

Notice of Appeals Committee



Date: Wednesday, 20 October 2021 at 10.00 am

Venue: Committee Suite, Civic Centre, Poole BH15 2RU

Membership:

Vice Chairman (in the Chair):

Cllr N Hedges

Cllr P Hilliard

Cllr M Le Poidevin

Cllr J Kelly

Cllr A Filer (reserve member)

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?MIId=4789>

If you would like any further information on the items to be considered at the meeting please contact: Nicky Hooley on 01202 096660 or email democratic.services@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 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

12 October 2021



Available online and
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The Modern Gov app logo, which includes a document icon, the Apple logo, the Android logo, and the Windows logo.

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

Do any matters being discussed at the meeting directly relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You must leave the room during the debate unless you hold a dispensation

Other Registerable Interest

Yes

Declare the nature of the interest

You may speak on the matter ONLY if members of the public are also allowed to speak at the meeting

Otherwise, do NOT speak or vote on the matter and leave the room during the debate unless you hold a dispensation

No

Does the matter directly relate to your financial interest or well-being or those of a relative or close associate?

Yes

You must disclose the interest.

Does the matter affect your financial interest or well-being:
 (a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

Yes

You may speak on the matter ONLY if members of the public are also allowed to speak at the meeting

Otherwise, do NOT speak or vote on the matter and leave the room during the debate unless you hold a dispensation

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

To confirm and sign as correct records the minutes of the meetings held on 8 and 22 September 2021.

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5. 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.'

6. 10:00 School Transport Appeal - Bournemouth Resident

To consider an appeal against the refusal of Home to School Transport assistance.

9 - 26

7. 10:45 School Transport Appeal - Poole Resident

To consider an appeal against the refusal of Home to School Transport assistance.

27 - 48

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.

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
APPEALS COMMITTEE

Minutes of the Meeting held on 08 September 2021 at 10.00 am

Present:-

Cllr N Hedges – Vice-Chairman (in the Chair)

Present: Cllr S C Anderson, Cllr P Hilliard and Cllr M Le Poidevin

34. Apologies

There were no apologies on this occasion.

35. Substitute Members

There were no substitute members on this occasion.

36. Declarations of Interests

There were no declarations of interest received.

37. Exclusion of the Press and Public

RESOLVED that:- The Committee exclude the Press and Public for items 5 and 6 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.

38. 10:00 Home to School Transport Appeal - Bournemouth Resident

Exempt Report as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Local Government Act 1972.

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

DECISION MADE:

In considering the appeal, the Committee had regard to all the supporting information provided by the Local Authority and the appellant, including the verbal submissions made by the Local Authority and the appellant at the meeting.

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 refused. The Committee found that the home to school transport policy had been applied correctly and agreed that there were no exceptional circumstances to depart from the home to school transport policy on this occasion.

Voting: unanimous

Hearing finished: 10:37

39. 10:45 Home to School Transport Appeal - Christchurch Residents

Exempt Report as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Local Government Act 1972.

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

DECISION MADE:

In considering the appeal, the Committee had regard to all the supporting information provided by the Local Authority and the appellant, including the verbal submissions made by the Local Authority and the appellant at the meeting.

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 granted. The Committee found that the home to school transport policy had been applied correctly and agreed that there were exceptional circumstances to depart from the home to school transport policy on this occasion.

Voting: unanimous

The meeting ended at 11.25 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
APPEALS COMMITTEE

Minutes of the Meeting held on 22 September 2021 at 10.00 am

Present:-

Cllr N Hedges – Vice-Chairman (in the Chair)

Present: Cllr A Filer, Cllr J Kelly and Cllr P Miles

40. Apologies

Apologies for absence had been received from Councillor Hilliard and Councillor Miles was attending as the reserve member.

41. Substitute Members

There are no substitute Members attending.

42. Declarations of Interests

There were no declarations of interest received.

43. Confirmation of Minutes

The minutes of the meeting held on 25 August 2021, were agreed as a true and correct record.

Voting: unanimous

44. 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.

45. Home to School Transport Appeal - Bournemouth Resident

Exempt Report as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Local Government Act 1972.

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

DECISION MADE:

In considering the appeal, the Committee had regard to all the supporting information provided by the Local Authority and the appellant, including the verbal submissions made by the Local Authority and the appellant at the meeting.

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 refused. The Committee found that the home to school transport policy had been applied correctly and agreed that there were no exceptional circumstances to depart from the home to school transport policy on this occasion.

Voting: unanimous

The meeting ended at 10.55 am

CHAIRMAN

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

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