

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Appeals Committee**
held on Thursday, 24th September, 2009 at Committee Suite 2, Westfields,
Middlewich Road, Sandbach. CW11 1HZ

PRESENT

Councillor S Bentley (Chairman)
Councillors M Asquith, R Fletcher and M Martin

OFFICERS IN ATTENDANCE

| | |
|-----------------|---|
| Melissa Andrews | Solicitor and Clerk to the Appeals Committee |
| Anita Lynch | Admissions and Appeals Officer |
| Jackie Speakman | Principal Transport Officer (Presenting Officer for the Local Authority) |
| Carol Jones | Committee Officer |

APOLOGIES

Councillors L Gilbert, M Simon and D Topping

12 DECLARATIONS OF INTEREST

Melissa Andrews, Clerk to the Appeals Committee, declared a potential professional interest in respect of Cases 1 and 3, on the basis that she had clerked the Schools Admissions Appeal which each of the appellants had recently attended.

No Member made any declaration of interest in any item on the agenda.

13 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35, a total period of 10 minutes was allocated for members of the public to address the Committee on any matter relevant to its work.

There were no members of the public present and the Committee, therefore, proceeded to its next business.

14 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 27th August 2009 be approved as a correct record and signed by the Chairman, subject to the following amendment –

Minute No. 6 (Declarations of Interest) – second line -

| | |
|--------|--------------|
| Delete | “Ward.....” |
| Insert | “County....” |

15 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, and the public interest would not be served in publishing this information.

16 SCHOOL TRANSPORT APPEALS

The Committee considered four appeals against the decision of the Integrated Transport Service not to allow assisted school transport, in accordance with the Council's Transport Policy.

The appellant in Case 4 was not present, and the appeal was, therefore, heard in the absence of the appellant. The Presenting Officer presented the Local Authority's case and the Committee considered the appellant's written evidence only, together with additional written evidence tabled at the meeting.

In each case, the appellant(s) and Presenting Officer, together with the Admissions and Appeals Officer, were in attendance throughout consideration of the appeal. After each appeal, the appellant(s), Presenting Officer and Admissions and Appeals Officer withdrew from the meeting, following which the Committee reached its decision.

The Committee carefully considered the evidence presented to it both orally and in writing.

RESOLVED:

That

- | | | |
|-----|--------|---|
| (1) | Case 1 | the appeal be REFUSED; |
| (2) | Case 2 | the appeal be UPHeld, subject to the following - |
| | (a) | In the event of an improvement in the financial circumstances of the appellant, the case be reviewed; and |
| | (b) | The case be reviewed in August 2010. |
| (3) | Case 3 | the appeal be REFUSED; and |
| (4) | Case 4 | the appeal be REFUSED. |

(Note: Councillor M A Martin joined the meeting after Case 1 had been considered.)

17 APPEALS PROCEDURE

Members of the Committee discussed whether the procedure currently operated was appropriate in view of administrative difficulties encountered at previous meetings. Following discussion, it was -

RESOLVED

That, on an experimental basis, the following procedure be adopted, and reviewed in due course, in the light of experience –

- The Chairman to welcome all to the meeting and make introductions.
- The appellant will outline his/her case.
- The Local Authority Presenting Officer will outline the Authority's case.
- The Committee will ask questions of the appellant.
- The Committee will ask questions of the Presenting Officer for the Authority.
- The Chairman will invite each side to sum up.
- The Local Authority Presenting Officer and the appellant(s) will then withdraw from the meeting, following which the Committee will reach its decision.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

Councillor S Bentley (Chairman)