

# Public Document Pack

## Blackpool Council

15 July 2016

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, 25 July 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 25 JANUARY 2016**

(Pages 1 - 4)

To agree the minutes of the last meeting held on 25 January 2016 as a true and correct record.

\* **3 GRIEVANCE REVIEW**

(Pages 5 - 134)

To consider and determine a request for a review of the decision of the Council not to uphold a Grievance submitted by 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).

**4 DATE OF NEXT MEETING - 5 SEPTEMBER 2016**

To note the date of the next meeting as 5 September 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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor G Coleman (in the Chair)

Councillors

Mrs Callow JP	Ryan	Rowson
Galley	Elmes	

### **In Attendance:**

Mrs C White, Chief Corporate Solicitor, Blackpool Council

Miss Y Burnett, Democratic Governance Senior Advisor, Blackpool Council

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 30 NOVEMBER 2015**

**Resolved:** That the minutes of the meeting held on 30 November 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 INTRODUCTORY TENANCY REVIEW**

The Committee considered a request for an Introductory Tenancy Review from a tenant dissatisfied with a decision taken by the Council to issue a Notice of Proceedings for Possession.

Mr S Arnold, Housing Officer, Blackpool Coastal Housing and Ms S Hunter, Senior Legal Officer, Blackpool Council presented the case on behalf of the Authority.

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

The appellant was not in attendance.

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 JANUARY 2016

The Committee carefully considered the written representation provided by both parties, namely the Review report, Report of PCSO Jill Bond, the Notice to Terminate, including the appellants' reasons for seeking the review.

The Committee 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 appellants' request for a review, he had disputed only the allegations concerning the incident on 25 October 2015, but on balance, the Committee accepted that that incident occurred as alleged.

The appellant did not dispute the allegation of outstanding rent arrears.

The Committee accepted that the appellant had not repaired windows that he or his visitors had damaged. It also found that the appellants' conduct and that of his visitor 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.

In reaching its decision, the Committee noted the varied sources and the extent of complaints concerning the appellants' behaviour and that of his visitor, for which he was responsible. They noted also and accepted the confirmatory evidence from the police regarding the nature and wider prejudicial impact of the appellants' behaviour on neighbours, including a vulnerable, terminally ill neighbour. They noted the photographic evidence of the condition of the property. The Committee had regard to the appellants' allegation that his partner had medical issues that had influenced the situation, but were of the view, that even if substantiated, this did not outweigh the considerable and unacceptable detriment to which others in the vicinity had been subjected too.

The Committee noted that Blackpool Coastal Housing had attempted to engage with the appellant to ensure that he complied with the terms of the tenancy, sending three warning letters between October 2014 and November 2014 and in May 2015, extended the Introductory Tenancy to provide further opportunity for the appellant to improve his conduct. The Committee was satisfied that notwithstanding those efforts the anti-social behaviour continued despite promises to change.

The Committee found on a fact, on the balance of probabilities, that all the allegations of breaches of Clauses Five (Rent), Seven (Repairs) and Eight (Anti Social Behaviour) of the appellants tenancy agreement were 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 entirely justified and proportionate and upheld the decision.

### **Resolved:**

1. That the case be heard in the appellant's absence as it had been made clear to him that that would be the case.

## **MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 JANUARY 2016**

2. That, having considered all the information, the Officers' original decision to issue a Notice of Proceedings for Possession be upheld on the grounds that the terms of the Introductory Tenancy Agreement had been significantly breached and the unanimous decision of the Committee was to uphold the decision of the Council.

Background papers: Exempt

### **5 APPEAL AGAINST DISMISSAL**

Prior to consideration of the Appeal Against Dismissal, the Committee was informed that written notification had been received from the appellant, through his union representative, advising that he wished to withdraw his appeal.

**Resolved:** That the case be withdrawn.

### **6 DATE OF NEXT MEETING - 14 MARCH 2016**

Members noted the date of the next meeting as Monday 14 March 2016.

### **Chairman**

(The meeting ended 11.08am)

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

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank