

## APPEALS COMMITTEE

30 APRIL 2015

Present: Councillors Judith Woodman (Chairperson), Hinchey and Murphy

Also: Chris Fox Senior Lettings Manager, Ellen Curtis Service Manager (Tenant and Leasehold), Simon Williams (Education), Val Broomfield Legal Services and Andrea Redmond Committee Services.

### A01 : ELECTION OF CHAIRPERSON

At the meeting Councillor Judith Woodman was nominated as Chairperson for this Committee.

### A02 : DECLARATION OF INTEREST

The Chairperson reminded Members of their responsibility under Part III of the Members' Code of Conduct, to declare any interest in general terms and complete 'personal interest forms' at the start of the meeting, and then, prior to the commencement of discussion of the item in question, specify whether it is a personal or prejudicial interest, if the interest is prejudicial, Members would be asked to leave the meeting and if the interest is personal, Members would be invited to stay, speak and vote.

### A03 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded during discussion of the following items of business on the grounds that if members of the public were present during the discussions, due to the nature of the business to be transacted there would be disclosure to them of exempt information as defined in the Local Government Act 1972 and Categories 1 and 3 of the Local Authorities (Access to Information) (Variation) (Wales) Order 2007.

### A04 : CONSIDERATION OF APPEAL: EXCLUSION FROM HOUSING WAITING LIST

#### Case 1 – Appellant Mr CW

Chris Fox, Senior Lettings Manager and Ellen Curtis, Service Manager, Tenant and Leasehold, were present to represent the Council at the hearing.

The Appellant was not present for the hearing. The Committee waited fifteen minutes over the start time and Mr CW did not arrive.

The hearing was conducted in accordance with the procedure which was read out for the benefit of those present.

From the information received and the submissions made by Chris Fox, Lettings

Manager, the Committee found that:-

- (i) On 13/11/2014 the applicant was excluded from the housing waiting list for a period of 12 months. The panel came to their decision after considering his recent anti-social criminal offences and the risk presented to vulnerable members of the community. The exclusion ends on 27/08/2015.
- (ii) The applicant submitted a request for a review of the decision on 05/12/2014. On 22/01/2015, the panel decided to uphold the decision to exclude for 12 months.
- (iii) The applicant submitted a request for an appeal to committee services signed and dated on 09/02/2015.

Chris Fox and Ellen Curtis provided Members with information relating to Mr CW's current housing situation and answered questions on the completion of the Exhibit 4 form.

Chris Fox and Ellen Curtis left the meeting to allow the Committee to make a decision.

The Committee, having considered all the information before it was of the view that the decision of the Common Exclusion Panel to exclude Mr CW from the waiting list for a period of 12 months was reasonable and should be upheld.

RESOLVED – That

- (1) The Appeal of Mr CW against the decision of the Common Exclusion Panel to exclude him from the waiting list for a period of 12 months be disallowed for the following reasons:-

Mr CW had not attended the hearing to present his case and his current housing situation.

- (2) The Committee was unanimous in its view that the decision of the Common Exclusion Panel to exclude Mr CW from the waiting list for a period of 12 months was reasonable and should be upheld.

The Committee agreed that the exclusion period would remain at 12 months ending on 27 August 2015 following which time Mr CW would be eligible to re-apply to the waiting list.

The Committee urged Officers to establish contact with Mr CW to let him know the decision as soon as possible.

A05 : CONSIDERATION OF APPEAL: SCHOOL TRANSPORT

Case 1 – Appellant Ms AMD

Simon Williams (Education) was present to represent the Council at the hearing.

Ms AMD was present for the hearing.

The hearing was conducted in accordance with the procedure which was read out for the benefit of those present.

The Chairperson asked Simon Williams to provide a summary of the appeal as follows:

The Council has a duty to provide free school transport if the distance from home to school is over 3 miles. The distance from the appellants address to Corpus Christi was measured at 2.9 miles. The appellant had stated that the footpath which was part of the walking route to school was unsafe; a Travel Trainer had been sent out to walk the route (photos and a map of the route were provided to the Committee Members). It was established that the route met the criteria for an available route, Mrs AMD disputed this.

Members asked questions about some wording in the policy and sought clarification on a few points.

Mrs AMD was invited to outline her reasons for the appeal in which she stated that the footpath was the main concern; it was unlit and she considered it unsafe. She added that it takes her son 1 hour to walk to school and is using the footpath at times when no other children are walking to school. All the other children in her street qualify for a free bus pass; the alternative route was over 3 miles. Before the footpath was opened, her son would have had to walk the alternative route and would have qualified for the free bus pass. Mrs AMD was spending £30 per month sending her son to school and spending an additional £24 per month on another bus pass to enable him to see his father at weekends.

It was noted that the younger children would be moving up to that school too.

Members noted that the report did not state how long it took the Travel Trainer to walk the route and they felt this information would have been useful.

Members noted the reference to 'stress' in the Policy and were of the mind that this could refer to financial stress on the parents as well as stress to the child.

Simon Williams and Mrs AMD left the meeting to allow the Committee to make a decision.

The Committee, having considered all the information before it was of the view that the decision to not provide free school transport from the home address to Corpus Christi High School was unreasonable. This decision was made as the Members considered the child had to walk alone along an unlit footpath at times when no other pupils were walking that route; they considered he was disadvantaged by living at the end of the cul de sac and all other pupils in the street received free school transport; there was considerable financial stress on the parent.

RESOLVED – That

- (1) a free bus pass be provided for the time the pupil spends at Corpus Christi High School;

- (2) the Home to School/College Transport Policy be reviewed to clarify the wording regarding stress at point 4 of the Appendix;
- (3) in future, examples should be provided of what are acceptable and unacceptable routes to school.