

Executive Board Meeting 23rd August 2016

Governance Arrangements for the Members Home to School Transport Appeals Panel

Purpose: **To agree the governance arrangements for decision taking at the Members School Transport Appeals Panel**

Recommendations / key decisions required:

To consider and agree the proposed governance arrangements

Reasons:

In order to clarify the decision making process.

Relevant scrutiny committee to be consulted NO

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr. Hazel Evans

Directorate

Chief Executive's

Name of Head of Service:

Linda Rees-Jones

Report Author:

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Designations:

Head of Administration & Law

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**EXECUTIVE SUMMARY
EXECUTIVE BOARD MEETING
23/8/16**

**GOVERNANCE ARRANGEMENTS FOR THE MEMBERS HOME TO SCHOOL
TRANSPORT APPEALS PANEL**

1. At its meeting of the 13th April 2016 County Council considered a Notice of Motion and an Amendment to the Notice, and resolved “to set up an appeals panel to deal with Home to School Transport with relevant officers in an advisory capacity, alongside voting members – the Executive Board Member for Transport, the Executive Board Member for Education and Children’s Services and the local member for the relevant ward”.

2. Governance arrangements need to be agreed to set out the way in which appeal decisions will be taken, and are attached for the Board’s approval (as such appeals are an executive function).

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The Authority has an approved and published Policy on the Provision of Free School Transport.

This proposal will set up a Members Appeal Panel to take the final determination on home to school transport applications.

2. Legal

Decisions of the Members Home to School Transport Appeal Panel will potentially be liable to be Judicially Reviewed in the High Court. It is therefore necessary to set out a clear decision-making process in case of challenge.

3. Finance

Any appeals allowed will be a cost against the Transport Department's Home to School transport budget.

Reintroduction of £30K staffing costs previously taken out of budget when a policy officer's post was released. Plus staffing related costs in relation to staff attendance at appeal hearings.

4. Staffing Implications

Various officers will need to be allocated to deal with the administrative aspects of setting up appeal hearings, and to provide technical and legal advice to the Panel at its appeal hearings.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration & Law

1. Scrutiny Committee - none

2. Local Member(s) - none

3. Community / Town Council - none

4. Relevant Partners - none

5. Staff Side Representatives and other Organisations - none

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Minutes of Meeting of County Council of the 13th April 2016		On the Council's website
Carmarthenshire County Council's general Policy on providing Free School Transport		On the Council's website