

Appeals Committee

Agenda

Date:	Thursday, 29th July, 2010
Time:	2.00 pm
Venue:	Committee Suite 1 & 2, 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 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
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4. **Minutes of the Previous Meeting** (Pages 1 - 4)

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 (as amended) 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 - 36)

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, 20th May, 2010 in Committee Suite 2, Westfields,
Middlewich Road, Sandbach. CW11 1HZ

PRESENT

Councillor S Bentley (Chairman)
Councillor J Crockatt (Vice-Chairman)

Councillor R Fletcher

IN ATTENDANCE

Melissa Andrews	Solicitor and Clerk to the Appeals Committee
Pat Wilson	SEN Assessment and Monitoring Team (Presenting Officer for Case No. 1)
Jackie Speakman	Principal Transport Officer (Presenting Officer for Case No. 2)
Carol Jones	Democratic Services Officer

APOLOGIES

Councillors M Asquith, L Gilbert, M Martin and M Simon

1 DECLARATIONS OF INTEREST

No declarations of interest were made.

2 MINUTES OF THE PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 29th April 2010 be approved as a correct record.

3 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.

4 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.

5 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 Policies, namely Complex Special Needs (Case 1) and Under-16 (Case 2).

Case 1: The appellants were in attendance through consideration of their appeal. The Presenting Officer detailed the Local Authority's case and the appellants gave oral evidence to support their 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 appellants and the Presenting Officer withdrew from the meeting to enable the Committee to reach its decision.

During its discussion, the Committee agreed that it required clarification on part of the appellants' evidence. At this point in the proceedings, the appellants and Presenting Officer re-joined the meeting to clarify the points raised. They then withdrew from the meeting following which the Committee reached its decision.

Case 2: The appellant was not present and the Committee heard the appeal based on his written evidence only.

The Presenting Officer detailed the Local Authority's case. Members of the Committee were able to ask questions by way of clarification.

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 REFUSED.

The meeting commenced at 2.30 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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