

APPEALS COMMITTEE (SERVICE ISSUES)

MONDAY 30 MARCH 2015
7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

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Committee Members:

Councillors: N North (Chairman), G Casey (Vice Chairman), Davidson, G Elsey, F Fox, J Holdich, Johnson, J Knowles, S Martin, N North (Chairman) and C W Swift

Substitutes: Councillors: Forbes, D Harrington and N Sandford

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733452460 or by email – philippa.turvey@peterborough.gov.uk

**MINUTES OF A MEETING OF THE APPEALS COMMITTEE (SERVICE ISSUES)
HELD AT THE TOWN HALL, PETERBOROUGH ON 31 MARCH 2014**

Members Present: Councillors North (Chairman), Casey (Vice Chairman), Elsey, Forbes, Goodwin, Holdich, Kreling and Saltmarsh.

Officers present: Jon Lewis, Assistant Director Education and Resources
Isabel Clark, Head of Assets and School Place Planning
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Swift.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 8 April 2013

The minutes of meeting held on 8 April 2013 were approved as a true and accurate record.

4. Minutes of the Sub-Committee Hearings held between April 2013 and December 2013

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

- i) 23/04/13
- ii) 18/06/13
- iii) 24/09/13
- iv) 02/12/13

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 2013.

The Assistant Director, Education and Resources introduced the report and advised that 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 in the reviewing stage. The policy was affected by the Raising of the Participation Age (RPA), this being an interim policy until the main policy was reviewed, which would then apply to those aged 14-18.

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 drawn from a pool of trained members, 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 2013, a total of 16 appeals had been held, 10 of which had been dismissed, three of which had been allowed and three having been withdrawn.

Members debated the report and key points raised included:

- The proposed changes to the Post 16 transport policy and the move away from an ad-hoc transport provision; and
- The method of measuring the distances, this being 'as the crow flies'.

RESOLVED:

The Committee noted the transport appeals held during 2013.

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 7.17pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 APRIL 2014**

Members Present: Councillors Johnson, Sylvester and Casey

Officers present: Gurvinder Kaur, Adult / Education Lawyer
Sara Thompson, Team Manager – Passenger Transport Operations

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 allow the appeal.

Chairman
10.00am to 10.45am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 JULY 2014**

Members Present: Councillors Saltmarsh, Johnson and Sylvester

Officers present: Gurvinder Kaur, Adult / Education Lawyer
Isabel Clark, Admissions and Transport Manager

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 allow the appeal.

4.2 Appeal for SH

A transport appeal was held for SH.

RESOLVED: to allow the appeal.

4.3 Appeal for AE

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

Chairman
10.00am to 11.30am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 29 SEPTEMBER 2014**

Members Present: Councillors Saltmarsh, Johnson and Swift

Officers present: Lyn Bones, Appeals Clerk
Isabel Clark, Admissions and Transport Manager

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 AE

A transport appeal was held for AE.

RESOLVED: to dismiss the appeal.

Chairman
10.00am to 10.30am

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

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

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

R E C O M M E N D A T I O N S
FROM : Head of Admissions
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 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 2014 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.
- 4.4 The policy for post 16 is required to be reviewed annually and is currently in the reviewing stage by your Officers.

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 2014

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
April	2	Financial	1	1	
July	3	Behaviour and emotional, medical	1	2	
August	1	SEN child	1		
September	15	Financial, medical	14		1
October	5		5		
November	7		7		

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)