

# Appeals Committee

## Agenda

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<b>Date:</b>	<b>Thursday, 13th January, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1 &amp; 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 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 and/or prejudicial interests in any item on the agenda

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

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.

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. There is no requirement to give notice of the intention to make use of public speaking provision; 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 at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

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

To approve the Minutes of the Meeting held on 25 November 2010

5. **Exclusion of the 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 to 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 PUBLIC AND PRESS**

6. **School Transport Appeals** (Pages 5 - 34)

The Committee is asked to determine the appeal against the decision of the Council not to offer assisted school transport to the appellant's child.

A copy of the Post 16 Transport Policy is enclosed and has been applied in the case.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Appeals Committee**  
held on Thursday, 25th November, 2010 at Committee Suite 1, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

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

Councillors M Asquith, R Fletcher, L Gilbert, M A Martin and M J Simon

**IN ATTENDANCE**

Anita Barnett	Solicitor and Clerk to the Appeals Committee
Carol Jones	Democratic Services Officer
Jackie Speakman	Principal Transport Officer – Integrated Transport Service (Presenting Officer)
Andrea Gray	Senior Road Safety Officer (joint Presenting Officer for Case No. 1)
Sarah Tunstall	Operations Manager (Eligibility) – Integrated Transport Service
Councillor D Brickhill	Representing the appellant in Case No. 1

**15 DECLARATIONS OF INTEREST**

Councillor M J Simon declared a personal interest in Case No. 1 on the basis that she was the Ward Councillor and a Governor at the school which was the subject of the appeal.

Councillor M Asquith declared a personal interest in Case No. 2 on the basis that he was the Ward Councillor.

No other declarations of interest were made.

**16 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, or to ask a question.

There were no members of the public in attendance and the Committee proceeded to its next item of business.

**17 MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 23 September 2010 be approved as a correct record.

**18 EXCLUSION OF THE 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 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing this information.

**19 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 Under-16 Transport Policy.

Case No. 1

Councillor D Brickhill was in attendance, with the appellant. The Principal Transport Officer and the Senior Road Safety Officer (joint Presenting Officers) detailed the Local Authority's case. Councillor Brickhill gave oral evidence on behalf of the appellant, to support the written submission. The appellant also spoke in support of her appeal.

Members of the Committee asked questions of both parties by way of clarification. Councillor Brickhill and the Presenting Officers were also able to ask questions by way of clarification.

At this point in the proceedings, Councillor Brickhill and the appellant, together with the representatives from the Integrated Transport Service and Road Safety withdrew from the meeting, following which the Committee reached its decision.

**RESOLVED:**

That the appeal be refused.

The Principal Transport Officer and the Operations Manager (Eligibility) re-joined the meeting at this point in the proceedings.

Case No. 2

The appellant was not in attendance and the Committee heard the appeal based on the appellant's written evidence only, and the oral and written evidence presented by the Principal Transport Officer who detailed the Local Authority's case.

Members of the Committee were able to ask questions by way of clarification.

The Principal Transport Officer and the Operations Manager (Eligibility) withdrew from the meeting, following which the Committee reached its decision.

**RESOLVED:**

That the appeal be refused.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor S Bentley (Chairman)

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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