

# Public Document Pack

## Blackpool Council

16 September 2022

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

(Please note Committee Membership is subject to any decisions made at Council on 21 September 2022).

The above members are requested to attend the:

### **APPEALS COMMITTEE**

Monday, 26 September 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 either a
  - (a) personal interest
  - (b) (b) prejudicial interest
  - (c) (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 13 DECEMBER 2021** (Pages 1 - 4)

To agree the minutes of the last meeting held on 13 December 2021 as a true and correct record.

\* **3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 5 - 74)

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 Appeals Committee as 7 November 2022.

**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](mailto: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](http://www.blackpool.gov.uk).

# Public Document Pack Agenda Item 2

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 13 DECEMBER 2021

### **Present:**

Councillor Owen (in the Chair)

Councillors

Hutton

R Scott

T Williams

Hunter

### **In Attendance:**

Mrs J Roberts, Employee Relations Team Manager

Ms D Goodall, Head of Legal Services

Mrs J Cook, Democratic Governance Senior Adviser

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2 MINUTES OF THE LAST MEETING HELD ON 7 JUNE 2021**

**Resolved:** That the minutes of the meeting held on 7 June 2021 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 decisions 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.

The Appellant was not in attendance at the meeting and the Chair noted their confirmation that they were content for the item to be heard in their absence.

Ms Goodall (Head of Legal, Governance and Partnerships) 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 Head of Service presented the case on behalf of the Authority.

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

## **MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 13 DECEMBER 2021**

The Committee acknowledged the information put forward by both the Appellant in their submission and by the Local Authority and were 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.

### **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 APPEAL AGAINST DISMISSAL**

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

The Appellant was in attendance at the meeting and represented themselves. The Chair had agreed to deviate from the Council's policy to allow them to be represented by a family member, however they were unable to attend and the Appellant confirmed that they would present their own case.

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 and Employee Relations Adviser presented the case on behalf of the Authority and the Appellant presented their case.

The Committee acknowledged the information put forward by both the Appellant and the Local Authority and considered the supplementary evidence submitted by the Appellant.

The Committee was satisfied that the Council's policies and procedures had been followed and that the decision to dismiss by way of redundancy was reasonable and proportionate.

### **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.

### **6 DATE OF NEXT MEETING - 31 JANUARY 2022**

**Resolved:** To note the date of the next meeting as 31 January 2022.

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 13 DECEMBER 2021

### Chairman

(The meeting ended at 12.40 pm)

Any queries regarding these minutes, please contact:

Jenni Cook Democratic Governance Senior Advisor

Tel: (01253) 477212

E-mail: [jennifer.cook@blackpool.gov.uk](mailto:jennifer.cook@blackpool.gov.uk)

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|                          |   |
|--------------------------|---|
| <b>Report to:</b>        | <b>APPEALS COMMITTEE</b>                              |
| <b>Relevant Officer:</b> | Lisa Arnold, Head of Community and Wellbeing Services |
| <b>Date of Meeting:</b>  | 26 September 2022                                     |

## 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(i) 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 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