

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.