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Blackpool Council

15 November 2022

To: Councillors Hutton, R Scott and T Williams

The above members are requested to attend the:

APPEALS COMMITTEE

Friday, 25 November 2022 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 14 OCTOBER 2022 (Pages 1 - 4)

To agree the minutes of the last meeting held on 14 October 2022 as a true and correct record.

*** 3 APPEAL AGAINST DISMISSAL** (Pages 5 - 274)

The Appeals Committee will consider and determine a request for a review of the Council's decision to dismiss an employee.

4 DATE OF NEXT MEETING

To note that the date of the next meeting will be circulated in due course.

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 - FRIDAY, 14 OCTOBER 2022

Present:

Councillor Benson (in the Chair)

Councillors

Hutton

R Scott

T Williams

In Attendance:

Jenni Cook, Democratic Governance Senior Adviser

Sharon Davies, Legal Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 26 SEPTEMBER 2022

Resolved: That the minutes of the meeting held on 26 September 2022 are approved 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 of the items including the decision referred to at Agenda Items 4 and 5 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.

Mrs Davies, Senior Solicitor, Legal Services, 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 Cook, Clerk to the Committee.

The relevant officers 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.

The child's mother presented her case as the appellant and provided information on the child's behavioural issues and medical needs and asked that the home to school transport be continued.

The Committee carefully considered all the representations and documentation put

MINUTES OF APPEALS COMMITTEE MEETING - FRIDAY, 14 OCTOBER 2022

forward by both parties.

The Committee acknowledged the information put forward by both the appellant and the Local Authority and was satisfied that the decision not to provide assistance with home to school transport was reasonable and correct and that the Council's policies and procedures had been followed.

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 correct.

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.

Mrs Davies, Senior Solicitor, Legal Services, 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 Cook, Clerk to the Committee.

The relevant officers 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.

The child's parents presented their case as the appellants and provided information on the child's behavioural issues and medical needs and asked that the home to school transport be continued.

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

The Committee acknowledged the information put forward by both the appellants and the Local Authority and was satisfied that the decision not to provide assistance with home to school transport was reasonable and correct and that the Council's policies and procedures had been followed.

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 correct.

6 DATE OF NEXT MEETING

Resolved:

To note the date of the next meeting as 25 November 2022.

MINUTES OF APPEALS COMMITTEE MEETING - FRIDAY, 14 OCTOBER 2022

Chairman

(The meeting ended at 14:24)

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

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Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	25 November 2022

DISMISSAL REVIEW

1.0 Purpose of the report:

1.1 To consider and determine a request for a review of the decision of the Council to dismiss an employee.

2.0 Recommendation(s):

2.1 The Committee will be asked 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 representations 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

3.2 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 A request for a review has been received from an employee in respect of dismissal.

6.2 Details of the employee's appeal case and the Management's statement of case and are attached as Appendices 3(a) to 3(j) (Appellant's case) and Appendices 3(k) to 3(t)

(Management's case).

6.3 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.

6.4 Does the information submitted include any exempt information? Yes

6.5 List of Appendices:

- Appellant's Case Appendices 3(a) to 3(j) - (Not for Publication).
- Management's Case Appendices 3(k) to 3(t) - (Not for Publication)

7.0 Financial Considerations:

7.1 None.

8.0 Legal considerations:

8.1 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.

8.2 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.

9.0 Risk management considerations:

9.1 None.

10.0 Equalities considerations:

10.1 None.

11.0 Sustainability, climate change and environmental considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 Exempt.

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