

# Public Document Pack

## Blackpool Council

11 January 2019

To: Councillors Mrs Callow JP, Elmes, Ryan, Rowson, Singleton, Mitchell and Mrs Henderson MBE

The above members are requested to attend the:

### **APPEALS COMMITTEE**

Monday, 21 January 2019 at 12.00 pm  
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.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

#### **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 24 SEPTEMBER 2018** (Pages 1 - 2)

To agree the minutes of the last meeting held on 24 September 2018 as a true and correct record.

\* **3 APPEAL AGAINST DISMISSAL**

(Pages 3 - 148)

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

(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 - 12 FEBRUARY 2019**

To note the date of the next meeting as Tuesday 12 February 2019 at 10.00am.

**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).

# Agenda Item 2

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 24 SEPTEMBER 2018

### Present:

Councillor Ryan (in the Chair)

Councillors

Mrs Callow JP

Elmes

Rowson

Mrs Henderson MBE

### In Attendance:

Mrs G Duxbury, Deputy Head of Legal Services, Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

### 1 DECLARATIONS OF INTEREST

None.

### 2 MINUTES OF THE LAST MEETING HELD ON 9 APRIL 2018

**Resolved:** That the minutes of the meeting held on 9 April 2018 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 item 4 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

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.

Also in attendance at the meeting were Mrs Duxbury, Deputy Head of Legal Services and Miss Burnett, Clerk to the Committee.

The Committee had regard to the Council's Home to School and College Transport Policy document and the Local Authority's acknowledgement that the appellant had complex special education needs and was unable to travel independently. However, the Authority had been unable to offer assistance as the family had not fully met the criteria for discretionary transport assistance. **Page 1**

## **MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 24 SEPTEMBER 2018**

The Committee was advised that another student who lived close to the appellants' family home was already in receipt of transport assistance from the Authority and if the transport could be shared, would not incur any additional cost to the Authority.

### **Resolved**

To overturn the officer's decision not to provide assistance with home to school transport costs on the grounds that whilst the decision had been made in accordance with the Council's Home to School and College Transport Policy, there were sufficient circumstances to override the Policy. The decision was that the Council would provide home to school transport assistance for the same duration that the other student was in receipt of assistance and on the understanding that the appellant remained at the same college and lived at the same address.

Background papers: Exempt

### **5 DATE OF NEXT MEETING - 26 NOVEMBER 2018**

**Resolved:** To note the date of the next meeting as 26 November 2018.

### **Chairman**

(The meeting 10.25am)

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)

<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Relevant Officer:</b>	Neil Jack, Chief Executive
<b>Date of Meeting:</b>	21 January 2019

## 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 Priorities are "The economy: Maximising growth and opportunity across Blackpool" and "Communities: Creating stronger communities and increasing resilience".

### 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.
- 5.4 Does the information submitted include any exempt information? Yes
- 5.5 **List of Appendices:**
- Appendix 3(a): Details of Case (Not for Publication).
- 6.0 Legal considerations:**
- 6.1 The Head of Corporate 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 The 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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