

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 8 MAY 2017

Present:

Councillor Ryan (in the Chair)

Councillors

Mrs Callow JP

I Coleman

Humphreys

G Coleman

Galley

In Attendance:

Mrs D Goodall, Head of Legal, Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

1 DECLARATIONS OF INTEREST

None.

2 MINUTES OF THE LAST MEETING HELD ON 13 MARCH 2017

Resolved: That the minutes of the meeting held on 13 March 2017 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 FAMILY INTERVENTION TENANCY REVIEW

The Committee considered an appeal that had been lodged in connection with a decision to issue a Notice of Intention to serve a Notice to Quit, under the provisions of the Housing and Regeneration Act 2008.

Mr Richard Scholes, Anti Social Behaviour Manager, Mrs Suzanne Tomlinson, Anti Social Behaviour Officer, Blackpool Coastal Housing and Ms Sara Hunter, Senior Legal Officer, Blackpool Council presented the case on behalf of the Authority.

Also in attendance at the meeting were Mrs Goodall, Head of Legal to advise the Committee on policy and procedure only and had taken no part in the original decision and Miss Burnett, Clerk to the Committee.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 8 MAY 2017

One of the joint appellants was in attendance, supported by their representative Ms Sarah Simpson, Revolution/Early Action. Ms Sue Wilson, Revolution/Early Action was also in attendance to observing the proceedings.

The Committee carefully considered the written representation provided by both parties, namely the Review report

It was considered that the Notice to Terminate had been correctly served and that, on balance, the reports of anti social behaviour contained in the chronology had occurred. The Committee noted that in the appellant's request for a review and his verbal representation, he had disputed the allegations and claimed he was being discriminated against.

The Committee noted that Blackpool Coastal Housing, in partnership with the Families In Need (FIN) team had engaged with the appellants to ensure that they complied with the terms of the tenancy and had a successful tenancy. Whilst there was no overall concern with the condition of the property, the frequency and severity of the incidents of anti social and criminal behaviour was a concern and the impact it had on the neighbourhood.

The Committee found that the appellant's conduct had, on every alleged occasion, been anti-social and unacceptable and caused nuisance, annoyance, disturbance, alarm or distress to residents and to others near the property, some of whom were vulnerable. The Committee noted the failure to repay or attempt to repay former tenant arrears and re-charges for the appellants' former property.

The Committee found on a fact, on the balance of probabilities that the allegation of a breach of Clause 14 (Anti Social Behaviour) of the appellants tenancy agreement was made out. In all the circumstances, the Committee was satisfied that the correct procedures had been followed and that the decision of the Council was justified and proportionate and upheld the decision.

Resolved:

That, having considered all the information, the Officers' original decision to issue a Notice of Intention to serve a Notice to Quit, under the provisions of the Housing and Regeneration Act 2008 be upheld on the grounds that the terms of the Family Intervention Agreement had been significantly breached and the decision of the Committee was to uphold the decision of the Council.

Background papers: Exempt

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 8 MAY 2017

5 DATE OF NEXT MEETING

Resolved: To note the date of the next meeting as 19 June 2017, subject to approval at the Annual Council meeting on 15 May 2017.

Chairman

(The meeting ended 11.25 am)

Any queries regarding these minutes, please contact:
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