

Blackpool Council

27 April 2017

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 8 May 2017 at 10.00 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 13 MARCH 2017

(Pages 1 - 2)

To agree the minutes of the last meeting held on 13 March 2017 as a true and correct record.

* **3 FAMILY INTERVENTION TENANCY REVIEW**

(Pages 3 - 60)

To consider a request by joint tenants for a review of the decision to issue a Notice of Proceedings for Possession under the provisions of the Housing and Regeneration Act 2008.

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

4 DATE OF NEXT MEETING

To note the date of the next meeting as 19 June 2017, subject to approval at the Annual Council meeting on 15 May 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	I Coleman	Galley
G Coleman	Elmes	

In Attendance:

Mrs D Goodall, Head of Legal Services, Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

1 DECLARATIONS OF INTEREST

Councillor G Coleman declared a personal interests in agenda item 3 (Home to School Transport Appeal) as a taxi licence holder.

2 MINUTES OF THE LAST MEETING HELD ON 23 JANUARY 2017

Resolved: That the minutes of the meeting held on 23 January 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 HOME TO SCHOOL TRANSPORT APPEAL

The Committee considered an appeal that had been lodged in connection with a decision taken by officers within the Special Educational Needs Department not to provide assistance with home-to-school transport.

Mr P Thompson presented the case on behalf of the Authority.

The Appellant was not in attendance at the meeting.

Also in attendance at the meeting were Mrs Goodall, Head of Legal Services and Miss Burnett, Clerk to the Committee.

The Committee carefully considered all the information submitted by the appellant and the Authority both in writing and verbally at the meeting.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 13 MARCH 2017

The Committee had regard to the Council's Home to School and College Transport Policy and Home to School travel and transport guidance (Statutory Guidance for local authorities), Department for Education 2014.

It noted the relevant factors in the Authority's case, that provision had been made for the appellant's child to attend Boundary Special Educational Resourced Facility (SERF) due to concerns around challenging behaviour, however the child was not eligible for assistance as the distance to the SERF was less than two miles, within the specified walking distance, from the family home. The Committee noted that whilst the child had been diagnosed with ADHD and was awaiting further assessments, there was no Education, Health and Care (EHC) Plan and as such, the Authority had no legal duty to provide transport.

The Committee considered the appellant's reasons for wanting assistance with home-to-school transport costs. It was noted that the appellant was of the opinion that her child was unable to use public transport unassisted and there was no extended family. The Committee noted parental preference for her child to receive the additional support at the current school, but was satisfied that this could not be provided and attendance at the identified SERF was necessary. Whilst sympathetic of the family circumstances, there was insufficient medical evidence to support the need for transport assistance.

The Committee gave careful regard to the appellant's concerns and after carefully considering all the evidence before it, the Appeals Committee was satisfied that the decision not to provide assistance with home to school transport costs was made in accordance with the Council's Home to School and College Transport Policy.

Resolved:

To uphold the officer's decision not to provide assistance with home to school transport costs on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and there were insufficient exceptional circumstances to override the Policy.

Background papers: Exempt

5 DATE OF NEXT MEETING

Resolved: To note the date of the next meeting as 8 May 2017.

Chairman

(The meeting ended 10.27am)

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:	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:	8 May 2017

FAMILY INTERVENTION TENANCY REVIEW

1.0 Purpose of the report:

- 1.1 To consider a request by joint tenants for a review of the decision to issue a Notice of Proceedings for Possession under the provisions of the Housing and Regeneration Act 2008.

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" and "Communities: Creating stronger communities and increasing resilience".

5.0 Background Information

- 5.1 Family Intervention Tenancies were introduced in the Housing and Regeneration Act 2008 and became available for use on 1 January 2009. Section 297 of the Housing and Regeneration Act 2008 provides local housing authorities and registered providers (RPs) in England and Wales with the power to offer Family Intervention Tenancies. They may do so in circumstances where the tenant is likely to be evicted on the grounds of anti-social behaviour or in the opinion of the landlord could have been so evicted and to support the provision of behaviour support services.
- 5.2 Family Intervention Tenancies are intended to help sustain the delivery of intensive support for the duration of the Family Intervention Tenancy. When a family has completed a support programme a decision needs to be reached between the family, social landlord and partner agencies on the longer term housing needs of the household.
- 5.3 Family Intervention Tenancies fall into the list of excluded tenancies (e.g. those, which are not secure or assured) specified in Schedule 1 of the Housing Act 1985 (for secure tenancies). As such, they are terminable on notice with no need to prove any grounds for termination or possession. Where a Notice of Proceedings for Possession (NOPP) has been issued the responsibility for determining the review falls to this Committee.
- 5.4 Following the service of a Notice of Proceedings for Possession, a request has now been received from the respective joint tenants 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 3(a).
- 5.5 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 joint tenants have indicated that they would like a review and will be in attendance at the meeting, supported by their representative.
- 5.6 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 3(a): Review Papers (Not for publication)

6.0 Legal considerations:

6.1 The Head of Legal 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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