

# Appeals Committee

## Agenda

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<b>Date:</b>	<b>Thursday, 24th September, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 2, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal or prejudicial interests which they have in any item of business on the agenda.

3. **Public Speaking Time/Open Session**

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

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for Officers to undertake any background research, it would be helpful if questions were submitted at least one working day before the meeting.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Carol Jones  
**Tel:** 01270 529952  
**E-Mail:** carol.jones@cheshireeast.gov.uk

4. **Minutes of Previous Meeting** (Pages 1 - 2)

To approve as a correct record, the Minutes of the Meeting held on 27<sup>th</sup> August 2009.

**PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC**

5. **Exclusion of Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

6. **School Transport Appeals** (Pages 3 - 94)

To determine appeals against the decision of the Council not to offer assisted school transport.

A copy of the Under-16 School Transport Policy is enclosed and applies in respect of Cases 1, 3 and 4. A copy of the Post-16 School Transport Policy is enclosed and applies in respect of Case 2. (Pages 3 – 24)

Cases have been scheduled as follows –

2.00 pm	Case 1	Pages 25 - 37
2.45 pm	Case 2	Pages 39 - 57
3.30 pm	Case 3	Pages 59 - 79
4.15 pm	Case 4	Pages 81 – 94

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Appeals Committee**  
held on Thursday, 27th August, 2009 in the East Committee Room - Municipal  
Buildings, Earle Steet, Crewe, CW1 2BJ

**PRESENT**

Councillor S Bentley (Chairman)  
Councillor L Gilbert (Vice-Chairman)

Councillors M Asquith, R Fletcher, M Martin, M Simon and D Topping

**6 DECLARATIONS OF INTEREST**

Councillor M Asquith declared a personal interest in Case No. 1 on the basis that he had been the Ward Councillor for the appellant when a previous appeal had been considered by the former Cheshire County Council.

**7 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.

**8 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the minutes of the meeting held on 30<sup>th</sup> July 2009 be approved as a correct record and signed by the Chairman.

**9 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.

## 10 SCHOOL TRANSPORT APPEALS

The Committee considered three 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 1 was not present, and the appeal was, therefore, heard *in absentia*. The Presenting Officer outlined the Local Authority's case and the Committee considered the appellant's written evidence only.

In Case 2, the appellants and Presenting Officer were in attendance throughout consideration of the appeal. In Case 3, the appellant and Presenting Officer were in attendance throughout consideration of the appeal.

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

### **RESOLVED:**

That

- (1) Case 1 the appeal be upheld;
- (2) Case 2 the appeal be refused; and
- (3) Case 3 the appeal be refused.

## 11 FUTURE MEETINGS

It was noted that the meetings for the remainder of the year would be held at Westfields, Sandbach.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor S Bentley (Chairman)

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of the Local Government Act 1972.

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