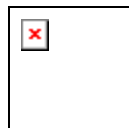


**MRS. C.A. GLAZEBROOK: 'G' CATEGORY HOUSING CONSENT**

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**Lodged au Greffe on 11th April 2000  
by Senator J.A. Le Maistre**

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**STATES OF JERSEY**

**STATES GREFFE**

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## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion -**

to request the Housing Committee to reconsider its decision that it was not minded to grant consent under Regulation 1(1)(g) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, to Mrs. Catherine Adèle Glazebrook.

SENATOR J.A. LE MAISTRE

## Report

The States established the system of Boards of Administrative Appeal in 1972. Boards offer an independent means of appeal by individuals against decisions of Committees and officers. The procedure offers a swifter, more appropriate and less costly route to possible redress rather than by way of an appeal to the Royal Court.

Whilst a Board of Administrative Appeal has no powers to enforce any recommendations, very few examples over many years can be cited where a Committee has resolutely refused to follow the recommendations of a Board.

This case is one of those few examples where the Committee has refused to follow the recommendations of a Board. Having reviewed very carefully the detail of the case I am convinced that serious hardship has occurred and will continue as long as the Housing Committee maintains its position.

The facts are as follows -

In November 1998, Mrs. Glazebrook made a written application to the Housing Committee for consent under Regulation 1(1) (g) to enable her to house herself and her eight year-old son in residential accommodation over which the Housing Committee has control. Mrs. Glazebrook's application was submitted with medical support from three doctors and a headteacher.

The Committee refused to grant consent, and the case was taken up by Senator R.J. Shenton, who sought a hearing by the Board of Administrative Appeal. This was granted and the hearing took place on 21st April 1999. The Board reported on 7th May 1999 and stated that "the Housing Committee has been unduly oppressive and unreasonable in its decision not to grant consent to Mrs. Glazebrook and that an excessive hardship would result."

Furthermore, the final paragraph of the report reads as follows - "The Board, in conclusion and in line with Article 9 of the Administrative Decisions (Review) (Jersey) Law 1982, as amended, having found in favour of Mrs. Glazebrook, urges the Housing Committee to reconsider its decision and requests that the Committee undertakes such reconsideration within three months from the date of these findings."

The Housing Committee reconsidered the matter, and although further supportive medical reports were obtained, the Committee refused to accept the views expressed by the Board of Administrative Appeal.

The matter was then referred to the Royal Court, but the Court ruled that "as there was no transaction in respect of a specific property, nor a prospective transferor or transferee, she could not appeal.....".

The matter was dealt with by the Royal Court by way of a judicial review, which given the facts, was not, in my opinion, an entirely satisfactory course open to an appellant in these circumstances. The application was dismissed. *[An appeal to the Court of Appeal against this decision is still pending.]*

Given that this case relates to hardship, and some of the matters which must be brought forward are of a personal nature, I propose to deal with the detail during the debate.

I firmly believe that the Committee, in such cases, has an obligation to be consistent, and I intend to illustrate a lack of consistency by referring to examples where consent has been granted.

Given the evidence that I will be presenting during the debate, it will be for members to judge for themselves whether the Committee should have followed the recommendations of the Board of Administrative Appeal and granted consent in this particular case.