

APPEALS AND PLANNING REVIEW COMMITTEE

MONDAY 10 APRIL 2017
7.00 PM

Council Chamber

AGENDA

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Committee Members:

Councillors: A Ansar, S Barkham, G Elsey (Chair), J Holdich (Vice Chairman), J Johnson, S Lane, D Over, J Peach, B Rush, D Seaton and J Whitby

Substitutes: Councillors: L Ayres and N Sandford

Further information about this meeting can be obtained from Philippa Turvey on telephone 452460 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 11 APRIL 2016**

Members Present: Councillors North (Chairman), Casey (Vice Chairman), Ayres, Elsey, Holdich, Johnson, Knowles, Sharp, and Sylvester

Officers present: Sara Thompson, Team Manager – Passenger Transport Operations
Pippa Turvey, Senior Democratic Services 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 30 March 2015

The minutes of meeting held on 30 March 2015 were approved as a true and accurate record.

4. Minutes of the Sub-Committee Hearings held between May 2015 and April 2016

The minutes from the Sub-Committee hearing held on 29 June 2015 were approved as a true and accurate record, subject to the removal of Councillor Khan from the list of attendees, and the addition of Councillor Swift as an attendee.

The minutes from the Sub-Committee hearing held on 2 November 2015 were approved as a true and accurate record.

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 2015.

The Team Manager – Passenger Transport Operations introduced the report and explained that 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. The policy for post 16 was required to be reviewed annually and was currently in the reviewing stage.

The Committee was advised that during 2015, seven cases had been rejected at the first stage. Three appeals had been awarded at the first stage. The Team Manager – Passenger Transport Operations informed the Committee that new guidance had been introduced in July 2014, in which it was recommended that all appeals were put through the second stage process.

A total of three second stage appeals had been held, two of which had been dismissed, and one had been allowed.

Members discussed the report and key points raised included:

- Cases were typically dismissed at the first stage because they were within the acceptable mileage restrictions;
- It was considered that the calculations of mileage used were accurate.

RESOLVED:

The Committee noted the transport appeals held during 2015.

Reason for Decision:

To ensure that the Committee 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 7:10pm



**MINUTES OF THE APPEALS AND PLANNING REVIEW COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 21 FEBRUARY 2017**

Members Present: Councillors Elsey (Vice Chairman), Over, Peach, Rush, Seaton, Ali, Johnson, Barkham, Lane, Whitby and Ayres (Substitute)

Officers Present: Lee Collins, Development Management Manager
Louise Lovegrove, Senior Development Management Officer
Amanda Nauth, Planning and Highways Lawyer
Simon Ireland, Principal Engineer (Highways)
Jane Webb, Senior Democratic Services Officer

1. Apologies for Absence

Apologies were received from Councillor Holdich.

Councillor Ayres was in attendance as substitute for Councillor Holdich.

2. Declarations of Interest

There were no declarations of interest.

Councillor Seaton stated he would like it noted that none of the Councillors who had called in the decision were present at the meeting nor had they registered to speak.

3. Members' Declaration of intention to make representations as Ward Councillor

No Members' declaration of intention to make representations as Ward Councillors were received.

4. 16/02184/R4FUL – Car Park, Hampton Court, Westwood, Peterborough

The Committee was presented with an application that had been considered by the Planning and Environmental Protection Committee on 24 January 2017. The Committee resolved to approve the application, as per the recommendation set out in the report which was now being made to the Appeals and Planning Review Committee. In accordance with the Council's Constitution, the decision was "called-in" for review. The signatories to the "call-in" request did not give a reason for this request as it was not required under the provisions of the Constitution.

The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report. Four key considerations for the Committee were:

- Considerable weight should be given to the Principles of Development.
- Parking and highways issues – loss of parking and the impact on surrounding rounds. The current car park was not used to capacity, Highways had not objected and were happy adequate provision had been provided. It should be noted that this was not a public car park but owned by Cross Keys.

- Loss of open space – 665sq m loss of open space was considered insignificant when balanced against the benefit of regeneration and much needed affordable housing.
- Drainage – the proposal seeks to use permeable materials in all parking and access/driveway areas.

The Development Management Manager explained that Councillor Murphy had requested details of traffic management. Officers had looked into this and parking restrictions were currently being looked at but nothing had yet been put into place; before this could happen a statutory consultation would need to take place and therefore any proposed traffic management measures were not relevant to the application and could not be taken into account.

Councillor Murphy, Ward Councillor, addressed the Committee in objection of the application and responded to questions from Members. In summary their key points highlighted included:

- Loss of 50 parking spaces resulting in 22 spaces provided would not be adequate for over 30 maisonettes; 80 spaces were needed.
- The whole area should be completely redeveloped and include underground parking.
- This was not a comprehensive redevelopment of a community hub that could attract external funding.
- The recycling centre was likely to be relocated within the car park.
- The addition of walls and fences would create criminal opportunity.
- There had been no consultation with the shop keepers.
- 29 letters of objection as well as a petition had been received.
- The meeting should be adjourned for Officers to receive information regarding the recent Housing White Paper.
- The Business Plan did not stack up.
- Too narrow an access to the new car park would not be adequate.
- The Landscaping Officer had also objected.
- Councillor Murphy had raised the point that there were 30 maisonettes to which he clarified these could have included shops as there were only 16 on the plan also regarding the parking spaces, he stated his figures could have been out by 12 spaces but that there would still be a loss of 50%.

In response to questions from the Committee the Development Management Manager clarified that:

- Viability was a consideration in planning but not in the manner that Councillor Murphy had alluded to.
- The Housing White Paper did not have Royal Assent and was therefore not a material planning consideration for this application.
- Members needed to consider only what was currently adopted and the proposal; not any potential grander plans.
- The statutory function of a site notice being put up had taken place along with all other statutory requirements.
- The space lost would be 665sq m not including the recycling centre.

John Wood, local resident, addressed the Committee in objection of the application and responded to questions from Members. In summary the key points highlighted included:

- Shopkeepers were concerned about the viability if the parking was reduced.

- Stafford Hall had previously applied for an extension but was declined due to the encroachment into green open space.
- There were already parking problems in the area and with more traffic being generated this would be exacerbated. Retaining part of the main car park would ease the street parking and access problems the development would likely cause.
- At times there are 46-50 cars using the car park for various reasons
- Cross Keys failed to keep the present area clear of rubbish.
- Water butts would not resolve the water/flooding concerns.

Mr Ahmed, the applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- This scheme would offer affordable rented properties at 40% of the market value, to rent; shared ownership would make this scheme affordable.
- Councillor Murphy had attended 5 meetings that had taken place between the applicant and the shop keepers where they had been asked for their input; some elements suggested have been included within the designs.
- All the tenants of the maisonettes had been spoken to and they had requested to keep the garages.
- There was a strong need for affordable housing.
- All shop keepers were very happy with the plans.
- This was the best scheme available within constraints to enhance the shopping area.
- The current layby would be enhanced.
- Cross Keys did not want to lose any businesses, this would be detrimental; they believed this proposal would enhance the area.

The Committee discussed the application, in summary the key points raised were:

- Members were concerned about the state of certain areas regarding rubbish and asked the applicant to take this back to Cross Keys; to which he agreed.
- Concerns were raised regarding the access to Luton Grove and the traffic management of this area.
- Members were concerned that the play area would be located next to the car park and the recycling centre which was considered a health risk.

The Development Management Manager stated the plans showed the proposed location of the recycling centre but explained that Members, if minded, could approve in location and then condition those details to ensure it was safe and secure or could impose conditions that would require it to be located elsewhere.

A five minute recess was taken at 8:15pm

Members discussed the application including the parking issues, access and the possibility of imposing conditions.

A motion was proposed and seconded to agree to grant planning permission in accordance with Officer recommendation, including all conditions set out in the Committee Report and amendments to conditions C11 and C15 to specify the need for a fence between the approved new car parking and adjacent footpath/public open space, and alternative relocation of the 'bring' site away from the public open space.

1. C11- to include a requirement for fencing to be installed between the new car park and the public footpath/public open space

Prior to the commencement of development, details of the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping details shall include (but not limited to):

- Finished ground and building slab levels;
- Hard surfacing materials
- Boundary treatments and enclosures (including walls, railings and gates) which shall include a minimum of 1.2 metre high fence between the approved new car park and the adjacent footpath/public open space;
- Street furniture including benches, bins and cycle stands;
- External lighting; and
- Planting plans including retained trees, species, numbers, size and density of planting for all communal and public areas (excluding private gardens).

Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping relating to the dwelling houses hereby permitted (boundary treatments, hard surfacing, external lighting and refuse bins etc.) shall be provided prior to first occupation of the dwelling house to which it relates;
- Hard landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority;
- Soft landscaping relating to the dwelling houses hereby permitted shall be carried out no later than the first planting season following the occupation of the dwelling house to which it relates; and
- Soft landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and to mitigate, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

2. C15 - The repositioning of the re-provided 'bring' (recycling point) to an alternative location to that shown on the approved plans (and away from the public open space).

Notwithstanding the approved drawings and prior to the commencement of development, details (a timetable for the installation) of the location, form and finish of the re-provided 'bring' (recycling) point shall be submitted to and approved in writing by the Local Planning Authority. The 'bring' site shall be installed in accordance with the approved details and within a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure no loss of community recycling facilities as a result of the development, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011). This is a pre-commencement development to ensure that a timetable for re-provision is secured before the existing facility is lost.

The Motion was carried 7 voted in favour, 3 against and none abstaining.

Application 16/02184/R4FUL – RESOLVED (7 voted in favour, 3 against and no abstentions) that planning permission is **GRANTED** in accordance with Officer recommendation, including all conditions set out in the Committee Report and amendments to conditions C11 and C15 to specify the need for a fence between the approved new car parking and adjacent footpath/public open space, and alternative relocation of the 'bring' site away from the public open space.

Reasons for the decision:

Subject to the imposition of the attached conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposal would represent redevelopment of the Local Centre to provide new housing, whilst retaining shopping and community facilities, in accordance with the vision for the site allocation as set out in Policy SA3.45 of the Peterborough Site Allocations DPD (2012);
- the proposal would provide much needed affordable housing to the benefit of the wider community, in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011);
- whilst the proposed replacement car park and 'bring' site would result in the loss of designated Public Open Space, within an area which is presently deficient, it is considered that this POS is not high quality and does not afford usable play space which is where the deficiency lies. Accordingly, it is considered that this limited harm is outweighed by the significant benefit from providing affordable housing and securing regeneration of the Local Centre;
- the proposal would secure the re-provision of the existing community 'bring' (recycling) point, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011);
- the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- adequate parking provision would be made for the proposed housing and existing Local Centre (including community facilities) so as to not result in an undue impact to the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal would make adequate provision for surface water drainage so as to not result in increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011);
- the proposed car park and relocated 'bring' site would not pose an unacceptable danger to users of the adjacent play area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011);
- the proposed dwellings would provide an adequate level of amenity for future occupiers, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in harm to potential undiscovered buried heritage assets, in accordance with paragraph 128 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy

DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C11- to include a requirement for fencing to be installed between the new car park and the public footpath/public open space

Prior to the commencement of development, details of the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping details shall include (but not limited to):

- Finished ground and building slab levels;
- Hard surfacing materials
- Boundary treatments and enclosures (including walls, railings and gates) which shall include a minimum of 1.2 metre high fence between the approved new car park and the adjacent footpath/public open space;
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Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping relating to the dwelling houses hereby permitted (boundary treatments, hard surfacing, external lighting and refuse bins etc.) shall be provided prior to first occupation of the dwelling house to which it relates;
- Hard landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority;
- Soft landscaping relating to the dwelling houses hereby permitted shall be carried out no later than the first planting season following the occupation of the dwelling house to which it relates; and
- Soft landscaping relating to all other parts of the development hereby permitted shall be provided in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and to mitigate, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

C15 - The repositioning of the re-provided 'bring' (recycling point) to an alternative location to that shown on the approved plans (and away from the public open space).

Notwithstanding the approved drawings and prior to the commencement of development, details (a timetable for the installation) of the location, form and finish of the re-provided 'bring' (recycling) point shall be submitted to and approved in writing by the Local Planning Authority. The 'bring' site shall be installed in accordance with the approved details and within a timetable to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure no loss of community recycling facilities as a result of the development, in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011). This is a pre-

commencement development to ensure that a timetable for re-provision is secured before the existing facility is lost.

Chairman
7:00pm– 8:42pm

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 20 JUNE 2016**

Members Present: Councillors Johnson, Sylvester, and Saltmarsh

Officers present: Lyn Bones, Appeals Clerk
Sara Thompson, Team Manager – Passenger Transport Operations
Bryony Wolstenholme, 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 SM

A transport appeal was held for SM.

RESOLVED: to allow the appeal.

4.2 Appeal for JC

The appeal for JC was withdrawn.

Chairman
10.00am to 11.00am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 27 JULY 2016**

Members Present: Councillors Johnson, Sylvester, and Saltmarsh

Officers present: Lyn Bones, Appeals Clerk
Sara Thompson, Team Manager – Passenger Transport Operations
Bryony Wolstenholme, 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 SQ

A transport appeal was held for SQ.

RESOLVED: to dismiss the appeal.

4.2 Appeal for ED

A transport appeal was held for ED.

RESOLVED: to allow the appeal.

4.3 Appeal for LD

A transport appeal was held for LD.

RESOLVED: to dismiss the appeal.

Chairman
10.00am to 12.15pm

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 27 OCTOBER 2016**

Members Present: Councillors Johnson, Sylvester, and Martin

Officers present: Lyn Hull, Appeals Clerk
Bryony Wolstenholme, Passenger Transport Operations
Danielle Watson, Legal 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 NI

A transport appeal was held for NI.

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 5 DECEMBER 2016**

Members Present: Councillors Johnson, Martin, and Saltmarsh

Officers present: Lyn Hull, Appeals Clerk
Bryony Wolstenholme, Passenger Transport Operations
Anita Barnett, Observer

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 JH

A transport appeal was held for BH and JH.

RESOLVED: to allow the appeal due to maladministration.

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 25 JANUARY 2017**

Members Present: Councillors Martin, Over, and Sims

Officers present: Lyn Hull, Appeals Clark
Bryony Wolstenholme, 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 HH

A transport appeal was held for HH.

RESOLVED: to dismiss the appeal.

Chairman
1.00pm to 1.45pm

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 15 MARCH 2017**

Members Present: Councillors Johnson, Sylvester, and Saltmarsh

Officers present: Lyn Hull, Appeals Clark
Bryony Wolstenholme, Passenger Transport Operations
Ester Baffa-Isaacs, Observer

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 ST

The transport appeal for ST was withdrawn.

Chairman
1.00pm to 1.45pm

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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No.5
10 APRIL 2017	PUBLIC REPORT

Cabinet Member Responsible:	Councillor Holdich, Cabinet Member for Education, Skills and University	
Contact Officer(s):	Bryony Wolstenholme – Acting Team Manager, Passenger Transport Operations	Tel. 317452

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 : Team Manager – Passenger Transport Operations
It is recommended that the Appeals and Planning Review Committee note the transport appeals held during 2016/2017 and comment as appropriate.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee by the Team Manager, Passenger Transport Operations 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 2016/2017 under the terms of the School Transport Policy and Post 16 partnership Policy 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 August 2016 for implementation in September 2016.
- 4.4 The policy for post 16 is required to be reviewed annually, the current policy has been in place since September 2016.

5. CURRENT POLICY AND PROCEDURE

- 5.1 In line with Local Ombudsman advice our appeal procedure has been updated in both policies (4-16 and post 16) to include a 2 Stage process.
- 5.2 Any parent who has been refused assisted school/college transport may appeal to the Appeals Committee (Service Issues) if they wish to challenge:
- (1) the refusal is not in line with the policy
 - (2) the transport arrangements offered
 - (3) that there are exceptional reasons to depart from the policy

Stage One: Review by the Team Manager, Passenger Transport Operations

- 5.3 A parent has 20 working days from receipt of the home to school transport decision to make a written request to the Team Manager, Passenger Transport Operations asking for a review of the decision.
- 5.4 The written request should detail why the parent believes the decision should be reviewed and give details of any personal and /or family circumstances the parent believes should be considered when the decision is reviewed.
- 5.5 Within 20 working days of the parent's written request the Team Manager, Passenger Transport Operation will review the original decision and send the parent detailed written notification of the outcome of their review, setting out:
- The nature of the decision reached;
 - How the review was conducted
 - Information about other departments and /or agencies that were consulted as part of the process (if applicable);
 - What factors were considered;
 - The rationale for the decision reached;
 - Information about how the parent can escalate their case to stage two (if appropriate)

Stage Two: Review by an independent appeal panel

- 5.6 A parent has 20 working days from receipt of the Team Managers stage one written decision notification to make a written request to escalate the matter to stage two.
- 5.7 Within 40 working days of receipt of the parents request an independent appeals panel made up of Councillors will consider written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:
- The nature of the decision reached;
 - How the review was conducted;
 - Information about other departments and /or agencies that were consulted as part of the process (if applicable);
 - What factors were considered;
 - The rationale for the decision reached;
 - Information about the parent's right to put the matter to the Local Government Ombudsman (see below)

- 5.8 Local Government ombudsman – parents have a right of complaint to the Local government Ombudsman, but only if there is evidence of a failure by the council to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for a judicial review.

5.9 One of these reasons must be set out in the application for appeal.

6. CASES REJECTED AT 1ST STAGE DURING 2016/2017

Month	Number of Appeal Requests rejected
April 2016	0
May 2016	0
June 2016	2
July 2016	2
August 2016	1
September 2016	2
October 2016	1
November 2016	6
December 2016	5
January 2017	0
February 2017	2
March 2017	0
Total	22

7. CASES HEARD (2ND STAGE APPEALS) DURING 2016/2017

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
June 2016	2	Financial and Medical	1	1	0
July 2016	3	Financial and Parent Medical	0	1	2
October 2016	1	Personal	0	1	0
December 2016	1	Parent Medical	0	0	0
January 2017	1	Financial and Study Direction	0	0	1
March 2017	1	Medical	1	0	0

8. REASONS FOR RECOMMENDATIONS

8.1 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.

9. ALTERNATIVE OPTIONS CONSIDERED

9.1 There are no alternative options to be considered.

10. IMPLICATIONS

10.1 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.

11. 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)*

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