

APPEALS PANEL NO. 2

TUESDAY 18 FEBRUARY 2014 AT 2.00PM

PRESENT: Councillors Bell, Bloxham and Stothard

1. APPOINTMENT OF CHAIRMAN

Consideration was given to the role of Chairman of Appeals Panel 2 for the remainder of the 2013/14 municipal year.

It was moved and seconded and:

RESOLVED – That Councillor Stothard be appointed as Chairman of Appeals Panel 2 for the remainder of the 2013/14 municipal year.

Councillor Stothard thereupon took the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. COMPLAINT REGARDING TENANCY ON AN ALLOTMENT

Consideration was given to a complaint regarding the tenancy on an allotment.

The Chairman introduced the Panel and outlined the purpose of the meeting and procedure to be followed. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

The appellant introduced himself and his wife to the Panel.

The Chairman asked the appellant to summarise the complaint as clearly as possible and the outcome he hoped to achieve. The appellant explained what had happened on the allotment that had led to the current situation. There had been a number of allegations made against the appellant which he denied. The appellant explained some of his actions and the reasons why he had acted as he had. The appellant believed that until the first incident he and his wife had got along with other allotment holders on the site and stated that they did not know who was making the accusations, or why. The appellant confirmed the proximity of his and his wife's plots with those who had supported him prior to his suspension from the site. The appellant's wife explained that, in the past, allotment holders had held meetings on a fortnightly basis but since they had stopped there was bickering.

The appellant informed Members that there had been an incident involving damage to property on his wife's site and the Police had been involved but had not pursued the matter.

The appellant's wife had given the Neighbourhood and Green Spaces Manager a telephone number of the Police Officer who had been dealing with the incident but he had not contacted her.

The appellant had attended two meetings, supported on both occasions by a fellow allotment holder, with the Neighbourhood and Green Spaces Manager and the Director of Local Environment and stated that the Neighbourhood and Green Spaces Manager did not believe anything he said.

The appellant advised that he worked on the allotment every day even in winter months and that it helped him with his health.

A ballot, regarding the appellant's attendance on the allotment, had been circulated by the Neighbourhood and Green Spaces Manager the result of which had confirmed the decision to suspend the appellant from the site.

The appellant confirmed that there were a number of vacant plots on the site and believed that his plot had been given to someone and that he had paid for the plot until April 2014.

The Chairman summed up the appellant's complaint and the appellant agreed that the Panel had understood the nature of his complaint.

The appellant and his wife left the hearing at 2.50pm.

The Panel invited the Neighbourhood and Green Spaces Manager to the meeting.

The Neighbourhood and Green Spaces Manager explained that a number of allegations had been made over a significant period of time and that had led to two meetings with the appellant and subsequently his suspension from the allotment site. The Neighbourhood and Green Spaces Manager had spoken with several of the allotment holders over that time. He explained that he had spoken to a Police Officer about some of the alleged incidents but had been unable to contact the Officer whose number the appellant's wife had given to him. The Neighbourhood and Green Spaces Manager believed that the weight of evidence against the appellant was greater than was needed to suspend the appellant from the site. The Neighbourhood and Green Spaces Manager acknowledged that the appellant had helped some of the other allotment holders but had then betrayed their trust with other actions leading to a number of allotment holders considering giving up their allotments. The Neighbourhood and Green Spaces Manager stated that he was trying to be fair to all concerned but that he had been put in a difficult position.

The Neighbourhood and Green Spaces Manager provided evidence of the result of a ballot held in respect of the matter which had indicated to him a strength of feeling of other allotment holders. He stated that if it had been a one-off incident he would have spoken with the appellant and made him aware of the potential consequences if he did not change his behaviour.

A Member queried why the appellant's plot had been allocated to someone else. The Neighbourhood and Green Spaces Manager confirmed that it had not and that it remained as registered to the appellant until the result of any appeals had been determined.

A few people had rang the Council to complaint about the appellant's behaviour and the Neighbourhood and Green Spaces Manager had spoken with the appellant and his wife and

had tried to find an allotment for the appellant that was closed to his wife's plot so they could help each other. He believed it would be impossible to monitor the site at all times and stated that the appellant's behaviour had put him in an impossible position with other allotment holders.

The Neighbourhood and Green Spaces Manager confirmed that the appellant had held a plot for approximately 3-4 years and that the situation had been building up over the past eighteen months. He outlined the background to the alleged incident on the appellant's wife's plot and that the appellant had lost the trust of other allotment holders.

The appellant had not reported an incident that he later said that he had witnessed and by that time it was too late to investigate the matter. The incident involving the appellant's wife's property had been reported to the police but no action was taken.

Two allotment holders had been supportive of the appellant and had attended the meetings with the appellant but when the ballot was carried out the response was against the appellant remaining on the site. The Neighbourhood and Green Spaces Manager believed that he had been lenient with the appellant and tried to give him the benefit of the doubt but his behaviour had belied that trust.

The Panel thanked the Officer for his input and he left the hearing at 3:30pm.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED – 1) that the appellant be suspended from the allotment for 18 months from the date of the decision letter

2) that following that period the appellant could re-apply for an allotment in the normal manner.

Members acknowledged that the appellant would be disappointed with the decision but believed that it would give the appellant the opportunity to show that he was happy to abide by the restrictions as set out by the Neighbourhood and Green Spaces Manager.

Members were unhappy that there was little evidence of the issues from the start and the panel respectfully suggested that, if there was not already a system in place, one be developed to monitor complaints on allotments.

[The meeting ended at 4.20pm]