

HAMPSHIRE COUNTY COUNCIL

Report

Committee/Panel:	Regulatory Sub-Committee (School Transport Appeals)
Date:	12 November 2018
Title:	School Transport Appeal: Pamber Heath to The Hurst Community College
Report From:	Director of Childrens Services

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1. Recommendations

- 1.1 That the Sub Committee considers:
 - i) whether the nature of the route, or an alternative route, means that it is available for children if unaccompanied; and
 - ii) if the answer to (i) is no, whether the route is available if accompanied.
- 1.2 If the answer to (ii) is yes, separate consideration by the County Council's Children's Services Department would be given to any representations by parents or carers who are unable to accompany their children by virtue of individual circumstances.

2. Summary

- 2.1 Parents, have appealed, on the distance measurement and safety of route grounds, against the decision to withdraw free school transport for their children, from Pamber Heath to The Hurst Community College.

3. Contextual information

- 3.1 Pamber Heath lies approximately 2.9 miles East of The Hurst Community College. The walking route is within the statutory three miles distance beyond which free transport is provided for children over eight attending their catchment area school, or a nearer school.
- 3.2 During a review of walking routes and the distances from Pamber Heath to The Hurst Community College it was determined that households in the Pamber Heath area had been awarded school transport in error as they were within the three mile walking limit. This affected a number of pupils in the Pamber Heath area. The available route has been measured using HCC's Geographical Information System (GIS). The process followed measures the journey on a GIS map using a manual

tool allowing the user to closely follow available footpaths unlike a satellite navigation point to point measurement. The distance from the Appellant's home to The Hurst is 4601 meters (2.86 miles). The distance measured is from where the parent/guardian's property meets a publicly available route to the nearest available entrance to the school. A map has been provided that shows the end points and the route followed. The School Transport Manager and Passenger Transport Inspector walked the route to ensure that it was, in their opinion, safe to walk.

- 3.3 The Council's Road Safety Officer was commissioned to carry out a formal assessment of the route using the Road Safety GB Assessment of Walked Routes to School criteria. His report stated that the route, from a point on the Silchester Road, near to the appellant's house and on the same side of the road so requiring a similar crossing point was safe. The short route from the appellant's house to the Silchester Road is considered to be safe. The appellants were supplied a copy of the Road Safety Officer's report along with a copy of the accident statistics for the length of the route (Appendix 4). They were then invited to submit a Stage 1 Appeal as per the County Council's Home to School Transport policy which they did. That appeal was reviewed by a senior officer and the School Transport Manager. After consideration of the submissions the appeal was turned down and parents were referred to the Stage 2 appeal process.

The points raised during the Stage 1 appeals were as follow;

- Disputing the distance measured,
- The crossing point on the A340,
- The entrance point to the school measured to.

- 3.4 There are no public bus services that could be used by students to travel to The Hurst Community College. There are some 'Privilege' spaces on the reconfigured transport from Tadley, and some parents have purchased tickets from Pamber Heath to The Hurst Community College.

4. The Appeal

- 4.1 The route has to be considered against the national Road Safety GB criteria for the Assessment of Walked Routes to School (attached at Appendix 3).
- 4.2 An on-site inspection was undertaken on by a representative from Hampshire County Council's Road Safety Team. The salient points of the Road Safety Team's initial report are in Appendix 1 & 2.
- 4.3 Mr & Mrs McGarvie referred the outcome of the initial Stage 2 Appeal to the Government Ombudsman, and one of the outcomes of the Ombudsman's decision was to re-hear Mr & Mrs McGarvie's Stage 2 Appeal.

5. Conclusion

5.1 Members will have had the opportunity to inspect the walking route. The County Council's position is that, under the criteria, the walking route is available. It is for Members to consider, following the guidance of Appendix 3:

- i) whether the nature of the route, or an alternative route, means that it is available for children if unaccompanied; and
- ii) if the answer to (i) is no, whether the route is available if accompanied.

5.2 If the answer to (ii) is yes, separate consideration by the Children's Services Department would be given to any representations by parents or carers who are unable to accompany their children by virtue of individual circumstances.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

Not applicable for this report.

3. Impact on Crime and Disorder:

There is no identified impact on Crime and Disorder.