

APPEALS AND PLANNING REVIEW COMMITTEE

MONDAY 9 APRIL 2018
7.00 PM

Council Chamber - Town Hall

AGENDA

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Committee Members:

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

Substitutes: Councillors: Ayres and N Sandford

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email daniel.kalley@peterborough.gov.uk

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MINUTES OF THE APPEALS AND PLANNING REVIEW COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 10 APRIL 2017

Members Present: Councillors Eley (Chairman), Holdich (Vice-Chairman), Over, Peach, Ali, Lane, Whitby, and Bull

Officers Present: Bryony Wolstenholme, Acting Team Manager, Passenger Transport Operations
Chris Gordon, Legal Services
Pippa Turvey, Democratic and Constitutional Services Manager

1. Apologies for Absence

Apologies were received from Councillors Seaton and Barkham. Councillor Bull was in attendance as substitute for Councillor Seaton.

2. Apologies for Absence

3. Minutes of the Meeting Held on:

3.1 11 April 2016

The minutes of the meeting held on 11 April 2016 were agreed as a true and accurate record.

3.2 21 February 2017

The minutes of the meeting held on 21 February 2017 were agreed as a true and accurate record.

4. Minutes of the Sub-Committee Hearings Held Between June 2016 and March 2017

The minutes of the meetings held between June 2016 and March were agreed as a true and accurate record.

5. Review of 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 2016/2017.

The Acting Team Manager, Passenger Transport Operations introduced the report and explained that an increase in the number of appeals had been seen. This was believed to be due to a change in process, following a ruling from the Ombudsman, that the two stage appeal process must be available to all applicants.

Members discussed the report and key points raised including:

- The increase in second stage applications had been approximately 100%.
- Three appeals had been upheld at the first stage. One of these was as a result of officer error, and the remaining two were exceptional circumstances.

RESOLVED: that the Appeals and Planning Review Committee noted the transport appeals

held during 2016/2017.

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 7:07pm

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

Members Present: Councillors Martin, Over and Saltmarsh

Officers present: Lyn Hull, Appeals Clerk
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 MA

The transport appeal was upheld.

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 18 OCTOBER 2017**

Members Present: Councillors Martin, Over and Saltmarsh

Officers present: Lyn Hull, Appeals Clerk
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 NI

The transport appeal was upheld.

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 23 FEBRUARY 2018**

Members Present: Councillors Martin, Over and Saltmarsh

Officers present: Lyn Hull, Appeals Clerk
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 LRBB

The transport appeal was upheld.

Chairman
1.00pm to 1.45pm

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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No. 6
9 APRIL 2018	PUBLIC REPORT

Report of:	Wendi Ogle-Welbourn Corporate Director: People and Communities	
Cabinet Member(s) responsible:	Councillor Lynne Ayres Cabinet Member for Education, Skills and University	
Contact Officer(s):	Sara Thompson - Team Manager - Passenger Transport Operations	Tel. 01733 317452

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

RECOMMENDATIONS	
FROM: <i>Team Manager - Passenger Transport operations</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Appeals and Planning Review Committee:</p> <p>1. <i>note the transport appeals held during 2017/2018 and comment as appropriate.</i></p>	

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.
- The report is 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 2017/2018 under the terms of the School Transport Policy and Post 16 Transport Partnership Policy.
- 2.2 This report is for Planning and Appeals Committee to consider under its Terms of Reference No. 2.1.2
- "to review the outcomes of appeals on an annual basis"*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 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.
- 4.2 The main transport policy for those children aged 4-16 was reviewed and consulted upon and finally approved in August 2016 for implementation in September 2016.
- 4.3 The policy for post 16 is required to be reviewed annually, the current policy has been in place since September 2017.
- 4.4 Appeal procedure in both policies (4-16 and post 16) includes a 2 Stage process.
- 4.5 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

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

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.

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.

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)

4.7 Stage Two: Review by an independent appeal panel

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.

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)

4.8 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.

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

4.9 **1st STAGE APPEALS AND OUTCOMES DURING 2017/2018**

Month	Number of 1st stage appeals	Number of appeals approved and transport awarded
April 2017	1	1
May 2017	2	1
June 2017	3	1
July 2017	1	0
August 2017	2	0
September 2017	6	1
October 2017	9	2
November 2017	3	1
December 2017	1	1
January 2018	5	2
February 2018	1	0
March 2018	1	1
Total	37	9

4.10 CASES HEARD (2ND STAGE APPEALS AND OUTCOMES DURING 2017/2018)

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
August 2017	1	Family circumstance	0	1	0
September 2017	1	SEND	1 - PCC awarded transport so appeal withdrawn	0	0
October 2017	1	Family circumstance / financial	0	1	0
February 2018		Family circumstance	0	1	0

5. CONSULTATION

5.1 N/A

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 N/A

7. REASON FOR THE RECOMMENDATION

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

10.1 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).