



# Minutes

Name of meeting	<b>GENERAL PURPOSES (APPEALS) SUB COMMITTEE</b>
Date and time	<b>WEDNESDAY, 7 JANUARY 2009 COMMENCING AT 11.00 AM</b>
Venue	<b>COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs Lady Sarah Pigot (Chairman), Ivan Bulwer, Diana Tuson
Officers Present	John Brocklehurst, Elaine Gutcher, Simon Wiggins

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31. **Declarations of Interest**

There were no declarations at this stage.

32. **Exclusion of Public and Press**

RESOLVED:

THAT, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely Minute number 33 on the grounds that there was likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

33. **Reports of the Director of Children's Services**

The Chairman welcomed those present and introduced Members of the Committee. She confirmed that all members had read the papers and outlined the procedure that was to be followed.

Consideration was given to appeals relating to school transport

(a) Hearing 1

The appellant had withdrawn the appeal following submission of further evidence which met the criteria for eligibility for free home to school transport.

(b) Hearing 2

The appellant attended the hearing.

Following representations from the appellant, the Children's Services representative had no further questions to ask the appellant. Members of the Sub Committee asked questions.

Following representations from the Children's Services representative, the appellant asked the Children's Services representative questions. Members of the Sub Committee asked questions. Children's Services and the appellant then withdrew, whilst the Sub Committee adjourned to consider the appeal.

The Sub Committee having considered all the reasons given by the appellant in their submissions, including the appellant's financial and domestic circumstances decided that the appeal should be refused.

The Sub Committee could see no compelling evidence or reason to exercise their discretion to override the Isle of Wight Council's Transport Policy.

It was also noted that the appellant had exercised his parental choice for his child not to attend the priority school.

RESOLVED :

THAT the appeal be refused.

(c) Hearing 3

The appellant did not attend the hearing and gave consent for the case to take place in his absence.

Following clarification regarding which of the two children the appeal was in relation to, members believed further information was needed. The Clerk to the Committee was requested to contact the appellant to request further information.

RESOLVED :

THAT the hearing be adjourned to 26 January 2009 for further information from the appellant to be supplied.

(d) Hearing 4

The appellant attended the hearing

Following representations from the appellant, the Children's Services representative asked questions. Members of the Sub Committee asked the appellant questions.

Following representations from the Children's Services representative, members of the Sub Committee asked questions. Children's Services and the appellant then withdrew, whilst the Sub Committee adjourned to consider the appeal. The Sub Committee were advised that they should make 'reasonable adjustments' in accordance with the Disability Discrimination Act

The Sub Committee having considered all the reasons given by the appellant in her submissions, including the appellant's financial circumstances and her son's condition, decided that the appeal should be refused.

The Sub Committee could see no compelling evidence or reason to exercise their discretion to override the Isle of Wight Council's Transport Policy.

It was also noted that the appellant's child currently attends the priority school for the area.

RESOLVED :

THAT the appeal be refused subject to the condition that the recommendation provided by the Children's Services representative , that discussions should take place between the Transport Section, the appellant and the Children's Services representative with a view to considering an alternative provision agreeable to all parties.

(e) Hearing 5

The appellant attended the hearing.

Following representations from the appellant, the Children's Services representative had no further questions. Members of the Sub Committee asked the appellant questions.

Following representations from the Children's Services representative, the appellant asked the Children's Services representative questions. Members of the Sub Committee asked questions. Following such questioning a short adjournment took place in which to clarify certain points raised. Children's Services and the appellant then withdrew, whilst the Sub Committee adjourned to consider the appeal. The Sub Committee was advised that they should make 'reasonable adjustments' in accordance with the Disability Discrimination Act.

The Sub Committee having considered all the reasons given by the appellant in his submissions, including the appellant's financial circumstances and his son's medical needs, decided that the appeal should be refused.

The Sub Committee could see no compelling evidence or reason to exercise their discretion to override the Isle of Wight Council's Transport Policy.

It was also noted that the appellant had exercised his parental choice for his child not to attend the priority school.

RESOLVED :

THAT the appeal be refused.

CHAIRMAN