

APPEALS COMMITTEE (SERVICE ISSUES)

MONDAY 8 APRIL 2013
7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Minutes of the Meeting held on 10 November 2011 **1 - 4**

4. Minutes of the Sub-Committee Hearings held Between January 2012 and February 2013 **5 - 16**

- i) 23/01/12
- ii) 04/07/12
- iii) 12/11/12
- iv) 05/12/12
- v) 18/12/12
- vi) 20/02/13

5. Review of the Transport Appeals Held Under the Terms and Conditions of the Children's Services Transport Policies **17 - 18**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733452268 as soon as possible.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by means of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event that the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: Casey, Eley, Fletcher, Forbes, Goodwin, Holdich, Kreling, North, Saltmarsh and Swift

Substitutes: Councillors: Johnson and J Knowles

Further information about this meeting can be obtained from Gemma George on telephone 01733452268 or by email – gemma.george@peterborough.gov.uk

**MINUTES OF A MEETING OF THE APPEALS COMMITTEE (SERVICE ISSUES)
HELD AT THE TOWN HALL, PETERBOROUGH ON 10 NOVEMBER 2011**

Members Present: Councillors North (Chairman) and Casey

Also Present: Councillors Kreling, Winslade and Khan

Officers present: Jonathan Lewis, Assistant Director Education and Resources
Isabel Clark, Head of Assets and School Place Planning
Kim Sawyer, Head of Legal Services
Gemma George, Senior Governance Officer

Nomination of Chairman: Councillor North was nominated as Chairman for the duration of the meeting.

1. Apologies for Absence

Apologies for absence were received from Councillors John Fox, Saltmarsh and Swift.

2. Declarations of Interest

Councillor Casey declared a personal interest that his children used to receive bus passes, but no longer did so.

3. Review of School Transport Processes and Appeals

The Head of Legal Services presented a report to the Committee which sought its views on the current processes for approval of school transport applications and appeals, and whether the Committee would like to consider any amendment to current procedures.

Members were advised that the Appeals Committee (Service Issues) met primarily to consider school transport matters and to hear appeals against the refusal of free school transport.

Members were further advised that it had also been considered timely to review the procedures by which Peterborough City Council undertook delivery of the appeals process under its School Transport Policy, as proposed revisions had been made to the School Transport Policy. These revisions were to be considered by the Committee at item 4 on the agenda.

The Committee was further requested to consider its own terms of reference and relating standing orders as these matters had not been reviewed by the Committee for some time.

There were a number of further issues highlighted within the report for consideration by the Committee, including:

- Whether provisional dates for the Appeals Committee (Services Issues) be placed into the Civic Calendar for the next municipal year;
- Whether the core membership of the Appeals Committee (Services Issues) should be increased;
- Whether the support and advice being given by Officers was to a satisfactory standard; and
- Whether training to undertaken transport appeals should be extended to all Councillors.

Comments made by Members, and responses to questions included:

- The core membership of the Appeals Committee (Service Issues) should be increased;
- Training should be extended to all Councillors in order to ensure a wider pool of Members;
- Members attendance at all meetings, including Appeals Committees to hear transport Appeals, should be officially recorded;
- Provisional dates for the Appeals Committee (Service Issues) should be included in the Civic Calendar. Members attendance at ad-hoc committee meetings tended to be difficult;
- The Chairman for Appeals Committees to hear transport appeals should be nominated on the day;
- Transport appeals should not be heard for the sake of it. There should be a filtering system in place for Officers to address issues in the first instance. A call-in type procedure could then be implemented;
- At the current time, everyone was entitled to an appeal. The proposed amendments to the Transport Policy would assist in these circumstances and all people would need to specify in writing why they wished to appeal;
- Guidance could be forwarded to parents as to which grounds they could **NOT** appeal on;
- Parents could challenge the notion of a safe walking route;
- If parents had specific concerns, they could contact their Ward Councillor to assist in completing the appeal form;
- Having a larger pool of Members able to undertake transport appeals would assist with any possible conflict of interest that may arise with Ward Councillors undertaking appeals for people in their own wards.

RESOLVED

The Committee:

- 1) Noted the contents of the report;
- 2) Considered whether there were any recommended service improvements to the transport appeals process; and
- 3) Considered the terms of reference and standing orders relating to the Appeals Committee.

4. Consultation on Changes to the Peterborough Transport Policy for Pupils Aged 14-16

The Assistant Director Education and Resources presented a report to the Committee which highlighted the proposed changes to the Peterborough Transport Policy for pupils aged 14-16 years.

The report was submitted to enable the Appeals Committee to note the proposed changes and to make any recommendations to the Cabinet Member for Education, Skills and University prior to a decision being taken on the proposed changes following the close of consultation on Friday 11 November 2011.

The policy was due for revision and had been updated to reflect the guidance in a number of documents.

The main changes related to:

- The removal of denominational transport;
- The introduction of a mileage rate to parents;
- The mechanism for appealing against a decision made in relation to the policy;
- The change in walking distance for pupils aged 8 to 11, rising from two miles to three miles

Key aspects of the changes were outlined to Members. Comments made by Members, and responses to questions included:

- There would be no changes to the provision of denominational transport for 'low income families', who would still receive assistance with transport;
- Schools had a budget for which they had discretion to use as they wished, if they wanted to use the budget for the provision of school transport then they were entitled to do so;
- Each of the Faith Schools in Peterborough had their own admissions policies and not all places were allocated to pupils of faith. The schools also had the option to offer transport if they chose to do so, bearing in mind budget constraints;
- If a low income family chose to send their child to a Faith School, not within their catchment area, they would be entitled to receive free school transport. The same family not on a low income would not be entitled to receive free transport. This reflected Government Legislation;
- The low income benefits only applied in the case of transport to Faith Schools;
- The rate proposed for mileage paid to parents was 0.40p per mile;
- The Transport Policy did reflect the situation where a child lived between two parents, but comments made by Members would be taken on board and reflected in the consultation response;
- There was no specified age for a child to be able to walk to school by themselves. It was the parent's responsibility to ensure the child got to school. It would not be appropriate to set an age criteria;
- The use of sustainable transport was encouraged in the Transport Policy and two offers were made to children, one being an allowance of £200 towards the purchase of a bicycle and secondly there was the offer of a term allowance of £30 to the parents. These were both available to those children who were currently accessing, or who were able to access free school transport. Members commented that the £30 allowance should perhaps be paid to the child instead;
- The word 'bicycles' would be changed to the word 'cycles' in order to encapsulate all of the different cycles which could be provided for children with different needs;
- The schools had responsibility for providing a travel plan and providing the children with the knowledge of safe cycling routes etc;
- The travel provisions for those children receiving living over two miles, but within three miles, of their school would be reviewed due to the proposed changes in walking distance for pupils aged 8 to 11, rising from 2 miles to 3 miles. Each case would be taken on its own merits however. Members expressed concern on this point and stated that transport for those children who had no option but to travel to schools further away should be provided. Members were advised that their views would be taken on board and fed back into the consultation;
- Children who had been excluded were provided school transport;
- The King's School was referred to as The King's (The Cathedral) School in the glossary, this had the potential to be confusing and would be rectified;
- The 'Yellow Bus' option had been explored in Peterborough but this had not been looked into further due to the cost implications. Schools should be encouraging sustainable transport and discouraging car travel.

Members were advised that the comments raised would be incorporated into the consultation response.

RESOLVED

The Committee:

- 1) Noted the Draft Peterborough Transport Policy for Pupils aged 4-16 Years, which was currently out to consultation and proposed to be introduced in September 2012;
- 2) Noted the main changes to the Policy, those being;
 - i) The removal of denominational transport (paragraph 3.8 of the Policy);
 - ii) The introduction of a mileage rate paid to parents (paragraph 13.1 of the Policy);
 - iii) The mechanism for appealing against a decision made in relation to this Policy (paragraph 20.1 of the Policy); and

- iv) The change in walking distance for pupils aged 8 to 11, rising from 2 miles to 3 miles (paragraph 3.1 f the Policy).
- 3) Made recommendations, to be considered by the Cabinet Member for Education, Skills and University, prior to a decision being taken on the proposed changes to the Policy; and
- 4) Noted that no changes were proposed that would affect 'low income families' who would still receive assistance with transport where applicable (paragraph 3.6 of the Policy).

Chairman
7.00pm to 7.55pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 23 JANUARY 2012**

Members Present: Councillors Kreling (Chairman), Saltmarsh and Swift

Officers present: Isabel Clark, Head of Assets and School Place Planning
Toby Martin, Legal Executive (Education)

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972, and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for MH

A transport appeal was held for MH.

RESOLVED: to dismiss the appeal.

4.2 Appeal for AJ

A transport appeal was held for AJ.

RESOLVED: to allow the appeal.

4.3 Appeal for MG

A transport appeal was held for MG.

RESOLVED: to dismiss the appeal.

4.4 Appeal for DA

A transport appeal was held for DA.

RESOLVED: to dismiss the appeal.

4.5 Appeal for KM

A transport appeal was held for KM

RESOLVED: to allow the appeal.

Chairman
9.30am to 12.00pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 4 JULY 2012**

Members Present: Councillors Kreling (Chairman), Thacker and Swift

Officers present: Isabel Clark, Head of Assets and School Place Planning
Toby Martin, Legal Executive (Education)
Lyn Bones, Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for FH

A transport appeal was held for FH.

RESOLVED: to dismiss the appeal.

4.2 Appeal for ZT and AT

A transport appeal was held for ZT and AT.

RESOLVED: to adjourn the appeal.

4.3 Appeal for JL

A transport appeal was held for JL.

RESOLVED: to dismiss the appeal.

Chairman
9.30am to 11.00am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 12 NOVEMBER 2012**

Members Present: Councillors Thacker (Chairman), Kreling, Swift and Sylvester (Observing)

Officers present: Isabel Clark, Head of Assets and School Place Planning
Toby Martin, Legal Executive (Education)
Lyn Bones, Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for DS

A transport appeal was held for DS.

RESOLVED: to dismiss the appeal.

4.2 Appeal for BH and BH

A transport appeal was held for BH and BH.

RESOLVED: to adjourn the appeal.

Chairman
9.00am to 9.30am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 5 DECEMBER 2012**

Members Present: Councillors Thacker (Chairman), Kreling and Sylvester

Officers present: Isabel Clark, Head of Assets and School Place Planning
Toby Martin, Legal Executive (Education)

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for BH and BH

A transport appeal was held for BH and BH.

RESOLVED: to withdraw the appeal, as per the request of the parent.

Chairman
9.45am to 10.30am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 DECEMBER 2012**

Members Present: Councillors Khan (Chairman), Saltmarsh, Swift and Casey (Observing)

Officers present: Isabel Clark, Head of Assets and School Place Planning
Lyn Bones, Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for VS

A transport appeal was held for VS.

RESOLVED: to dismiss the appeal.

4.2 Appeal for HK

A transport appeal was held for HK.

RESOLVED: to dismiss the appeal.

4.3 Appeal for CM

A transport appeal was held for CM.

RESOLVED: to allow the appeal.

4.4 Appeal for HH

A transport appeal was held for HH.

RESOLVED: to dismiss the appeal.

4.5 Appeal for MW

A transport appeal was held for MW.

RESOLVED: to dismiss the appeal.

Chairman
10.00am to 12.30pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 20 FEBRUARY 2013**

Members Present: Councillors Kreling (Chairman), Swift, Casey and Johnson (Observing)

Officers present: Isabel Clark, Head of Assets and School Place Planning
Lyn Bones, Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information, as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

4. Transport Appeals

4.1 Appeal for MS

A transport appeal was held for MS.

RESOLVED: to dismiss the appeal.

Chairman
10.00am to 10.30am

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APPEALS COMMITTEE (SERVICE ISSUES)	AGENDA ITEM No.5
8 APRIL 2013	PUBLIC REPORT

Cabinet Member Responsible:	Councillor Holdich, Cabinet Member for Education, Skills and University	
Contact Officer(s):	Isabel Clark, Head of Assets and School Place Planning	Tel. 863914

REVIEW OF TRANSPORT APPEALS HELD UNDER THE TERMS AND CONDITIONS OF THE CHILDREN'S SERVICES TRANSPORT POLICIES

RECOMMENDATIONS
FROM : Head of Assets and School Place Planning
For the Committee to note the transport appeals held during 2012 and comment as appropriate.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee by the Head of Assets and School Place Planning as part of the Committee's terms of reference.
- 1.2 This report will be submitted on an annual basis.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to enable the Committee to scrutinise, or review, the outcomes of the transport appeals held during 2012 under the terms of the Children's Services Transport Policy and the Committees terms of reference 2.1.2 "to review the outcomes of appeals on an annual basis".

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. CHILDREN'S SERVICES SCHOOL TRANSPORT APPEALS

4.1 Background

- 4.2 The Council is required to have in place a policy for home to school transport for those children aged 4-16 and for those children attending a school or college for post 16 education.
- 4.3 The main policy for those children aged 4-16 was reviewed and consulted upon and finally approved in November 2012 for implementation in January 2013. However all appeals detailed within this report would have been held under the terms of the previous policy.
- 4.4 The policy for post 16 is required to be reviewed annually and is currently in the drafting stage by your Officers. However this policy is affected by the Raising of the Participation Age (RPA) and will have to be an interim policy for the next two years until the main policy is reviewed and will then apply to those aged 4-18.

5. Current Policy and Procedure

- 5.1 Within the policy is a provision for those dissatisfied with being turned down for home to school transport to take their case to appeal. Having been refused, a parent (or child) can ask for appeal papers.
- 5.2 Appeals are administered and organised by the City Council's Legal Department. On receipt of the papers detailing their case for an appeal, an appeal hearing is arranged.
- 5.3 A panel consists of three Councillors drawn from a pool of trained members. Panel members should not be a representative of the Ward of the appellant.
- 5.4 A Children's Services Officer presents the case for the refusal of home to school transport and the appellant details why they believe an exception to the policy should be made.
- 5.5 Councillors, having heard both sides, retire to discuss and decide whether or not to allow an exception to the policy. This decision is communicated to the Clerk, who then writes to both sides with the decision.

6. Cases Heard During 2012

Month	Number of Appeals	Reasons for Appeal	Allowed	Dismissed
January	4	Financial; Distance; Distance; Distance (Parental Preference)	1	3
July	2	Distance; Distance	0	2
November	1	Distance (Parental Preference)	0	1
December	5	Distance (Parental Preference); Distance; Distance (Parental Preference with exceptional circumstances); Distance (Parental Preference); Distance (Parental Preference)	2	3

7. REASONS FOR RECOMMENDATIONS

- 7.1 To ensure that the Committee is informed and kept up to date with the outcomes of transport appeals made under the policies in place at the time.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 There are no alternative options to be considered.

9. IMPLICATIONS

- 9.1 Financial, Legal and other officers all had input into the initial policy review. Impact on any specific community groups were also addressed as part of the policy review

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- *School Transport Policy for pupils aged 4 to 16 years*
- *Peterborough Post 16 Transport Partnership Policy*
(These policies themselves refer to statutory guidance and legislation relating to home to school transport and other local transport policies)