

APPENDIX I

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE HOUSING COMMITTEE

**MINUTES OF MEETING HELD ON MONDAY 8 JUNE 1998 AT 1510 HOURS IN
MEETING ROOM 1, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors David Macrae, Kathleen Hall, David Fulton and James Carmichael.

ATTENDING: Peter Hessem, Senior Solicitor; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Drew McIntyre and Douglas Reid.

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 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.

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2. There was submitted (i) a report dated 3 June 1998 (circulated) by the Director of Housing on Appeal No 1/98 in connection with an application for housing; and (ii) a Letter of Appeal dated 21 May 1998 (circulated) from Douglas Wright, Solicitors, on behalf of the Appellants.

The Sub-Committee received Christopher McAleavey, Senior Depute Director of Housing, and Irene Hall, Housing Officer. The Administrative Officer reported that the appellants had not responded to an invitation to be present at the meeting and confirmed that the appellants were not present, or otherwise represented.

The Sub-Committee then heard the Senior Depute Director of Housing who summarised the report by the Director of Housing. The Senior Depute Director of Housing, with the approval of the Chair, submitted further background papers relative to this case, ie (a) application for assistance under Homelessness Legislation, dated 26 March 1998, submitted by the appellants; (b) applications for housing on medical grounds, dated 26 March 1998, submitted by the appellants; (c) letter dated 24 April 1998 from the Area Housing Manager to the appellants on the outcome of this application; (d) letter of appeal dated 28 April 1998 from the appellants to the Director of Housing; (e) letter dated 28 April 1998 from the Citizens Advice Bureau to the Director of Housing; (f) letter dated 19 May 1998 from the Senior Depute Director of Housing to the appellants on the outcome of the appeal to the Director of Housing; and (g) letters dated 6 April 1998 from the Area Housing Manager to the appellants' previous landlords.

Thereafter, following questions put by the Members of the Sub-Committee, the Senior Depute Director of Housing and the Housing Officer withdrew from the meeting and the Sub-Committee deliberated in private.

After consideration, it was agreed:-

- (i) that the Director of Housing had taken appropriate and adequate action to determine the precise medical circumstances of the appellants; and
- (ii) to reject the appeal against the decision of the Director of Housing that the appellants had no priority need for housing accommodation as defined in Section 25 of the Housing (Scotland) Act 1987, the Sub-Committee being satisfied that although the appellants were homeless in terms of Section 30 of the Housing (Scotland) Act 1987, the outcome of the assessment of their medical conditions did not indicate that either of the appellants could be considered as being vulnerable.

Councillor Hall dissented from this decision since she took the view that consideration of this appeal should be continued to a further meeting of the Sub-Committee pending assessment of the appellants' medical circumstances by Community Care staff within the Department of Social Work.

Councillor Hall left the meeting at this point.

The Senior Depute Director of Housing and the Housing Officer were then recalled, and the Chair advised of the decision of the Sub-Committee as detailed above.

The meeting terminated at 1555 hours.