

Notice of Appeals Committee

Date: Tuesday, 17 November 2020 at 9.30 am

Venue:



Membership:

Chairman:

Cllr P Hilliard

Vice Chairman:

Cllr M Le Poidevin

Cllr S C Anderson

Cllr G Farquhar

Cllr A Filer

Cllr N Hedges

Cllr P Miles

All Members of the Appeals Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4336>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

9 November 2020



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Members.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. **Confirmation of Minutes**

5 - 6

To confirm and sign as a correct record the minutes of the Meeting held on 20 October 2020.

5. **Administrative Arrangements for Appeals Committee Hearings**

7 - 10

In September 2019 the Committee made an informal agreement to operate with a flexible membership rota administered by Democratic Services based on availability, providing for no less than three members and no more than five members to sit at each hearing.

Now that appeal hearings are being held virtually and in view of the anticipated increase in school transport appeals, the Committee is asked to review these arrangements and amend as required.

6. **Exclusion of the Press and Public**

In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -

‘That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.’

7.	10:00 School Transport Appeal To consider an appeal against the refusal of Home to School Transport assistance.	11 - 52
8.	11:15 School Transport Appeal To consider an appeal against the refusal of Home to School Transport assistance.	53 - 72
9.	13:00 School Transport Appeal To consider an appeal against the refusal of Home to School Transport assistance.	73 - 96
10.	14:15 School Transport Appeal To consider an appeal against the refusal of Home to School Transport assistance.	97 - 148

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
APPEALS COMMITTEE

Minutes of the Meeting held on 20 October 2020 at 10.00 am

Present:-

Cllr P Hilliard – Chairman
Cllr M Le Poidevin – Vice-Chairman

Cllr S C Anderson, Cllr P Miles and Cllr A Filer

24. Apologies

There were no apologies for absence.

25. Substitute Members

There were no substitutions.

26. Declarations of Interests

There were no declarations of interest.

27. Exclusion of the Press and Public

RESOLVED that:- The Committee exclude the Press and Public for item 5 of the Agenda under Section 100(A)(4) of the Local Government Act 1972 on the grounds of the likely disclosure of exempt information, as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act, as the public interest in withholding the information outweighs such interest in disclosing the information.

28. School Transport Appeal

The Committee considered an appeal against the refusal to provide home to school transport assistance as detailed in the report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 1 to these minutes in the Minute Book.

In considering the appeal, the Committee had regard to all the supporting information provided by the Local Authority and the appellant, including the verbal submission made by the Local Authority at the appeal. The appellant chose not to attend the appeal but was content for the appeal to take place in their absence.

RESOLVED that, having taken careful note of all the evidence presented by all parties, the appeal in respect of the appellant named in the report be upheld. The Committee found that the home to school transport policy had been applied correctly but agreed that there were exceptional circumstances to depart from the home to school

transport policy on this occasion. The assistance was granted in the form of a bus pass until the end of the 2020/2021 academic year.

The meeting ended at 11.00 am

CHAIRMAN

APPEALS COMMITTEE



Report subject	Administrative Arrangements for Appeals Committee Hearings
Meeting date	17 November 2020
Status	Public report
Executive summary	<p>In September 2019 the Committee made an informal agreement to operate with a flexible membership rota administered by Democratic Services based on availability, providing for no less than three members and no more than five members to sit at each hearing.</p> <p>Now that appeal hearings are being held virtually and in view of the anticipated increase in school transport appeals, the Committee is asked to review these arrangements and amend as required.</p>
Recommendation	The Committee is asked to formally agree its administrative arrangements for Appeals Committee hearings.
Reason for recommendation	To ensure that the Appeals Committee has appropriate arrangements in place for all parties involved, particularly in the operation of virtual meetings during this busy period.

Portfolio Holder(s):	Councillor Drew Mellor, Leader of the Council
Corporate Director	Graham Farrant, Chief Executive
Report author	Jill Holyoake, Senior Democratic and Overview and Scrutiny Officer
Wards	All Wards
Classification	For Decision

Background

1. The Council's Constitution makes provision for an Appeals Committee consisting of seven councillors to determine appeals relating to the matters set out in Part 3.7 of the Constitution. In September 2019 the Committee agreed an informal arrangement of operating with a flexible membership rota administered by Democratic Services based on availability, with no less than three and no more than five members sitting at each hearing. The reduction in numbers was felt to provide a more conducive environment for appellants to address the Committee in person and talk about their circumstances.

Emerging Issues

2. Due to the current restrictions in attending physical meetings during the Covid 19 pandemic the Appeals Committee has started to hold its meetings virtually. The majority of appeals considered by the Committee relate to school transport, with parents able to attend to present their case if they wish. The procedures adopted to conduct virtual appeal hearings effectively, particularly where external participation is facilitated, mean that appeal hearings are taking longer than they would in a physical environment.
3. As there has been an increase in the number of applications for school transport resulting in 'first stage' officer reviews, it is anticipated that there will be an increase in appeals submitted to the Appeals Committee. This, together with longer virtual hearings, means that the Committee may be required to hold all day meetings in order to deal with business in a timely manner and avoid delay in determining appeals.

Options

4. There is a need to accommodate the increasing number of appeals while ensuring meeting arrangements are fit for purpose. Having considered feedback from Committee members following the first virtual meetings in October/November 2020 the following arrangements are suggested:

Membership arrangements:

- Arrange all day meetings where business requires, splitting this into timed morning and afternoon sessions.
- Establish a rota of four members (or three, plus a reserve) for each morning and afternoon session taken from the pool of seven Committee members, to include the Chairman or Vice Chairman at each session. This will enable a different membership to be set for each session, to accommodate those members unable to attend all day.

- Members will be asked to indicate their availability for morning/afternoon/both sessions for scheduled meeting dates until April 2021 so that a rota can be set in advance for remainder of municipal year.

Hearing arrangements:

- Operate with timings used to date: Allow a total of 1 hour and 15 minutes for each appeal with parents attending – this includes introductions/housekeeping, the hearing itself and decision making. Decision can be made after each appeal or at the end of each session.
 - Retain start time of 10.00am and limit the number of school transport appeals with parents attending to no more than two per morning and two per afternoon (based on current timings).
 - While the Committee gives no less consideration to appeals where parents do not wish to attend, these hearings are naturally usually shorter in duration. The Committee may feel it can accommodate more of these appeals in the time it would take to consider one appeal with parent attending.
5. Alternative options include introducing an earlier start time to accommodate more appeals. Consideration should be given as to whether this might impact on parents' ability to attend, particularly if starting before 9.30am. The Committee may also wish to reduce the time allocated for each appeal. This will enable more appeals to be heard in a day, but will offer less of a cushion between appeals to accommodate any overrunning or technical issues which may arise.
 6. Whatever arrangements the Committee adopts, it is recommended that these are reviewed in due course to assess how they are working in practice. This will allow the Committee to amend arrangements as required, for example by adjusting the number/timing of individual appeal hearings.
 7. The Committee may also wish to consider whether to continue operating with its own agreed practices, or whether to formalise these in the Council's Constitution, for example by establishing sub committees.

Summary of financial implications

8. There are no financial implications arising from this report.

Summary of legal implications

9. There are no legal implications arising from this report.

Summary of human resources implications

10. There are no human resources implications arising from this report.

Summary of sustainability impact

11. There are no sustainability issues arising from this report.

Summary of public health implications

12. There are no public health implications arising from this report.

Summary of equality implications

13. Although there are no direct equality implications arising from this report, the Committee should be mindful of the impact that any proposed changes over and above those referred to in the report may have upon protected characteristic groups. For instance, commencing the meetings too early or extended meetings too late may adversely impact upon the ability of parents (and as a consequence mothers) from attending hearings and thus place them in a disadvantaged position.

Summary of risk assessment

14. There are no specific risks arising from this report.

Background papers

None

Appendices

There are no appendices to this report.

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

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