

COUNCIL APPEALS COMMITTEE

5 JANUARY 2017

Present: County Councillor (Chairperson)
County Councillors Murphy, Huw Thomas and Woodman

A01 : ELECTION OF CHAIRPERSON

At the meeting Councillor Judith Woodman was nominated as Chairperson for this Committee

A02 : DECLARATION OF INTEREST

The Chairperson reminded Members of their responsibility under Part III of the Members' Code of Conduct, to declare any interest in general terms and complete 'personal interest forms' at the start of the meeting, and then, prior to the commencement of discussion of the item in question, specify whether it is a personal or prejudicial interest, if the interest is prejudicial, Members would be asked to leave the meeting and if the interest is personal, Members would be invited to stay, speak and vote.

A03 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded during discussion of the following items of business on the grounds that if members of the public were present during the discussions, due to the nature of the business to be transacted there would be disclosure to them of exempt information as defined in the Local Government Act 1972 and Categories 1 and 3 of the Local Authorities (Access to Information) (Variation) (Wales) Order 2007.

A04 : CONSIDERATION OF APPEAL: SCHOOL TRANSPORT

Case 1 – Appellant

Simon Williams (Education) was present to represent the Council at the hearing.
Mr L was present for the hearing.

The hearing was conducted in accordance with the procedure which was read out for the benefit of those present.

The Chairperson asked Simon Williams to provide a summary of the appeal as follows:

The Council has a duty to provide free school transport if the distance from home to school is over 3 miles. The Catchment school for the appellant is Glantaf; Ysgol Plasmawr was a chosen school therefore no free transport was provided.

Mr L was invited to outline the reasons for the appeal in which he stated they were unable to obtain a place at Pwll Coch Primary School and had to attend Tan yr Eos,

when this school closed Hamish attended Treganna; H is a Welsh speaker, suffers with dyslexia and 99% of his cohort at Treganna went onto Ysgol Plasmawr.

H receives help in school with his Dyslexia and Mr L feels it would be disruptive to move H from the school and detrimental to his health and wellbeing.

Members asked questions of Mr L and Mr Williams and were advised that H has a School Action plan in place at his current school; he is not statemented; Mr L is currently paying for H's school transport costs at £60 a month, Mr L is self employed and is separated from his wife, they share custody of H.

Simon Williams and Mr L left the meeting to allow the Committee to make a decision.

The Committee, having considered all the information before it was of the view that the decision to not provide free school transport from the home address was unreasonable. This decision was made as the Members considered the following:-

- H attended Tan-yr-Eos School due to Pwllcoch being full which would have been the School that H should have attended. The Committee accepted that given H was due to attend this school H would have started Ysgol Gyfun Plasmawr thereafter.
- H has Special Educational Needs and that a School Action Plan is in place which has continued at Ysgol Gyfun Plasmawr. It was also indicated that it was important for H to be in an environment that he is familiar with and surrounded by those that he is familiar with.
- Financially this is having an impact upon the family.

RESOLVED – That a free bus pass be provided for the time the pupil spends at Ysgol Plasmawr

AO5: CONSIDERATION OF APPEAL: SCHOOL TRANSPORT - CASE 2

Case 2 – Appellant

Simon Williams (Education) was present to represent the Council at the hearing.

Mrs B was present for the hearing.

The hearing was conducted in accordance with the procedure which was read out for the benefit of those present.

The Chairperson asked Simon Williams to provide a summary of the appeal as follows:

The Council has a duty to provide free school transport if the distance from home to school is over 3 miles. The distance from the appellants address to Mary Immaculate High School was measured at 1 mile.

Mrs B was invited to outline the reasons for the appeal in which she stated that B has sickle cell anaemia, he has to walk to school and the school is up a steep hill; this was a painful condition especially in cold weather; no one is available to drive him to

school. B has siblings at the school who walk; Mrs B works part time, currently her partners is out of work.

Members asked questions of Mrs B and Mr Williams and were advised that B has a 100% attendance record at Mary Immaculate High School; no school bus goes from the address to the school; B was not statemented

Simon Williams and Mrs B left the meeting to allow the Committee to make a decision.

The Committee, having considered all the information before it was of the view that the decision to not provide free school transport from the home address to Mary Immaculate High School was reasonable. This decision was made as the Members considered that:

- B commenced Mary Immaculate School in September 2016. Since this time B has walked to and from school unaccompanied
- B has had 100% attendance at School.
- No up to date medical evidence was provided to state that B was unable to walk to/from school
- At this stage, B has not been statemented at school. It was recommended that statementing be done and that further application be submitted following this process (if appropriate).
- It was also noted that the distance between the home and the school was under statutory qualifying distance for pupils of secondary school. The statutory qualifying distance under the Learner Travel (Wales) Measure 2008 is 3 miles.

RESOLVED – That the decision to **not** provide free school transport from the home address to Mary Immaculate High School was reasonable.