

## Special Council Meeting

### Agenda

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<b>Date:</b>	<b>Thursday, 23rd February, 2017</b>
<b>Time:</b>	<b>11.05 am (or upon the adjournment of the ordinary meeting of Council)</b>
<b>Venue:</b>	<b>The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX</b>

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The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

#### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

- 3. Public Speaking Time/Open Session - (In respect of the item relating to Walking Routes to Schools only and not the ordinary items of business).**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Walking Routes to Schools** (Pages 3 - 30)

To consider the issues raised on behalf of Members who called the special meeting of Council.

## Cheshire East Council: Special Meeting

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23<sup>rd</sup> February 2017

**Report of:** Head of Governance and Democratic Services

**Subject:** Walking Routes to Schools

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### 1 Report Summary

1.1 This report enables Council to consider issues raised on behalf of Members who used powers, set out in legislation, to call a Special Council meeting.

### 2 Recommendation

2.1 That Council consider those matters set out in the Appendices to this report.

### 3 Background

3.1 Under powers set out in legislation, Councillors Pochin, Stott, Flude, Fletcher and Butterill, requisitioned a Special meeting of Council.

3.2 On behalf of those Members, Councillors Pochin and Stott provided information in support of the request for the Special meeting, which is set out in Appendix 1 to this report. Appendix 1 also contains a Motion which may be debated at the Special meeting, if moved and seconded; together with a map for the information of Council.

3.3 Appendix 2 to the report, sets out the minute of the Cabinet meeting, which took place on 18<sup>th</sup> October 2016.

3.4 Appendix 3 is a response to the motions put forward by the five members, prepared by Councillor Liz Durham, Children and Families Portfolio Holder.

3.5 Appendix 4 is the Portfolio Holder's "Update on Progress".

3.6 Appendix 5 contains the Network Rail Operations Risk Advisor (Level Crossings) clarification on issues of concern.

### 4 Legal Implications

The legal implications which applied to the October 2016 Cabinet report are reproduced below.

4.1 The council is required by both the Education Act 1996 and the Education and Inspections Act 2006 to make suitable travel arrangements for certain students to attend school. Case law has established that local authorities are required to make school travel arrangements where a child, lives under

the statutory walking distance to school but does not have a route available that can be walked in reasonable safety.

- 4.2 For a route to be available, it must be a route to school, along which a child, accompanied as necessary, can walk with reasonable safety from traffic hazards.
- 4.3 Under the terms of the Council's policy, any parent who is dissatisfied with the Council's assessed route on the grounds that it contains unacceptable road safety hazards may make a request for reconsideration on certain specified grounds. The review will be undertaken by an officer of the Places Directorate and will be completed within 20 days wherever possible. Parents who remain dissatisfied can complain to the Local Government Ombudsman or, ultimately, bring a claim for judicial review if they consider that the Council has failed to follow its published Transport Policy or review procedure.
- 4.4 Parents who may suffer particular hardship of whatever nature as a result of the withdrawal of free transport also have a right to an appeal before the School Transport Appeals Sub Committee on the grounds that they have exceptional circumstances that merit consideration on an individual basis and justify the Council departing from its published policy.
- 4.5 If free transport is not withdrawn from those routes which have been classed as available to walk, the Council may be exposed to criticism from the parents of children using other routes across the borough which are also classed as available but for whom no free transport is provided.
- 4.6 If the Council declared the route unsafe for children attending school, it would suggest that we are allowing the general public to use an unsafe route and the logical next step would be to close the route to the public.
- 4.7 The Department for Education, Home to School Travel and Transport Guidance (July 2014) places, in part 1 of the guidance, a general duty on local authorities under section 508A of the Education Act 1996 to promote the use of sustainable travel and transport. In promoting the use of sustainable travel and transport an audit of the sustainable travel and transport infrastructure should be undertaken which should consider data relating to personal safety and security.
- 4.8 In part 2 of the guidance, Sections 508B and 508C of the Education Act 1996 make provision for local authorities to ensure that suitable arrangements are made, where necessary, to facilitate a child's attendance at school to make transport arrangements for all eligible children. The assessment of available walking are considered in relation to sections 508B and 508C of the Education Act 1996.

## **5 Financial Implications**

- 5.1 The Council has a requirement to set a balanced budget. As such any proposal to vary the net expenditure in the 2017/18 Budget, as a result of this report, would require a further decision from Council to determine how the additional cost will be funded. The extent of the financial implications will be determined by the decision of Council under this item.

### **6 Equality Implications**

- 6.1 A full equality impact assessment has been completed regarding the Available Walking Routes to school programme and is available to view on the Cheshire East Council website.

### **7 Rural Community Implications**

- 7.1 The proposal considered by Cabinet applies to pupils whose walking route to school is under 3 miles for secondary aged pupils and 2 miles for primary aged pupils. All pupils over this distance, travelling to their local or closest qualifying school would be eligible for transport.

### **8 Public Health Implications**

- 8.1 As indicated in the Cabinet report, the public health implications will be considered as part of the corporate sustainable mode of travel strategy update which will examine and promote the healthiest way of travelling to school.

### **9 Risk Management**

- 9.1 Maintaining existing arrangements will result in inconsistency and inequity in the provision of transport across the borough.

### **10 Background Papers**

- 10.1 The background papers to this report can be seen from the Council's website, and include the report which went to the meeting of Cabinet on 18<sup>th</sup> October 2016.

### **11 Contact Information**

Contact details for this report are as follows:-

**Name:** Brian Reed  
**Designation:** Head of Governance and Democratic Services  
**Tel. No:** 01270 686670  
**Email:** [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)

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## Appendix 1

### **Background: Bollington to Tytherington School Transport (provided by Councillor Amanda Stott)**

Bollington's senior school closed in 1966, at which time Tytherington High school was designated as the senior school for Bollington children.

The route between Bollington and the school involves crossing the Silk Road (A523) and a free bus service was provided to transport the children to school.

In 2012/13 Cheshire East reviewed this arrangement and proposed that the children use a 'safe walking route' along the Middlewood Way. Councillor Michael Jones was the leader of the council at the time and having walked the route totally refuted the suitability of the route as safe for children to walk to school.

In 2016 this issue was brought back on to the Cabinet agenda and the proposal was again to remove the free bus service as the Middlewood Way was deemed to be a safe walking route – this decision is affecting 171 children.

The Middlewood way is a pedestrian route along a disused railway track. It sits in a steep-sided, heavily-wooded cutting which is isolated from residential roads and has no safe exit for a child who feels threatened.

Should an emergency incident occur on the Middlewood Way there are issues which would need to be overcome before the emergency services even begin to deal with an incident; be they police, fire or ambulance.

1. Location of incident
2. Vehicle access to the Middlewood Way
3. Lack of mobile phone coverage

Such is the geography of Bollington that should the bus be withdrawn, children who live in the Bollington Cross and Kerridge areas will take the shortest walking route to school which will take them across the Silk Road (A523) a route which has been, justifiably, deemed to be an unsafe route. It is a rare child that will add to the distance of their walking route by using the Middlewood Way.

Fairness across the borough has been cited for the reason to withdraw the bus service and a fear of challenge by other walking routes – but, although the question has been posed, no other like-for-like routes have been identified. So, a challenge is unlikely.

Road safety, not personal safety is taken into account when accessing if a route is safe or not. This is a pedestrian route so there is no danger from vehicle traffic – the danger comes by creating a honey pot by funnelling over 170 children along the route at predictable times for those who prey on children.

I would ask that you support the motion to declare this route as unsafe for children getting to school.

Councillor Amanda Stott

### **Background: Willaston to Nantwich route (provided by Councillor Sarah Pochin)**

The Willaston to Nantwich route affects 111 children that go to Malbank School in Nantwich and 8 children that go to Brine Leas School also in Nantwich.

This particular Walking Route has one major safety concern that cannot be addressed before the free school bus ends in September 2017 and Government policy clearly states that a walking route can only be deemed available if it is road safe. This route crosses the London Road railway crossing in Nantwich which has the following safety concerns:

1. This crossing is a single barrier crossing and not a double barrier crossing. This means that only half the road is blocked when the barrier comes down making it a temptation for pedestrians (especially children) to run around the barrier and 'beat the train'. These crossings are currently being upgraded to double barriers up and down the country by Network Rail. Their current programme of works runs to 2019 and does not include this crossing as other crossings around the country have had fatalities that make them a greater priority.
2. The angle of tracks are diagonal to the road, rather than at right angles, meaning that cyclists are at risk from tyres getting stuck down the tracks and being stuck on the tracks struggling to free their bike tyre when the barrier comes down.
3. There is no clear pavement demarcation over the crossing itself and therefore there is heightened risk that children in groups may be pushed into or wander into the heavy traffic flow along London Road which includes many HGVs.
4. There have been several incidents at this crossing over the years including a car that was trapped on the wrong side of the barrier when it came down and a pedestrian that was hit by a train. There was also a party of school children from Malbank School that were trapped on the crossing itself as the barriers came down.
5. There have been 8 occasions in the last 5 years when the barrier has been stuck down for more than 30 minutes at a time. Children on their way to school are just going to risk it and run around the barrier if this happens on their way to school.

Network Rail acknowledges the safety concerns associated with this crossing becoming a walking route to school for children.

A meeting took place on 21st December 2017 between the Network Rail Area Manager, the British Transport Police, CE officers, Councillor Pochin, Councillor Rachel Bailey, Councillor David Brown and Councillor Glen Williams. The meeting took place at the crossing at 8.00am during the rush hour period and at the time the children would be walking to school. The Network Rail Area Manager publicly stated

at that meeting that this crossing is classified as a HIGH RISK CROSSING by Network Rail and is NOT SUITABLE to be used as part of a walking route to school.

The Area Manager went on to state that she would not let her own children cross this crossing as part of a walking route to school. She also volunteered concerns about cycle wheels getting stuck down the train tracks and it not being suitable as a cycle route.

Network Rail have stated that although this crossing is 'safe enough' for current use, it is not safe in the context of an increase of potentially 100 vulnerable users ie. children to use as a walking route to school. Network Rail have confirmed that they were never told by the CE Council that this crossing was to be part of a walking route to school.

The British Transport Police have attended twice at the crossing at the request of Councillor Pochin. On the first occasion they did a traffic survey and counted over 500 vehicles crossing the crossing between 8am and 9am. They also attended the meeting on 21st December with Network Rail and suggested that the council find an alternative walking route for the children.

There are other safety concerns on this walking route to school which the council have said they will address before the end of the free school transport in September.

These are:

1. Reinstating the street lighting along Newcastle Road / London Road
2. Improving the warning signage on the A500 as vehicles approach the Cheerbrook roundabout where there is a road crossing that the children will have to use. There have been several incidents on this roundabout with vehicles crashing into the roundabout crash barriers
3. Cutting back and maintaining the overgrown hedgerows along Newcastle Road / London Road which make the pavements very narrow
4. Reducing the speed limit along Newcastle Road from 60mph to 30mph.

We are waiting for confirmation that the above will be in place before September.

For all of the above reasons we ask that you vote in favour of our motion (as set out at the end of this Appendix) that this Council requests that Cabinet reverses the decision made on 18th October 2017 to withdraw free school transport from Willaston to Malbank School / Brine Leas School and continues to fund the transport until the railway crossing is upgraded by NR.

Councillor Sarah Pochin

The following time-line may be helpful to Members.

**TIME LINE of Available Walking Routes (AWRs) to school:**

June 2016 : Ward Councillors Pochin and Stott attended a meeting with Deputy Portfolio Holder Children & Families Cllr Hayes to advise us that the following week a paper was going to Cabinet re introducing the next phase of 5 AWRs and the ending of free school transport.

June 2016 : Cabinet meeting took place. Many speakers objecting to these AWRs on child safety grounds, including Head Teachers, local Ward Councillors, members of the public. The 9 Cabinet members ignored these concerns and voted in favour of introducing these 5 AWRs. The question of which Cabinet members had actually walked the routes themselves was never answered.

July 2016 : A cross party group of councillors called this decision in to Children & Families Scrutiny (CAFS). A thorough two day investigation by the scrutiny committee took place in July, which included the committee walking all five routes, and then holding a public meeting at Sandbach Town Hall. The committee listened to concerns from Head Teachers, Councillors and members of the public, and debated much evidence and supporting documentation with the Portfolio Holder Cllr Durham, Director of People Kath O'Dwyer and Head of Education Jacky Forster. Supporting documentation included letters from local MPs and a letter from Lord Nash at the DfE, and examination of the current Government Policy on School Transport dated July 2014. This resulted in a unanimous vote to recommend to Cabinet that they revisit their decision based on the evidence they had heard at the call in.

The scrutiny committee recommended specifically that 1. the Middlewood Way walking route should never be deemed safe on the grounds of personal safety 2. the Willaston to Malbank / Brine Leas route could only be made safe by the upgrading of the London Road railway crossing.

3. the other routes could be made safe with some improvements.

It was also recommended that the free school transport on those routes that could be improved would be phased out such that children currently benefitting from free transport would continue to do so until they left that school.

October 2016 : The decision previously made by Cabinet came back to the Cabinet on 18th Oct and Cabinet were asked to reconsider their decision in the light of the CAFS recommendations. Many children and members of the public attended at Westfields that day. Many speakers spoke passionately about the safety concerns on the two routes in particular - Middlewood Way and Willaston to Malbank/Brine Leas.

Again the Cabinet ignored all the evidence in front of them and the scrutiny recommendations and voted the same way. The only concessions that were made were the minor improvements to the other routes and the phasing in of the changes, although details of that phasing in are still unknown.

At this point five cross party Councillors asked for a Special Full Council Meeting to give all members the opportunity to hear about this issue and vote on it. The vote is not legally binding in that only the Cabinet can reverse their decision, but it would send a strong message to the Cabinet that child safety cannot be ignored. The Special Full Cabinet Meeting will take place on the 23rd February, within the normal Full Council meeting, in order to avoid the expense of hosting the meeting on a separate day.

**MOTION:**

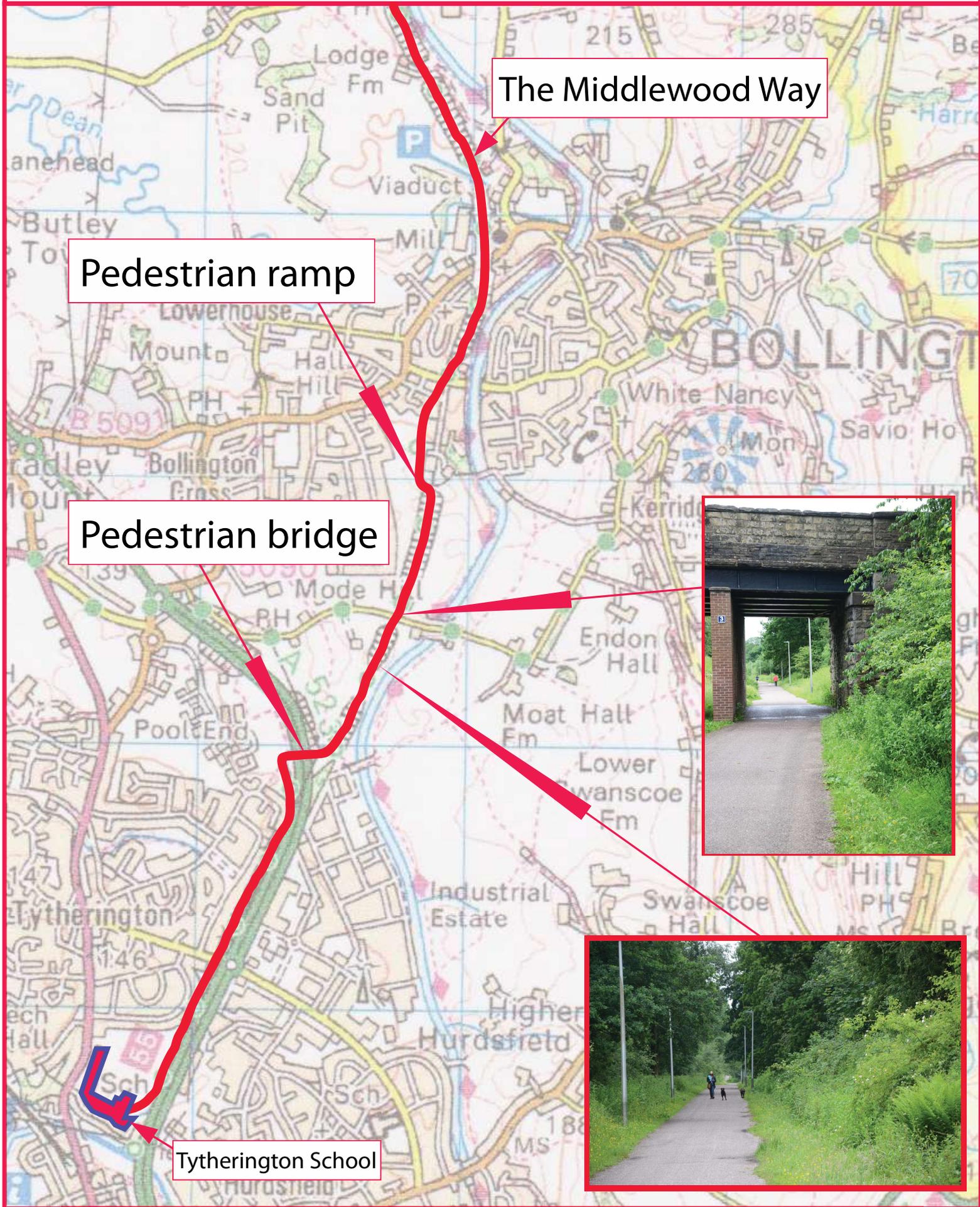
1. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, and the Council continues to fund the bus as this route cannot be made safe.

2. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School & Brine Leas School, and the Council continues to fund the bus until the London Road railway crossing is upgraded by Network Rail.

3. In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route, this Council requests that funding be made available to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school. `

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Page 13  
Bollington to Tytherington School  
via the Middlewood Way



The Middlewood Way

Pedestrian ramp

Pedestrian bridge

Tytherington School



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## Appendix 2

### Available Walking Routes to School Programme

- Meeting of Cabinet, Tuesday, 18th October, 2016 2.00 pm (Item 45.)

To give further consideration to this matter in the light of the recommendations of the Children and Families Overview and Scrutiny Committee and the officer response to the recommendations.

#### Minutes:

Cabinet gave further consideration to this matter in the light of the recommendations of the Children and Families Overview and Scrutiny Committee and the officer response to the recommendations.

On the 14<sup>th</sup> June 2016, Cabinet had considered a report in relation to a 'review of the available walking routes to school' and had resolved as follows:

"That Cabinet

1. notes the reclassification of routes that have been re-assessed as available walking routes to school and agrees that free school transport for those routes be withdrawn from April 2017; and
2. authorises the Executive Director for People to spend £150,000 from the Local Transport Plan budget allocation for 2016/17 to improve further walking routes to school to bring them up to required standard so that free school transport for those improved routes may be subsequently withdrawn."

Cabinet's decisions had subsequently been called in for review on the basis that:

- a) relevant information was not considered;
- b) viable alternatives had not been considered; and
- c) the decision taken by Cabinet could be open to challenge.

On the 19<sup>th</sup> July 2016, the Children and Families Overview and Scrutiny Committee considered the call-in of the Cabinet decision and made a series of recommendations to Cabinet as set out in the report.

The officer response to the Committee's recommendations and subsequent recommendations to Cabinet were set out in Appendix 3 to the report.

At the invitation of the Chairman, Councillor Rhoda Bailey, Chairman of the Children and Families Overview and Scrutiny Committee, addressed the meeting, paying tribute to everyone who had taken part in the process. She went through the Committee's recommendations as set out in the report and noted that some of these

had been accepted by the Cabinet. She urged Cabinet to ensure that any necessary improvements to the proposed walking routes were completed before the proposals were implemented.

The following councillors were invited to address Cabinet in relation to the proposals, having expressed the wish to do so: Councillors A Stott, S Corcoran, B Dooley, S Edgar, D Flude, L Jeuda, G Merry, A Moran, S Pochin, J Saunders and M Warren. Among the views expressed were that some working parents would find it difficult to accompany their children to school; some routes were unsafe for children to walk along alone and could attract opportunistic predators; the cost of transport would be prohibitive for large families; there had been a lack of consultation with schools and local ward members; the safety of children should take precedence over financial savings; and the weight of opposition across the political parties and the views of the cross party overview and scrutiny committee, local ward members and local MPs should not be ignored.

On the question of consultation with local ward members, the Portfolio Holder for Children and Families confirmed that meetings with local ward members for the areas affected had been offered.

At the conclusion of member speaking, the officers presented the report which focussed primarily on the recommendations of the Children and Families Overview and Scrutiny Committee. The officers advised that the Emergency Services had confirmed that they would be able to access Middlewood Way if necessary; that children with long term health issues and families on low incomes had been taken into account by the Council's policy; and that the Council had a duty to apply its policies consistently and fairly across the Borough which would inevitably lead to the removal of school transport where a walking route was deemed to be available. Finally, the officers indicated that the process had provided for a nine month period before implementation to allow sufficient time for engagement with the affected schools and local communities. Cabinet members then asked the officers a number of questions to clarify certain aspects of the report.

At 4.00 pm the Chairman announced a 10 minute adjournment.

Following the adjournment, the Chairman summed up the debate by commenting that the Cabinet had acknowledged the concerns of local schools and residents and had considered carefully the advice and recommendations of the Children and Families Overview and Scrutiny Committee. In doing so, the Cabinet had had regard to its responsibility to all the residents of the Borough in applying the Council's policy on Available Walking Routes to School in a consistent and equitable manner.

The Cabinet had welcomed the debate on the re-assessment of the five walking routes to school, had listened to the views of the schools and residents and had taken on board the suggestions and comments made as reflected in the revised

recommendations in the report. The Chairman thanked everyone concerned for their participation in and contribution to the debate.

The Portfolio Holder for Children and Families then moved the recommendations in the report with a number of additional amendments.

### **RESOLVED**

That having reconsidered its decisions of 14<sup>th</sup> June 2016, and the minutes and recommendations of the Children and Families Overview and Scrutiny Committee meeting of 19<sup>th</sup> July 2016, Cabinet resolves as follows:

That the decisions taken by Cabinet on 14<sup>th</sup> June 2016 be confirmed subject to the following:

1. Middlewood Way be confirmed as an available walking route;
2. the implementation of changes to the availability of routes be postponed until September 2017;
3. the Executive Director - People be given delegated authority (in consultation with the Portfolio Holder for Children and Families) to discuss with relevant schools and academies, and arrange such transitional grant funding as the Executive Director considers appropriate, so that where practicable any child who currently receives free school transport will continue to receive subsidised transport until they either conclude their education at their current school or move to another school, and the Executive Director report back on progress;
4. the highway improvements recommended by the Children and Families Overview and Scrutiny Committee, and identified as 'to be implemented' in Appendix A to the report, be approved and monitored by the relevant Portfolio Holders with a view to implementation by 2017;
5. for any future route assessments, where changes to the classification are being considered, local members to be invited to accompany officers on a route review;
6. the Executive Director - Place be requested to review the Council's Sustainable Modes of Travel Strategy and bring a revised strategy to Cabinet for consideration and approval; and
7. Cabinet note the Children and Families Overview and Scrutiny Committee's disappointment at a perceived lack of consultation in relation to the proposals and log the ongoing engagements with overview and scrutiny on this policy as a whole, but in particular with regard to the routes before Cabinet today.

### **Supporting documents:**

[\\files.congleton.gov.uk\shared\Cheshire East\Democratic Services\Cabinet\2016\Cabinet - 18 Oct 16\Available Walking Routes - report \(final\).docx](\\files.congleton.gov.uk\shared\Cheshire East\Democratic Services\Cabinet\2016\Cabinet - 18 Oct 16\Available Walking Routes - report (final).docx)

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Appendix 3

## Cheshire East Council: Special Meeting

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23<sup>rd</sup> February 2017

Report of: Cllr Liz Durham, Children and Families Portfolio Holder

Subject: Response to Motion

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### 1. Introduction

Council have been asked to consider the motions set out below

1. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, and the Council continues to fund the bus as this route cannot be made safe.
2. This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School & Brine Leas School, and the Council continues to fund the bus until the London Road railway crossing is upgraded by Network Rail.
3. In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route, this Council requests that funding be made available to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school.

### 2. Background: Bollington to Tytherington School Transport

**(Provided by Councillor Amanda Stott)**

Bollington's senior school closed in 1966, at which time Tytherington High school was designated as the senior school for Bollington children.

The route between Bollington and the school involves crossing the Silk Road (A523) and a free bus service was provided to transport the children to school.

In 2012/13 Cheshire East reviewed this arrangement and proposed that the children use a 'safe walking route' along the Middlewood Way. Councillor Michael Jones was the leader of the council at the time and having walked the route totally refuted the suitability of the route as safe for children to walk to school.

In 2016 this issue was brought back on to the Cabinet agenda and the proposal was again to remove the free bus service as the Middlewood Way was deemed to be a safe walking route – this decision is affecting 171 children.

The Middlewood way is a pedestrian route along a disused railway track. It sits in a steep-sided, heavily-wooded cutting which is isolated from residential roads and has no safe exit for a child who feels threatened.

Should an emergency incident occur on the Middlewood Way there are issues which would need to be overcome before the emergency services even begin to deal with an incident; be they police, fire or ambulance.

1. Location of incident
2. Vehicle access to the Middlewood Way
3. Lack of mobile phone coverage

Such is the geography of Bollington that should the bus be withdrawn, children who live in the Bollington Cross and Kerridge areas will take the shortest walking route to school which will take them across the Silk Road (A523) a route which has been, justifiably, deemed to be an unsafe route. It is a rare child that will add to the distance of their walking route by using the Middlewood Way.

Fairness across the borough has been cited for the reason to withdraw the bus service and a fear of challenge by other walking routes – but, although the question has been posed, no other like-for-like routes have been identified. So, a challenge is unlikely.

Road safety, not personal safety is taken into account when assessing if a route is safe or not. This is a pedestrian route so there is no danger from vehicle traffic – the danger comes by creating a honey pot by funnelling over 170 children along the route at predictable times for those who prey on children.

I would ask that you support the motion to declare this route as unsafe for children getting to school.

*Councillor Amanda Stott*

### **3. Cllr Durham response in relation to Bollington to Tytherington High School**

Cabinet gave full consideration to all of the evidence provided through the Overview and Scrutiny call-in process and to parental complaints, when making their decision.

The decision is based on the fair, equitable and consistent application of both Cheshire East Council Policy and the adherence to national guidance.

Council could decide not to implement our own policy but the route assessment would not change as this is conducted by Officers who are experienced and qualified in assessing the route.

If the decision of Cabinet were to be reversed, it should be noted that members would be agreeing not to apply its own policy, or follow national guidance and as a consequence the

Council would be open to claims for free transport from all other families, where children travel more than three miles to school.

In terms of access to the route by emergency services, these issues were considered, and response sought from emergency services. Officers will continue to liaise with the emergency services in relation to this matter.

In terms of Children using the Silk Road as an alternative route, we are exploring the potential to have a crossing on the Silk Road, (see progress report update), and therefore this would provide an additional alternative routes to school, subject to Council approval of the budget.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18<sup>th</sup> October 2016.***

#### **4. Background: Willaston to Nantwich route**

**(Provided by Councillor Sarah Pochin)**

The Willaston to Nantwich route affects 111 children that go to Malbank School in Nantwich and 8 children that go to Brine Leas School also in Nantwich.

This particular Walking Route has one major safety concern that cannot be addressed before the free school bus ends in September 2017 and Government policy clearly states that a walking route can only be deemed available if it is road safe. This route crosses the London Road railway crossing in Nantwich which has the following safety concerns:

1. This crossing is a single barrier crossing and not a double barrier crossing. This means that only half the road is blocked when the barrier comes down making it a temptation for pedestrians (especially children) to run around the barrier and 'beat the train'. These crossings are currently being upgraded to double barriers up and down the country by Network Rail. Their current programme of works runs to 2019 and does not include this crossing as other crossings around the country have had fatalities that make them a greater priority.
2. The angle of tracks are diagonal to the road, rather than at right angles, meaning that cyclists are at risk from tyres getting stuck down the tracks and being stuck on the tracks struggling to free their bike tyre when the barrier comes down.
3. There is no clear pavement demarcation over the crossing itself and therefore there is heightened risk that children in groups may be pushed into or wander into the heavy traffic flow along London Road which includes many HGVs.
4. There have been several incidents at this crossing over the years including a car that was trapped on the wrong side of the barrier when it came down and a pedestrian that was hit by a train. There was also a party of school children from Malbank School that were trapped on the crossing itself as the barriers came down.
5. There have been 8 occasions in the last 5 years when the barrier has been stuck down for more than 30 minutes at a time. Children on their way to school are just going to risk it and run around the barrier if this happens on their way to school.

Network Rail acknowledges the safety concerns associated with this crossing becoming a walking route to school for children.

A meeting took place on 21st December 2017 between the Network Rail Area Manager, the British Transport Police, CE officers, Councillor Pochin, Councillor Rachel Bailey, Councillor David Brown and Councillor Glen Williams. The meeting took place at the crossing at 8.00am during the rush hour period and at the time the children would be walking to school. The Network Rail Area Manager publicly stated at that meeting that this crossing is classified as a HIGH RISK CROSSING by Network Rail and is NOT SUITABLE to be used as part of a walking route to school.

The Area Manager went on to state that she would not let her own children cross this crossing as part of a walking route to school. She also volunteered concerns about cycle wheels getting stuck down the train tracks and it not being suitable as a cycle route.

Network Rail have stated that although this crossing is 'safe enough' for current use, it is not safe in the context of an increase of potentially 100 vulnerable users ie. children to use as a walking route to school. Network Rail have confirmed that they were never told by the CE Council that this crossing was to be part of a walking route to school.

The British Transport Police have attended twice at the crossing at the request of Councillor Pochin. On the first occasion they did a traffic survey and counted over 500 vehicles crossing the crossing between 8am and 9am. They also attended the meeting on 21st December with Network Rail and suggested that the council find an alternative walking route for the children.

There are other safety concerns on this walking route to school which the council have said they will address before the end of the free school transport in September.

These are:

1. Reinstating the street lighting along Newcastle Road / London Road
2. Improving the warning signage on the A500 as vehicles approach the Cheerbrook roundabout where there is a road crossing that the children will have to use. There have been several incidents on this roundabout with vehicles crashing into the roundabout crash barriers
3. Cutting back and maintaining the overgrown hedgerows along Newcastle Road / London Road which make the pavements very narrow
4. Reducing the speed limit along Newcastle Road from 60mph to 30mph.

We are waiting for confirmation that the above will be in place before September.

For all of the above reasons we ask that you vote in favour of our motion (as set out at the end of this Appendix) that this Council requests that Cabinet reverses the decision made on 18th October 2017 to withdraw free school transport from Willaston to Malbank School / Brine Leas School and continues to fund the transport until the railway crossing is upgraded by NR.

*Councillor Sarah Pochin*

### **5. Cllr Durham response in relation to Willaston to Malbank School / Brine Leas School**

I agree that this crossing is a single barrier crossing and not a double barrier crossing, which means that only half the road is blocked when the barrier comes down. These crossings are currently being upgraded to double barriers up and down the country by Network Rail. Their current programme of works runs to 2019 and does not include this crossing as other crossings around the country have been assessed as being a greater priority.

It is agreed that safety training will be provided for children to ensure they are aware of how to safely cross and the risks of not doing so. However, it is for parents to ensure that their children behave reasonably on the way to school or that they accompany them to school.

There are clear pavement demarcations over the crossing, however, we have asked for additional markings to be put in place.

Network Rail has been asked to verify if there have ever been any recorded incidents of cyclists falling off because of the tracks.

Network Rail's website shows that at this location there have been the following recorded incidents:

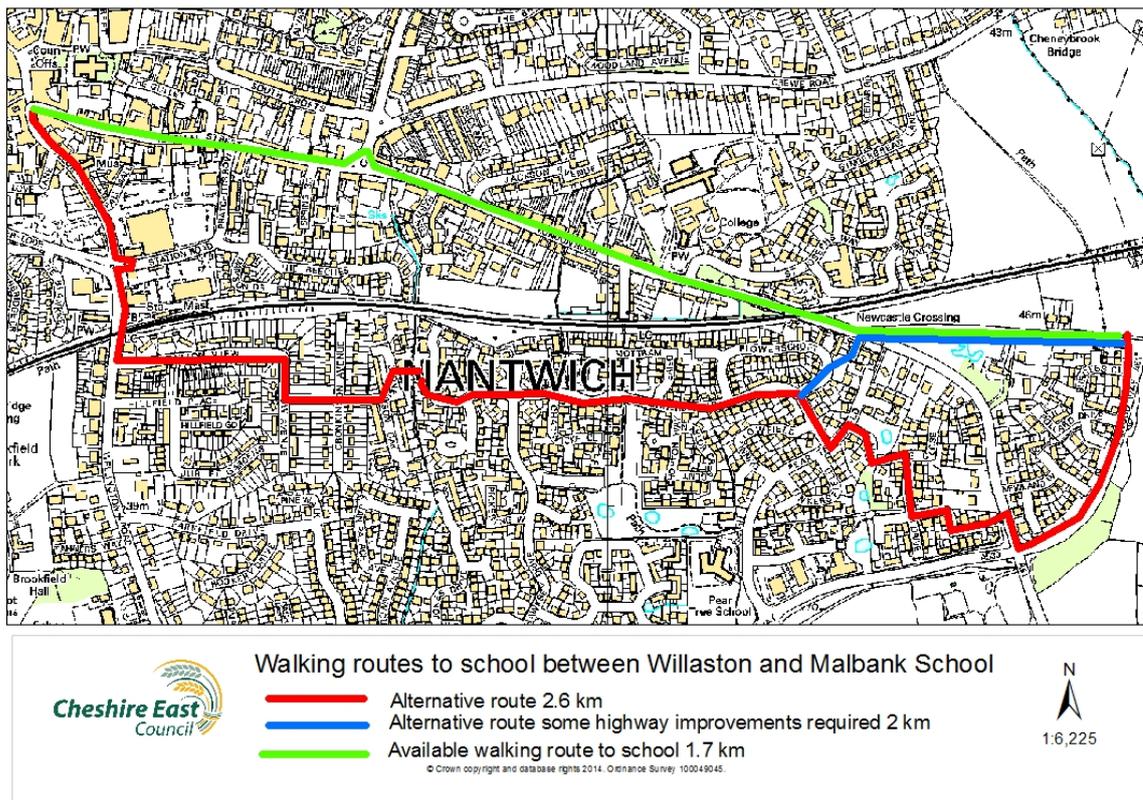
- Misuse - 2 incidents in year prior to assessment date (Feb-2016) and no incidents since.
- Near misses - Nil incidents in year prior to assessment date (Feb-2016) and no incidents since.
- Accidents - Nil incidents in year prior to assessment date (Feb-2016) and no incidents since.

The website also states that Network Rail surveyed the route which showed that 9423 vehicles and 594 pedestrians or cyclists used the crossing on the day of the survey.

Pupils from Malbank School currently use the crossing and a survey carried out in September 2016 showed that 9 school children crossed in the morning period and 17 children crossed in the afternoon period. See full chart below of pedestrian and cyclist using the crossing when an assessment took place.

	Travelling East			Travelling West			Total
	0-4 Years	5-16 Years	16 Years +	0-4 Years	5-16 Years	16 Years +	
<b>Pedestrian</b>	0	1	3	2	5	11	<b>22</b>
<b>Cyclist</b>	0	0	4	0	1	11	<b>16</b>
<b>Total</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>22</b>	<b>38</b>
	Travelling East			Travelling West			Total
	0-4 Years	5-16 Years	16 Years +	0-4 Years	5-16 Years	16 Years +	
<b>Pedestrian</b>	1	6	10	1	6	4	<b>28</b>
<b>Cyclist</b>	0	3	13	0	0	4	<b>20</b>
<b>Total</b>	<b>1</b>	<b>9</b>	<b>23</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>48</b>

An alternative route has been suggested if the barrier is stuck. This also provides an alternative route to school if parents do not wish their child to use the crossing



Cabinet agreed a number of improvements to the route to be in place by September, these are all on schedule as indicated in the progress update report provided separately.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18th October 2016.***

## **6. Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route**

In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route. Cabinet has agreed to make funding available in terms of a subsidy to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school.

***I recommend that Council note the reasonable actions taken by Cabinet and support the decision made by Cabinet on 18th October 2016.***

## Appendix 4

## Cheshire East Council: Special Meeting

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 23<sup>rd</sup> February 2017

Report of: Cllr Liz Durham, Children and Families Portfolio Holder

 Subject: Walking Routes to Schools Update on Progress
 

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**1. Report Summary**

- 1.1 This report provides an update on the actions taken to date to implement the decision taken by Cabinet on the 18 October 2016 – i.e. to note the re-classification of five routes to school as available to walk and subsequently remove free transport from those routes with effect from September 2017.
- 1.2 In line with the commitment from Cabinet to monitor implementation an update is also provided on the further consideration that has been given to other matters raised by the Overview and Scrutiny Committee.

**2. Progress Update**

- 2.1 A letter has been sent to all parents affected by the decision to inform them that their child's route to school will no longer qualify for free transport from September 2017. The letter provided information on other criteria for free transport and advised of their right of appeal.

34 requests were received, but these all requested that the Cabinet decision was overturned. Parents were provided with further clarification that the appeals process cannot overturn the decision of Cabinet but could resubmit an appeal based on any personal circumstances. The deadline for appeals was extended until 31 January 2017. At the time of this report 2 applications have been received.

- 2.2 Progress on changes agreed by Cabinet on 18 October 2016

Agreed Action	Update	
<b>1. Highway improvements approved for implementation by September 2017.</b>		
Repair potholes on the Middlewood Way	Potholes have now been repaired. Maintenance of the Middlewood Way is on-going.	G
Install signage to improve visibility of Toucan crossing on A500,	A review of the visibility of the Toucan crossing and the following steps will be undertaken to improve the facility. <ul style="list-style-type: none"> <li>Cut back vegetation on junction of A500 and B5074 to</li> </ul>	A

Agreed Action	Update	
Nantwich.	<p>improve visibility.</p> <ul style="list-style-type: none"> <li>• Erect warning signs on all approaches to roundabout</li> <li>• Alterations to the tactile paving</li> </ul> <p>Work to be completed by March 2017. Target cost for works is £10,000</p>	
Switch lighting back on Newcastle Road	Lighting is now switched on	G
Review speed limit on Newcastle Road	Speed limit under review - currently out for 21 day consultation period.	A
<b>2. The provision of a subsidy towards the cost of transport for those children currently in receipt of free transport until they either conclude their education at their current school or move to another school</b>		
Discussions to take place with regard to innovative solutions using the subsidy as a grant	Meetings have taken place with all five schools to discuss alternative innovative solutions. The only school that was interested in exploring innovative solutions was Malbank High School, but as a financial subsidy will be provided on the other four routes, it is felt likely that parents at Malbank High School would also prefer a financial subsidy. Further discussions will take place with Malbank High School but the agreement of all parents will be needed to take any ideas forward.	G
Subsidy to be made available towards the cost of transport for those children currently in receipt of free transport until they either conclude their education at their current school or move to another school	<p>It is proposed to make the subsidy available for those Children receiving Free Transport as at 31 December 2016 and still in receipt of free transport as at 31 May 2017.</p> <p>It is proposed to make a one off payment for the period of time a student has left at the school. The proposed payment for Secondary pupils will be £192/pupil/year. The proposed payment for Primary pupils will be £128/pupil/year.</p> <p>The payments to parents of children at Malbank may change subject to decision upon whether to use the subsidy to support some form of subsidised transport for a period of time.</p> <p>Information to be made available at end of February with details on the website. Letters to be sent to parents in March/April outlining arrangements to claim the subsidy</p> <p>Subsidy to be paid in June – July 2017.</p>	A
<b>3. Develop a Sustainable Modes of Travel Strategy</b>		
Develop a Sustainable	This strategy is required by legislation to ensure that the Council fulfils its statutory obligations regarding travel to	A

Agreed Action	Update	
<p>Modes of Travel Strategy</p>	<p>school.</p> <p>Ringway Jacobs have been commissioned to develop a Sustainable Modes of Travel to Schools strategy. The purpose of this strategy is to identify approaches to provide safe and sustainable travel to school.</p> <p>Four key tasks will be undertaken to inform the strategy. A brief summary of which is set out below:</p> <ol style="list-style-type: none"> <li>1. Undertake surveys in collaboration with Cheshire East Research and Intelligence. <ul style="list-style-type: none"> <li>• School Travel Plans - Survey to find out how many active school travel plans / initiatives (sample size 50 schools)</li> <li>• Further Education travel plans - Survey to find out how many active FE travel plans/initiatives (sample size 2-3)</li> <li>• Mode of Travel Survey - Selection of schools to complete 'usual mode of travel' data (500 – 1000 pupils)</li> <li>• Safer Route to School Survey - on-line safer routes to school survey (20 schools)</li> </ul> </li> <li>2. Develop the strategy, producing a 15-20 page document that outlines the Council's approach to improving and promoting safe and sustainable travel options to schools.</li> <li>3. Promote sustainable travel and transport to and from school by updating the Cheshire East Council website to reflect how schools can be involved.</li> <li>4. Publication of sustainable school travel strategy.</li> </ol> <p>In addition, the strategy will reference relevant Cheshire East guidance and strategy documents such as Cycling Strategy, Road Safety Strategy, Air Quality Strategy and the Local Transport Plan.</p> <p>The total commission estimated value is £10,000 (excluding VAT and framework overheads)</p>	

2.3 Highways improvements given further consideration

Agreed Action	Update	
<p><b>1. Additional improvements, as recommended by Overview and Scrutiny which would further improve the walking routes to school.</b></p>		
<p>Install crossing on Silk Road</p>	<p>In terms of further improving the walking route to school, by providing an alternative route, the feasibility of installing a toucan crossing on the A523 Silk Road at the junction with the B5090 has been examined. A Road Safety Audit (RSA) has been conducted.</p> <p>The installation of a crossing is estimated to cost in the region of £200k.</p>	<p>A</p>
<p><b>2. Install double barriers on level crossing on Nantwich Road.</b></p>		

Agreed Action	Update															
Install double barriers on level crossing on Nantwich Road	<p>A meeting was held on 21 December 2016 with Network Rail and Cllr Rachel Bailey, Cllr David Brown, Cllr Glen Williams, Cllr Pochin and officers to discuss improvements to the automatic half barrier (AHB) on London Road. The following actions were agreed, for which an update has been provided:</p> <table border="1" data-bbox="571 448 1337 1263"> <tr> <td data-bbox="571 448 970 584">Install a full barrier with skirt</td> <td data-bbox="970 448 1337 584">The crossing is not due to be upgraded until 2029 and cost will be in region of £3.5m</td> </tr> <tr> <td data-bbox="571 584 970 721">Red lights for pedestrians to improve warning for pedestrians that trains are approaching</td> <td data-bbox="970 584 1337 721">Network Rail will look into the feasibility to install Summer 2017</td> </tr> <tr> <td data-bbox="571 721 970 824">Increase the timing of the lighting sequence</td> <td data-bbox="970 721 1337 824">Network Rail will look into the feasibility of increasing the time</td> </tr> <tr> <td data-bbox="571 824 970 960">Provide guard rails to corral pedestrians to stay on pavements and possible widening of pavement</td> <td data-bbox="970 824 1337 960">Highways to carry out road safety audit to assess feasibility</td> </tr> <tr> <td data-bbox="571 960 970 1025">Improve boundary markings</td> <td data-bbox="970 960 1337 1025">Network Rail to consider feasibility</td> </tr> <tr> <td data-bbox="571 1025 970 1162">Leaflets to parents and presentations to Willaston Primary School and Malbank High School.</td> <td data-bbox="970 1025 1337 1162">Network Rail have programmed in talks for schools in July and September.</td> </tr> <tr> <td data-bbox="571 1162 970 1263">Remove highway/leaf debris on footways</td> <td data-bbox="970 1162 1337 1263">Highways to programme in clearing up of debris</td> </tr> </table>	Install a full barrier with skirt	The crossing is not due to be upgraded until 2029 and cost will be in region of £3.5m	Red lights for pedestrians to improve warning for pedestrians that trains are approaching	Network Rail will look into the feasibility to install Summer 2017	Increase the timing of the lighting sequence	Network Rail will look into the feasibility of increasing the time	Provide guard rails to corral pedestrians to stay on pavements and possible widening of pavement	Highways to carry out road safety audit to assess feasibility	Improve boundary markings	Network Rail to consider feasibility	Leaflets to parents and presentations to Willaston Primary School and Malbank High School.	Network Rail have programmed in talks for schools in July and September.	Remove highway/leaf debris on footways	Highways to programme in clearing up of debris	A
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Remove highway/leaf debris on footways	Highways to programme in clearing up of debris															
<b>3. Install lighting on Hindheath Road</b>																
Install lighting on Hindheath Road	Consideration will be given to installing lighting as part of a new housing development. No progress can be made until the housing development progresses.	NA														
<b>4. Install crossing at Peacock Roundabout</b>																
Install crossing at Peacock Roundabout	Consideration will be given to installing a crossing as part of a new housing development. No progress can be made until the housing development progresses.	NA														

### **NETWORK RAIL-Operations Risk Advisor (Level Crossings): Clarification on Issues of Concern**

- Can you confirm whether there have been any recorded incidents with cyclists being involved in incidents on the level crossing because their tyres have been caught in the tracks  
Cyclist using crossings where the railway does not run at 90degrees to the highway have a greater risk of their wheels going in to the flange way. I have no recorded incidents of this being the case at this level crossing.
- Does Network Rail consider that this is an unsafe crossing for children to use? The crossing gives both visual and audible warnings when trains are approaching the crossing; the addition of Pedestrian Red lights at the crossing will be another visual warning for pedestrians when it is unsafe to cross. Children of all ages use railway crossings around the country in their day to day activities of getting to and from school, some of these crossings have no audible or visual warning of a train approaching, instead users are reliant on signage and prior education to cross safely . We have a programme of awareness events being prepared for the affected schools and at the crossing, to help children understand the dangers of the railway and how to use the crossing safely. Improving safety at level crossings is not only the responsibility of Network Rail, the traffic authority and other relevant organisations such as planning authorities also have a responsibility and should be consulted with when decisions on safety improvements are to be made. Road Rail Partnership Groups give all parties the opportunity to discuss short and long term plans for level crossings in their area ; we are working with the local authority currently to reduce risk at this level crossing.
- A statement has been made that “The Network Rail Area Manager publicly stated at the meeting that this crossing is classified as a high risk crossing by Network Rail and not suitable to be used as part of a walking route to school”. Can you confirm whether this is the view of Network Rail, your own personal view or neither? My title is Operations Risk Advisor (Level Crossings) and yes the crossing is one of our high risk crossings due to a number of factors; as an automatic half barrier crossing it is not protected by the signalling system, the train activates the crossing on approach and will reach the crossing within less than a minute; having just the one barrier allows anyone trapped on the crossing at the time of activation an opening in which to exit, however this also leaves the off side open to the railway; there is also a high volume of vehicle and pedestrian traffic over the crossing and a regular train service. I did not state that it was unsuitable to be used as part of a walking route to school. School children already use this route to get to school.
- A further statement has been made that ‘The Network Rail Area Manager stated that she would not let her own children cross this crossing as part of a walking route to school’. Can you confirm that this is either your personal view or the view of Network Rail If I made that statement it was not specific to this crossing and would have been personal; with this crossing there is audible and visual warning of a train approaching, at some of the crossings school children use to get to school, there are no warnings of a train approaching at all and instead users are reliant on signage and prior education to ensure safe crossing .
- A further statement has been made “Network Rail have stated that although this crossing is ‘safe enough’ for current use, it is not safe in the context of an increase of potentially 100 vulnerable users.” I’m not sure where that statement came from; there are already a number of children using the crossing daily to get to school and of the children who usually travel on the school bus it has not been determined/confirmed how many will use this particular route to school.

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