

Blackpool Council

3 December 2021

To: Councillors Hutton, Matthews, R Scott, T Williams and Owen

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 13 December 2021 at 10.00 am
in Rooms 3a/3b, Bickerstaffe House

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 7 JUNE 2021

(Pages 1 - 2)

To agree the minutes of the last meeting held on 7 June 2021 as a true and correct record.

* **3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 3 - 98)

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 APPEAL AGAINST DISMISSAL** (Pages 99 - 306)

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).

Venue information:

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

Other information:

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Advisor, Tel:(01253) 477212, e-mail jennifer.cook@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, 7 JUNE 2021

Present:

Councillor Owen (in the Chair)

Councillors

Hutton

R Scott

T Williams

Farrell

In Attendance:

Dawn Goodall, Head of Legal Services

Linda Dutton, Head of Organisation and Workforce Development

Jenni Cook, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 16 MARCH 2021

Resolved: That the minutes of the meeting held on 16 March 2021 be approved and signed by the Chair as a correct record.

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 16 MARCH 2021

Resolved: That the minutes of the meeting held on 16 March 2021 be approved and signed by the Chair as a correct record.

3 EXCLUSION OF PUBLIC AND PRESS

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 APPEAL AGAINST DISMISSAL

The Committee considered the request to review the decision of the Council to dismiss an employee.

The appellant, accompanied by a Trade Union representative, was in attendance at the meeting.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 7 JUNE 2021

(Head of Legal, Governance and Partnerships) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision. Also in attendance was Mrs Cook, Clerk to the Committee.

The relevant Head of Service, Investigating Officer and Employee Relations Adviser presented the case on behalf of the Authority.

The Committee carefully considered all the representation and documentation put forward by both parties. The Committee considered all the information provided by the appellant regarding their personal circumstances.

The Committee acknowledged the information put forward by both the appellant and the Local Authority and were satisfied that the Council's policies and procedures had been followed and the decision to dismiss was reasonable and proportionate given the admitted issues.

The Committee noted the efforts made to support the appellant with their significant personal problems; however the Committee agreed with the relevant Head of Service that the Council could not ignore the risks to the safety of the appellant, colleagues and the public.

Resolved:

That the appeal is dismissed as the Committee was satisfied that the Council's relevant policies and procedures had been correctly followed and the decision was reasonable and proportionate.

5 DATE OF NEXT MEETING - 19 JULY 2021

Resolved: To note the date of the next meeting as 19 July 2021.

Chairman

(The meeting ended 12.15 pm)

Any queries regarding these minutes, please contact:
Jenni Cook Senior Democratic Services Adviser
Tel: 01253 477212
E-mail: jennifer.cook@blackpool.gov.uk

Report to:	APPEALS COMMITTEE
Relevant Officer:	Vicky Gent, Director of Children's Services
Date of Meeting:	13 December 2021

HOME TO SCHOOL TRANSPORT APPEAL

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 not provide assistance for home to school transport

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 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(h): Details of Case (Not for Publication).

6.0 Financial considerations:

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

7.0 Legal considerations:

7.1 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.

8.0 Risk management considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Sustainability, climate change and environmental considerations:

10.1 None

11.0 Internal/ External Consultation undertaken:

11.1 None

12.0 Background papers:

12.1 Home to School Transport Policy 2018.

Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	13 December 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 by way of redundancy.

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 1 - 19.
- 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:**
- Appendices 1 – 19 - Details of Case (Not for Publication).
- 6.0 Financial Considerations:**
- 6.1 None.
- 7.0 Legal considerations:**
- 7.1 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.
- 7.2 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 Risk management considerations:**
- 8.1 None.
- 9.0 Equalities considerations:**
- 9.1 None.
- 10.0 Sustainability, climate change and environmental considerations:**
- 10.1 None.
- 11.0 Internal/ External Consultation undertaken:**
- 11.1 None.

12.0 Background papers:

12.1 Exempt.

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