

APPENDIX III

EAST AYRSHIRE COUNCIL

APPEALS SUB-COMMITTEE OF THE HOUSING COMMITTEE

**MINUTES OF MEETING HELD ON MONDAY 28 JULY 1997 AT 1400 HOURS IN
MEETING ROOM 2, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors David Macrae, Drew McIntyre, David Fulton and John Smith.

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

APOLOGY: Councillor Douglas Reid.

CHAIR: Councillor David Macrae, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. It was agreed that under Section 50 (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 involves the likely disclosure of exempt information as defined in Paragraph 2 of Schedule 7A of the Act.

HOUSE LETTING : REQUEST FOR TENANCY : APPLICANT NO. 125303

2. There was submitted a report dated 18 July 1997 (circulated) by the Director of Housing on an appeal submitted by Applicant No. 125303 in connection with a request for the transfer of the tenancy of a Council House.

The Sub-Committee received John Hillis, Director of Housing and Jennifer Queripel, Assistant Area Housing Manager together with the applicant, and her companion, and then heard the comments of the Director who explained the circumstances of the case and the applicant who put forward her representations. Thereafter, following questions put by the Members of the Sub-Committee to, and summing up by, both sides, the Director of Housing and the Assistant Area Housing Manager, together with the applicant and her companion withdrew from the Meeting and the Sub-Committee deliberated in private.

The Director of Housing and the Assistant Area Housing Manager together with the applicant and her companion 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 applicant, the Sub-Committee being satisfied (1) that the applicant was ineligible to statutorily succeed to the tenancy as she had not occupied the house concerned as her principal home for at least one year prior to the death of the previous tenant, as specified in Section 52 (c) of the Housing (Scotland) Act 1987; (2) that the tenancy of the house concerned could not have been transferred to the applicant since, in terms of the Council's House Allocation Policy, she had not occupied the house as her principal home for a period of two years prior to the death of the previous tenant; and (3) that, otherwise, the tenancy of the house concerned

could not be transferred to the applicant since she was not sufficiently well placed on the sub-tenants waiting list and could not reasonably be allocated this house before other applicants with a higher priority for housing.

The meeting terminated at 1420 hours.