

APPEALS AND PLANNING REVIEW COMMITTEE

MONDAY 30 MARCH 2020

7.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

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i) 3 July 2019	
ii) 28 August 2019	
iii) 17 December 2019	
5. Review of Transport Appeals Held under the Terms and Conditions of the Children's Services Transport Policies	11 - 16
6. Appeals and Planning Review Committee Start time 2020-21	17 - 20

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Committee Members:

Councillors: Ansar, Barkham, Coles, Dowson, J Holdich (Chairman), D Over, B Rush (Vice Chairman), N Sandford, D Seaton, Simons and Yurgutene

Substitutes: Councillors: Ayres, M Jamil, Qayyum, A Shaheed and Yasin

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, 8 APRIL 2019
FORLI ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Holdich, (Vice-Chair) Rush, Councillors Jones, Fuller, Simons and Ayres

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 Over, Ali, Lane and Barkham. Councillor Ayres attended as substitute.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE MEETING HELD ON 9 APRIL 2018

The minutes of the meeting held on 9 April 2018 were agreed as a true and accurate record.

4. MINUTES OF THE SUB-COMMITTEE HEARINGS HELD BETWEEN APRIL 2018 TO MARCH 2019

The minutes of the meetings held between April 2018 and March 2019 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 2018/2019.

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 and was last updated in September 2018.

The Appeals and Planning Review Committee debated the report and in summary, key points raised and responses to questions included:

- With regards to the stage 1 appeals the number being received each year was fairly consistent.
- In terms of the stage 2 appeals a high number are upheld and transport granted. Members of the sub-committee had received training but more intensive training was a possibility.

- Transport was sometimes only granted for certain periods, allowing families to make adjustments before re-applying for transport.

RESOLVED:

That the Appeals and Planning Review Committee noted the transport appeals held during 2018/2019

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 - 7.15pm

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 3 JULY 2019**

Members Present: Councillors Simons, Coles 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 AB

The transport appeal was dismissed.

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 28 AUGUST 2019**

Members Present: Councillors Rush, Coles 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 JC

The transport appeal was dismissed.

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 17 DECEMBER 2019**

Members Present: Councillors Barkham, Coles and Simons

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 TM

The transport appeal was dismissed.

Chairman
2.00am to 2.45pm

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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No. 5
30 MARCH 2020	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 2019/2020 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 2019/2020 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 implemented in June 2019.
- 4.3 The policy for post 16 is required to be reviewed annually, the current policy has been in place since September 2019.
- 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	3	0
May 2018	4	1
June 2018	2	0
July 2018	0	0
August 2018	0	0
September 2018	4	0
October 2018	6	1
November 2018	3	0
December 2018	1	0
January 2019	1	0
February 2019	0	0

March 2019	0	0
Total	24	2

4.10

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

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
July 19	1	Family circumstances	0	0	1
August 19	1	Religious Grounds	0	0	1
December 19	1	Transport provision offered unsuitable due to needs	0	0	1
January 20	1	Distance	1	0	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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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No. 6
30 MARCH 2020	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Mohammed Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 01733 296334

APPEALS AND PLANNING REVIEW COMMITTEE MEETING START TIME 2020-2021

RECOMMENDATIONS	
FROM: <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i>	Deadline date: <i>N/A</i>
It is recommended that the Appeals and Planning Review Committee agree the start time for all Appeals and Planning Review Committee meetings for the Municipal Year 2020-21.	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Appeals and Planning Review Committee meeting following the Full Council decision on 24 July 2019 to allow Committees to decide their own start times for the Municipal Year 2020-21.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to allow the Appeals and Planning Review Committee to discuss and agree the start times for meetings from the beginning of the Municipal Year 2020-21. The schedule of meetings will be agreed at Annual Council on 1 June 2020.

2.2 This report is for the Appeals and Planning Review Committee to consider under Council Standing Order section 4.4.1

The timings of normal committee meetings will be agreed by the committee for the next municipal year in January of the preceding municipal year (or as near to this time as possible).

3. TIMESCALES

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

4.1 At the Constitution and Ethics Committee on 8 July 2019 the Committee agreed by majority to recommend to Council that all Committees can agree their start times for the Municipal Year 2020-21. This was again agreed by majority at the Full Council meeting on 24 July 2019.

- 4.2 The Council standing orders have been updated to reflect this decision and gives Committees the opportunity to decide their own start time.
- 4.3 In order for the start times to be incorporated into the meeting schedule it is important for the Committee to make a decision on this before the Annual Council meeting.
- 4.4 Council standing orders allow the Committee to agree its start time every Municipal Year, thereby allowing the Committee to change the start times if it is felt that the start time was not suitable or working.
- 4.5 The Committee will need to decide the best start time and will need to weigh up attendance at meetings and the impact on the Council and members of the public.
- 4.6 The Committee has regularly met at 7pm throughout its existence. There are generally no members of the public present at the meetings.

5. CONSULTATION

- 5.1 Consultation has already taken place with the Constitution and Ethics Committee who made the recommendation and all Councillors at Full Council.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that the Committee will agree a start time for meetings for the Municipal Year 2020-21 and this will be proposed as part of the meeting schedule.

7. REASON FOR THE RECOMMENDATION

- 7.1 The recommendation allows the Appeals and Planning Review Committee to debate the start time of the meeting and make recommendations following debate.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 N/A

9. IMPLICATIONS

Financial Implications

- 9.1 There are no financial implications.

Legal Implications

- 9.2 There are no legal implications

Equalities Implications

- 9.3 There are no equalities implications

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Minutes of the Constitution and Ethics Committee 8 July 2019
Report to Full Council 24 July 2019

11. APPENDICES

- 11.1 There are none.

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