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Monday 6 March 2017

Notice of Meeting

Dear Member

Appeals Panel

The **Appeals Panel** will meet in the **Meeting Room 2 - Town Hall, Huddersfield** at **10.00 am** on **Tuesday 14 March 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

Members considering this appeal are: Councillors B Armer, G Wilson and A Cooper

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Appeals Panel members are:-

Member

Councillor Bill Armer (Chair)

Councillor Gulfam Asif

Councillor Andrew Cooper

Councillor Judith Hughes

Councillor Mumtaz Hussain

Councillor Christine Iredale

Councillor Manisha Roma Kaushik

Councillor Vivien Lees-Hamilton

Councillor Gwen Lowe

Councillor Bernard McGuin

Councillor Amanda Pinnock

Councillor Hilary Richards

Councillor Nicola Turner

Councillor Gemma Wilson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Minutes of Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Panel held on 16 September 2016 and 31 January 2017 and approve them as a correct record.

2: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests

3: Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

4: School Transport Appeal (MA)

7 - 20

Pages 7-18 Customer & Exchequer statement of case
Pages 19-20 Appellant's statement of case

To consider the above appeal

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Contact Officer: Alaina McGlade

KIRKLEES COUNCIL

APPEALS PANEL - EDUCATION SCHOOL TRANSPORT

Friday 16th September 2016

Present: Councillor Bill Armer (Chair)
Councillor Christine Iredale
Councillor Gemma Wilson

1 Minutes of Previous Meeting

That the Minutes of the meeting held on 24 May 2016 be approved as a correct record.

2 Interests

No interests were declared.

3 Exclusion of the Public

The Panel noted that Agenda Item 4 would be considered in private session.

4 School Transport appeal (LM)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

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KIRKLEES COUNCIL

APPEALS PANEL – EDUCATION SCHOOL TRANSPORT

Tuesday 31 January 2017

Present: Councillor Armer (in the Chair)
Councillors Lowe and Richards

1 Minutes of the Previous Meeting

That consideration of the minutes of the Panel held on 8 December 2016 be deferred to the next meeting of the Panel.

2 Interests

Cllr Lowe declared an “other” interest in item 5 of the agenda as she worked alongside the appellant.

3 Exclusion of the Public

RESOLVED - That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

4 School Transport Appeal (CL)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council’s decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

5 School Transport Appeal (EB)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council’s decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

6

School Transport Appeal (MA)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be upheld.

7

School Transport Appeal (IB)

(Exempt information relating to the identity of an individual seeking financial assistance from the Authority. The public interest in maintaining the exemption, which would protect the rights of an individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making)

The Panel considered the information in the report and information received from the Service and the appellant and:

RESOLVED – That the appeal be dismissed.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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