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Blackpool Council

26 February 2021

To: Councillors Hugo, Hunter, Hutton, Matthews, R Scott and T Williams

The above members are requested to attend the:

APPEALS COMMITTEE

Tuesday, 16 March 2021 at 11.00 am
Via Zoom Meeting

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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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 18 JANUARY 2021

(Pages 1 - 4)

To agree the minutes of the last meeting held on 18 January 2021 as a true and correct record.

* **3 APPEAL AGAINST DISMISSAL**

(Pages 5 - 226)

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 APRIL 2021

To note the date of the next meeting as 12 April 2021.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477034, e-mail lennox.beattie@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.

Public Document Pack Agenda Item 2

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 18 JANUARY 2021

Present:

Councillor Hunter (in the Chair)

Councillors

Hugo

Hutton

R Scott

T Williams

In Attendance:

Yvonne Burnett, Democratic Governance Senior Advisor

Dawn Goodall, Head of Corporate Legal

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 23 NOVEMBER 2020

Resolved: That the minutes of the meeting held on 23 November 2020 be approved and signed by the Chair 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's intention to attend the hearing was noted and an attempt was made to contact the appellant. However, after a period of time the Committee agreed to hear the appeal in the appellant's absence, based on their written submission.

Also in attendance at the meeting were Ms Goodall, Head of Corporate Legal and Miss Burnett, Clerk to the Committee.

The Committee carefully considered all the information submitted by the appellant and the

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 18 JANUARY 2021

Authority both in writing and verbally at the meeting and took into consideration the family's reasons for wishing the child to continue his education in his current school following a family move, the difficulties the appellant experienced getting her other child to school and the emotional impact this had had on both the appellant and her children.

The Committee had regard to the Council's Home to School and College Transport Policy and the Local Authority's acknowledgement that the appellant had 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.

It noted the relevant factors in the Authority's case that provision had been made for the appellant's child to attend a special school within Blackpool, which could specifically accommodate his education needs. However the placement had been refused due to parental preference for the appellant's child to continue to attend his existing school, which was located outside of the Borough.

It was reported that the Authority would be unable to purchase a seat on one of Lancashire County Council vehicles and Blackpool did not currently have any vehicles travelling to the school and therefore individual taxi and passenger assistance for the child's use would be required.

The Committee was advised that if a pupil attended a special school, unit or other placement other than that recommended by Blackpool Council, then the parent would be responsible for arranging and paying for any necessary transport and noted that the appellant was of the opinion that moving her child to a different school would have a detrimental impact on both his behaviour and mental health.

Whilst sympathetic of the family circumstances and after carefully considering all the evidence before it, the Appeals Committee was satisfied there was insufficient evidence to support the need for transport assistance as the child was attending a school further away from the family home due to parental preference and a place was available at a suitable school closer to the family home. The Committee was of the opinion that the decision not to provide assistance with home to school transport costs had been 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 did not consider that there were sufficient special circumstances or considerations to override the policy.

Background papers: Exempt

5 DATE OF NEXT MEETING - 1 MARCH 2021

Resolved: To note the date of the next meeting as 1 March 2021.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 18 JANUARY 2021

Chairman

(The meeting ended 10.24am)

Any queries regarding these minutes, please contact:

Yvonne Burnett Senior Democratic Services Adviser

Tel: (01253) 477034

E-mail: yvonne.burnett@blackpool.gov.uk

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	16 March 2021

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 as Appendices to this report.
- 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:**
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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