

AT A MEETING of the Regulatory Sub-Committee (School Transport Appeal) of
HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Tuesday,
13th November, 2018

p Councillor Mark Cooper
p Councillor Judith Grajewski

p Councillor Gary Hughes

1. **APPOINTMENT OF CHAIRMAN**

The Panel agreed to appoint Cllr Grajewski as the Chairman for the Sub-Committee.

2. **DECLARATIONS OF INTEREST**

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

No interests were disclosed.

3. **DEPUTATIONS**

No deputations had been received.

4. **SCHOOL TRANSPORT APPEAL: PAMBER HEATH TO THE HURST COMMUNITY COLLEGE**

The Committee received a report from the director of Children's Services providing the contextual information behind the County Council's rolling review of School Transport arrangements in light of infrastructure improvements which have been made in recent years.

The Committee heard that a number of households in the Pamber Heath area had been awarded School Transport in error as they were actually within the three mile walking limit. These households were written to in order to explain the error and inform them that School Transport would be withdrawn, resulting in a number of Stage One appeals on the grounds of distance and the safety of the walking route to school. The Council's Road Safety Officer carried out a formal assessment of the route using the 'Road Safety GB Assessment of Walked Routes to School' criteria and found the route to be safe and available to walk. The committee noted that this was a rehearing of a previously submitted Stage Two appeal and that the original measurement had been taken from the end of Pelican Road. This meant that the distance covered by the unadopted road from

the end of the appellant's driveway was not included. Furthermore, at the other end of the route, the authority had originally measured to the gate of the Leisure Centre run by the School which is also situated on the School site due to this being considered a recognised entrance.

Following the Stage Two appeal the Local Government Ombudsman directed Hampshire County Council to rehear this appeal to include the distance of the unadopted road and to a further school gate. The distance for this new measurement is 2.86 miles.

It was noted by the Road Safety Officer that the main issue under contention in relation to the safety of the route is the crossing on the A340, as indicated when the route was walked by members of the sub-committee. However, it is the view of the Road Safety Officer that the route is safe and available.

With the School Transport withdrawn, parents do have the option to purchase a 'Privilege Seat' on the bus route at a cost of £600 a year.

5. EVIDENCE FROM APPELLANT

The Panel heard that the appellant wishes to appeal the decision based on both Safety and Distance grounds.

In relation to distance, the appellant raised two issues with the route as measured by the Council;

- The route was measured from where their property meets the road and not from their door, and
- The route was measured to a school gate and not to the classroom their child would need to walk to.

The appellant argued that the extra distance above should be included and would have taken the measurement over the three miles in the legislation.

In relation to Safety, the appellant noted that the Highway Code required crossings to be used and highlighted the Council's duty of care responsibilities under the Health and Safety at Work etc. Act 1974. The appellant argued that the crossing used on the A340 was not safe, but there was a safe pedestrian crossing approximately 100 metres further down the road which could be used. It was noted that this extra distance would also take the route over the three mile limit.

The appellant also noted that this route was unique in relation to an atomic hazard as the home and school are both within the AWE Site A emergency planning area. The Appellant explained that Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001 states that individuals should go indoors in the case of an emergency within a five minute window. The appellant noted that children were considered a vulnerable group and so there was a higher responsibility and this shelter could not be found if mid route.

The appellant also noted the effect on climate change, as the bus that had been taken off the road would result in at least twenty additional cars.

In response to questions members heard that;

- Classrooms were not used as a measuring point as this would not be consistent for other children and so a school entrance is used. This was initially the gate to the Leisure Centre on the school grounds but is now further onto the school site following advice from the Local Government Ombudsman (LGO).
- As far as officers were aware the LGO had not conducted a site visit when reviewing the previous appeal.
- All previous route measurements taken from by the Local Authority have been from where the property boundary to the school gate and this was common practice with other authorities to the best of officers' knowledge.
- Case law in relation to School Transport Appeals is usually on safety grounds and there has not been a case go to court to contest the three mile distance measurement.
- Officers were unable to confirm if the refuge that formed part of the crossing on the A340 met the required standards. It was noted that there was not enough space between the pedestrian refuge in the road and the bus stop for overtaking and that a traffic light had seemingly been hit recently judging by its angle.
- That a recent Junior Road Safety Officers campaign run by Hampshire County Council for Key Stage 1 & 2 has given children training on road crossing. The appellant believed that a child who had received this would walk further up the A340 to the newer pedestrian crossing.

School Transport Appeal Outcome

The Panel started by considering the evidence they had heard in relation to the dispute over the distance of the route. The Panel agreed that the Road Safety Guidelines had been consistently used in the past and should continue to be as they embody best practice. As per these guidelines, the Panel agreed that the route was measured correctly; from where the property meets the highway to the identified school gate. It was noted that since the LGO advice was received the new school measuring point was generous.

In relation to safety the Panel noted that they considered the disputed crossing to be safe and there was no consideration when walking of using the alternative crossing further down the road. It was noted that some parts of the route needed to be walked single file due to overhanging foliage etc. but this should not be an issue for secondary school children.

The Panel discussed the Radiological hazard but believed this to be a personal safety matter and not one covered by the Sub-Committee's remit. It was noted that with the infrastructure including homes, play parks and outdoor exercise areas it cannot be a significant concern.

The Panel therefore concluded that, in consideration of the factors raised in relation to both safety and distance the route was available and safe.

Resolved: That the Regulatory Sub-Committee (School Transport Appeal) find the route between Pamber Heath and The Hurst Community College to be safe and available to unaccompanied children.

Chairman, Regulatory Sub-Committee
(School Transport Appeal)