

Notice of Appeals Committee

Date: Thursday, 29 February 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chairman:

Cllr K Rampton

Vice Chairman:

Cllr M Dower

Cllr M Le Poidevin

Cllr M Phipps

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

Please note that meetings of the Appeals Committee are not livestreamed or recorded for publication on the Council's website as the substantive items of business considered are held in exempt session.

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5498>

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

21 February 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



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
(janie.berry@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 - 8

To confirm and sign as a correct record the minutes of the meeting held on 30 January 2024.

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. School Transport Appeal - Case One

9 - 88

To seek a decision on whether or not transport should be provided for the appellant named in the report, outside of usual policy.

7. School Transport Appeal - Case Two

89 - 120

To seek a decision on whether or not transport assistance in the form of a taxi should be provided for the appellant named in the report, outside of usual policy.

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 30 January 2024 at 10.00 am

Present:-

Cllr K Rampton – Chairman

Present: Cllr O Brown, Cllr P Miles and Cllr M Le Poidevin

66. Apologies

There were no apologies for absence.

67. Substitute Members

There were no substitute members.

68. Declarations of Interests

The were no declarations of interest

69. Confirmation of Minutes

The minutes of the meetings held on 15 November and 11 December 2023 were agreed as a correct record and signed by the Chair.

70. Exclusion of the Press and Public

RESOLVED 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.

71. Home to School Transport Appeal - Case 1

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Present:

Rebekah Rhodes – Clerk

Carly Williams – Admissions and Transport

The appellant was also present virtually

The Committee considered an appeal against the refusal to provide home to school transport assistance in the form of a bus pass, 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.

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 but did not find that there were exceptional circumstances to depart from the home to school transport policy on this occasion.

Note – Councillor Le Poidevin did not take part in or vote on this application.

72. Home to School Transport Appeal - Case 2

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Present:

Rebekah Rhodes – Clerk

Carly Williams – Admissions and Transport

The appellant was not present.

The Committee considered 4 appeals for the same family against the refusal to provide home to school transport assistance in the form of a bus pass, 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.

In considering the appeals, 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. The appellant chose not to attend the appeal.

RESOLVED that, having taken careful note of all the evidence presented by all parties, the appeals in respect of the appellants named in the report be refused. The Committee found that the home to school transport policy had been applied correctly in each case but did not find that there were exceptional circumstances in each case to depart from the home to school transport policy on this occasion.

The meeting ended at 11.30 am

CHAIRMAN

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of the Local Government Act 1972.

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