

# Appeals Sub-Committee Agenda

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**Date:** Thursday, 20th October, 2011  
**Time:** 10.00 am  
**Venue:** Fred Flint Room, Westfields, Middlewich Road, Sandbach  
CW11 1HZ

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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. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Apologies for Absence**

To receive any apologies for absence.

3. **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.

4. **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. 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.

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.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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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.

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

To approve the minutes of the meeting held on 29 September 2011.

6. **Exclusion of the 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 to exclude the press and public 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 to 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**

7. **School Transport Appeals** (Pages 3 - 48)

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 Sub-Committee**  
held on Thursday, 29th September, 2011 at Committee Suite 1, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor M Hardy (Chairman)

Councillors A Harewood, D Marren, B Murphy and P Whiteley

**IN ATTENDANCE**

Iolanda Puzio	Solicitor and Clerk to the Appeals Sub-Committee
Sarah Tunstall	Customer Quality Manager – Cheshire East Transport (Presenting Officer)
Julie Zientek	Democratic Services Officer

Councillor M Simon Representing the appellant in Case No. 1

**1 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor M Hardy be appointed Chairman.

**2 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 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 Sub-Committee on any matter relevant to its work.

In the absence of members of the public, the Sub-Committee proceeded to its next item of business.

**5 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.

## 6 SCHOOL TRANSPORT APPEALS

The Committee considered two appeals against the decision of Cheshire East Transport not to allow assisted school transport, in accordance with the Council's Under-16 Transport Policy.

### Case 1:

The appellant was accompanied by Ward Councillor M Simon, who had agreed to assist her in presenting her case.

The Presenting Officer detailed the Local Authority's case and the appellant gave oral evidence to support her written submission. Councillor Simon also spoke in support of the appeal. Members of the Sub-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, Councillor Simon and the Presenting Officer then withdrew from the meeting following which the Sub-Committee reached its decision.

### Case 2:

The appellant was not in attendance and the appeal was heard in their absence.

The Presenting Officer detailed the Local Authority's case and Members asked questions by way of clarification. The Sub-Committee also considered the written representations made by the applicant.

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

### RESOLVED - That

- (1) Case No. 1  
Year 11 Pupil: The appeal be UPHeld  
Year 7 Pupil: The appeal be REFUSED; and
- (2) Case No. 2 The appeal be REFUSED.

The meeting commenced at 11.00 am and concluded at 1.10 pm

Councillor M Hardy (Chairman)

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of the Local Government Act 1972.

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