

Document Pack



Mark James LL.M, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 22 FEBRUARY 2017

TO: MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL** WHICH WILL BE HELD IN **COMMITTEE ROOM 2 - 3 SPILMAN STREET AT 10.00 AM, ON WEDNESDAY, 1ST MARCH, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Matthew Hughes
Telephone (direct line):	01267 224029
E-Mail:	mahughes@carmarthenshire.gov.uk
Ref:	AD016-001

**MEMBERS HOME TO SCHOOL TRANSPORT APPEALS
PANEL
3 OR 4 MEMBERS**

EXECUTIVE BOARD MEMBER FOR TECHNICAL SERVICES

1. Cynghorydd/Councillor **H.A.L. Evans**

EXECUTIVE BOARD MEMBER FOR EDUCATION & CHILDREN

1. Councillor **G.O. Jones**

LOCAL MEMBER(S) FOR THE APPELLANT LEARNER'S WARD

1. Councillor **J.E. Williams**

NOTE:-

1. THE CHAIR OF THE MEMBERS APPEAL PANEL SHALL BE THE EXECUTIVE BOARD MEMBER FOR TECHNICAL SERVICES (OR IN HIS OR HER ABSENCE THE EXECUTIVE BOARD MEMBER FOR EDUCATION AND CHILDRENS SERVICES)
2. NO SUBSTITUTES ARE ALLOWED AT MEETINGS OF THE PANEL

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF PERSONAL INTEREST
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-
 - 3.1 29TH NOVEMBER, 2016 (12.00 P.M.); 5 - 6
 - 3.2 29TH NOVEMBER, 2016 (12.30 P.M.); 7 - 8
 - 3.3 20TH DECEMBER, 2016 (10.00 A.M.); 9 - 10
 - 3.4 20TH DECEMBER, 2016 (10.30 A.M.); 11 - 12
 - 3.5 20TH DECEMBER, 2016 (11.00 A.M.). 13 - 14
4. EXCLUSION OF THE PUBLIC

THE REPORT RELATING TO THE FOLLOWING ITEM IS NOT FOR PUBLICATION AS IT CONTAINS EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007. IF FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST THE PANEL RESOLVES PURSUANT TO THE ACT TO CONSIDER THIS ITEM IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION
5. TO CONSIDER AN APPEAL BY APPLICANT D.M.M AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT. 15 - 36

This page is intentionally left blank

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

Tuesday, 29 November 2016

PRESENT: Councillor H.A.L. Evans (Chair)

Councillors:

G.O. Jones and J.S. Williams

The following Officers were in attendance:

- S. Pilliner, Head of Transportation & Highways
- L. McFarlane, Learner Travel Policy & Development Officer
- S. Williams, Senior School Organisation Officer
- S. Rossiter, Assistant Solicitor
- K. Thomas, Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 12.00 - 12.10 pm

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-

RESOLVED that the minutes of the meetings of the Panel held on the following dates be signed as correct records:-

- 22nd September, 2016 (2.00 p.m.)
- 22nd September, 2016 (2.45 p.m.)
- 30th September, 2016 (2.00 p.m.)
- 30th September, 2016 (2.30 p.m.)
- 30th September, 2016 (3.00 p.m.)

4. EXCLUSION OF THE PUBLIC

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following item was not for publication as the report contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

5. TO CONSIDER AN APPEAL BY APPLICANT S.P. AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 4 above not to publicise the content of the report as it contained exempt information relating to a particular individual.

The public interest test in this matter related to the fact that the report included personal information relating to the applicant. Although disclosure would support transparency and accountability in the decision making process, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identity of the applicant and the family.

The Chair welcomed officers from Legal, Environment and Education & Children's Services to the meeting.

The Panel considered the written representations of the appellant in respect of the refusal of the Stage 1 Review Panel to grant S.P. free school transport to a school which was not the nearest or Local Education Authority designated school for the home address and therefore did not meet the criteria outlined in the Council's policy for the provision of assistance.

The Panel considered the observations of the departmental officers and sought clarification on elements of the Authority's Home to School Transport Policy. Clarification was also sought on the location of the designated school and nearest LEA school for S.P.'s home address, and whether the appellant had been advised of those schools, both of which were nearer to the home address than the appellant's chosen school. It was confirmed that the information had been conveyed to the appellant.

RESOLVED that the appeal be refused on the basis that S.P. was not attending the nearest or Local Education Authority designated school for the home address, due to parental preference.

CHAIR

DATE

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

Tuesday, 29 November 2016

PRESENT: Councillor H.A.L. Evans (Chair)

Councillors:

G.O. Jones and R. Thomas

The following Officers were in attendance:

- S. Pilliner, Head of Transportation & Highways
- L. McFarlane, Learner Travel Policy & Development Officer
- S. Williams, Senior School Organisation Officer
- S. Rossiter, Assistant Solicitor
- K. Thomas, Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 12.30 - 12.50 pm

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor	Minute Number	Nature of Interest
G.O. Jones	4 – To consider an appeal by applicants TR & PR against a decision by officers for the non-provision of free school transport	Governor Ysgol Bro Myrddin

3. EXCLUSION OF THE PUBLIC

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following item was not for publication as the report contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

4. TO CONSIDER AN APPEAL BY APPLICANTS TR & PR AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.

(NOTE: Whilst Councillor G.O. Jones had previously declared an interest in this application he had received legal advice confirming that the nature of that interest, as a school governor, would not preclude him from considering the appeal)

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to a particular individual.

The public interest test in this matter related to the fact that the report included personal information relating to the applicant. Although disclosure

would support transparency and accountability in the decision making process, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identity of the applicant and the family.

The Chair welcomed officers from Legal, Environment and Education & Children's Services to the meeting.

The Panel considered the written representations of the appellant in respect of the refusal of the Stage 1 Review Panel to grant T.R and P.R. free school transport to a school which was not the nearest or Local Education Authority designated school for the home address and therefore did not meet the criteria outlined in the Council's policy for the provision of assistance.

The Panel considered the observations of the departmental officers and sought clarification on elements of the Authority's Home to School Transport Policy. Clarification was also sought on the educational arrangements provided at the appellant's chosen school. It was confirmed those were available at all of the Authority's secondary schools.

RESOLVED that the appeal be refused on the basis that TR and PR were not attending the nearest or Local Education Authority designated school for the home address, due to parental preference.

CHAIR

DATE

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

Tuesday, 20 December 2016

PRESENT: Councillor H.A.L. Evans (Chair)

Councillors:

W.G. Hopkins, G.O. Jones and G. Thomas

The following Officers were in attendance:

- S. Pilliner, Head of Transportation & Highways
- L. McFarlane, Learner Travel Policy & Development Officer
- S. Rossiter, Assistant Solicitor
- S. Williams, Senior School Organisation Officer
- K. Thomas, Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 10.00 - 10.15 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. EXCLUSION OF THE PUBLIC

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following item was not for publication as the report contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

4. TO CONSIDER AN APPEAL BY APPLICANT MJL AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to a particular individual.

The public interest test in this matter related to the fact that the report included personal information relating to the applicant. Although disclosure would support transparency and accountability in the decision making process, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identity of the applicant and the family.

The Chair welcomed officers from Legal, Environment and Education & Children’s Services to the meeting.

The Panel considered the written representations of the appellant in respect of the refusal of the Stage 1 Review Panel to grant M.J.L free school transport to a school

which was not the nearest or Local Education Authority designated school for the home address and therefore did not meet the criteria outlined in the Council's policy for the provision of assistance.

The Panel considered the observations of the departmental officers and sought clarification on elements of the Authority's Home to School Transport Policy. Clarification was also sought on the location of the designated school/ nearest LEA school for M.J.L's home address

RESOLVED that the appeal be refused on the basis that M.J.L was not attending the nearest or Local Education Authority designated school for the home address, due to parental preference.

CHAIR

DATE

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

Tuesday, 20 December 2016

PRESENT: Councillor H.A.L. Evans (Chair)

Councillors:

S.M. Caiach, P.M. Edwards and G.O. Jones

The following Officers were in attendance:

S. Pilliner, Head of Transportation & Highways
 L. McFarlane, Learner Travel Policy & Development Officer
 S. Rossiter, Assistant Solicitor
 S. Williams, Senior School Organisation Officer
 K. Thomas, Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 10.30 - 10.50 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. EXCLUSION OF THE PUBLIC

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following item was not for publication as the report contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

4. TO CONSIDER AN APPEAL BY APPLICANT JPL AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to a particular individual.

The public interest test in this matter related to the fact that the report included personal information relating to the applicant. Although disclosure would support transparency and accountability in the decision making process, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identity of the applicant and the family.

The Chair welcomed officers from Legal, Environment and Education & Children’s Services to the meeting.

The Panel considered the written representations of the appellant in respect of the refusal of the Stage 1 Review Panel to grant J.P.L. free school transport to a school

which was situated within the Statutory Walking Distance from the appellant's Home address and therefore did not meet the criteria outlined in the Council's policy for the provision of assistance.

The Panel considered the observations of the departmental officers and sought clarification on elements of the Authority's Home to School Transport Policy together with the individual circumstances of the case.

RESOLVED that the appeal be refused on the basis that J.P.L.'s school was situated within the Statutory Walking Distance from the home address.

CHAIR

DATE

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

Tuesday, 20 December 2016

PRESENT: Councillor H.A.L. Evans (Chair)

Councillors:

D.M. Jenkins and G.O. Jones

The following Officers were in attendance:

- S. Pilliner, Head of Transportation & Highways
- L. McFarlane, Learner Travel Policy & Development Officer
- S. Rossiter, Assistant Solicitor
- S. Williams, Senior School Organisation Officer
- K. Thomas, Democratic Services Officer

Committee Room 2 - 3 Spilman Street - 11.00 - 11.35 am

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. EXCLUSION OF THE PUBLIC

RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following item was not for publication as the report contained exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A to the Act.

4. TO CONSIDER AN APPEAL BY APPLICANT IMH AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute 3 above not to publicise the content of the report as it contained exempt information relating to a particular individual.

The public interest test in this matter related to the fact that the report included personal information relating to the applicant. Although disclosure would support transparency and accountability in the decision making process, the public interest in maintaining confidentiality outweighed the public interest in disclosure because of the need to protect the identity of the applicant and the family.

The Chair welcomed officers from Legal, Environment and Education & Children's Services to the meeting.

The Panel considered the written representations of the appellant in respect of the refusal of the Stage 1 Review Panel to grant I.M.H. free school transport to a school

which was situated within the Statutory Walking Distance from the appellant's Home address and therefore did not meet the criteria outlined in the Council's policy for the provision of assistance.

The Panel considered the observations of the departmental officers and sought clarification on elements of the Authority's Home to School Transport Policy together with the individual circumstances of the case.

RESOLVED that the appeal be refused on the basis that I.M.H.'s school was situated within the Statutory Walking Distance from the home address.

CHAIR

DATE

Agenda Item 5

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Document is Restricted

This page is intentionally left blank