

Public Document Pack

Blackpool Council

15 September 2023

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 25 September 2023 at 10.00 am
in Room 2B, Bickerstaffe House, Bickerstaffe Square, Blackpool

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.

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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 23 AUGUST 2023

(Pages 1 - 2)

To agree the minutes of the last meeting held on 23 August 2023 as a true and correct record.

* **3 HOME TO SCHOOL TRANSPORT APPEAL**

(Pages 3 - 64)

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 HOME TO SCHOOL TRANSPORT APPEAL**

(Pages 65 - 112)

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).

5 DATE OF NEXT MEETING

To note the date of the next meeting as 30 October 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 Jenni Cook, Democratic Governance Senior Adviser, 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.

Present:

Councillor Boughton (in the Chair)

Councillors

| | | |
|------------|--------|-------|
| S Brookes | Sloman | Hoyle |
| C Mitchell | Webb | |

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Jack Henriques, Legal Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 17 MARCH 2023

The Committee considered the minutes of the last meeting held on the 17 March 2023.

Resolved:

That the minutes of the meeting held on 17 March 2023 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 a request to review the decision of the Council to not provide assistance with home to school transport.

Mr Henriques (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mr Beattie, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Authority and advised the Committee of the reasons why the child did not qualify for home to school transport under the Council's Home to School Transport Policy.

MINUTES OF APPEALS COMMITTEE MEETING - WEDNESDAY, 23 AUGUST 2023

The Committee noted that the appellant had informed the clerk that they wished the appeal to be considered in their absence.

The Committee carefully considered all the representations and documentation put forward by both parties.

The Committee acknowledged the information put forward by both the Appellant in their submission and by the Local Authority and was satisfied that the decision to not provide assistance with home to school transport was reasonable and correct and that the Council's policies and procedures had been followed. The Committee considered that the Council had in making its decision at Stage 1 acted reasonably and considered the family's personal circumstances but had been reasonable to conclude that the application did not qualify as exceptional. The Committee considered that the Council was equally reasonable to conclude that the child was not a child unable to walk to school by reason of a mobility problem so should not consider the application under paragraph 1.5 of Home to School and College Transport Policy.

Resolved:

To uphold the decision not to provide home to school transport on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and the Committee did not consider that there were sufficient special circumstances or considerations to override the policy.

5 DATE OF NEXT MEETING

date of next meeting as the 18 September 2023.

Chairman

(The meeting ended 11.45 am)

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Support Manager
Tel: 01253 477157
E-mail: lennox.beattie@blackpool.gov.uk

| | |
|--------------------------|--|
| Report to: | APPEALS COMMITTEE |
| Relevant Officer: | Paul Turner, Assistant Director of Children’s Services |
| Date of Meeting: | 25 September 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 and key 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 are listed within the details of the 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 and the impact of this decision for our children and young people

11.1 This is addressed within the management case and appendices.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.

| | |
|--------------------------|--|
| Report to: | APPEALS COMMITTEE |
| Relevant Officer: | Paul Turner, Assistant Director of Children’s Services |
| Date of Meeting: | 25 September 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 and key 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 are listed within the details of the 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 and the impact of this decision for our children and young people

11.1 This is addressed within the management case and appendices.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 None.