

## **APPEALS COMMITTEE (SERVICE ISSUES)**

**MONDAY 31 MARCH 2014**

**7.00 PM**

**Bourges/Viersen Room - Town Hall**

### **AGENDA**

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<b>1. Apologies for Absence</b>	
<b>2. Declarations of Interest</b>	
<b>3. Minutes of the Meeting Held on 8 April 2013</b>	<b>3 - 4</b>
<b>4. Minutes of the Sub-Committee Hearings Held Between April 2013 and December 2013</b>	<b>5 - 12</b>
i) 23/04/12	
ii) 18/06/12	
iii) 24/09/12	
iv) 02/12/12	
<b>5. Review of the Transport Appeals Held under the Terms and Conditions of the Children's Services Transport Policies</b>	<b>13 - 14</b>

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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.

Committee Members:

Councillors: North (Chairman), Casey (Vice Chairman), Kreling, Goodwin, Holdich, Elsey, Forbes, Swift, Saltmarsh and Fletcher

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](mailto:gemma.george@peterborough.gov.uk)

**MINUTES OF A MEETING OF THE APPEALS COMMITTEE (SERVICE ISSUES)  
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 APRIL 2013**

**Members Present:** Councillors Holdich (Chairman), Kreling, Thacker and Forbes

**Officers present:** Isabel Clark, Head of Assets and School Place Planning  
Gemma George, Senior Governance Officer

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

**1. Apologies for Absence**

Apologies for absence were received from Councillors Casey, Elsey, Goodwin, North, Fletcher, Saltmarsh and Swift.

Councillor Thacker was in attendance as a nominated substitute.

**2. Declarations of Interest**

There were no declarations of interest.

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

The minutes of meeting held on 10 November 2011 were approved as a true and accurate record.

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

The following minutes, from the Sub-Committee hearings held between January 2012 and February 2013, were approved as true and accurate records:

- 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**

The Committee received a yearly update report detailing the outcomes of the home to school transport appeals held during 2012.

The Council was 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.

The main policy for those children aged 4-16 had been reviewed and consulted upon and finally approved in November 2012 for implementation in January 2013. It was to be noted however, that all appeals outlined within the report had been held under the terms of the previous policy. The policy for post 16 was required to be reviewed annually and was currently being drafted.

The Transport Policy contained a provision for those dissatisfied with being turned down for home to school transport. This enabled individuals (the appellant(s)) to take their case to appeal, appeals being administered and organised by the Council's legal Department.

An Appeal Panel consisted of three Councillors, with a Children's Services Officer presenting the case for the refusal of home to school transport. The appellant(s) also had the opportunity to speak to put their case forward against the refusal of home to school transport.

The Committee was advised that during 2012, a total of 12 appeals had been held, nine of which had been dismissed and three of which had been allowed.

**RESOLVED:**

The Committee noted the transport appeals held during 2012.

**Reason for Decision:**

The report was presented to the Committee to ensure it was informed and kept up to date with the outcomes of transport appeals made under the policies in place at the time.

Chairman  
7.00pm to 7.08pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 23 APRIL 2013**

**Members Present:** Councillors Kreling (Chairman), Thacker and Saltmarsh

**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 KS**

The Sub-Committee was advised that the appeal had been withdrawn.

**4.2 Appeal for OLT**

A transport appeal was held for OLT.

**RESOLVED:** to dismiss the appeal.

Chairman  
10.30am to 11.00am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 JUNE 2013**

**Members Present:** Councillors Thacker (Chairman), Saltmarsh and Johnson

**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 CM**

A transport appeal was held for CM.

**RESOLVED:** to dismiss the appeal.

**4.2 Appeal for MM**

A transport appeal was held for MM.

**RESOLVED:** to dismiss the appeal.

**4.3 Appeal for IM**

A transport appeal was held for IM.

**RESOLVED:** to dismiss the appeal.

**4.4 Appeal for JLH**

A transport appeal was held for JLH.

**RESOLVED:** to dismiss the appeal.

#### **4.5 Appeal for MN**

A transport appeal was held for MN.

**RESOLVED:** to dismiss the appeal.

#### **4.6 Appeal for JN**

A transport appeal was held for JN.

**RESOLVED:** to dismiss the appeal.

Chairman  
2.30pm to 4.30pm



**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 24 SEPTEMBER 2013**

**Members Present:** Councillors Swift (Chairman), Sylvester, Casey (first appeal only) and Saltmarsh

**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 JH**

A transport appeal was held for JH.

**RESOLVED:** to allow the appeal.

**4.2 Appeal for EG**

A transport appeal was held for EG.

**RESOLVED:** to dismiss the appeal.

**4.3 Appeal for OL**

The Sub-Committee was advised that the appeal had been withdrawn.

**4.4 Appeal for RA**

A transport appeal was held for RA.

**RESOLVED:** to allow the appeal.

Chairman  
12.00pm to 2.30pm

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 DECEMBER 2013**

**Members Present:** Councillors Saltmarsh (Chairman), Sylvester and Swift

**Officers present:** Isabel Clark, Head of Admissions and Transport  
Gurvinder Kaur, Adult / Education Lawyer  
Toby Martin, Education Legal Executive (Observing)

**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 allow the appeal.

**4.2 Appeal for AK**

A transport appeal was held for AK.

**RESOLVED:** to dismiss the appeal.

**4.3 Appeal for JD**

The Sub-Committee was advised that the appeal had been withdrawn.

Chairman  
10.00am to 12.15pm

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<b>APPEALS COMMITTEE (SERVICE ISSUES)</b>	AGENDA ITEM No.5
<b>31 MARCH 2014</b>	<b>PUBLIC REPORT</b>

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

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

<b>RECOMMENDATIONS</b>
<b>FROM :</b> Head of Admissions and Transport
For the Committee to note the transport appeals held during 2013 and comment as appropriate.

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee by the Head of Admissions and Transport 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 2013 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 reviewing stage by your Officers. This policy is affected by the Raising of the Participation Age (RPA) is currently an interim policy 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 2013

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
February	1	Distance (Parental Preference)			1
April	2	Distance (2)	1		1
June	6	Distance (5) Continuity			6
September	4	Continuity (rehearing) Distance (Parental preference)	1	2	1
December	3	Denominational Medical/Distance Distance (Parental Preference)	1	1	1

## 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)