

Public Document Pack

Blackpool Council

1 December 2023

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

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 11 December 2023 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) 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 20 NOVEMBER 2023 (Pages 1 - 2)

To agree the minutes of the last meeting held on 20 November 2023 as a true and correct record.

* **3 HOME TO SCHOOL TRANSPORT APPEAL** (Pages 3 - 124)

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 125 - 216)

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 HOME TO SCHOOL TRANSPORT APPEAL (Pages 217 - 256)

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).

6 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 29 January 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 Sarah Chadwick, 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, 20 NOVEMBER 2023

Present:

Councillor Boughton (in the Chair)

Councillors

S Brookes
Jones

Sloman
Webb

Walsh

In Attendance:

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 30 OCTOBER 2023

Resolved:

That the minutes of the last meeting held on the 30 October 2023 be approved and signed by the Chair as a correct record.

3 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 TT.

Ms D Goodall (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 J Cook, 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 had not been awarded home to school transport. The child had previously been awarded home to school transport based on meeting needs under the Transport Policy 2018, however following the re-application process in July 2023, the transport had been declined as the child no longer met the criteria specified under the Policy. The Committee was advised that the child's school location had changed and that they now lived under the statutory distance and lived 1.9 miles away from the new school.

The Committee was advised that the Transport Panel, which included a Special Educational Needs and Disabilities (SEND) Officer, assessed each case individually and that the Transport Panel reviewed each child's Education and Healthcare Care Plan (EHCP), with the SEND Officer who provided a specialist view on the disabilities, needs and challenges outlined to identify whether anything within the plan would suggest that it may be unreasonable to

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 20 NOVEMBER 2023

expect a child to walk to school or for the parent to transport the child to school themselves.

The relevant Head of Service outlined the child's circumstances and the current issues being experienced within the family and advised that whilst the Transport Panel had been sympathetic to the family's circumstances, the child did not meet the Transport Policy and the Panel was unable to award transport in this case.

The parent was not in attendance at the Committee and had consented to the appeal being heard in their absence. The Committee considered the parent's case and the information submitted in relation to their family circumstances and to the specific examples given in relation to the child's additional needs and behaviour. In addition information submitted in relation the parent's own circumstances were considered.

The Committee considered the evidence supplied by both parties and acknowledged that, in the Committee's opinion, the policy had been followed and the application dealt with correctly. However the Committee considered that there were exceptional circumstances in relation to difficult family circumstances and temporary medical conditions and incapacity.

RESOLVED:

That the home to school transport be granted for the remainder of the school year 2023/2024 (unless circumstances changed) on the grounds of exceptional circumstances.

4 DATE OF NEXT MEETING

The Committee noted the date of the next scheduled Appeals Committee as 11 December 2023.

Chairman

(The meeting ended at 10.28 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:	Paul Turner, Assistant Director of Children’s Services
Date of Meeting:	11 December 2023

HOME TO SCHOOL TRANSPORT APPEAL- ES

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:	11 December 2023

HOME TO SCHOOL TRANSPORT APPEAL- AJ

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

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8.0 Financial considerations:

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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:	Lisa Arnold, Assistant Director Community and Environmental Services
Date of Meeting:	11 December 2023

HOME TO SCHOOL TRANSPORT APPEAL- KW

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

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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.