

Appeals Committee

Agenda

Date:	Thursday, 29th April, 2010
Time:	2.00 pm
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
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4. **Minutes of the Previous Meeting** (Pages 1 - 4)

To approve as a correct record the minutes of the meeting held on 25th March 2010.

5. **Exclusion of Press and Public**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter 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 item pursuant to Section 100(A)4 of the Local government Act 1972 on the grounds that it involves 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 the public interest would not be served in publishing the information.

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

6. **School Transport Appeals** (Pages 5 - 30)

The Committee is asked to determine an appeal against the decision of the Council not to offer assisted school transport to the appellant's child. A copy of the "Under-16 Transport Policy" is enclosed and has been applied to this case.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Appeals Committee**
held on Thursday, 25th March, 2010 in the East Committee Room,
Municipal Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

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

Councillors M Asquith, R Fletcher and M Martin

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	Democratic Services Officer

APOLOGIES

Councillors M Simon and D Topping

33 DECLARATIONS OF INTEREST

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

34 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.

35 MINUTES OF THE PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 14th January 2010 be approved as a correct record.

36 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.

37 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.

Case 1: The appellant, who was accompanied by her mother, was in attendance throughout consideration of her appeal. The Presenting Officer detailed the Local Authority's case and the appellant gave oral evidence to support her written submission. Members of the Committee asked questions of both parties by way of clarification. The appellant and the Presenting Officer were also able to ask questions by way of clarification.

The appellant, her mother and the Presenting Officer withdrew from the meeting following which the Committee reached its decision.

Case 2: The appellant was accompanied by Ward Councillors D N Bebbington and J Jones who had agreed to assist her in presenting her case. All parties were in attendance throughout consideration of the appeal.

The Presenting Officer detailed the Local Authority's case and the appellant gave oral evidence to support her written submission. Both Ward Councillors spoke in support of the appeal. Members of the Committee asked questions of both parties by way of clarification. The appellant and the Presenting Officer were also able to ask questions by way of clarification.

The appellant, Ward Councillors and Presenting Officer withdrew from the meeting following which the Committee reached its decision.

RESOLVED

That

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

The meeting commenced at 2.15 pm and concluded at 3.20 pm

Councillor S Bentley (Chairman)

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of the Local Government Act 1972.

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