

Appeals Committee

Agenda

Date: Thursday, 29th October, 2009
Time: 2.00 pm
Venue: Committee Suite 1, Westfields, Middlewich Road, Sandbach
CW11 1HZ

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 PUBLIC AND PRESS 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.

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 - 4)

To approve as a correct record, the Minutes of the Meeting held on 24th September 2009.

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.

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

6. **School Transport Appeals** (Pages 5 - 70)

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

A copy of the Post-16 Transport Policy is enclosed and applies to Case 1. A copy of the Under-16 School Transport Policy is enclosed and applies to Case 2.

2.00 pm	Case 1	Pages 27-44
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2.45 pm	Case 2	Pages 45-70
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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

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|-----|--------|---|
| (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)

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of the Local Government Act 1972.

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