

HOUSING CASES REVIEW SUB COMMITTEE

ABERDEEN, 8 March, 2010. - minute of meeting of the HOUSING CASES REVIEW SUB COMMITTEE. Present:- Councillor Malone, Chairperson and Councillors Cooney, Donnelly, Dunbar (substitute for Councillor McDonald), Hunter, Kiddie and Robertson.

LEASEHOLD REFORM AND URBAN DEVELOPMENT ACT 1993

1. The Head of Legal and Democratic Service addressed the meeting in her capacity as Monitoring Officer in order to provide guidance to the Sub Committee, and highlight section 154 of the Leasehold Reform, Housing and Urban Development Act 1993, which states:-

“A member of a local authority shall be excluded from the decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant where:-

(a) the house in question is situated; or (b) the applicant for the house in question resides, in the electoral division or ward for which that member is elected.”

Mrs MacEachran explained that this would have consequences for the working of this Sub Committee, and that while Councillors would be able to represent housing cases pertaining to their ward, by speaking to any such cases, they should then withdraw from the meeting at the point of any debate or discussion commencing. It was further noted that any Councillors declaration of interest in this respect should be minuted.

The Sub Committee asked a number of questions of Mrs MacEachran, and thanked her for highlighting this issue to them.

The Sub Committee resolved:-

- (i) to note (1) the content of the advice and information provided by the Head of Legal and Democratic Services; and (2) that the relevant extract from the legislation would be circulated to members of the Sub Committee for their information; and
- (ii) to request that the report format be altered to alert Councillors of any housing cases that relate to their electoral ward.

ORDER OF AGENDA

2. Further to the advice provided by the Head of Legal and Democratic Services, and owing to the fact that Councillors would have to now withdraw from the meeting when cases concerning their electoral ward were being considered, the Convener suggested that items 2.1 and 2.10 of the agenda (Housing Case 7374 – Update and Housing Case 7687) be considered as the first items of business, in order that she would only have to withdraw from the meeting on one occasion. It was further suggested that items 2.5 and 2.8 on the agenda (Housing Case 7682

and Housing Case 7685) be considered concurrently on this day in order for Councillor Dunbar to withdraw from the meeting on only one occasion.

The Convener advised that item 2.7 of the agenda (housing case 7684) had been withdrawn by officers, due to the applicant having received and accepted a suitable offer of housing.

The Sub Committee resolved:-

to concur with the suggestions of the Convener, and to note that item 2.7 of the agenda had been withdrawn.

3. MINUTE OF PREVIOUS MEETING

The Sub Committee had before it the minute of its previous meeting of 18 January, 2010.

The Sub Committee resolved:-

to approve the minute as an accurate record

EXEMPT INFORMATION

Before proceeding, the Sub Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 2, 5 and 6 of Schedule 7(A) to the Act.

DECLARATIONS OF INTEREST

The Convener declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in her electoral ward. In order to conform with Section 154 of the Leasehold Reform and Urban Development Act 1993, the Convener chose to withdraw from the meeting prior to consideration of this item.

Councillor Hunter declared a personal interest in the subject matter of the following article, but chose not to withdraw from the meeting.

The Sub Committee unanimously agreed that Councillor Kiddie take the Chair for the following two items of business only.

HOUSING CASE 7374 - UPDATE

3. With reference to article 4 of the minute of its meeting of 2 November, 2009, the Sub Committee had before it a report by the Director of Housing and Environment which provided further information pertaining to the medical and social work background of this case, as requested at the aforementioned meeting of the Sub Committee.

Councillor Boulton had requested that this housing case be referred to the Sub Committee, in order for consideration to be given to the impact the situation outlined within the report was having on the extended family members, in addition to the applicant.

The Sub Committee at this point were circulated an email from Councillor Boulton in support of this housing case.

Councillor Hunter, seconded by Councillor Kiddie moved:-

that the Sub Committee approve option 2 as contained within the report; to agree to offer priority of rehousing to a suitable two bedroom tenement flatted type property within the Peterculter area.

Councillor Donnelly, seconded by Councillor Robertson, moved as an amendment:-

that the Sub Committee agree to the priority rehousing to a two bedroom tenement flatted type property, subject to the applicant widening their areas of choice.

On a division, there voted:- for the motion (3) – Councillors Cooney, Hunter and Kiddie; for the amendment (3) – Councillors Donnelly, Dunbar and Robertson; absent from the division (1) – the Chairperson.

There being an equality of votes, in accordance with Standing Order 15 (5) Councillor Kiddie, in his capacity as acting Chairperson, exercised his casting vote in favour of the motion and declared it carried.

The Sub Committee resolved:-

to adopt the successful motion; to agree to offer priority housing to a suitable two bedroom tenement flatted type property in the Peterculter area.

DECLARATION OF INTEREST

The Convener declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in her electoral ward. In order to conform with Section 154 of the Leasehold Reform and Urban Development Act 1993, the Convener chose to withdraw from the meeting prior to consideration of this item.

HOUSING CASE 7687

4. The Sub Committee had before it a report by the Director of Housing and Environment which contained particulars of an application for Council housing which fell outwith the Scheme of Allocation.

The Sub Committee resolved:-

- (i) to approve option 1 as contained within the report; to grant a priority move to a three bedroom flat, four in a block or cottage type property within the applicants areas of choice; and
- (ii) to request officers to advise the applicant to consider expanding his housing preferences to include flatted, four in a block or cottage type accommodation in other areas of the city in order that an offer of suitable accommodation be made in the near future.

At this juncture, the Councillor Malone resumed the Chair.

DECLARATIONS OF INTEREST

Councillors Donnelly and Kiddie declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in their electoral ward. In order to conform with section 154 of the Leasehold Reform and Urban Development Act 1993, Councillors Donnelly and Kiddie intimated they would withdraw from the meeting at the commencement of debate, but further to advice from officers as detailed below, the housing case was not discussed and therefore they were not required to withdraw from the meeting.

HOUSING CASE 7375 - UPDATE

5. With reference to article 5 of the minute of its meeting of 2 November, 2009, the Sub Committee had before it a report by the Director of Housing and Environment which provided further information detailing the medical background of the applicant, as requested at the aforementioned meeting.

At this point, officers advised the Sub Committee that the applicant had accepted an offer of housing and therefore the housing case did not require to be considered on this day.

The Sub Committee resolved:-

to note the information provided by officers.

HOUSING CASE 7677

6. The Sub Committee had before it a report by the Director of Housing and Environment which contained particulars of an application for Council housing by way of elderly transfer in reverse.

The Sub Committee resolved:-

to approve option 1 as contained within the recommendations; to approve the applicant's request to be considered on normal turn of points under the Elderly Transfer in Reverse Scheme, to allow the applicant's son and daughter in law to be considered for one bedroom tenement flat type accommodation within the Dyce and Heathryfold areas.

HOUSING CASE 7680

7. The Sub Committee had before it a report by the Director of Housing and Environment which provided details of an application for Council housing which fell outwith the Scheme of Allocation; and which had been referred by Councillor Graham for consideration on this day.

The Sub Committee resolved:-

to approve option 3 as contained within the report; to decline the request and advise the applicants to await the offer of a three bedroom property on normal turn of points.

DECLARATION OF INTEREST

Councillor Dunbar declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in her electoral ward. In order to conform with section 154 of the Leasehold Reform and Urban Development Act 1993, Councillor Dunbar chose to speak to this housing case and withdraw from the meeting thereafter, taking no part in any discussion in this item.

HOUSING CASE 7682

8. The Sub Committee had before it a report by the Director of Housing and Environment which provided details of an application for Council housing which fell outwith the Scheme of Allocation.

The Sub Committee heard Councillor Dubar in respect of this case.

Councillor Donnelly, seconded by Councillor Robertson moved:-

that the Sub Committee approve option 3 as contained within the report; to grant priority for the applicant to move to a one bedroom amenity cottage within the applicant's areas of choice.

The Convener, seconded by Councillor Kiddie, moved as an amendment:-

that this report be deferred, and that officers be instructed to report back at the next meeting with much more detail of the applicant's medical condition; and for the applicant's doctor to be present at this meeting, if this was at all possible.

Further to a division, there voted:- for the motion (2) – Councillor Donnelly and Robertson; for the amendment (4) – the Convener; and Councillors Cooney, Hunter and Kiddie; absent from the division (1) – Councillor Dunbar.

The Sub Committee resolved:-

- (i) to adopt the successful amendment; and
- (ii) to request that officers clarify the downsizing scheme in relation to legal charges (in particular whether outstanding legal charges would prevent an applicant from taking advantage of the scheme); and also whether there was anything to prevent applicants from collecting their incentivisation payment to downsize, and then moving into amenity accommodation at a point when they would qualify for this.

DECLARATION OF INTEREST

Councillor Dunbar declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in her electoral ward. In order to conform with section 154 of the Leasehold Reform and Urban Development Act 1993, Councillor Dunbar chose to withdraw from the meeting prior to this housing case being considered.

HOUSING CASE 7685

9. The Sub Committee had before it a report by the Director of Housing and Environment which contained particulars of an application for Council housing which fell outwith the Scheme of Allocation. Brian Adam MSP had requested the Sub Committee consider this housing case.

The Sub Committee resolved:-

to approve option 3 as contained within the report; to decline the request and to advise the applicants to await an offer of a three bedroom cottage style property through the normal turn of points system, and to seek a mutual exchange.

HOUSING CASE 7683

10. The Sub Committee had before it a report by the Director of Housing and Environment which provided details of an application for Council housing which fell outwith the terms of the Tied Tenancy Policy.

The Sub Committee resolved:-

to approve option 2 as contained within the report; to decline the request and to continue to consider the applicants housing application in terms of the Tied Tenancy Policy.

DECLARATION OF INTEREST

Councillors Donnelly and Kiddie declared an interest in the subject matter of the following article by virtue of the applicant(s) referred to within the report currently residing in their electoral ward. In order to conform with Section 154 of the Leasehold Reform and Urban Development Act 1993, Councillor Kiddie chose to speak to this housing case and withdraw from the meeting thereafter, taking no part in any discussion on this item. Councillor Donnelly also withdrew from the meeting at this point.

HOUSING CASE 7686

11. The Sub Committee had before it a report by the Director of Housing and Environment which provided details of an application for Council housing which fell outwith the Scheme of Allocation.

The Committee heard Councillor Kiddie in respect of this case.

The Sub Committee resolved:-

- (i) to approve option 1 as contained within the report; to grant a priority move to a two bedroom ground floor tenement flat with a secure garden ground within the Northfield area; and
- (ii) to instruct that all works that require to be done, are undertaken prior to the applicants moving in to the property.

FEEDBACK ON PREVIOUS CASES

12. With reference to article 7 of the minute of its meeting of 2 November, 2009, the Sub Committee had before it a report by the Director of Housing and Environment, which updated the Sub Committee on housing cases that had been considered in the previous six months.

The Sub Committee resolved:-

to note the information provided.

- **COUNCILLOR AILEEN MALONE, Chairperson**