

APPEALS AND PLANNING REVIEW COMMITTEE

MONDAY 8 APRIL 2019
7.00 PM

Forli Room - Town Hall

AGENDA

	Page No
1. Apologies for absence	
2. Declarations of interest	
3. Minutes of the meeting held on 9 April 2018	3 - 4
4. Minutes of the Sub-Committee Hearings held between April 2018 to March 2019	5 - 12
i) 9 April 2018	
ii) 30 October 2018	
iii) 5 December 2018	
iv) 25 March 2019	
5. Review of Transport Appeals Held under the Terms and Conditions of the Children's Services Transport Policies	13 - 18

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Committee Members:

Councillors: Ansar, Barkham, Ellis, Fuller, J Holdich (Chairman), Jones, S Lane, D Over, B Rush (Vice Chairman), D Seaton and Simons

Substitutes: Councillors: Ayres, J R Fox and A Shaheed

Further information about this meeting can be obtained from Daniel 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 MEETING
HELD AT 7:00PM, ON
MONDAY, 9 APRIL 2018
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Elsey, (Vice-Chair) Holdich, Councillors Rush, Johnson, Ali, Whitby, Barkham and Lane

Officers Present: Dan Kalley, Senior Democratic Services Officer
Sara Thompson, Team Manager - Passenger Transport Operations

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Peach, Over and Seaton.

2. DECLARATIONS OF INTEREST

There were no declarations of interest

3. MINUTES OF THE MEETING HELD ON 10 APRIL 2017

The minutes of the meeting held on 10 April 2017 were agreed as a true and accurate record.

4. MINUTES OF THE SUB-COMMITTEE HEARINGS HELD BETWEEN JUNE 2017 TO MARCH 2018

The minutes of the meetings held between June 2017 and March 2018 were agreed as a true and accurate record save for the alteration to the minutes from 15 August 2017 where the officer in attendance was Bryony West

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 2017/2018

The Team Manager, Passenger Transport Operations introduced the report and explained that needed to have a policy on school transport appeals. The policy was reviewed in August 2016 and was required to be reviewed annually.

RESOLVED:

That the Appeals and Planning Review Committee noted the transport appeals held during 2017/2018

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 - 7.05pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 9 APRIL 2018**

Members Present: Councillors Martin, Elsey and Johnson

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 AH

The transport appeal was upheld.

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 30 OCTOBER 2018**

Members Present: Councillors Martin, Elsey and Over

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 DP

The transport appeal was upheld.

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 2018**

Members Present: Councillors Saltmarsh, Elsey and Over

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 OD

The transport appeal was not upheld.

Chairman
4.00pm to 4.45pm

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 25 MARCH 2019**

Members Present: Councillors Saltmarsh, Martin and Over

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 BB

The transport appeal was upheld.

Chairman
10.00am to 10.45am

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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No. 5
8 APRIL 2019	PUBLIC REPORT

Report of:	Wendi Ogle-Welbourn Executive 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

R E C O M M E N D A T I O N S

FROM: *Team Manager - Passenger Transport operations* **Deadline date:** *N/A*

It is recommended that the Appeals and Planning Review Committee:

1. *note the transport appeals held during 2018/2019 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.

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 2018/2019 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 2018.

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 2018/2019**

Month	Number of 1st stage appeals	Number of appeals approved and transport awarded
April 2018	0	0
May 2018	1	0
June 2018	1	1
July 2018	3	0
August 2018	3	2
September 2018	9	3
October 2018	9	7
November 2018	2	1
December 2018	5	0
January 2019	3	0
February 2019	1	1

4.10

March 2019	1	0
Total	38	15

CASES HEARD (2ND STAGE APPEALS AND OUTCOMES DURING 2018/2019)

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
April 18	1	Medical	0	1	0
October 18	1	Medical	0	1	0
December 18	1	Medical	0	0	1
March 19	1	Distance	1	0	0
March 19	1	Family circumstances	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).

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