

Blackpool Council

13 January 2017

To: Councillors Mrs Callow JP, G Coleman, Galley, Ryan, Elmes, Humphreys and I Coleman

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 23 January 2017 at 10.40 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned; and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 28 NOVEMBER 2016

(Pages 1 - 2)

To agree the minutes of the last meeting held on 28 November 2016 as a true and correct record.

* **3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 3 - 102)

To consider an appeal lodged in connection with the provision of assistance for home to school transport.

(This item contains personal information regarding the appellant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

* **4 INTRODUCTORY TENANCY REVIEW** (Pages 103 - 136)

To consider a request by a tenant for a review of the decision to issue a Notice of Proceedings for Possession under the provisions of the Housing Act 1996 (Part V).

(This item contains personal information regarding the appellant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

5 DATE OF NEXT MEETING

To note the date of the next meeting as 13 March 2017.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Yvonne Burnett, Senior Democratic Services Adviser, Tel: (01253) 477034, e-mail yvonne.burnett@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Ryan (in the Chair)

Councillors

Mrs Callow JP

Galley

Humphreys

G Coleman

Elmes

I Coleman

In Attendance:

Mrs J Roberts, Employee Relations Manager, Blackpool Council

Ms J Mort, County Secretary and Solicitors Group, Lancashire County Council

Mrs L Dutton, Head of Organisation and Workforce Development, Blackpool Council

Mr S Thompson, Director of Resources, Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 5 SEPTEMBER 2016

Resolved: That the minutes of the meeting held on 5 September 2016 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda item 4 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 APPEAL AGAINST DISMISSAL ON THE GROUNDS OF REDUNDANCY

Prior to consideration of the Appeal against dismissal on grounds of redundancy, the Committee was informed that written notification had been received from the appellant seeking an adjournment of the appeal on the grounds that he had a medical appointment.

The Committee considered the appellants request, the history of the appeal and noted the previously deferred Appeal on 12 October 2016 (at the appellant's request) and was of the opinion that deferring the appeal could not guarantee the appellants attendance at a future meeting.

Resolved: To hear the appeal in the appellants' absence and decide the case based on the written information submitted.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 28 NOVEMBER 2016

The Committee considered a request to review the decision of the Council to dismiss an employee on the grounds of redundancy.

Mrs Roberts (Employee Relations Manager) and Ms Mort (County Secretary and Solicitors Group, Lancashire County Council) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

Mrs L Dutton, Head of Organisation and Workforce Development, Blackpool Council presented the case on behalf of the Authority. Mr S Thompson, Director of Resources, Blackpool Council provided supporting evidence.

The Committee carefully considered all the representation and documentation put forward by both parties, including the additional papers submitted by the appellant after the agenda had been distributed.

The Committee was of the opinion that the redundancy situation had arisen as a result of changes in funding regimes or budgetary positions and whilst acknowledging that this had been a difficult case, believed that the Authority had made every effort to engage with the appellant throughout the process and that he had been treated fairly.

Various issues were raised within your letter of appeal and these were addressed individually by both Mrs Dutton and Mr Thompson during the meeting. In considering your Appeal, Members were informed that flexible retirement would not have been a viable option given the predicted level of work for the next year.

Resolved: That the original decision to dismiss the employee on the grounds of redundancy be upheld on the grounds that the decision taken had been fair and reasonable.

Background papers: Exempt.

5 DATE OF NEXT MEETING

Resolved: To note the date of the next meeting as 23 January 2017.

Chairman

(The meeting ended 11.00 am)

Any queries regarding these minutes, please contact:
Yvonne Burnett Senior Democratic Services Adviser
Tel: (01253) 477034
E-mail: yvonne.burnett@blackpool.gov.uk

Report to:	APPEALS COMMITTEE
Relevant Officer:	Delyth Curtis, Director of People
Date of Meeting:	23 January 2017

HOME TO SCHOOL TRANSPORT APPEAL

1.0 Purpose of the report

- 1.1 To consider an appeal lodged in connection with the provision of assistance for home to school transport.

2.0 Recommendation(s):

- 2.1 The Committee will be asked to determine the appeal.

3.0 Reasons for recommendation(s):

- 3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

4.0 Council Priority:

- 4.1 The relevant Council Priority is "The economy: Maximising growth and opportunity across Blackpool".

5.0 Background Information

- 5.1 An appeal has been lodged against the decision made by officers not to provide assistance for home to school transport. Copies of the appeal documents are

attached at Appendix 3(a).

Does the information submitted include any exempt information?

Yes

List of Appendices

Appendix 3(a): Details of Case (Not for Publication).

6.0 Legal considerations:

6.1 The Head of Legal Services will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 Details of the cost of providing transport assistance to the appellant will be provided at the meeting.

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships (Co-ordination for the review) John Donnellon, Chief Executive, Blackpool Coastal Housing (Written information for the review)
Date of Meeting:	23 January 2017

INTRODUCTORY TENANCY REVIEW

1.0 Purpose of the report:

- 1.1 To consider a request by a tenant for a review of the decision to issue a Notice of Proceedings for Possession under the provisions of the Housing Act 1996 (Part V).

2.0 Recommendation(s):

- 2.1 To determine the request for a review.

3.0 Reasons for recommendation(s):

- 3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

4.0 Council Priority:

- 4.1 The relevant Council Priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

- 5.1 Introductory (Probationary) Tenancies have been adopted for all new tenants for the first twelve months of their tenancies. Where a Notice of Proceedings for Possession (NOPP) has been issued, in the case of anti-social behaviour, or a combination of anti-social behaviour and rent arrears, the responsibility for determining the review falls to this Committee.
- 5.2 Following the service of a Notice of Proceedings for Possession, a request has now been received from the respective tenant concerned, for a review to be considered. Details of the requests for a review, together with the report of the Blackpool Coastal Housing are attached at Appendix 4(a).
- 5.3 A review may be undertaken in writing, unless otherwise requested by the tenant. Therefore, all tenants upon whom a notice has been served are requested to indicate whether they wish the review to be conducted in writing or by means of an oral hearing. The tenant has indicated that he would like a review. At the time of writing the report, he had not indicated if he would be in attendance at the meeting.
- 5.4 The Chief Executive of Blackpool Coastal Housing or his representative will be in attendance.

Does the information submitted include any exempt information?

Yes

List of Appendices:

Appendix 4(a): Review Papers (Not for publication)

6.0 Legal considerations:

- 6.1 The Head of Legal Services will be represented at the meeting to advise on policy and procedure only and has not been involved in any of the decisions taken previously.

7.0 Human Resources considerations:

- 7.1 None.

8.0 Equalities considerations:

- 8.1 None.

9.0 Financial considerations:

- 9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 Exempt.

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