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Blackpool Council

15 January 2016

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 25 January 2016 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 30 NOVEMBER 2015 (Pages 1 - 2)

To agree the minutes of the last meeting held on 30 November 2015 as a true and correct record.

* **3 INTRODUCTORY TENANCY REVIEW** (Pages 3 - 20)

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).

* **4 APPEAL AGAINST DISMISSAL** (Pages 21 - 270)

The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee.

(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 - 14 MARCH 2016

To note the date of the next meeting as Monday 14 March 2016.

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 G Coleman (in the Chair)

Councillors

Mrs Callow JP

Galley

Ryan

In Attendance:

Miss Yvonne Burnett, Democratic Governance Senior Adviser

Mrs Janet Roberts, Employee Relations Team Manager

Mrs Carmel White, Chief Corporate Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 27 OCTOBER 2015

Resolved: That the minutes of the meeting held on 27 October 2015 be 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

The Committee considered a request for a review of the Council's decision to dismiss an employee.

Mrs Roberts, Employee Relations Manager and Mrs White, Chief Corporate Solicitor were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 30 NOVEMBER 2015

Prior to consideration of the case, Mrs Roberts informed the Committee that verbal notification had been received from the appellant, through his union representative, advising that he would be unable to attend the meeting due to a particular prior arrangement, evidence of the nature of which was included in the papers.

Resolved: That the case be deferred to another available date.

5 DATE OF NEXT MEETING - 25 JANUARY 2016

Members noted the date of the next meeting as Monday 25 January 2016.

Chairman

(The meeting ended 10.06 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:	Mark Towers, Director of Governance and Regulatory Services (Co-ordination for the review) John Donnellon, Chief Executive, Blackpool Coastal Housing (Written information for the review)
Date of Meeting:	25 January 2016

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 Priority is:

- "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 3(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 3(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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of the Local Government Act 1972.

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Carmel McKeogh, Deputy Chief Executive
Date of Meeting:	25 January 2016

APPEAL AGAINST DISMISSAL

1.0 Purpose of the report:

1.1 The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee.

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 Priority is:

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

5.0 Background Information

5.1 A request for a review has been received from an employee in respect of dismissal from the Council.

5.2 Details of the Management’s statement of case and the employee’s appeal case are attached at Appendix 4(a).

5.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.

Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 4(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 The Deputy Chief Executive 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.

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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