

## **APPEALS PANEL NO. 2**

**THURSDAY 11 OCTOBER 2012 AT 2:00 PM**

PRESENT: Councillors Bell, Bloxham and Harid

### **1. APPOINTMENT OF CHAIRMAN**

Consideration was given to the role of Chairman of Appeals Panel 2 for the remainder of the 2012/13 municipal year.

It was moved and seconded that Councillor Harid be appointed as Chairman of Appeals Panel 2 for the remainder of the 2012/13 municipal year.

RESOLVED – That Councillor Harid be appointed as Chairman of Appeals Panel 2 for the 2012/13 municipal year.

Councillor Harid 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 TRAFFIC CALMING MEASURES IN CARLISLE**

Consideration was given to a complaint regarding an alleged failure of communication.

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 to the Panel.

The Chairman asked the appellant to summarise the complaint as clearly as possible and what outcome he would hope for. The appellant explained that the issues had been ongoing since 1995 and gave the background to the issues. The appellant added that since that time nothing had been done to alleviate the problems in the area. The appellant produced photographs in respect of alleged poor workmanship.

A Member had undertaken an independent site visit and had taken photographs of the speed humps. The appellant believed that the photographs were taken from a different angle to his own and that they did not show the true picture. The photographs were also taken in a different area to those of the appellant.

A Member suggested that a site visit may help to resolve the issues; the appellant advised that he would be happy to attend.

The Panel clarified that the complaint under consideration by the Panel was in respect of the manner in which the appellant's complaint had been dealt with. The appellant believed that the Chief Executive should have met with him and attended a site visit to discuss the issues raised. It was pointed out that at the time the complaint began the current Chief Executive was not in post. The appellant acknowledged that issues regarding repairs to the highway were a matter for the County Council to deal with and that the City Council undertook repairs on their behalf. However he stated that he believed that the current Chief Executive should have advised the appellant which the responsible authority was to resolve the issues. The Chairman advised that in his letter dated 18 July 2012 the Chief Executive had done that in explaining the City Council's responsibilities.

The appellant expressed confusion with regard to the purpose of the hearing and was advised that the hearing gave him the opportunity to inform the Panel why he felt aggrieved. The appellant stated that he was dissatisfied by the lack of communication from officers within the City Council. A Member stated that a lot of work had been done in that respect and that communications were improving.

The Assistant Solicitor reminded Members that a site visit had been undertaken on 25 June 2012 by the Highway Operations Manager and the Senior Engineering Technician. On 12 July 2012 the Senior Engineering Technician and the Trainee Highways Supervisor visited the site and measured the height of all of the road humps on Lamb Street. The appellant stated that it would have been better if he had been invited.

The Chair asked for clarification in respect of the appellant's complaint regarding communication. The appellant stated that the main issue was lack of communication and added that an officer had arranged to ring him and had failed to do so. A Member asked whether the letter from the Chief Executive had cleared up the confusion in respect of the issues raised. The appellant agreed that he was satisfied that that issue had been dealt with and that he would not complain further in that respect. A Member asked the appellant to confirm that he was satisfied that he had had a fair hearing. The appellant confirmed that with regard to the poor workmanship he was happy that a site visit was to be undertaken.

The Chairman explained that a site visit would take place the following week and that the Trainee Highways Supervisor would be invited to attend. Following that site visit the Chairman would write to the appellant informing him of their final decision.

RESOLVED – That: 1) the appellant was satisfied with the response received from the Chief Executive and would take no further action with that regard

2) a site visit would be undertaken with the appellant and an Officer from the Highways Section in attendance

3) following the site visit the Chairman would write to the appellant advising him of the final decision of the Panel including information regarding the Local Government Ombudsman.

[The meeting ended at 3:00pm]