

# Blackpool Council

8 December 2017

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

The above members are requested to attend the:

## **APPEALS COMMITTEE**

Monday, 18 December 2017 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 23 OCTOBER 2017**

(Pages 1 - 4)

To agree the minutes of the last meeting held on 23 October 2017 as a true and correct record.

\* **3 HOME TO SCHOOL TRANSPORT APPEAL**

(Pages 5 - 48)

To consider an appeal lodged in connection with the provision of assistance for home to school transport.

(This item contains personal information regarding the appellant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

**4 DATE OF NEXT MEETING - 19 FEBRUARY 2018**

To note the date of the next meeting as 19 February 2018.

**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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Ryan (in the Chair)

Councillors

Elmes

Galley

Singleton

### **In Attendance:**

Mr M Caveney, Deputy Head of Legal Services, (Litigation and Delivery), Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

### **1 DECLARATIONS OF INTEREST**

None.

### **2 MINUTES OF THE LAST MEETING HELD ON 8 MAY 2017**

**Resolved:** That the minutes of the meeting held on 8 May 2017 be approved and 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 items 4 and 5 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 APPEAL - AM**

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

Mr P Thompson presented the case on behalf of the Authority.

The Appellant was in attendance at the meeting and accompanied by her daughter CM.

Also in attendance at the meeting were Mr Caveney, Deputy Head of Legal Services, (Litigation and Delivery) and Miss Burnett, Clerk to the Committee.

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 document and noted that both schools attended by the appellant's child were below the three mile specified walking distance. The Committee was advised that the appellant's

## **MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 23 OCTOBER 2017**

child had previously walked to school and the additional walking distance of 0.1 miles from the family home was not considered a significant enough distance to override the Policy. A Paediatric Occupational Therapy Assessment, which recommended regular exercise, including walking, supported this decision, as it would assist with the development of gross and fine motor skills.

The Committee considered the appellant's reasons for wanting assistance with home-to-school transport costs and acknowledged that the appellant had not previously seen the Occupational Therapy Assessment and that whilst the additional walking caused pain, her consultant at the Blackpool Victoria Hospital last saw the appellant's daughter in July 2017. It noted that there was no direct bus route from the home address to the school.

The Committee gave careful regard to the appellant's concerns and 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.

### **Resolved:**

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 HOME TO SCHOOL TRANSPORT APPEAL - JS**

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

Mrs L Rowbottom presented the case on behalf of the Authority.

The Appellant was in attendance at the meeting.

Also in attendance at the meeting were Mr Caveney, Deputy Head of Legal Services, (Litigation and Delivery) and Miss Burnett, Clerk to the Committee.

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 document and noted that the specified walking distance for a child from a low-income family was two miles and a suitable school was one of three closest community schools to the family home. The Committee was advised that at the time of application, places were available at two of the three closest community schools, Montgomery High School and Aspire Academy, Unity Academy was already at capacity. However, due to personal reasons it had been parental preference for the appellant's child to attend Highfield Leadership Academy.

## **MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 23 OCTOBER 2017**

The Committee considered the appellant's reasons for wanting assistance with home-to-school transport costs and acknowledged the appellants efforts to address the issues at her child's school before taking the decision to transfer her to a different school. It was noted that whilst the appellant's child had a number of medical conditions, there was no medical evidence to support the need for a school transfer and subsequent transport assistance.

The Committee gave careful regard to the appellant's concerns and 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.

### **Resolved:**

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

### **6 DATE OF NEXT MEETING - 18 DECEMBER 2017**

**Resolved:** To note the date of the next meeting as 18 December 2017.

### **Chairman**

(The meeting ended 11.07 am)

Any queries regarding these minutes, please contact:  
Yvonne Burnett Senior Democratic Services Adviser  
Tel: (01253) 477034  
E-mail: [yvonne.burnett@blackpool.gov.uk](mailto:yvonne.burnett@blackpool.gov.uk)

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<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Relevant Officer:</b>	Diane Booth, Director of Children's Services
<b>Date of Meeting:</b>	18 December 2017

## HOME TO SCHOOL TRANSPORT APPEAL

### 1.0 Purpose of the report

- 1.1 To consider an appeal lodged in connection with the provision of assistance for home to school transport.

### 2.0 Recommendation(s):

- 2.1 The Committee will be asked to determine the appeal.

### 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 "The economy: Maximising growth and opportunity across Blackpool".

### 5.0 Background Information

- 5.1 An appeal has been lodged against the decision made by officers not to provide assistance for home to school transport. Copies of the appeal documents are attached.

Does the information submitted include any exempt information?

Yes

**List of Appendices**

Appendices 3(a) to 3(l): Details of Case (Not for Publication).

**6.0 Legal considerations:**

- 6.1 The Head of Legal 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 None

**8.0 Equalities considerations:**

- 8.1 None

**9.0 Financial considerations:**

- 9.1 Details of the cost of providing transport assistance to the appellant will be provided at the meeting.

**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 Home to School Transport Policy 2014