

# AGENDA

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**Meeting:** Appeals Panel (School Transport)

**Place:** The Langley Room, Council Offices, Monkton Park, Chippenham

**Date:** Wednesday 20 October 2021

**Time:** 10.00 am

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## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **You must contact the officer named on this agenda no later than 5pm on Monday 18 October 2021 if you wish to attend this meeting.** Places will be allocated on a first come first served basis and all requests may not be accommodated if there is high demand. **Please note that only the Part 1 agenda items are open to the public.**

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19, or are awaiting a COVID-19 test result
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow one-way systems, signage and instruction
- Contact the officer named on this agenda if within 14 days of the meeting
- you receive a positive COVID-19 test result or have been advised to self-isolate due to contact with someone who has as COVID-19.

Please direct any enquiries on this Agenda to Ben Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line or email

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](http://www.wiltshire.gov.uk)

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## **Membership:**

Cllr Tony Jackson  
Cllr David Vigar

Cllr Derek Walters

## **Recording and Broadcasting Information**

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**County Hall, Trowbridge**  
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**Monkton Park, Chippenham**

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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](#).

For assistance on these and other matters please contact the officer named above for details

# 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 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 6 September 2021.

4 **Meeting procedure** (*Pages 7 - 10*)

The Chairman will explain the attached procedure to those present.

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. 6 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

### Item(s) 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 in the Pewsey area.

6a **Transport Officer's Report** (*Pages 11 - 18*)

The report of the Education Transport Entitlement Manager is attached.

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

The appeal form and supporting evidence provided by the Appellant is attached.

6c      **Transport Policy & Law** (*Pages 25 - 48*)

## Appeals Panel (School Transport)

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**MINUTES OF THE APPEALS PANEL (SCHOOL TRANSPORT) MEETING HELD ON 6 SEPTEMBER 2021 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Allison Bucknell, Cllr Tony Jackson and Cllr Tamara Reay (Substitute - Part II)

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**1 Election of Chairman**

Cllr Tony Jackson was elected as Chairman for this appeal only.

**Cllr Tony Jackson in the Chair**

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

The minutes of the School Transport Appeal held on 2 July 2021 were presented for consideration and it was

**Resolved**

**To approve the minutes of the School Transport Appeal held on 2 July 2021.**

**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 or not 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, it was,

**Resolved:**

**That the appeal be upheld, with free transport provided for both children, to and from the appellant's home address near Royal Wootton Bassett to Broad Town CofE Primary School for the academic year 2021/22. With the provision ending at the summer holidays in July 2022.**

(Duration of meeting: 2.00 - 3.00 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114 or email [communications@wiltshire.gov.uk](mailto: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. Panel Questions** - The Panel will then ask questions of the Transportation/SEN Officer for clarification and information

**11. Appellant Questions** - The Appellant or their representative can 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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