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Blackpool Council

13 October 2017

To: Councillors Mrs Callow JP, G Coleman, Elmes, Galley, Ryan, Rowson and Singleton

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 23 October 2017 at 10.20 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 8 MAY 2017

(Pages 1 - 4)

To agree the minutes of the last meeting held on 8 May 2017 as a true and correct record.

* **3 HOME TO SCHOOL TRANSPORT APPEAL - AM** (Pages 5 - 60)

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 HOME TO SCHOOL TRANSPORT APPEAL - JS** (Pages 61 - 84)

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)

5 DATE OF NEXT MEETING - 18 DECEMBER 2017

To note the date of the next meeting as 18 December 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	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

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:
Yvonne Burnett Senior Democratic Services Adviser
Tel: (01253) 477034
E-mail: yvonne.burnett@blackpool.gov.uk

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Diane Booth, Director of Children's Services
Date of Meeting:	23 October 2017

HOME TO SCHOOL TRANSPORT APPEAL - AM

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.

Does the information submitted include any exempt information?

Yes

List of Appendices

Appendices 3(a) to 3(j): Details of Case (Not for Publication).

6.0 Legal considerations:

6.1 The Head of Legal 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

Report to:	APPEALS COMMITTEE
Relevant Officer:	Diane Booth, Director of Children's Services
Date of Meeting:	23 October 2017

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11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt