee deliberated in private.

The Senior Depute Director of Housing and the Assistant Area Housing Manager, together with the appellant and her representative, were then recalled.

The Chair intimated that the Sub-Committee's decision was to reject the appeal against the decision of the Director of Housing not to grant the tenancy of the house concerned to the appellant, the Sub-Committee being satisfied (i) that the appellant was ineligible to statutorily succeed to the tenancy as she had not occupied the house concerned as her principal home at the time of the death of the secure tenant, as required in Section 52 of the Housing (Scotland) Act 1987; and (ii) that the appellant was ineligible for a non-statutory succession to the tenancy of the house concerned in terms of the Council's House Allocation Policy as she had not occupied the house as her principal home for a period of two years prior to the death of the secure tenant.

The Sub-Committee agreed that the Director of Housing ensure that the appellant be provided with all appropriate advice and assistance in order to enable her to now consider how to proceed in respect of her housing circumstances.

The meeting terminated at 1515 hrs.