

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 25 JANUARY 2016

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.

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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.

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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:
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