

AT A MEETING of the Regulatory Sub-Committee (School Transport Appeal) of  
HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on  
Wednesday, 21st November, 2018

Chairman:

\* Councillor Peter Latham  
\* Councillor Stephen Philpott

\* Councillor Roger Price

\*Present

**Co-opted members**

Also present with the agreement of the Chairman: Councillors  
GuestInattendanceShortList

**1. APPOINTMENT OF CHAIRMAN**

The Panel agreed to appoint Cllr Latham 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: ANCELLS FARM TO FLEET INFANTS AND VELMEAD JUNIOR SCHOOLS**

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 noted that the appellants child had been refused School Transport for September 2019 and the appellant was appealing on Safety

grounds rather than distance. This refusal is as a result of policy changes which came into effect in September 2018, with further changes taking place in September 2019; namely that children will qualify for School Transport from their 5th birthday instead of when they start school.

The Committee heard that the Council's view was that the route, and similar alternatives, were available accompanied or unaccompanied by a parent.

The Committee noted that individuals in the Fleet area had formed a group in protest of this decision but that a Road Safety Officer had inspected the estate and route via Cove road and found it to be safe. The appellant appealed this decision but was unsuccessful at Stage 1, leading to this Stage 2 appeal.

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.

In response to questions members heard that;

- The 'Privilege Seats' are confirmed to be available for 2019/20 but there is uncertainty in relation to their continued availability.
- On King's road there are potentially misleading signage in relation to cycle paths, indicated a cycle path and cyclists being allowed on the pavement concurrently.

### **Exclusion of the Press and Public**

**RESOLVED:** That the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

### **5. EVIDENCE FROM APPELLANT**

The appellant expressed their gratitude to the Committee for having walked the route and noted that the impact the distance had on the children was noticeable. The appellant accepted the financial situation that the County Council was in but believed that the situation for Ancells Farm was unique.

The appellant explained how Ancells Farm had been built thirty years ago, and as there was no School on the estate a bus service was provided to the local school. The appellant stated they believe the decision to remove this service had been rushed and not properly scrutinized following comments made by their local MP and District Council. The appellant highlighted that the issue was in relation to her child being four years old, which is not the statutory school age, when starting in September. However a response from the Department of Education had stated that the Government expected Local Authorities to provide transport using their discretionary powers.

The appellant finished by noting that their child would start school with other children using the Bus Service, and as they would all receive the same

education, abide by the same code of conduct at the school etc. they should also have the same transport options available to them. The appellant noted that as a seat would be provided for their child the following year, this probably meant there would be an empty seat on the bus waiting for them up until this point.

The appellant noted that there were many unsafe aspects of the route which had been identified by Fleet but disregarded by Hampshire County Council (HCC) which were noticeable when navigating the route this morning. The following were highlighted as particular issues;

- Cove Road crossing – two traffic analysis have taken place on this road which have both identified a heavy flow of traffic. The refuge in the road is required but is very small.
- Train Station Area – has a footpath but it is very narrow and slanted. Commuters use this area and get frustrated by slow pedestrians.
- Business Park Crossing – this area is difficult to cross and a child would not have clear site lines at the crossing points. A driver may not be able to see the child either.

The appellant finished by noting that Ancells farm is an estate without a school, segregated by a train line and that a commitment was made by HCC to provide a bus service. If this is continued for children aged 5-8 years old then it is inadequate not to provide to other ages also.

With the Chairman's agreement, Cllr Collett (Councillor for Yateley East & Blackwater) spoke on behalf of the appeal.

Cllr Collett explained that his division included the area before the railway and that Cllr Forster was the County Councillor for the Fleet Town, the area south of the railway.

Cllr Collett explained how Ancells Farm estate was built in the 1980's and the plan originally included a Primary School; the developer was to provide the land and HCC was to build the school. However, as Fleet Primary school had surplus space it was decided not to build a second school and instead to provide transport from the new estate to the school regardless of age or status. Cllr Collett noted that since this point, individuals have moved into the area on the basis that a bus was provided for School transport.

In relation to the safety of the route Cllr Collett noted that he believe that the case for unaccompanied children was clear and that this was a question in relation to accompanied children. Cllr Collett added that he was shocked that HCC used the Road Safety Great Britain standards for safety assessment, noting that they were not used for general highways but recognising this was the policy on which the route must be judged.

Cllr Collett raised the following issues in relation to the route;

- When leaving the state the route has an alley way with a 90 degree turn up hill with a gradient which could prove problematic with a push chair, wheelchair or child's scooter.
- Cove road crossing was easier that morning due to the presence of officers wearing high visibility jackets. There is a steep slope at the stepping off point with a possibility of rolling into the road. The island

refuge on the road is small when considering the number of children who will be walking to school.

- There are a number of issues around the Train station such as;
  - The road on approach to the station had a number of cars leaving their driveways posing a hazard for pedestrians. This road is also not level posing a risk for push chairs etc.
  - Commuters walking to the train are in a hurry and will overtake slowing pedestrians leading to the chance of accidents.
  - Past the bridge to the station there is a free parking area with an increased number of commuters and there are often bikes locked to the railings on the path.
  - The road entrance to the Station is laid out in an unusual way so that it is difficult to judge which direction cars will travel in with two options on a left turn. On the other side parked vehicles provide obstacles for sight lines.
- There is confusion over cycle paths and encouragement/permission to use the pavement on the later part of the route.

Cllr Collett stated that he thought there was no doubt that the route was not safe and that he could see how distressed the children were at the length of the walk, compounded by the weather conditions. Cllr Collett noted that this would distract a parent, making them potentially less aware of the hazards around them.

In response to questions members heard that;

- The appellant considered there to be different hazards for the return journey as sunset can be during the journey in the winter and make the tricky points on the route more of an issue. Additionally the children will be tired from their day at school and the journey home will be at a slower pace and rush hour traffic will be present.
- The appellant was currently sending her older son to school on the bus and her daughter was in nursery. The appellant accompanied her son to the bus at 8:10am and would collect him at 3:30pm. The appellant started work at 9am and would drop her daughter with a family member on the way who would take her to nursery.
- Cllr Collett had been the County Councillor for a number of years and had been able to have some success in improving road safety in the area the route crosses. This included the installation of the islands on Cove road, resurfacing of the pavement near the station and a new safe crossing on Ancells road. Cllr Collett believed he has had a degree of success in improving the route but some issues could not be address due to lack of available funds or, in the case of the area outside the station, there not being much more that can be done.

## **6. SCHOOL TRANSPORT APPEAL OUTCOME**

The Chairman asked each party to summarise the key points they had raised before the sub-committee would retire to deliberate.

The Panel heard that the Road Safety Great Britain guidance was used by many Local Authorities for these assessments and the route was judged to be available all year round. It was acknowledged that Officers were wearing high

visibility but noted that both parents on the walk were within the confines of the refuge on Cove road, including their children and push chairs.

Officers explained that the route was in a very urban area and the issues with cars pulling out of driveways is replicated all around the country and people would give way to parents with pushchairs. The route is mainly residential roads with wide footpaths and the walking time was extended today due to stops for the panel to consider elements of the route.

It was observed that the panel had seen the route at its worst today in consideration of the weather and the Council's position was that the problems seen are encountered by numerous parents around the County.

The appellant stressed that the route was being considered for children and her four year old would have to walk to as they would refuse to go in a pushchair. The appellant added that there were many families on the estate without a car that will be affected by this decision.

Cllr Collett reiterated that the transport situation in Ancells Farm was unique due to the school originally planned not being built.

The Chairman thanked everyone for their conduct during both the walking of the route and the Regulatory Sub-Committee's meeting.

The Chairman went on to say that a decision had been reached following consideration of the written report and appellant's submission, the evidence raised in the meeting and the experience of walking the route. The Chairman recognised the history of the area in relation to School Transport and empathised with the concern in relation to the service being withdrawn. However, it was noted that the Sub-Committee's remit was limited and they needed to comply with the policies of the County Council.

The Chairman announced that the Regulatory Sub-Committee had found that the route was not available if unaccompanied, but that the route was available accompanied.

**Resolved:** That the Regulatory Sub-Committee (School Transport Appeal) find the route between Ancells Farm and Fleet Infants School & Velmead Junior School to be unavailable to unaccompanied children but available to accompanied children.

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Chairman,