

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 9 FEBRUARY 2015

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.

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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.

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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:
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