

AGENDA

Meeting: Appeals Sub-Committee (School Transport)

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 28 February 2024

Time: 1.30 pm

Please direct any enquiries on this Agenda to Ben Fielding of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email Benjamin.fielding@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Adrian Foster

Cllr David Vigar

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered while the meeting is open to the public.

1 **Election of Chairman**

To elect a Chairman for this meeting.

2 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

3 **Minutes** (*Pages 5 - 8*)

To approve and sign as a correct record the minutes of the meetings held on 14 August 2023 and 17 August 2023.

4 **Meeting Procedure** (*Pages 9 - 12*)

To note the procedure for the meeting.

5 **Exclusion of the press and public**

To agree that in accordance with section 100A (4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item no. 5 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

6 **School Transport Appeal**

To consider and determine a school transport appeal.

6a **Officer's Report** (*Pages 13 - 18*)

6b **Appellant's Submission and Support Evidence** (*Pages 19 - 24*)

6c **Transport Policy and Law** (*Pages 25 - 112*)

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Appeals Sub-Committee (School Transport)

**MINUTES OF THE APPEALS SUB-COMMITTEE (SCHOOL TRANSPORT)
MEETING HELD ON 14 AUGUST 2023 AT DE LA WYLE MEETING ROOM -
COUNCIL OFFICES, BOURNE HILL, SALISBURY, SP1 3UZ.**

Present:

Cllr Adrian Foster, Cllr Tony Jackson and Cllr Graham Wright

1 Election of Chairman

Cllr Adrian Foster was elected as Chairman for this appeal only.

Cllr Adrian Foster in the Chair.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

It was explained to the Panel that the minutes of the previous School Transport Appeal held on 9 August 2023 had not been published and would be taken to the next School Transport Appeal on 17 August 2023 for sign off.

4 Meeting Procedure

The Chairman outlined the meeting procedure as detailed in the agenda.

5 Exclusion of the press and public

The panel considered whether to hold the meeting in closed session and it was:

Resolved:

To exclude members of the press and public for the business specified in Item no. 6 in accordance with section 100A (4) of the Local Government Act 1972, (paragraph 1 and 2 of Part 1 of Schedule 12A to the Act).

6 School Transport Appeal

The panel heard representations and replies from the Transport Officer and the appellant and asked questions of the parties involved. Upon consideration of this information:

Decision:

The Panel considered all the evidence provided, the Transport Officer's report, and the statutory legal guidance and policy of Wiltshire Council and decided that the policy had been correctly applied by the Transport Officer.

Recognising the issues raised by the Appellant's case, the Panel considered the information presented by the Appellant in regard to possible exceptional circumstances arising and decided that in this case the facts did not justify a departure from Wiltshire Council's policy.

(Duration of meeting: 10.00 am - 10.50 am)

The Officer who has produced these minutes is Senior Democratic Services Officer - Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.Fielding@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

Appeals Sub-Committee (School Transport)

**MINUTES OF THE APPEALS SUB-COMMITTEE (SCHOOL TRANSPORT)
MEETING HELD ON 17 AUGUST 2023 AT COMMITTEE ROOM A - COUNCIL
OFFICES, MONKTON PARK, CHIPPENHAM SN15 1ER.**

Present:

Cllr Ian Blair-Pilling, Cllr Adrian Foster, and Cllr Tony Jackson

7 Election of Chairman

Councillor Adrian Foster was elected as Chairman for this appeal only.

Councillor Adrian Foster in the Chair.

8 Declarations of Interest

There were no declarations of interest.

9 Minutes

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 9 August 2023.

10 Meeting Procedure

The Chairman outlined the meeting procedure as detailed in the agenda.

11 Exclusion of the press and public

Resolved:

To exclude members of the press and public for the business specified in Item no. 6 in accordance with Section 100A (4) of the Local Government Act 1972, (paragraph 1 and 2 of Part 1 of Schedule 12A to the Act).

12 **School Transport Appeal**

The panel heard representations and replies from the Transport Officer and the appellant and asked questions of the parties involved.

Decision:

The Panel decided that the Council's policy had been correctly applied to the facts of the case and found insufficient grounds to justify a discretionary departure from that policy, choosing instead to uphold the Officer's recommendation to refuse school transport.

(Duration of meeting: 10:00 - 11:00 am)

The Officer who has produced these minutes is Cameron Osborn of Democratic Services, direct line 01225 718224, e-mail cameron.osborn@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

School Transport Appeal

The Hearing Process

1. Panel Members will hold a pre-meeting prior to the appeal to discuss any issues or queries regarding the case. They will also be asked to consider which Member will be nominated to be Chairman. The Clerk and a Legal Officer (if required) will be in attendance for the pre-meeting.
2. Item 1 - The Democratic Services Officer will open the meeting and call for a nomination for Chairman which should be seconded. One of the Panel members will be elected to chair the hearing. The Clerk will hand over to the Chair to proceed through the agenda.
3. The elected Chairman will introduce the members of the Panel and Officers to the appellant.

Note: The Appellants name will not be used in the public session.

4. Item 2 - The Chairman will ask for any declarations of interest to ensure there are no conflict of interest issues.
5. Item 3- The Chairman will outline the hearing process as detailed within the agenda pack.
6. Item 4 – The Chairman will move into Closed session ‘Exclusion of Press and Public’ and the public meeting will then end.
7. The meeting will then move on to the hearing, which is conducted in private.
8. Those present at the private hearing will be:
 - The 3 Panel members,
 - An officer from the Passenger Transport Unit, or for Special Educational Needs transport appeal cases a representative of the Director – Families & Children’s Services, usually the SEN Transport Officer,
 - A Democratic Services Officer, who will act as the clerk to the panel,
 - The Appellant (accompanied by someone if agreed),
 - A representative of the Legal Section as required,

- Any other officer of the Council as appropriate.
- 9. Officer Report** - The Chairman will ask the Transportation/SEN Officer to explain the reasons why the application for transport assistance has been declined.
 - 10. Appellant Questions** - The Appellant or their representative can ask questions of the Transportation/SEN Officer for clarification and information.
 - 11. Panel Questions** - The Panel will then ask questions of the Transportation/SEN Officer for clarification and information
 - 12. Appellant's Case** - The Chairman will ask the Appellant or their representative to present their case. No new information should be introduced.
 - 13. Officer Questions** - The Transportation/SEN Officer, can ask questions of the Appellant for clarification and information
 - 14. Panel Questions** - The Panel will then ask questions of the Appellant for clarification and information.
 - 15. Summary** - Both the Transportation/SEN Officer, and the Appellant and/or their representative, will be given the opportunity to sum up.
 - 16.** The Chairman will thank all for attending and advise the Appellant that the clerk will telephone them later the same day with the decision. A formal decision letter will follow within 10 working days, usually by email.
 - 17.** The Transportation/SEN Officer and the Appellant (and their representative) will be asked to leave the hearing so that the Panel can consider the information and make a decision.
 - 18.** The Clerk to the Panel will remain in the meeting but only to record the proceedings and decision made. The Legal Officer will remain (if in attendance) to provide any further legal advice to the Panel.

Deliberation in closed session

The Decision

1. Each appeal will be considered on its own merits.
2. The decision will take full account of all submissions and information submitted to the panel and the Council's policy for home to school transport.

- 3.** The Appellant and the Transportation/SEN Officer will be notified of the decision in writing as soon as possible and in any event within 10 working days of the hearing.
- 4.** If the appeal has been upheld contact will be made by the Transportation/SEN Officer to make the necessary arrangements.
- 5.** There is no right of appeal against the decision of the panel.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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