

# Public Document Pack

# Blackpool Council

30 January 2015

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

The above members are requested to attend the:

## **APPEALS COMMITTEE**

Monday, 9 February 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 MEETING HELD ON 15TH DECEMBER 2014**

(Pages 1 - 4)

To agree the minutes of the last meeting held on 15<sup>th</sup> December 2014 as a true and correct record.

\* **3 HOME-TO-SCHOOL TRANSPORT APPEALS**

(Pages 5 - 26)

(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**

To note the date of the next meeting as Monday 2<sup>nd</sup> March 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 Bernadette Jarvis, Senior Democratic Services Adviser, Tel: (01253) 477212, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@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 G Coleman (in the Chair)

Councillors

Mrs Callow JP

Galley

Elmes

Matthews

### **In Attendance:**

Janet Roberts, Employee Relations Team Manager

Paul Mottershead, Chief 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 1ST SEPTEMBER 2014**

**Resolved:** That the minutes of the meeting held on 1<sup>st</sup> September 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 PROCEDURE FOR THE GRIEVANCE**

The Committee considered a request for a review of the decision of the Council not to uphold a Grievance submitted by an employee.

The Head of Service and the Employee Relations Adviser presented the case on behalf of the Authority.

Mrs Roberts, Employee Relations Team Leader, and Paul Mottershead, Chief Solicitor, were in attendance at the meeting to advise the Committee but had taken no part in the original decision.

The Committee noted that the aggrieved had previously indicated that she would be unable to attend the meeting and requested that the meeting proceed in her absence. Mrs Jarvis, clerk to the Committee, also informed Members of additional correspondence that had been received from the aggrieved advising that she would be available to respond to questions via e-mail if required.

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 15 DECEMBER 2014

During the meeting, Members considered it necessary to request that the aggrieved respond to specific questions relating to the grievance and agreed to adjourn the meeting to allow the clerk the opportunity to forward the questions by e-mail to the aggrieved and for responses to be received.

### **Resolved:**

1. To consider the case in the absence of the aggrieved as requested by the aggrieved.
2. To adjourn the meeting from 10.45am for a half hour to enable the aggrieved the opportunity to respond to specific questions and following the expiry of this timescale, to agree a further adjournment until 11.45am to allow the aggrieved additional time to respond.
3. To agree that questions to the aggrieved and the responses received be circulated to officers and Members for consideration.

Background papers: Decision letter to aggrieved - Exempt

### **5 GRIEVANCE REVIEW**

The Committee considered a request for a review of the decision of the Council not to uphold a Grievance submitted by an employee.

The Head of Service and the Employee Relations Adviser presented the case on behalf of the Authority.

Mrs Roberts, Employee Relations Team Leader, and Paul Mottershead, Chief Solicitor were in attendance at the meeting to advise the Committee but had taken no part in the original decision.

During the meeting, Members considered it necessary to request that the aggrieved respond to specific questions relating to the grievance and agreed to adjourn the meeting to allow the clerk the opportunity to forward the questions by e-mail to the aggrieved and for responses to be received.

Prior to the meeting being reconvened and as previously agreed by the Committee, the clerk circulated copies of the e-mail detailing the questions asked of the aggrieved and her responses to both the Committee Members and the officers for consideration.

The meeting reconvened and the Committee carefully considered all the written evidence provided by both the aggrieved and the officers and the verbal representations made at the meeting by the officers.

Members paid particular attention to the closing statement that had been submitted by the aggrieved and included within the Grievance papers. The Committee noted the questions asked by the aggrieved that had been included in the e-mail response but considered it was more appropriate for these to be responded to by management outside of the meeting.

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 15 DECEMBER 2014

Members noted that the appellant disputed that there were only three main issues that needed to be considered and responded to at Stage 3 of the Grievance Procedure and also noted the officer's comments in relation to this. The Committee was satisfied that, on the balance of probability, the officer at Stage 3 of the Grievance Procedure had dealt with and responded to all relevant issues.

The Committee had regard to the Council's Grievance Procedure and noted the various policies and procedures in place at the Council to support managers and staff in coping with pressure. It also had regard to the outcome of the previous stages of the Grievance Procedure.

The Committee considered the outcome of Stage 3 of the Grievance Procedure and was satisfied that the correct procedure had been followed and the decisions taken as detailed in the Stage 3 outcome letter were fair and reasonable based on the evidence submitted.

### **Resolved:**

1. To consider the responses to the questions that had been provided by e-mail by the aggrieved.
2. To disregard any issues that had not been included at Stage 3 of the Grievance Procedure.
3. To dismiss the appeal and uphold the officer's decisions taken at Stage 3 of the Council's Grievance Procedure on the grounds that the Authority's procedures had been followed and the decisions taken had been fair and reasonable.

Background papers: Decision letter to aggrieved - Exempt

### **6 DATE OF NEXT MEETING**

Members noted the date of the next meeting as Monday 19<sup>th</sup> January 2015.

### **Chairman**

(The meeting ended 12.17 pm)

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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<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Item number</b>	<b>3</b>
<b>Relevant Officer:</b>	John Blackledge, Assistant Chief Executive Human Resources and Organisational Development
<b>Date of Meeting</b>	9 <sup>th</sup> February 2015

## HOME-TO-SCHOOL TRANSPORT APPEALS

### 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:

- Safeguard and protect the most vulnerable

### 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 at Appendix 3 (a).

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.

**.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 appellants 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 Exempt





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