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Blackpool Council

15 August 2023

To: Councillors Boughton, S Brookes, Hoyle, C Mitchell, Sloman and Webb

The above members are requested to attend the:

APPEALS COMMITTEE

Wednesday, 23 August 2023 at 11.00 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

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 17 MARCH 2023 (Pages 1 - 2)

To agree the minutes of the last meeting held on 17 March 2023 as a true and correct record.

*** 3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 3 - 44)

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 DATE OF NEXT MEETING

To note the date of the next meeting as 18 September 2023.

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 Support Manager, Tel:(01253) 477157, 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 - FRIDAY, 17 MARCH 2023

Present:

Councillor Benson (in the Chair)

Councillors

Hutton

R Scott

Jackson

Wilshaw

In Attendance:

Mrs Janet Roberts, Employee Relations Team Manager

Dawn Goodall, Head of Legal Services

Jenni Cook, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 25 NOVEMBER 2022

Resolved:

That the minutes of the meeting held on 22 November 2022 are approved and signed by the Chair as a correct record.

3 APPEAL AGAINST DISMISSAL

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

The Appellant was in attendance at the meeting.

Mrs Roberts, Employee Relations Team Manager, and Ms Goodall, 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 and the Appellant presented their case.

The Committee acknowledged the representations put forward by both parties.

The Committee considered the Appellant's statement that they had not acted in such a manner and on balance, based on the evidence submitted, the Committee considered that the incident had taken place as described in the investigation report and it was reasonable to conclude that the Appellant had committed an act of gross misconduct.

The Committee further considered that there were no mitigating circumstances offered in the Appellant's representation.

MINUTES OF APPEALS COMMITTEE MEETING - FRIDAY, 17 MARCH 2023

The Committee was satisfied that the Council's policies and procedures had been followed and that the decision to dismiss was reasonable and proportionate. The Committee was satisfied that the Council had followed process and procedure and that gross misconduct had been proven.

Resolved:

That the appeal is dismissed as the Committee was satisfied that the Council had followed its processes and procedures, that gross misconduct had been proven and the decision to dismiss the Appellant on the grounds of gross misconduct was upheld.

4 DATE OF THE NEXT MEETING

The date of the next meeting was confirmed as 21 April 2023.

Chairman

(The meeting ended at 10.16 am)

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

Report to:	APPEALS COMMITTEE
Relevant Officer:	Lisa Arnold, Head of Community and Wellbeing Services
Date of Meeting:	23 August 2023

HOME TO SCHOOL TRANSPORT APPEAL

1.0 Purpose of the report

1.1 The Committee is asked 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.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.4 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 There are no alternative options as the review must be considered by the Appeals Committee.

5.0 Council Priority:

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

6.0 Background Information

6.1 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

7.0 List of Appendices

7.1 Appendices 3a to 3g Details of Case (Not for Publication).

8.0 Financial considerations:

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

9.0 Legal considerations:

9.1 The Head of 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.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.