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Blackpool Council

19 January 2024

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 29 January 2024 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

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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 11 DECEMBER 2023 (Pages 1 - 4)

To agree the minutes of the last meeting held on 11 December 2023 as a true and correct record.

*** 3 HOME TO SCHOOL TRANSPORT APPEAL - JOR** (Pages 5 - 54)

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 - JW** (Pages 55 - 94)

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 THE NEXT MEETING

To note the date of the next scheduled Appeals Committee as 1pm on 29 January 2024.

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.

Public Document Pack Agenda Item 2

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 11 DECEMBER 2023

Present:

Councillor Boughton (in the Chair)

Councillors

S Brookes	C Mitchell	Webb
Jones	Sloman	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Legal Advisor to the Committee

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 20 NOVEMBER 2023

Resolved:

That the minutes of the last meeting held on 20 November 2023 be approved and signed by the Chair as a correct record.

3 EXCLUSION OF THE 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 agenda items 3, 4 and 5 on the grounds that they 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 in respect of ES.

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. They had recently moved into the Blackpool area and whilst they had previously received transport assistance from Lancashire County Council at their last home address, Blackpool

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Council's policy differed from Lancashire's and the Council had determined that ES did not meet the criteria under its own policy.

The child's complex medical needs and distance from home to school were acknowledged by the Head of Service who was sympathetic to the family's circumstances, however the Committee was advised that insufficient evidence had been provided to show that the case met the financial eligibility criteria and that as post-16 transport was discretionary the request for transport assistance had been declined.

A parent of ES was in attendance and presented the case, explaining the child's complex needs in detail which prevented them from making their way to school independently. ES had previously enjoyed the routine of using assisted travel and the parent set out the circumstances of their move into the Blackpool area, their other caring responsibilities and employment commitments which all presented difficulties in being able to transport ES to school themselves.

The Committee carefully considered the evidence submitted by both parties. It agreed that the policy had been followed and the application dealt with correctly, however it noted the reasons for the family's move into the Blackpool area and believed that there were exceptional circumstances due to the complex medical needs of the child. It therefore agreed to overturn the decision to decline transport assistance and grant home to school transport in the case of ES.

Resolved

That home to school transport be granted for the remainder of school year 2023/234 (unless circumstances change) on the grounds of exceptional circumstances.

5 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 in respect of AJ.

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. It was explained that the distance from home to school was within the specified walking distance and members were reminded that the policy stated that family circumstances could not be taken into consideration when determining eligibility. In addition, following consideration of the EHCP submitted with the application, a SEND Officer had stated that the child did not require transport as their level of need was not considered to be exceptional.

The Head of Service outlined the unusual circumstances of AJ's case in that although an application for transport had previously been declined, due to an administrative error

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transport had been provided for a fixed period to enable the family to put alternative arrangements in place to get the child to school until the appeal was heard. That arrangement was coming to an end and as the policy was now being fully and correctly applied AJ did not qualify for home to school transport going forwards in accordance with the policy.

Family members of AJ attended and presented the case on behalf of the appellant. AJ's difficulties were outlined and family members questioned the assessment by the SEND officer as in their opinion the child's needs were exceptional as they were unable to walk long distances. Family members' medical and physical restrictions also meant they were unable to accompany them on the walk. The family considered public transport to be unsuitable and highlighted that AJ had felt comfortable with the structure and routine that the previously provided home to school transport had offered.

The Committee considered the evidence submitted by both parties and acknowledged the circumstances by which AJ had previously received transport. AJ's needs and the family's personal circumstances were noted however in its opinion there was a lack of medical evidence to support the family members' inability to accompany AJ to school and the Committee therefore concluded that the application did not qualify as exceptional. It was satisfied that the decision not to provide assistance with home to school transport was reasonable and that the Council's policies and procedures had been followed correctly.

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 Transport Policy and the Committee did not consider that there were sufficient special circumstances or considerations to override the policy.

6 HOME TO SCHOOL TRANSPORT APPEAL

The Committee considered a request to review the decision of the Council not to provide assistance with home to school transport in respect of KW.

Mrs Sharon Davies, 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 Mrs Sarah Chadwick, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. KW did not attend one of the closest three schools to their home address with places available and insufficient evidence had been provided of their financial entitlement. The request for transport assistance by way of a bus pass had therefore been refused in accordance with section 1.3 of the Home to School and College Transport Policy.

The parents of KW were in attendance and presented their case, highlighting that their child had suffered from severe bullying which had prompted them to move KW to a school further away. In their opinion that move had been essential, not a choice, and since the

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change of school there had been a marked improvement in KW's mental wellbeing. They therefore considered that there were exceptional circumstances to override the policy.

The Committee carefully considered the evidence presented by both parties. It empathised with the circumstances of the case, however believed that there were alternative options for schools closer to the family home with places available which could be explored and that there were no exceptional grounds to depart from the policy which it was satisfied had been correctly applied.

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.

7 DATE OF NEXT MEETING

The date of the next meeting was noted as 29 January 2024.

Chairman

(The meeting ended 12.10 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Senior Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk

Report to:	APPEALS COMMITTEE
Relevant Officer:	Lisa Arnold, Assistant Director Community and Environmental Services
Date of Meeting:	29 January 2024

HOME TO SCHOOL TRANSPORT APPEAL- JOR

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

3.3 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:	29 January 2024

HOME TO SCHOOL TRANSPORT APPEAL- JW

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

3.3 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”.

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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

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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.