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Blackpool Council

19 October 2015

To: Councillors Mrs Callow JP, G Coleman, Galley, Ryan, Elmes, Humphreys and Rowson

The above members are requested to attend the:

APPEALS COMMITTEE

Tuesday, 27 October 2015 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 9 FEBRUARY 2015 (Pages 1 - 4)

To agree the minutes of the last meeting held on 9 February 2015 as a true and correct record.

*** 3 APPEAL AGAINST DISMISSAL** (Pages 5 - 520)

The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee.

4 DATE OF NEXT MEETING - 30 NOVEMBER 2015

To note the date of the next meeting as Monday 30 November 2015.

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor G Coleman (in the Chair)

Councillors

Mrs Callow JP

Galley

Ryan

Elmes

In Attendance:

Carmel White, Chief Corporate Solicitor

Bernadette Jarvis, Senior Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2014

Resolved: That the minutes of the meeting held on 15th December 2014 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 3 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 HOME-TO-SCHOOL TRANSPORT APPEALS

The Committee considered an appeal that had been lodged in connection with a decision taken by officers within the Childrens Services Department not to provide assistance with home-to-school transport.

Prior to the hearing commencing, Mrs Jarvis, clerk to the Committee, advised Members that the Committee had previously considered a case from the Appellant within this current year but confirmed that this was a fresh hearing.

Mrs Rowbottom presented the case on behalf of the Authority.

The Appellant was in attendance at the meeting.

Also in attendance at the meeting were Ms White, Chief Corporate Solicitor and Mrs Jarvis, Clerk to the Committee.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 9 FEBRUARY 2015

The Committee carefully considered all the information submitted by the appellant and the Authority both in writing and verbally at the meeting.

The Committee had regard to the Council's Home to School and College Transport Policy and the additional information supplied by the appellant at the meeting in the form of an LGiU Policy Briefing paper entitled 'home to school travel and transport – DfE guidance update' dated 5th September 2014 (relating to the Home to School Travel and Transport Guidance - July 2014) and in particular noted the information relating to discretionary arrangements within the briefing paper. The Committee also had regard to the information provided by the School Admissions Team in relation to the allocated school.

It noted the relevant factors in the Authority's case which included the Council's policy on the specified walking distance for a child of secondary school age not from a low income family. Other factors included the distance from the appellant's home to the nearest school with available places which was within the specified walking distance and noted that the child would have been offered a place at that school had it been identified as a preference. It also noted that places were still available at this school and that the school that the appellant's child currently attended had been one of the preferences identified by the parents at the time of allocation.

The Committee considered the appellant's reasons for wanting assistance with home-to-school transport costs. It noted the appellant's view regarding the delay in the decision not to provide assistance with home to school transport costs and the impact this had had on the child's welfare, however it was satisfied that the standard procedure of awaiting the outcome of school intake appeals prior to making a decision on home to school transport assistance had been followed. It also noted the appellant's reasons for not wanting the child to move from the current school following the decision not to provide assistance with home to school transport costs. The appellant's reasons for not wanting the child to attend the nearest school which was within the specified walking distance were also noted. The Committee also had regard to the appellant's concerns that the child had not been allocated her first or second preference school.

The Committee was satisfied that there were available places at a school which was within the specified walking distance and that it was a parental preference that the child remained at the current school. The Committee gave careful regard to the appellant's concerns for the welfare of the child but was satisfied that the correct procedures had been followed.

After carefully considering all the evidence before it, the Appeals Committee was satisfied that the decision not to provide assistance with home to school transport costs was made in accordance with the Council's Home to School and College Transport Policy and considered that there were insufficient exceptional circumstances to override the Policy.

Resolved:

1. To consider the additional evidence supplied by the appellant at the meeting in the form of an LGiU Policy Briefing paper entitled 'home to school travel and transport – DfE guidance update' dated 5th September 2014.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 9 FEBRUARY 2015

2. To uphold the officer's decision not to provide assistance with home to school transport costs on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and there were insufficient exceptional circumstances to override the Policy.

Background papers: Exempt

5 DATE OF NEXT MEETING

Members noted the date of the next meeting as Monday 2nd March 2015.

Chairman

(The meeting ended 10.55am)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Carmel McKeogh, Deputy Chief Executive
Date of Meeting:	27 October 2015

APPEAL AGAINST DISMISSAL

1.0 Purpose of the report:

1.1 The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee.

2.0 Recommendation(s):

2.1 To determine the request for a review.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

4.0 Council Priority:

4.1 The relevant Council Priority is:

- Deliver quality services through a professional, well-rewarded and motivated workforce

5.0 Background Information

5.1 A request for a review has been received from an employee in respect of dismissal from the Council.

5.2 Details of the Management’s statement of case and the employee’s appeal case are Attached at Appendix 3(a).

5.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.

Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 3(a): Details of Case (Not for Publication).

6.0 Legal considerations:

6.1 The Head of Legal Services will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

7.0 Human Resources considerations:

7.1 The Deputy Chief Executive will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt

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of the Local Government Act 1972.

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