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

TUESDAY, 6 JUNE 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 THE **DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON THURSDAY, 15TH JUNE, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Janine Owen
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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. Davies**

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

1. Councillor **C.A. Davies**
- 2.

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

A G E N D A

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF PERSONAL INTEREST**
3. **TO SIGN, AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON THE FOLLOWING DATES:**
 - 3 .1 **1ST MARCH, 2017 (10.00 A.M.)** 5 - 6
 - 3 .2 **1ST MARCH 2017 (10.30 A.M.)** 7 - 8
 - 3 .3 **1ST MARCH 2017 (11.00 A.M.)** 9 - 10
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THE REPORT RELATING TO THE FOLLOWING ITEM IS NOT FOR PUBLICATION AS IT CONTAINS EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT, 1972 AS AMENDED BY THE LOCAL GOVERNMENT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 HB AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT.** 11 - 34

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MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL 1st MARCH 2017

Present: Councillor G.O. Jones (Chair)

Councillor: J.E. Williams

The following officers were in attendance:

Mr. S. Pilliner – Head of Transportation & Highways

Ms. L. McFarlane – Learner Travel Policy & Development Officer

Ms. K. Morris – Assistant Solicitor

Mr. M. Hughes – Democratic Services Officer

Venue: Committee Room 2, 3 Spilman Street, Carmarthen (10:10 – 10:35am)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H.A.L. Evans and the Chair expressed his condolences to Councillor Evans and her family, following the recent death of her mother.

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

It was **RESOLVED** that the minutes of the Panel's meetings held on the following dates, be signed as correct records:

- 3.1 29th November 2016 (12:00pm)
- 3.2 29th November 2016 (12:30pm)
- 3.3 20th December 2016 (10:00am)
- 3.4 20th December 2016 (10:30am)
- 3.5 20th December 2016 (11:00am)

4. EXCLUSION OF THE PUBLIC

UNANIMOUSLY 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 D.M.M AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT

Following the application of the public interest test it was **UNANIMOUSLY 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 Services and the Environment Department 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 D.M.M 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, together with the individual circumstances of the case. The Panel considered the evidence submitted and noted that the main thrust of the appeal had been on the basis of language preference, which was not relevant. The Panel noted that the appellant could resubmit an appeal if there were other new matters that needed to be considered.

UNANIMOUSLY RESOLVED that in line with the Authority's Home to School Transport Policy, the appeal be refused but that the appellant be advised that a fresh appeal could be submitted if there was new evidence or other grounds for appeal, in accordance with the criteria as set out in the Home to School Transport Policy.

SIGNED: _____ (Chair)

DATE: _____

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL

1st MARCH 2017

Present: Councillor G.O. Jones (Chair)

Councillor: R. Thomas

The following officers were in attendance:

Mr. S. Pilliner – Head of Transportation & Highways
 Ms. L. McFarlane – Learner Travel Policy & Development Officer
 Ms. K. Morris – Assistant Solicitor
 Mr. M. Hughes – Democratic Services Officer

Venue: Committee Room 2, 3 Spilman Street, Carmarthen (10:35 – 10:50am)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H.A.L. Evans and the Chair expressed his condolences to Councillor Evans and her family, following the recent death of her mother.

2. DECLARATIONS OF PERSONAL INTEREST

Councillor	Minute Number	Nature of Interest
G.O. Jones	Item 4 – To consider an appeal by applicant M.A.J. against a decision by officers for the non-provision of free school transport	He is currently Chair of Governors at Ysgol Bro Myrddin, Carmarthen

3. EXCLUSION OF THE PUBLIC

UNANIMOUSLY 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 M.A.J AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT

Following the application of the public interest test it was **UNANIMOUSLY 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.

Councillor G.O. Jones had earlier declared an interest in that he is currently Chair of Governors at Ysgol Bro Myrddin, Carmarthen. Councillor Jones advised the Panel that he had received legal advice confirming that this would not preclude him from considering the appeal.

The Chair welcomed officers from Legal Services and the Environment Department 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.A.J. 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, together with the individual circumstances of the case.

UNANIMOUSLY RESOLVED that due to the exceptional individual circumstances of the case, the appeal be upheld.

SIGNED: _____ (Chair)

DATE: _____

MEMBERS HOME TO SCHOOL TRANSPORT APPEALS PANEL 1st MARCH 2017

Present: Councillor G.O. Jones (Chair)

Councillor: D.J.R Llewellyn

The following officers were in attendance:

Mr. S. Pilliner – Head of Transportation & Highways
Ms. L. McFarlane – Learner Travel Policy & Development Officer
Ms. K. Morris – Assistant Solicitor
Mr. M. Hughes – Democratic Services Officer

Venue: Committee Room 2, 3 Spilman Street, Carmarthen (10:55 – 11:10am)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H.A.L. Evans and the Chair expressed his condolences to Councillor Evans and her family, following the recent death of her mother.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. EXCLUSION OF THE PUBLIC

UNANIMOUSLY 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 O.G.E. AGAINST A DECISION BY OFFICERS FOR THE NON-PROVISION OF FREE SCHOOL TRANSPORT

Following the application of the public interest test it was **UNANIMOUSLY 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 Services and the Environment Department 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 O.G.E. 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, together with the individual circumstances of the case.

UNANIMOUSLY RESOLVED that due to the exceptional individual circumstances of the case, the appeal be upheld.

SIGNED: _____ (Chair)

DATE: _____

Agenda Item 5

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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