

# 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**

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