

APPEALS AND PLANNING REVIEW COMMITTEE

MONDAY 6 MARCH 2023

1.30 PM

Council Chamber - Town Hall

AGENDA

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1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the meeting held on 7 March 2022	3 - 4
4. Minutes of the Sub-Committee Hearings held between April 2022 and February 2023	
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6. Appeals and Planning Review Committee start times 2022/23	17 - 20

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Committee Members:

Councillors: I Ali, Coles, W Fitzgerald, Howard, Jones (Chair), S Lane, D Over, Sabir (Vice Chairman), Seager, A Shaheed and Simons

Substitutes: Councillors: Ayres and N Sandford

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 MEETING
HELD AT 7PM, ON
7 MARCH 2022
SAND MARTIN HOUSE, ENGINE SHED**

Committee Members Present: Fitzgerald (Chair), Councillors , Barkham, Coles, I Hussain, Lane, Over and Simons

Officers Present: Dan Kalley, Senior Democratic Services Officer
Bryony Wolstenholme, Passenger Transport Manager

Also Present:

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ali, Rush and Haynes. Councillor Ishfaq Hussain attended as substitute.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES OF THE APPEALS AND PLANNING REVIEW COMMITTEE MEETING HELD ON 8 MARCH 2021

The minutes of the meeting held on 8 March 2021 were agreed as a true and accurate record.

4. MINUTES OF THE SUB-COMMITTEE HEARINGS HELD BETWEEN APRIL 2021 TO MARCH 2022

The minutes of the meetings held between April 2021 and March 2022 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 2021/2022.

The Team Manager, Passenger Transport Operations introduced the report and explained that there was a two-stage appeal process. The first stage of the appeal was dealt with by a member of the transport team and a response was provided to the applicant. If the applicant was not happy, they had the opportunity to move to the second stage of the appeal process, which would involve a hearing.

During the first stage of appeals over the past 12 months, six had been allowed.

RESOLVED:

That the Appeals and Planning Review Committee noted the transport appeals held during 2021/2022

6. APPEALS AND PLANNING REVIEW COMMITTEE START TIME

The Appeals and Planning Review Committee received a report in relation to the committee start time for 2022/23.

Members of the committee debated the start times and agreed to move the annual meeting in line with the Planning Committee and start at 1.30pm. It was felt that if any planning decision needed to be reviewed the start time would be ad hoc to fit best with members of the committee at that time.

RESOLVED:

That the Appeals and Planning Review Committee agreed the start time for the annual meeting as 1.30pm and any ad hoc meetings to be agreed as this arises.

**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
PETERBOROUGH ON 12 JULY 2022**

Members Present: Councillors Simons, Barkham and Over

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

The transport appeal was dismissed.

Chairman
10.00am to 11.00am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
PETERBOROUGH ON 29 NOVEMBER 2022**

Members Present: Councillors Coles, Rush and Simons

Officers present: Lyn Hull, Appeals Clerk
Bryony Wolstenholme, 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 LM

The transport appeal was upheld.

Chairman
10.00am to 11.00am

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**MINUTES OF A MEETING OF THE APPEALS SUB-COMMITTEE
PETERBOROUGH ON 3 FEBRUARY 2023**

Members Present: Councillors Coles, Over and Simons

Officers present: Lyn Hull, Appeals Clerk
Bryony Wolstenholme, 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 MN

The transport appeal was dismissed.

Chairman
10.00am to 11.00am

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APPEALS AND PLANNING REVIEW COMMITTEE	AGENDA ITEM No. 5
6 MARCH 2023	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Lynne Ayres Cabinet Member for Education, Skills and University	
Contact Officer(s):	Bryony Wolstenholme - Team Manager - Passenger Transport Operations	Tel. 01733 317453

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 2022/2023 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 2022/2023 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 appeals procedures for the Council’s various services (excluding appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive or Council.”

This is done on an annual basis for School Transport Appeals

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 2022.

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 2021/2022**

Month	Number of 1st stage appeals	Number of appeals approved and transport awarded
April 2022	3	1
May 2022	2	0
June 2022	0	N/A
July 2022	0	N/A
August 2022	6	3 (1 short term whilst parent amended prefs_
September 2022	3	0
October 2022	4	0
November 2022	2	0
December 2022	1	0

January 2023	3	0
February 2023	2	0
March 2023	N/A	N/A
Total		

4.10 **CASES HEARD (2ND STAGE APPEALS AND OUTCOMES DURING 2020/2021)**

Month	Number of Appeals	Reasons for Appeal	Withdrawn	Allowed	Dismissed
July 2022	1	Parental pref	0	0	1
November 2022	1	Student with EHCP distance under 1 miles	0	1	0
January 2023	1	Student with EHCP, parental preference for more distant school	0	0	1
February 2023	2	Outstanding decision			

5. CORPORATE PRIORITIES

The School Transport Appeals falls under the following Corporate Priorities:

1. Our Places & Communities
 - Places and Safety (including any rural implications)
 - Lives and Work
 - Health and Wellbeing
2. Prevention, Independence & Resilience
 - Educations and Skills for All
 - Adults
 - Children

6. CONSULTATION

6.1 N/A

7. ANTICIPATED OUTCOMES OR IMPACT

7.1 N/A

8. REASON FOR THE RECOMMENDATION

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

11.1 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
6 MARCH 2023	PUBLIC REPORT

Report of:	Rochelle Tapping, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Fitzgerald, Leader of the Council	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer	Tel. 296334

APPEALS AND PLANNING REVIEW COMMITTEE START TIME 2023/24

RECOMMENDATIONS	
FROM: <i>Director of Law and Governance</i>	Deadline date: March 2022
<p>It is recommended that the Appeals and Planning Review Committee:</p> <p>1. Agree and recommend to Council the start time for all Appeals and Planning Review Committee meetings for the Municipal Year 2023-24.</p>	

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 and onwards.

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 2023-24.

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 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.
- 4.4 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.
- 4.5 The Committee has previously met at 7pm. For the municipal year 2022/23 the committee agreed to change this to 1.30pm to bring it in line with the Planning and Environmental Protection Committee.

5. CORPORATE PRIORITIES

The recommendation links to the follow Council Corporate Priorities:

4. Sustainable Future City Council

- *How we Work*
- *How we Serve*
- *How we Enable*

6. CONSULTATION

- 6.1 Consultation on the start times for the committee is being presented to members at this meeting along with any suggestions with regards to meeting frequency. Any recommendations will be presented to Full Council as part of the meeting schedule report.

7. ANTICIPATED OUTCOMES OR IMPACT

- 7.1 It is anticipated that the Committee will agree a start time for meetings for the Municipal Year 2022-23 and this will be proposed as part of the draft meeting schedule.

8. REASON FOR THE RECOMMENDATION

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

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 N/A

10. IMPLICATIONS

Financial Implications

- 10.1 There are none.

Legal Implications

- 10.2 There are none.

Equalities Implications

10.3 There are none.

11. BACKGROUND DOCUMENTS

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

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

12. APPENDICES

12.1 None.

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