

Appeals Committee

Agenda

Date:	Thursday, 25th March, 2010
Time:	2.00 pm
Note Venue:	East Committee Room - Municipal Buildings, Earle Street, Crewe, CW1 2BJ

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 foot 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 may 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 period of 10 minutes is allocated for members of the public to address the meeting 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. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide three clear working days' notice, in writing, to enable an informed answer to be given.

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 686471
E-Mail: carol.jones@cheshireeast.gov.uk

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

To approve as a correct record, the Minutes of the Meeting held on 14th January 2010.

5. **Exclusion of Press and Public**

The reports relating to the remaining item 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)

A copy of the "Under-16 Transport Policy" is enclosed and has been applied in each case. (Pages 3-10)

The Committee is asked to determine appeals against the decision of the Council not to offer assisted school transport.

Case 1	2.00 pm	Pages 11 – 48
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Case 2	2.45 pm	Pages 49 - 94
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The Committee is asked to note that photographic evidence provided in Case 2 is in black and white only; the original photographs will be available at the meeting.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Appeals Committee**
held on Thursday, 14th January, 2010 in Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

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

OFFICERS IN ATTENDANCE

Melissa Andrews	Solicitor and Clerk to the appeals Committee
Jackie Speakman	Principal Transport Officer (Presenting Officer for the Local Authority)
Carol Jones	Committee Officer

28 DECLARATIONS OF INTEREST

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

29 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.

30 MINUTES OF THE PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 26th November 2009 be approved as a correct record.

31 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.

32 **SCHOOL TRANSPORT APPEALS**

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

The respective appellant and the Presenting Officers were in attendance throughout consideration of each appeal. After each, the respective appellant and Presenting Officers withdrew from the meeting, following which the Committee reached its decision.

The appellants in both cases were not present, and the appeals were, therefore, heard in their absence. The Presenting Officer presented the Local Authority's case for each and the Committee considered the appellants' written evidence only.

The Presenting Officer then withdrew from the meeting, following which the Committee reached its decision.

RESOLVED

That

- (1) Case No. 1 The appeal be REFUSED; and
- (2) Case No. 2 The appeal be UPHELD

(Note: During consideration of this item, Councillor M Asquith declared a personal interest in Case No. 2 on the basis that he was a Governor of Wilmslow High School.)

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor S Bentley (Chairman)

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of the Local Government Act 1972.

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