

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Appeals Board held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 13 July 2018 commencing at 11.00 am.

**Present:**

- Councillor David Cotton
- Councillor Steve England
- Councillor Paul Howitt-Cowan
- Councillor Mrs Maureen Palmer
- Councillor Malcolm Parish
- Councillor Mrs Angela White

**In Attendance:**

- Alan Robinson Strategic Lead Governance and People/Monitoring Officer
- Katie Coughlan Senior Democratic & Civic Officer
- Ele Durrant Democratic and Civic Officer

**Also In Attendance:** Alison McCulloch, Revenues Team Manager  
Appellant

**Apologies:**

- Councillor Ian Fleetwood
- Councillor Stuart Kinch
- Councillor Reg Shore

**Membership:**

- Councillor David Cotton substituting for Councillor Reg Shore
- Councillor Steve England substituting for Councillor Ian Fleetwood
- Councillor Mrs Maureen Palmer substituting for Councillor Stuart Kinch

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Monitoring Officer opened the meeting and sought nominations for the position of Chairman. On receiving nominations and being voted upon unanimously, it was

**RESOLVED** that Councillor Cotton be elected as Chairman of the Appeals Board for this meeting.

Councillor Cotton took the Chair for the remainder of the meeting and round the table introductions were made.

### 2 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

### **3 PROCEDURE**

The Chairman explained the procedure for the appeal hearing, as had been shared with all parties in advance of the meeting. There were no questions from Members, the appellant or the Revenues Team Manager and so the procedure was noted.

### **4 EXCLUSION OF PUBLIC AND PRESS**

In view of the nature of the appeal, and in consideration of the fact that details contained within the case documents revealed information relating to a particular individual that would disclose personal data in contravention of the principles of GDPR, it was moved and seconded that the hearing be conducted within closed session.

**RESOLVED** that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

### **5 APPEAL HEARING**

The Chairman enquired of all present whether they had received all relevant documents. All confirmed this to be the case. The Chairman highlighted that the appellant had provided additional information and enquired of the Appeals Board Members, and the Revenues Team Manager, whether all parties were satisfied to accept the documents as late representations. All confirmed this was acceptable. With that agreed, the Revenues Team Manager was invited by the Chairman to present her case. She explained that the appellant had applied for Section 13A payments in relation to Council Tax and this had been refused by the council. An initial appeal to the Section 151 Officer had upheld the decision and so the final stage of review was to meet before the Appeals Board.

It was stated that the application had been refused as it was not found to meet the eligibility criteria as detailed within the council's Section 13A policy document. Members heard the specifics of the application and the information provided by the appellant. The Revenues Team Manager explained that not all requested documents had been provided by the appellant at the time of the application. It was highlighted that Section 13A payments were considered to be a discretionary payments scheme.

On conclusion of presenting these details, the Chairman offered the appellant the option to ask questions of the Revenues Team Manager. The appellant thanked the Chairman and commenced her questions. It was enquired of the Revenues Team Manager whether she was familiar with the case law provided by the appellant and whether she was aware of the appellant seeking alternative housing options for the period in question. The Revenues Team Manager stated she had not been aware of the case law, had not had sufficient time to read the documentation and she was not aware of the appellant seeking alternative housing options. This had not been disclosed previously and the Revenues Team Manager did not have access to the computer systems of other services.

Owing to an anomaly with the specifics of the appellant's rental property contract, there was significant discussion regarding liability for properties and the associated council tax. The Monitoring Officer confirmed that whilst the panel could not pass decision on liability, the appellant had made an application for Section 13A payments in relation to two properties and therefore both applications were under consideration. With this confirmed, the appellant thanked the panel and concluded her questions.

The Chairman invited Members of the panel to ask questions of the Revenues Team Manager. A Member enquired why she had gone ahead with the applications when all requested supporting information had not been provided by the appellant. The Revenues Team Manager explained that she had sought to act in the best interests of the appellant and had therefore used information provided for an earlier, separate application in order to progress. It was confirmed that in the absence of the requested information, the application could have been declined. The Chairman enquired as to the circumstances of previous applications for Section 13A payments and this was clarified by both the Revenues Team Manager and the appellant.

The appellant was then invited to present her case. She thanked Members and apologised for the delay in providing her supporting information for the meeting. The appellant stated that she believed the council were in breach of regulations for Section 13A payments and that the decision had been based on personal judgements against her rather than based on her financial situation. She explained that she planned to seek further appeal through the Valuation Tribunal and Judicial Review. She further explained the circumstances behind having to apply for Section 13A payments and again thanked the panel for their time.

On conclusion of the appellant's statement, the Chairman asked the Revenues Team Manager whether she had any questions for the appellant. This was confirmed to be the case. Through the course of questioning, the Revenues Team Manager enquired about the supporting information not having been supplied when requested and also whether there had been any reason for not sharing further details of her situation that may have assisted the application. The appellant explained that she had been unwell and had found it difficult to communicate with the council. There was further discussion regarding the circumstances of the appellant's financial difficulties at that time.

**Note:** The meeting adjourned at 11:51am to enable a Member to briefly leave the room. Reconvened at 11:52am

The Chairman invited Members of the panel to ask questions of the appellant. There was significant discussion regarding the income and expenditure details provided by the appellant as there were differing amounts given between the forms submitted with the original application and the late documents provided by the appellant. Members also enquired as to the circumstances regarding the initial tenancy agreement. On discussing these details, the appellant reiterated her belief that the council had acted contrary to Section 13A regulations and that legally the decision should have been to award the payments.

At the conclusion of the discussions, the Chairman explained the next steps of the process and Members retired to consider whether there was any outstanding information to be sought.

**Note:** The meeting adjourned at 12:18pm to enable Members to retire for consideration of the case details. Reconvened at 12:27pm

The Chairman clarified for all present that Members were satisfied there were no further questions from the panel and invited both parties to make their closing statements. He highlighted that no new information should be introduced at this stage.

The Revenues Team Manager reiterated the facts of the case and stated that she was of the belief the original decision had been fair and just. She highlighted that the council had to be mindful that Section 13A payments were made out of public monies and therefore had to be reasonable and justified. She stated she did not believe that was the case for the circumstances of the appellant.

The appellant thanked Members for the opportunity to address her case and reiterated that she did not believe the council had acted fairly towards her, or upheld their responsibilities. She stated that the issue should not have been whether she was morally entitled to the Section 13A payments but whether she was legally entitled and she believed she had shown this to be the case. She highlighted her intention to further appeal through the Valuation Tribunal and Judicial Review.

The Chairman thanked all present and explained the panel would consider all information put before them and come to their conclusion. The final decision would be issued in writing within five working days of the meeting.

**Note:** The meeting adjourned at 12:31pm to enable the Revenues Team Manager and the appellant to leave the room. Reconvened at 12:46pm.

During the course of their deliberations, Members sought clarification from the Monitoring Officer regarding the eligibility criteria for Section 13A payments and he directed them to the relevant section of the policy.

At the conclusion of their deliberations, the Members wrote and signed a full decision notice to be shared with the appellant and Revenues Team Manager. It was thereby

**RESOVLED** that the original decision be upheld and Section 13A payments not be awarded to the appellant.

The meeting concluded at 1.20 pm.

Chairman