

Cabinet Agenda

Date: Monday, 4th July, 2011
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The agenda is divided into 2 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 personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

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.

In order for an informed answer to be given, where a member of the public wishes to ask a question of a Cabinet Member three clear working days notice must be given and the question must be submitted in writing at the time of notification. It is not required to give notice of the intention to make use of public speaking provision but, as a matter of courtesy, a period of 24 hours notice is encouraged.

Please contact Cherry Foreman on 01270 686463
E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve as a correct record the minutes of the meeting held on 6 June 2011.

5. **Key Decision CE11/12-2 Proposed Changes to Home School Transport Policy**
(Pages 7 - 102)

To consider proposed changes to the Home School Transport Policy.

6. **Key Decision CE11/12-6 Crewe Green Link Road Highway Scheme - CPO**
(Pages 103 - 110)

To consider the use of the Council's compulsory purchase powers to enable the acquisition of land to facilitate the Crewe Green Link Road Scheme and to secure funding for the scheme from the Department of Transport.

7. **Parish Planning Protocol** (Pages 111 - 128)

To endorse the new parish planning protocol.

8. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

9. **Workforce Change** (Pages 129 - 134)

To consider the report of the Head of Human Resources and Organisational Development.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 6th June, 2011 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)

Councillors Rachel Bailey, P Hayes, H Gaddum, J Macrae and P Mason.

Councillors in attendance:

Rhoda Bailey, D Brickhill, K Edwards, P Findlow, L Gilbert, O Hunter,
M Jones, A Kolker, B Livesley, B Silvester, D Stockton, C Thorley and
S Wilkinson.

Officers in attendance:

Chief Executive; Borough Solicitor; Borough Treasurer and Head of Assets;
Director of Adults, Community Health and Wellbeing Services; Director of
Children and Families; Head of HR and Organisational Development; Head of
Policy and Performance; Head of Regeneration; Strategic Director, Places.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, R Domleo
and R Menlove.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PUBLIC SPEAKING TIME/OPEN SESSIONAgenda item 7 (Appointments to Outside Organisations)

Mr J Narraway spoke in respect of representation on the Cheshire Peaks
and Plains Housing Trust on which he had been a Councillor
representative for a number of years; he asked that the Cabinet give
consideration to appointing him as a non Councillor representative.

4 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 3 May 2011 be approved as a
correct record.

5 KEY DECISION 67: ECONOMIC DEVELOPMENT STRATEGY

Consideration was given to developments and progress in respect of the Draft Economic Development Strategy for Cheshire East. Consultation had been undertaken internally, and with external partners, and incorporated findings from the Local Economic Assessment. The Strategy set out the context for the delivery of Cheshire East's work programme and key priorities relating to economic development and regeneration for the next 15 years.

RESOLVED

That approval be given to the revised Strategy, and that the headline findings of the Local Economic Assessment be noted.

6 KEY DECISION 84: HIGHWAYS SERVICES PROCUREMENT

Consideration was given to a summary of the procurement process to appoint a Highway Services Contractor with effect from 6 October 2011. The report set out the rationale for change and the key provisions in the new Highways Services Contract; it also detailed the considerable Member involvement there had been in the process.

Early in the process the Transformation of Highways Services Sub Committee had been established along with an Overview and Scrutiny Group, both of which had been involved at all stages. In addition the matter had been considered by the Environment and Prosperity Scrutiny Committee and there had also been a number of all member presentations and briefings.

At the meeting it was reported that the Chairman of the Environment and Prosperity Scrutiny Committee, and the Chairman of the Corporate Scrutiny Committee, had been consulted and had agreed to waive the call-in provisions in relation to the decision to be made on the grounds that any delay called by the call-in process would be likely to seriously prejudice the Councils or the public's interests for the following reasons:

- The Council may not be able to achieve a contract sign off by the end of June which could impact upon the Council's ability to mobilise for a contract start date of 6 October 2011.
- The existing term maintenance contract with BAM Nuttall has been terminated with effect from 6 October 2011 and as a result the Council needs to enter into a new contract to ensure continuity in the provision of highway services and discharge of statutory obligations.
- Failure to enter into the contract on time may result in the extension of the existing contract for an overrun period and consequently result in an impact on planned savings.
- Waiver of call in will enable the bidder, staff and members to be informed of the decision on the day allowing the decision to be

openly discussed and removing a period of potential uncertainty and speculation.

Earlier in the day the Transformation of Highways Services Sub Committee had met to consider the results of the evaluation of the final tender submissions by the short listed bidders, and the following recommendation was now made to the Cabinet:

1. To confirm the previously approved evaluation process used to determine the Preferred Bidder for the Highway Services Contract.
2. To recommend to Cabinet as the Preferred Bidder the company which received the highest score, in accordance with the tender evaluation process, and enter into the Highways Services Contract.
3. To delegate final contract negotiations with the preferred bidder to the Borough Solicitor, the Borough Treasurer, and the Strategic Director Places, in consultation with relevant Portfolio Holders.
4. To note that the award of the Highways Services Contract will trigger the automatic application of the TUPE Regulations which will effect a transfer of a number of existing Council Highways Service staff and BAM Nuttall term maintenance operatives currently providing highway services to the Council, to the Preferred Bidder.
5. To accept the recommendation from the Transformation of Highways Sub Committee, following its meeting earlier on 6 June 2011, that Ringway Jacobs be appointed as Preferred Bidder and subsequently be appointed Service Provider.

RESOLVED

1. That the previously approved evaluation process used to determine the Preferred Bidder for the Highway Services Contract be confirmed.
2. That approval be given to the recommendation that the Preferred Bidder be the company which received the highest score, in accordance with the tender evaluation process, and that the Highways Services Contract be entered into.
3. That final contract negotiations with the Preferred Bidder be delegated to the Borough Solicitor, the Borough Treasurer, and the Strategic Director Places, in consultation with relevant Portfolio Holders.
4. That it be noted that the award of the Highways Services Contract will trigger the automatic application of the TUPE Regulations which will effect a transfer of a number of existing Council Highways Service staff and BAM Nuttall term maintenance operatives

currently providing highway services to the Council, to the Preferred Bidder.

5. That approval be given to the recommendation from the Transformation of Highways Sub Committee, following its meeting earlier on 6 June 2011, that Ringway Jacobs be appointed as Preferred Bidder and subsequently be appointed Service Provider.

7 APPOINTMENTS TO OUTSIDE ORGANISATIONS 2011-2015

Consideration was given to nominations to Category 1 outside organisations, to which Cabinet was required to make the appointments, and also to adopting a casual vacancies procedure to deal with vacancies occurring between appointments.

With reference to the request made at the beginning of the meeting by Mr J Narraway, the Chairman reported that the nominations would remain as submitted.

RESOLVED

1. That appointments be made to the Category 1 list of organisations as listed, with immediate effect, until such time as representation is reviewed following the elections of the new Council in 2015.
2. That, notwithstanding (1) above, the Cabinet retains the right to review the representation on any outside organisation, at any time.
3. That the casual vacancies procedure be adopted.

8 REVIEW OF THE FOSTERING SERVICES

Consideration was given to the final report of the task and finish group set up by the Children and Families Scrutiny Committee to review Fostering Services.

In accordance with the Overview and Scrutiny Committee Final Reporting Procedure the Cabinet was asked to receive the report pending coming back to a future meeting with a formal response to each recommendation.

Cabinet welcomed the report and the commended the task and finish group on having carried out an excellent review.

RESOLVED

That the report of the Children and Families Task and Finish Group be received and that the Children and Families Portfolio Holder come back to a future meeting of the Cabinet with a formal response to each of its recommendations.

9 REVIEW OF FAMILY SUPPORT SERVICES: PORTFOLIO HOLDER RESPONSE TO SCRUTINY REVIEW

Consideration was given to the response to the Children and Families Scrutiny Review of Family Support Services, received by Cabinet on 20 December 2011.

The review had made twenty three recommendations all of which were now endorsed; a response to each was now detailed.

RESOLVED

1. That the responses to the recommendations made to Cabinet in the report by the Children and Families Scrutiny Committee entitled Review of Family Support Services, on 20 December 2010, be noted.
2. That the response to the recommendations contained in the Review of Family Support Services be noted.
3. That the Director of Children's Services be charged with taking steps to secure the implementation of the recommendations to ensure early intervention and prevention services are delivered to best meet the needs of families in Cheshire East.

10 EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

11 WORKFORCE CHANGE

Consideration was given to the report of the Head of Human Resources and Organisational Development.

RESOLVED

1. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 45 in Appendix A under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.

2. That Cabinet notes the employee listed as 46 in Appendix A, whose voluntary severance was approved by the Procurement, Assets and Shared Services Portfolio Holder under the terms of his delegated powers, in response to an urgent request from management.

The meeting commenced at 2.00 pm and concluded at 3.05 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting: 4 July 2011
Report of: Lorraine Butcher, Director of Children's Services
Subject/Title: Proposed Changes to Home to School Transport Arrangements
Portfolio Holder: Councillor Hilda Gaddum

1.0 Report Summary

- 1.1 The Council is faced with unprecedented financial challenges. Over the next few years, it will need to find savings of around £50m. As a result, the Council has an obligation to its Council tax payers to examine each area of discretionary activity to clarify whether continued funding can be sustained.
- 1.2 As a consequence, the budget for Home to School Transport is being reviewed and the Children and Families Directorate is expected to find savings from it of approximately £1m over forthcoming years.
- 1.3 Failure to secure savings from the transport budget will require the Directorate to find savings from elsewhere. This will be a challenge and is likely to result in a reduction or a cut to higher risk service areas.
- 1.4 Under the current Home to School Transport Policy the Council has a **statutory** duty to have regard to, any wish of a parent for their child to be provided with education or training at a school or institution on grounds of their parent's religion or belief. However, free or subsidised transport support to denominational schools where attendance is through parental choice is discretionary for Local Authorities.
- 1.5 The Council is considering changes to three main policy areas. Currently the following numbers of pupils receive access to subsidised transport provided by the Council under these areas:
 - Denominational Transport – there are currently 685 pupils under sixteen accessing denominational transport. This represents 1.37 % of the 5 -16 school population.
 - Post 16 mainstream – 1003 students of whom 361 (36%) receive free transport under the Council's duty to provide transport for those eligible on low incomes.
 - Post 16 complex special needs – 167 students receive free transport either to college or special school.

- 1.6 This report provides the results of the consultation on proposed changes to home to school transport and asks members to comment on proposed recommendations in the light of responses received.
- 1.7 On 10 March 2011, Councillor Hilda Gaddum, Portfolio Holder, Children and Families approved the Council undertaking consultation with stakeholders in relation to proposed changes relating to the following discretionary areas of transport:
- post 16 transport;
 - some denominational transport; and
 - the post 16 element of the Complex and Special Needs Policy;
- 1.8 The purpose of the consultation was to seek the views of stakeholders and to assess the potential impact of the proposed changes. This report brings to Members' attention the results of the consultation. The consultation documents and questionnaire are attached at Appendix 1 and an analysis of the results is attached at Appendix 2.
- 1.9 Additionally this review is being undertaken as part of the wider Total Transport Transformation Strategy, a strategic plan for the development of transport within Cheshire East over the period 2011-2026, outlining how transport will contribute to and support the longer-term aspirations of the Borough.
- 1.10 A report on proposed changes to home to school transport arrangements was considered by the Children and Families Scrutiny Committee on 20 June 2011. A copy of the draft minutes of that Committee meeting are attached at Appendix 3. Attached at Appendix 4 is a summary of some of the key issues raised with responses.
- 1.11 At its meeting on the 20 June the Children and Families Scrutiny Committee did not endorse amended proposals made in relation to home to school transport arrangements. The Committee endorsed an alternative recommendation for consideration by Cabinet as follows:
- a) That the proposals to change the Home to School Transport Policy be not endorsed and that the status quo be maintained subject to annual increases in the parental contribution of 5% up to the 2015/16 academic year; and
 - b) That the Council's overall Budget be examined further to achieve elsewhere the potential savings identified in the report.

2.0 Decision Requested

- 2.1 Cabinet is asked to consider which of the following options it wishes to approve:

OPTION 1

Denominational transport

- 1) From September 2011, raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that
- 2) From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education Act 1996, as amended by the Education and Inspections Act 2006. This means that access to subsidised travel to denominational schools will not be available to new students who commence after the beginning of the academic year 2011/12. It will therefore not be available to new students who choose a faith school during the academic year 2011/12 or a new entrant to a faith school from the commencement of the academic year 2012/13; and that
- 3) Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.

Post 16 mainstream transport

- 4) From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum, this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that.
- 5) From September 2012 withdraw post-16 mainstream transport completely for all new entrants.

Post 16 Complex and Special Needs

- 6) The proposal to charge for post-16 transport for students with special and complex needs be withdrawn.

OPTION 2

Recommendation of Children and Families Scrutiny Committee 20 June 2011

- 7) a) That the proposals to change the Home to School Transport Policy be not endorsed and that the status quo be maintained subject to annual increases in the parental contribution of 5% up to the 2015/16 academic year; and
b) That the Council's overall Budget be examined further to achieve elsewhere the potential savings identified in the report.

3.0 Reason for Recommendation

- 3.1 Having taken into account the representations received during the consultation period, the Portfolio Holder for Children and Families Services has approved a number of changes to the proposals.
- 3.2 As part of the Authority's wider Total Transport Transformation Strategy, Children's Services are required to review the provision contained within the Home to School Transport Policy and Complex Special Needs Transport Policy.
- 3.3 In relation to recommendations contained within 2.1 (1) (2) and (3) it is proposed that the original proposal to withdraw access to subsidised travel to denominational schools from September 2012 is amended. A significant concern raised during the consultation was of the potential disruption to the education of existing pupils at denominational schools. Although there is not a legal requirement to phase in policy changes, it is a DfE recommendation (Chapter 6 section 138 Home to School Travel and Transport Guidance DfES 2007). The proposed phasing of the changes will minimise disruption to pupil's education i.e. parents will not be required to change schools for their children mid way through their education career. Children currently attending a faith school and receiving subsidised transport will continue to have access to subsidised transport, but the subsidy will reduce by inflation on an annual basis, with provision ceasing at the end of their statutory education or change in school. The revised proposal reduces the impact on other non-faith schools who might receive pupils as result of the initial proposed policy change. Finally this phasing will provide an opportunity for all stakeholders to work together to develop sustainable travel options. The Council will offer support and expertise will be made available by the transport service to assist in the procurement and management of locally designed transport arrangements.
- 3.4 The legislation is clear that the Council is not obliged to offer free or subsidised transport to faith schools (except for those pupils who meet eligibility criteria, such as families eligible for free school meals or in receipt of the maximum level of Working Tax Credit) and the Council has discretion whether it should do so. Because the Council has exercised this discretion to make this provision in the past does not mean that it should continue to do so, given the significant changes in resources and priorities.
- 3.5 The Council is also conscious of the need to be seen to act equitably between the parents of all pupils. It is not only those children from faith backgrounds who travel to denominational schools. A number of parents motivated other than by religion or belief have decided that a denominational school is the best for their child's education and have elected to send their child there. The current policy on discretionary travel results in one parent having to pay for their child's transport to the school of their choice whereas another parent receives it free or subsidised. Even taking into account the fact that one parent may not feel that they have a choice in the matter because of their faith, it still raises the question as to whether it is right (even though it may be lawful) to discriminate between parents in this way when both are simply trying to secure the most appropriate education for their respective child's needs.

- 3.6 In considering the proposed recommendations, the Council is also aware of the need to adopt a school transport policy that is fair and equitable to the majority of parents who do not elect to send their children to a faith school. Currently transport to faith schools is subsidised by the Council – parents pay £299 per annum, whereas the cost to the Local Authority per place is approximately £1097 per annum. Denominational pupils receiving subsidised transport account for less than 2% of the 5-16 school population.
- 3.7 In relation to recommendation 2.1 (4) and (5) it is proposed that the original proposal to withdraw access to subsidised travel to mainstream pupils accessing post-16 provision should be amended. It is proposed that subsidised transport should remain accessible to those students continuing on existing courses of study, but that the subsidy will reduce by inflation on an annual basis, with provision ceasing at the end of their course of study; and that access to subsidised travel will not be available to students commencing courses of study after the beginning of the academic year 2011/12 or a new entrant to a post 16 institution from the commencement of the academic year 2012/13.
- 3.8 In relation to recommendation 2.1 (6) the original proposal to increase charging for transport for young people post 16 with complex special needs is withdrawn. The Council has decided that, as there is a limited range of special educational needs provision in the Cheshire East area, introducing a charge for transport will limit access to appropriate specialist provision and potentially limit the ability of those young people with complex disabilities to access appropriate educational provision. This will be reviewed when the Council brings forward its plans for SEN and Complex needs in the borough over the next 2 years.

4.0 Wards Affected

All

5.0 Local Ward Members

All

6.0 Policy Implications

- 6.1 The Home to School Transport Policy and the Complex and Special Needs Transport Policy will be revised to accommodate any approved changes arising from these proposals.
- 6.2 The policy and procedures regarding home to school transport arrangements for cared for children in foster placements will be reviewed and developed.
- 6.3 As these proposals include services for vulnerable groups, e.g. children, individuals with a disability, economically disadvantaged families, etc., the Council is required to conduct an Equality Impact Assessment to determine the effect of any proposals on such groups and, where possible, to enable the proposals to be modified in order to minimise that impact. An Equality Impact Assessment based on the recommendations within this paper is attached (Appendix 5). An assessment based

on the final decisions of Cabinet will be completed and published on the Council's website.

7.0 Financial Implications

7.1 In 2010-11, the Council spent £10.621 million on home to school transport per year, as follows:-

Table 1

Transport Expenditure per year	Gross Exp. £000s	Income £000s	Net Exp. £000s
Mainstream Home to School	4,287	71 ^{*1}	4,216
Post 16 Travel	1,515	486	1,029
Denominational Travel	593	81	512
Medical Needs	30	0	30
Complex and Special Needs	3,944	0	3,944
Cared for Children & Foster place	890	0	890
TOTAL EXPENDITURE	11, 259	638	10,621

^{*1} Income is from the purchase of spare seats by ineligible pupils

7.2 The proposed financial savings should all recommendations be approved are set out below and make the following assumptions:

- The following figures assume that transport charges will increase by 5% each year.
- Pupil figures are based on current numbers and trends. As such, they are approximate figures that do not take into account any future fluctuations.
- As transport runs from September to July in line with the academic year, the following table has been converted into financial year. This shows the autumn and spring savings in the first financial year and the summer term falling into the second year.

Denominational Transport

7.3 From September 2011, raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases.

- a. The following savings assume an increase in fees each academic year:
- ⇒ 2011-12 - £314 or £15 increase
 - ⇒ 2012-13 - £330 or £16 increase
 - ⇒ 2013-14 - £346 or £16 increase
 - ⇒ 2014-15 - £363 or £17 increase
 - ⇒ 2015-16 - £381 or £18 increase

Table 2

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	Total £000s
Academic Year 2011-12	3	1	0	0	0	4
Academic Year 2012-13	0	4	1	0	0	5
Academic Year 2013-14	0	0	2	1	0	3
Academic Year 2014-15	0	0	0	1	1	2
Academic Year 2015-16	0	0	0	0	1	1
Total	3	5	3	2	2	15

7.4 From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education and Inspections Act 2006. This means that access to subsidised travel to denominational schools will not be available to new students who commence after the beginning of the academic year 2011/12. It will, therefore, not be available to new students who choose a faith school during the academic year 2011/12 or a new entrant to a faith school from the commencement of the academic year 2012/13.

7.5 The following assumptions have been made:

- Each year, the previous Year 11 pupils will leave and will be no longer funded
- Each year there are approximately 90 new entrants to Year 7, of whom approximately 30 will be entitled to free transport (but will lose the income from 60 pupils)
- Each year there will be approximately 10 new entrants to the Reception year, of whom approximately 3 will be entitled to free transport

Table 3

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	2016-17 £000s	Total £000s
Academic Year 2011-12	39	20	0	0	0	0	59
Academic Year 2012-13	0	87	43	0	0	0	130
Academic Year 2013-14	0	0	81	41	0	0	122
Academic Year 2014-15	0	0	0	46	23	0	69
Academic Year 2015-16	0	0	0	0	38	19	57
Total	39	107	124	87	61	19	437

7.6 Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.

- No financial reductions proposed

Post 16 mainstream transport

7.7 The following assumptions have been made:

- There are approximately 1000 children currently accessing free or subsidised transport, split between 600 in Year 12 and 400 in Year 13.
- The savings estimated below assume a consistent population with 600 new entrants each year and only 400 progressing to Year 13.
- On average, it is estimated that a third of the total population will continue to receive free transport.

7.8 From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum; this reflects the current rate of 5% inflation, and thereafter by inflation until provision ceases; and that.

7.9 The following savings assume an increase in fees each academic year:

- ⇒ 2011-12 - £436 or £21 Increase
- ⇒ 2012-13 - £458 or £22 Increase

Table 4

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	Total £000s
Academic Year 2011-12	8	4	0	0	12
Academic Year 2012-13	0	4	2	0	6
Total	8	8	2	0	18

7.10 From September 2012 withdraw post-16 mainstream transport completely for all new entrants.

7.11 The following assumes an average cost of £925 per pupil per annum.

Table 5

Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	Total £000s
Academic Year 2011-12	0	247	123	0	370
Academic Year 2012-13	0	0	178	69	247
Total	0	247	301	69	617

Post 16 Complex and Special Needs

7.12 Remove the proposal to charge for post-16 transport for students with special and complex needs.

- No financial reductions proposed

7.13 SUMMARY OF PROPOSED FINANCIAL SAVINGS**Table 6**

		Financial Year						
	Financial Year	2011-12 £000s	2012-13 £000s	2013-14 £000s	2014-15 £000s	2015-16 £000s	2016-17 £000s	Total £000s
1	Denominational - increase in charge	3	5	3	2	2	0	15
2	Denominational – withdraw transport	39	107	124	87	61	19	437
3	Support sustainable travel	0	0	0	0	0	0	0
4	Post-16 mainstream - increase in charge	8	8	2	0	0	0	18
5	Post-16 mainstream - withdraw transport	0	247	301	69	0	0	617
6	Post-16 SEN	0	0	0	0	0	0	0
	Total	50	367	430	158	63	19	1087

7.14 Following the meeting of the Children and Families Scrutiny Committee on 20 June, further analysis and sensitivity assessment has been undertaken on the overall savings and their potential achievement. The two main savings/cost reductions surround post-16 transport where the saving is estimated at approximately £0.6m and denominational transport with an estimated saving of £0.4m. These reductions are calculated using a number of variables that when combined provide a complex scenario with the potential for either bigger or smaller savings depending on the direction of movement of the individual variables and assumptions.

7.15 In broad high level terms, over the full period of change the change in policy will see transport removed from around 660 post-16 children and 514 denominational children, with 330 post 16 children and 171 denominational children continuing to receive free transport due to the low income levels within their families. Continuing to support transport for those children from low income families has been factored into the achievement of savings. However assessing the sensitivity of a change in the number of low income families, where the current assessment is that approximately 1/3rd of families will be entitled to free transport, would indicate that a change of 10% either way could either increase or reduce the estimated savings by approximately £50k. Similarly the sensitivity of the assessed average unit price

could, applying a 10% change increase or reduce the post-16 transport savings by £60k and £50k for denominational transport. A further variable is the number of children requiring transport. Changes in these numbers could result in similar changes to the sensitivity around the savings. Taken together this would indicate an upper and lower sensitivity range of approximately £300k from the estimated £1m savings.

- 7.16 In addition to these issues there are other factors such as continued parental choice to pay for transport to their child's current school, actions taken by schools and colleges to facilitate their own transport arrangements if they so choose and the use of surplus places within the local catchment school. In addition to the sensitivity assessment discussed above, these factors will also impact on the estimated saving, either increasing or decreasing the saving, adding to the range.
- 7.17 In summary, the savings will vary from the estimated figure stated, but that could either be to increase or reduce the saving depending on the assumptions made.

8.0 Legal Implications

- 8.1 Under section 508B of the Education Act 1996, the Council is required to provide free transport for “eligible children”, who are defined in Schedule 35B of the Act, where the Council considers it necessary for the purpose of facilitating attendance at school.
- 8.2 “Eligible children” include children:
- a) with special educational needs, disability or mobility problems;
 - b) who cannot reasonably be expected to walk because of the nature of the route to school;
 - c) who live outside walking distance and no suitable alternative arrangements have been made for them; and
 - d) who are entitled to free school meals or their parents receive the maximum amount of tax credits.
- 8.3 In addition, local authorities have the discretion under other sections of the Act to make transport arrangements for those who are not “eligible children” and transport arrangements made under those sections do not have to be provided free of charge, subject to that charge being reasonable in the circumstances.
- 8.4 These include sections 508B and 509AD of the Act, which obliges the Council to take account, amongst other factors, the wishes of parents to educate their child at a school providing an education that conforms to the religion or denomination to they adhere. However, in the case of *Regina v Rochdale Met Borough Council Ex parte Schemet* 1992 (which concerned not denominational education but transport to schools outside the borough) Mr Justice Roch stated:

“The parent’s wishes were an important consideration but they were not the sole consideration and the education authority might conclude that they could make suitable arrangements for the child to be registered at a school closer to his home despite a conflict with

the parents stated preference, provided the authority took account of that preference in reaching its conclusion”.

- 8.5 In the recent case R(R and others) v Leeds City Council / Education Leeds (2005), free transport, religious education and the Human Rights Act 1998 were considered and the Court concluded that a decision to refuse free transport to a religious school was not a violation of Articles 2, 8 or 9 and that the only grounds for challenging such a decision could be on the irrationality of the decision to charge.
- 8.6 Please note that, because the definition of “religion or belief” includes a lack of “religion or belief”, the Council is also obliged to have regard to the wishes of parents who want their child to be educated in a non-denominational school because of their lack of “religion or belief”.
- 8.7 Some of the representations received assert that the proposals amount to unlawful discrimination against a family’s religion, but as the Council is able to demonstrate that it has taken account of the religion or belief of parents when reviewing its policy, it has complied with its statutory duty.
- 8.8 The Diocese of Shrewsbury and others have stated that the proposals contravene “long standing agreements” regarding the siting of Catholic schools and the provision of transport to support faith education. However, the Council can find no record of any such agreements and, despite requests, has not been provided with copies by those making these claims.
- 8.9 In the absence of said agreements, the Council can make the changes it considers necessary, provided its new policy complies with the law. However, even if it were possible to find evidence of these agreements, the Council would only be required to take them into account, it would not necessarily be required to follow prior practice.

9.0 Risk Management

- 9.1 With particular reference to withdrawing denominational transport for new entrants there is a risk of challenge on the grounds of discrimination. However, precedent has been set in a number of other local authority areas who have consulted on similar proposals and have adopted this approach.
- 9.2 There is a risk of destabilising pupil numbers attending primary and secondary faith schools. In the primary sector this risk is relatively low, although in the secondary sector the risk is slightly higher. However, reports from other local authorities that have changed their denominational transport policies indicate that overall pupil numbers in faith schools have changed little. The planned transition provided by the revised proposal in this paper this will diminish the possibility of reduced pupil numbers
- 9.3 The risk has been raised through the consultation about the potential impact of the proposals on school admissions in the future. Concerns have been raised that in the absence of any transport provision to a faith school, parents and carers affected may instead choose their local school as one of their preferences and, if none of their preferences can be offered due to the 'local' school being oversubscribed, under

current transport policy transport would still have to be provided, but to the nearest school with a vacancy where the school is over statutory walking distance or along a hazardous route.

- 9.4 The coordinated admission process implemented by the Local Authority provides parents and carers with an opportunity to state three school preferences ranked in order of priority. In the event that more than one school can be offered, a single offer is made for the preference ranked highest on the application form. However, where a school receives more preferences than it has places available in the relevant age group, the agreed oversubscription criteria is applied to determine priority for admission. The Local Authority gives priority for admission to its community and voluntary controlled schools to cared for children, children with medical and social needs which justifies admission to a particular school, to younger siblings of children attending the school in reception through to Year 5 and then to children resident within the school's designated catchment area. For secondary applications, the following criterion is based on attendance at a named feeder school. In all cases, applications that are not within one of these higher criteria will be considered on the basis of a straight line 'distance' measured from the home to school. The oversubscription criteria to other non-community or voluntary controlled schools is determined by the governing body of the school and can therefore vary. Some secondary foundation schools and Academies do not use catchment areas as a level of priority for admission but the majority do give priority to siblings and to children attending named feeder schools.
- 9.5 For most schools, residency within the school's designated catchment area provides sufficient priority for a place to be offered through the coordinated application process. For admission in 2011, at allocation there was only Wilmslow High School that could not accommodate all the secondary aged children resident within its catchment area and for reception admissions, there were 18 of the 124 primary schools where this was an issue. Many places are declined by parents and carers through this process and these are then re-allocated to parents of children held on a school's waiting list, which is held in criteria order. As an example, the waiting list for Wilmslow High for September now holds the names of only 15 children, all of whom are in the 'distance' criterion compared with 106 at allocation, which included 30 children resident in the school's catchment area. In summary, based on the information available, should parents who would have attended a faith school make an application to their local school in the future, it is likely to be successful in the case of most schools, so long as this is their first preference and their application is submitted on time.
- 9.6 The withdrawal of post-16 transport for mainstream pupils, combined with the withdrawal of Education Maintenance Allowances (EMA), could result in more young people becoming 'Not in Employment, Education or Training' (NEET).
- 9.7 Increased costs could also result in higher numbers of 'school run' journeys, which would undermine the Council's environmental objectives.
- 9.8 Increases in the number of children walking longer distances to school could potentially lead to more road accidents or safeguarding concerns from parents, unless supported by other strategies, for example: additional school travel planning,

road safety improvements and support for the walking bus schemes. Offsetting this is the clear desire of the Council – expressed through the Local Transport Plan – that more children should walk to school to derive health benefits from this activity, as opposed to motorised transport.

- 9.9 The Children and Families Services Directorate is unlikely to make the significant savings required without these changes, which will place additional financial pressure on the Council in this climate of severe financial constraints and could result in reduced funding elsewhere in the Council's budget, given the need to achieve £50 million in savings over the next three years, with the first financial year being 2011/12.

10.0 Background

10.1 Funding Context

- 10.1.1 The Council is charged with reviewing all areas of service delivery with a view to prioritising the deployment of resources according to greatest need, as a result of a significant funding reductions and growth pressures. This has arisen from the challenging economic climate currently being faced across the borough. In the pre-budget report for 2011/12 "Our People, Our Place" para 100 stated:

"A review of the Council's Home to School Transport Policy has identified increased expenditure pressures generally and key areas of discretionary activity and support provided by the Council which is no longer sustainable within the current financial climate. These areas include denominational transport and post 16 provision where it is intended to remove subsidies and/or increase charges, which results in an overall requirement to increase the budget by £0.989m".

10.2 Transport to denominational schools

- 10.2.1 Currently the Council has a discretionary transport policy that gives free transport and subsidises transport to Catholic and CE Schools. It also offers subsidised transport where parents whose children are not given free transport to school can pay towards the cost of a vacant seat, where available.

- 10.2.2 Under the Council's current arrangements, children who attend a denominational primary and secondary school between 2 and 15 miles of the home address for reasons of religious belief, but do not satisfy the definition of 'eligible children', are entitled to assisted (but not free) transport to the designated local denominational school. Transport assistance is offered subject to payment of a parental contribution to the cost of transport at a charge to be decided annually and reflecting the cost of provision. A family subsidy is also applied whereby only two statutory school age children per household will be subject to a charge. The Council is not required to provide free or assisted transport to pupils attending denominational schools for reasons of religious belief, with the exception of those families on qualifying benefits, i.e. eligible children.

- 10.2.3 In 2010/11 the cost to the Council of providing transport to faith schools was on average £1097 per pupil. The Council currently charges parents £299 per child, a

second child from the same household at the same rate and all other children travel free. This represents a subsidy of £798 per pupil attending a faith school in Cheshire East.

- 10.2.4 The denominational assisted transport policy was introduced in 2008. A pupil attending a school prior to September 2008 in receipt of free transport under the Council's Home to School Transport Policy for 2007 and continuing in statutory education at the same school beyond September 2008, remained entitled to free transport under the 2007 policy. This stands until such time as they change school place, they reach 16 when they are charged for transport or the Council changes its policy on transitional protection.
- 10.2.5 There are currently 685 pupils (1.37% of the 5-16 school population) who receive subsidised school transport at a net cost to the Council of £512,000. If the Council decides to continue to provide a subsidy there would need to be a decision on what level of subsidy should be provided.
- 10.2.6 Parents who choose a non-faith school as an alternative to their catchment or nearest school do not have the same entitlement to subsidised transport to a school of their choice/preference; they have always been obliged to arrange and pay for their own transport, unless they qualified under other eligibility criteria.
- 10.2.7 The withdrawal of subsidised transport to faith schools would mean that under a future home to school transport policy all requests for transport would be assessed under a policy which provides free transport to the catchment or closest school where the pupil is above walking distance.

10.3 **Post 16 transport**

- 10.3.1 The current Cheshire East Post-16 Transport Policy statement for the Academic Year 2010-2011 makes a commitment to ensure that learners of sixth form age (and for those with learning difficulties and/or disabilities aged 19-24) are able to access appropriate high quality education and training of their choice; and provide support to those young people who need it most and removing transport as a barrier to participation in learning.
- 10.3.2 In developing the policy statement, the former County Council had regard of its duties under the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL). The duties include consideration of whether there is adequate transport provision available to facilitate the attendance of further education learners and consultation with young people of sixth form age and their parents when drawing up the Transport Policy Statement. However, again the provision of post-16 transport is not a statutory requirement and is at the discretion of the Council. If charges were not increased the effect would be to place even greater strain on services to more vulnerable groups, as the Council faces the challenge of living within its financial means.
- 10.3.3 There are currently 1003, 16-19 students receiving subsidised transport to colleges (Reaseheath College, Mid Cheshire College, Sir John Deans Sixth Form College, Macclesfield College, South Cheshire College,) or sixth forms attached to

mainstream schools (including St Nicholas's High School in Cheshire West and Chester). In the future unless students qualify for the governments new Bursaries (replacement of Education Maintenance Allowance) it will be for students/parents to pay for transport.

10.4 Post 16 transport for Students with Complex and Special Educational Needs

10.4.1 Currently students with complex special needs who continue their education after the age of 16, whether at school or college can apply for transport via the Complex Special Needs Policy. Entitlement via this Policy is reviewed annually and assisted transport for post 16 pupils with complex special needs is currently made at the Council's discretion. There are currently 167, post 16 students, with complex and special needs receiving subsidised transport to college and special schools. This provision is currently offered free of charge, but a number of other local authorities have introduced a charge for this provision. However given that the Council's limited range of specialist provision charging for transport will severely limit parental preference for appropriate specialist course

10.5 Consultation Process

10.5.1 In considering any amendments to the policy which could lead to a reduced entitlement for children to transport, case law has determined that local authorities must consult the parents of the children that are, and may be, affected before policy is altered. Once the policy is determined, a local authority is obliged to publish it at least 6 weeks before the deadlines set for parents to lodge applications for school places in the normal admissions process.

10.5.2 Between 25 March and 20 May 2011, the Council consulted publicly on proposed changes to arrangements for denominational transport, post-16 mainstream and post-16 with special and complex needs policies that would raise charges from September 2011 and that would withdraw all transport provision by 2012. The proposal would provide future cost savings, in a challenging financial climate, when the council is committed to making approximately £50m worth of savings over the next 3 years.

10.5.3 All Cheshire East schools/colleges were informed about the consultation and were asked to disseminate information to key stakeholders – parents/carers, staff, and governors. Other key consultees were contacted. A number of drop-in sessions were set up for members of the public to give their views face to face. A website was set up with an on-line form to enable all people to respond to the consultation if they wished to. All Cheshire primary and secondary school Headteachers and Chairs of Governing Bodies were also written to direct and invited to respond. At the request of the Shrewsbury Diocese, the consultation documentation was also translated into Polish.

10.5.4 It has been suggested that parents in some parts of the borough were disadvantaged by the arrangements for the drop-in sessions. However, the Council is not obliged to hold meetings everywhere providing the people being consulted in any part of the Council have a fair opportunity of putting their views across that can be done otherwise than at a meeting for example via the dedicated website. It was

not appropriate to write to every parent in Cheshire East, the cost of such was prohibitive. However, the Council did mail and email significant a number of booklets and consultation forms as and when requested and 186 questionnaires were completed in hard copy.

10.5.5 Responses received from the consultation demonstrate that parents and others concerned knew that the consultation was taking place, they understood the nature of the consultation proposals, and they felt able to express their views as part of the consultation through various means.

10.6 Outcome of the Consultation

10.6.1 The public consultation has provided members with a significant amount of feedback, including a range of views, comments and questions that will assist their understanding of the issues under consideration. 909 responses were received, to the feedback questionnaire, over 225 people attended the seven public drop-in sessions and 187 letters and emails have been received. Of these, 114 were from parents, grandparents and carers, 34 were from school staff and governors, 6 Councillors, 11 MPs, 13 unknown and 9 from colleges and other organisations, including the Diocesan Authorities, The Voice (an organisation of parents/carers of children with additional needs in Cheshire East) and Middleswich Town Council. Two petitions were also received. Due consideration has been given to the petitions received, responses to the web based survey, face to face contact and correspondence.

10.6.2 The consultation helped to establish the likely impact of the changes and consultees were asked to complete a questionnaire either online or in hard copy to give their views. Of the 909 questionnaires completed, 723 were completed online and 186 were received as paper copies, 5 of which were translated from Polish. The attached report sets out the responses to the questionnaire. The majority of responses were from the community that would be most affected by the proposed changes. The main headlines from the consultation are:

- Over a quarter of respondents (265 people) said that the proposals would influence their current or future choice of schools
- Of those who currently pay for school transport, almost half (96 people) said that the proposals would influence their current or future choice of schools
- Regarding denominational transport proposals, many comments were made stating that the pupil / student would need to find an alternative method of transport (car, walking, public transport)
- Regarding post-16 mainstream transport proposals, a number stated that the pupil / student would not be able to attend post-16 education
- Regarding post-16 complex and special needs transport proposals, a high level of concern was expressed by those not directly affected

- Most respondents disagreed or strongly disagreed with the statement that 'parents should be responsible for getting their children to school / college'

10.7 Issues Raised

10.7.1 Appendix 6 provides an analysis and summarises the key themes from the consultation meetings and feedback received through the use of the on-line survey.

11.0 Access to Information

11.1 The background papers relating to this report can be inspected by contacting the report writer.

Name: Fintan Bradley

Designation: Head of Strategy, Planning and Performance

Tel No: 01606 271504

Email: fintan.bradley@cheshireeast.gov.uk

This page is intentionally left blank



To Parents or Carers of all
Cheshire East School Children

Children & Families Services
School Consultations
Dalton House
Middlewich
Cheshire CW10 0HU
0300 123 5012
stp@cheshireeast.gov.uk

DATE: 25 March 2011 OUR REF: Consultations YOUR REF:
Please Contact: 0300 123 5012

Dear Parent or Carer

School Transport and School Term Dates – Have Your Say

Cheshire East Council wants the best for you and your family and is working hard to provide services that meet your needs. This means always looking for the best way to use our limited resources to provide services.

School Transport - Like all councils, we have to make difficult decisions about what services we can keep and which, sadly, we can no longer afford. Much of what we do is statutory, i.e., there is a law that tells us that we must do it. This means that when we need to cut our costs, we have to look at those areas that are non-statutory, i.e. where we provide services because we feel they make a difference to our local communities. One of these areas is school transport. Some of this we must provide by law and we will continue to do so, but for other discretionary areas, we are looking at making changes to the services we provide.

School Term Dates - Cheshire East Council is also looking at making changes to school term dates. We are responsible for setting these dates for most schools, but can only recommend them for Foundation, Aided and Academy schools. The proposed changes aim to standardise and align our school term dates across both primary and secondary schools and with other local areas, including Cheshire West and Chester, Wirral, Liverpool, Sefton, Knowsley, St Helens, Warrington and Halton.

Have your say - We know that these changes will affect many families within Cheshire East and we need to know, before we make any decisions, what the impact will be. Full details of both consultations and an online questionnaire are available at:
www.cheshireeast.gov.uk/schools

You can also feed back to us direct at one of the following drop-in sessions. You can attend at any point during the session and Council staff will be on hand to answer questions and record feedback on both consultations.

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room, Macclesfield Town Hall Macclesfield, SK10 1DP
Thursday 7th April 2011	2-4pm 5-8pm	Alexandra Suite, Crewe Alexandra Football Club, Gresty Road, Crewe CW2 6EB
Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room/Hall, Middlewich Community Church, 34-36 Brooks Lane Middlewich, CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall, New Life Church, Danesford Community Centre, West Road, Congleton, CW12 4EY

The consultation period ends on the 20th May 2011 and we expect that a final decision will be made by the Council during June 2011. We look forward to receiving your comments. If you have any queries about this letter please contact the Council on 0300 123 5012.

Yours sincerely



Lorraine Butcher
Director of Children and Families



PUBLIC CONSULTATION

SCHOOL TRANSPORT

25th March - 20th May 2011

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House
Dalton Way
Middlewich
Cheshire CW10 0HU

www.cheshireeast.gov.uk/schools

INTRODUCTION

Cheshire East Council wants the best for all children and families and is working hard to provide services that meet their needs. However, like all councils, we have to make difficult decisions about what services we can keep and which, sadly, we can no longer afford.

Much of what we do is statutory, i.e. there is a law that tells us that we must do it. This means that when we need to cut our costs, we have to look at those areas that are non-statutory, i.e. where we provide services because we feel they make a difference to our local communities. One of these areas is school transport. Some of this we must provide by law and we will continue to do so, but for other areas, we are looking at making changes to the services we provide.

We know that these changes will affect many families within Cheshire East and we need to know, before we make these decisions, what the impact will be. It would help us if you would read about our proposals and let us have your thoughts on them by completing our questionnaire or feeding back to us direct at our drop-in sessions.

BACKGROUND

The Council spends in the region of £10 million on home to school transport. A review of the Council's Home to School Transport Policy is required as a result of the tight financial framework within which all local authorities are now operating. Post 16 travel and denominational travel account for 15 per cent of the overall expenditure – more than a million pounds each year. As a consequence it is proposed that our school travel policy is reviewed and a public consultation carried out.

Statutory Provision - There are some pupils for whom the Local Authority (LA) must provide transport. These groups are set out in law. This includes children of statutory school age who live in Cheshire East and who attend their catchment area or nearest school, where the distance from home to school is over the Council's defined walking distance:

- More than 2 miles from home for children attending primary school ; and
- More than 3 miles from home for children attending secondary school

In addition, there are a number of groups that are, and will continue to be, eligible for school transport. These 'eligible groups' are set out at Appendix 1.

Discretionary Provision - Any school transport provided over and above the statutory provision is discretionary, i.e. it is up to the Council whether or not they chose to offer this. The Council is currently providing some school transport services that are deemed discretionary, including:

- Post 16 transport;
- Some denominational transport; and
- The post 16 element of the Complex and Special Needs Policy.

PROPOSALS

The proposed changes to discretionary provision are set out below:

Proposal 1 –	To increase the charge for <u>existing users of subsidised denominational transport</u> from £299 to £385 from September 2011
Proposal 2 –	To increase the charge for <u>new intake for subsidised denominational transport</u> from £299 to £385 from September 2011
Proposal 3 –	To withdraw <u>subsidised denominational transport</u> from September 2012
Proposal 4 –	To increase the charge for <u>subsidised post-16 mainstream</u> travel from £415 to £500 from September 2011
Proposal 5 –	To withdraw <u>subsidised post-16 mainstream</u> travel from September 2012
Proposal 6 –	To charge for <u>subsidised post-16 complex and special needs</u> travel from September 2011

CONSULTEES

The following groups/individuals will be asked for their views on these proposals:

- All parents/carers of children resident in Cheshire East currently receiving free or subsidised transport to denominational schools (including the parents of pupils due to join Year 7 at a denominational secondary school in September 2011 and who are eligible under the current policy for subsidised transport)
- The Diocesan authorities
- All headteachers and governing bodies of Cheshire East maintained primary , secondary and special schools (including denominational schools)
- All headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in Cheshire East attending currently
- Academies in Cheshire East
- All Cheshire East Elected Members
- Neighbouring local authorities' Directors of Children's Services
- Members of the Youth Parliament
- Colleges of Further Education
- Unions and Professional Associations

RESPONDING TO THE CONSULTATION

We would like to hear your views. In addition to this document we have produced a list of Frequently Asked Questions. You can either:

- Complete the consultation online at www.cheshireeast.gov.uk/schools
- Complete a paper copy and return to the following address:

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House, Dalton Way
Middlewich Cheshire CW10 0HU

- Email any comments/forms to stp@cheshireeast.gov.uk

Tell us face to face at one of our drop in sessions that will be taking place across the borough. You can attend at any point during the session and Council staff will be on hand to answer questions and record your feedback.

•

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room Macclesfield Town Hall Macclesfield SK10 1DP
Thursday 7th April 2011	2-4pm 5-8pm	Alexandra Suite Crewe Alexandra Football Club Gresty Road Crewe CW2 6EB
Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room Hall Middlewich Community Church 34-36 Brooks Lane Middlewich Cheshire CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall New Life Church, Danesford Community Centre West Road Congleton CW12 4EY

NEXT STEPS AND TIMELINE

DATE	ACTION
25 March	Consultation Papers published for 8 weeks (to include 2 weeks at Easter)
April	Drop in sessions to take place across Cheshire
20 May	Public Consultation Closes
31 May	Children and Families Scrutiny Committee
6 June	Cabinet Decision on proposals, taking into account consultation responses
By end of June	School Transport Policies revised
End of June 2011	Schools Booklet published
September 2011	First changes made, if agreed
September 2012	All changes implemented

Appendix 1

OTHER GROUPS 'ELIGIBLE' FOR FREE SCHOOL TRANSPORT

Age or category of pupil	Statutory entitlement
Pupils of compulsory primary school age up to age 11 (Reception to Y6)	Free transport to the nearest qualifying school if it is more than two miles away, as measured by the shortest available walking route
Secondary school pupils up to age 16 (Yrs 7 – 11)	Free transport to the nearest qualifying school if it is more than three miles away, as measured by the shortest available walking route, including pupils at a place other than a school and excluded pupils, still registered, but receiving education outside of school premises
Secondary pupils aged between 11 and 16 (years 7-11) from families who are in receipt of a qualifying benefit (entitled to free school meals or maximum working tax credits)	Free transport to one of three qualifying secondary schools if it is between two and six miles away as measured by the shortest available walking route. This also applies to pupils registered at a qualifying school which is between 2 and 15 miles away; and whose parent has expressed a wish, based upon their religion or belief, for the child to be provided with education at that school
Pupils of compulsory primary school age or secondary school age who live within the statutory walking distance, but where the nature of the route has been deemed unsafe	Free transport to the nearest qualifying school where the pupil lives within the statutory walking distance and where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied by a responsible person
Pupils of compulsory school age with Special Educational Needs, disability or mobility problems	Free transport to the nearest qualifying school, where the pupil lives within the statutory walking distance and where, due to their special needs or disability or mobility problems, they cannot reasonably be expected to walk to school.

Cheshire East Council School Transport Consultation Feedback Form

Cheshire East Council has set out a number of proposed changes to school transport. These changes will affect many families within Cheshire East and we need to know, before we make these decisions, what the impact will be. These changes do not affect those groups for whom the Council must provide transport by law (see Frequently Asked Questions). Please read the consultation and Frequently Asked Questions documents at www.cheshireeast.gov.uk/schools before you answer the following questions.

All your answers will be treated in line with the Data Protection Act 1998.
Thank you for your time.

1. What is your postcode? <i>(This will help us to understand whether there are issues for your local area)</i>	
---	--

2. Please tell us which statement is true for you	Please tick (✓)
a. I am responsible for my own transport to school/college	
b. I get free transport to school/college	
c. I pay for council run transport to school/college	
d. I use transport organised by the school/college	
e. I pay for privately run transport to school/college	
f. Not relevant to me	

3. Do you understand the reasons why the Council is proposing to make changes to school transport?	Please tick (✓)		
	Yes	No	No View
Please comment here			

4. Please tell us how you think the Council's proposals around denominational transport will impact on you.
Please comment here

5. Please tell us how you think the Council's proposals around post-16 mainstream transport will impact on you.

Please comment here

6. Please tell us how you think the Council's proposals around post-16 complex and special needs transport will impact on you.

Please comment here

7. Will any of the proposed changes affect your current/future choice of school?

Please tick (✓)

Yes No No View

If yes, please give details, including the number of children and schools affected.

8. Please tell us how much you agree or disagree with the following statements

Please tick (✓)

Strongly Agree

Agree

No view

Disagree

Strongly Disagree

a. The Council should provide transport that is fair for all pupils/students

b. The Council should use the budget for those groups who need it most

c. The Council should make it a priority to provide those services that it must do so by law

d. Parents should be responsible for getting their children to school/college

Comments

9. Please make any further suggestions, comments or propose other options here.
Comments
<i>(Please continue on a separate sheet, if required.)</i>

Please indicate below any of the following that apply to you:

	Please name the school/s/college , if appropriate
Parent/carer of pupil/student(s)	
School Governor	
Member of Staff	
Pupil/student	
Other (please specify)	

Thank you for your time

Please return this form by Friday 20th May 2011 to:

Cheshire East Council
School Transport Consultation (GB)
Children and Families Service
Dalton House, Dalton Way
Middlewich, CW10 0HU

Or email to stp@cheshireeast.gov.uk

If you wish to include your name please provide it here <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	Organisation/Community/Support Group if relevant <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
(Cheshire East Employees only) Service/Dept <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	Do you have caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No
Age	Is the Council aware of your caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No
Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Transgender <input type="checkbox"/> Male to Female <input type="checkbox"/> Female to Male
What is your relationship status? <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Cohabiting </div> <div style="width: 45%;"> <input type="checkbox"/> Separated/Divorced <input type="checkbox"/> Other <input type="checkbox"/> Civil Partnership </div> </div>	Ethnicity A White <input type="checkbox"/> English/Welsh/Scottish/Northern Irish <input type="checkbox"/> Irish <input type="checkbox"/> Gypsy/Traveller <input type="checkbox"/> Any other White background, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Religion & Beliefs <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> No Religion <input type="checkbox"/> Church of England, Protestant <input type="checkbox"/> Roman Catholic <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Sikh <input type="checkbox"/> Any other religion, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div> </div> <div style="width: 45%;"> B Mixed or Multiple Ethnic Groups <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other Mixed/Multiple background write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div> </div> </div>	C Asian or Asian British <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
Disability <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> Do you considered yourself disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No Definition: An impairment that as a long-term and substantial effect on a person's ability to carry out normal day to day activities. </div> <div style="width: 45%;"> Have you ever chosen not to disclose your disability because you feel it may have an adverse affect on you at work or in your community <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>	D Black/African/Caribbean/Black British <input type="checkbox"/> African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any Black African Caribbean background, <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
	E Other ethnic groups <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, write in <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>
	Do you belong to the Traveller or Gypsy Community <input type="checkbox"/> Yes <input type="checkbox"/> No Has the wording of any of these groups affected your decision to complete this section <input type="checkbox"/> Yes <input type="checkbox"/> No

SCHOOL TRANSPORT CONSULTATION FREQUENTLY ASKED QUESTIONS

SUMMARY OF QUESTIONS

1. Why are you proposing these changes now?
2. What is the current policy around school transport?
3. Who will be affected by the changes?
4. What are the proposed changes?
5. When could the changes happen?
6. How can I make sure my views are heard on the Council's proposals?
7. Who are you consulting on the proposed changes?
8. Who will be eligible for free school transport under the new proposal?
9. Which schools/colleges do children and young people in Cheshire East attend?
10. What does the law say that the Council has to provide?
11. How do you know the proposed changes are fair?
12. Doesn't this proposal go against the Council's plans to be more eco-friendly?
13. What will happen next?
14. Can I appeal against the proposed change?

Glossary

- Families on a low income
- Nearest suitable school
- Designated school
- Walking distance
- Qualifying school

1. Why are you proposing these changes now?

Cheshire East wants to provide the best school transport service it can and to support children and young people to get to the school or college of their choice. However, due to financial constraints Cheshire East, like many Councils, is looking at what services it must provide by law and those that it can choose not to provide, including parts of the current school transport service.

The Council spends in the region of £10 million on home to school transport each year. A review of the Council's Home to School Transport Policy is required as a result of the tight financial framework within which all local authorities are now operating. Providing subsidised post-16 travel and denominational travel account for 15 per cent of the overall expenditure – more than a million pounds each year. As a consequence, it is proposed that the policy is reviewed and a public consultation is carried out.

2. What is the current policy around school transport?

Cheshire East's current school transport policies are set out below and can be found on the Council's website:

- [Under 16 School Transport Policy](#)
- [Post-16 Transport Policy](#)
- [Complex Special Needs Transport Policy](#)

3. Who will be affected by the changes?

Those accessing the following services will be most affected by the changes:

- denominational transport; and
- post-16 transport (including those with complex and special needs)

4. What are the proposed changes?

The table below sets out the groups affected, along with the current and proposed policy changes.

Group affected	Current Policy	Proposed Policy
Those attending denominational schools between 2-15 miles of where they live	Charges are made at £299 each year per pupil for subsidised transport.	<u>Sept 2011</u> – charge to increase to £385 per year <u>Sept 2012</u> – no subsidised transport to be provided by the Local Authority
Post-16 mainstream students	Charges are made at £415 each year per student for subsidised transport	<u>Sept 2011</u> – charge to increase to £500 per year <u>Sept 2012</u> – no subsidised transport to be provided by the Local Authority
Post-16 students with complex and special needs	No charge currently made	<u>Sept 2011</u> – charge to be made in line with post-16 mainstream charges
<u>Exception</u> – those pupils who have attended a denominational school since before 2008 and in receipt of free transport under the 2007 policy.	No charge made	No charge made until they either: <ul style="list-style-type: none"> • change school; or • reach 16 They will then be either charged for subsidised transport unless they are eligible for free transport

5. When could the changes happen?

It is expected that any new arrangements will be agreed in time for parents/carers to make decisions about which school they choose for the academic year 2012/13. The first changes to charges for subsidised transport could be made from September 2011. All other changes could take effect from September 2012.

6. How can I make sure my views are heard on the Council's proposals?

The Council hopes to get as many views as it can. Those interested can:

- Complete the consultation questionnaire online at www.cheshireeast.gov.uk/schools
- Complete a paper copy and return to the following address:

Cheshire East Council
School Transport Consultation (GB)
Children & Families Service
Dalton House, Dalton Way
Middlewich Cheshire CW10 0HU
- Email any comments/forms to stp@cheshireeast.gov.uk
- Tell us face to face at one of our drop in sessions that will be taking place across the borough (see below).

Date	Times	Venue
Tuesday 5th April 2011	2-4pm 5-8pm	Assembly Room, Macclesfield Town Hall Macclesfield, SK10 1DP
Thursday 7th April 2011	2-4pm 5-8pm	Alexandra Suite, Crewe Alexandra Football Club, Gresty Road Crewe, CW2 6EB
Wednesday 13th April 2011	2-4pm 5-8pm	Creche Room/Hall, Middlewich Community Church, 34-36 Brooks Lane Middlewich, Cheshire CW10 0JG
Thursday 14th April 2011	4-7pm	Main Hall, New Life Church, Danesford Community Centre, West Road, Congleton, CW12 4EY

All responses will be considered by Elected Members before a decision is made.

7. Who are you consulting on the proposed changes?

The following groups/individuals will be asked for their views on the proposals:

- All parents/carers of children resident in Cheshire East, and in particular:
 - Those currently receiving free or subsidised transport to denominational schools (including the parents of pupils due to join Year 7 at a denominational secondary school in September 2011 those
 - Those who are eligible under the current policy for subsidised transport), and
 - Those accessing or proposing to access post-16 transport in the future (including students with complex and special needs).
- The Diocesan authorities
- All headteachers and governing bodies of Cheshire East maintained primary, secondary and special schools (including denominational schools)
- All headteachers and governing bodies of denominational schools in neighbouring authorities where there are children resident in Cheshire East attending currently
- Academies in Cheshire East
- All Cheshire East Elected Members
- Neighbouring local authorities' Directors of Children's Services
- Members of the Youth Parliament
- Colleges of Further Education
- Unions and Professional Associations

8. Who will be eligible for free school transport under the new proposals?

The following groups will continue to be eligible for free school transport:

Age or category of pupil	Statutory entitlement
Pupils of compulsory primary school age up to age 11 (Reception to Y6)	Free transport to the nearest qualifying school if it is more than two miles away, as measured by the shortest available walking route
Secondary school pupils up to age 16 (Yrs 7 – 11)	Free transport to the nearest qualifying school if it is more than three miles away, as measured by the shortest available walking route, including pupils at a place other than a school and excluded pupils, still registered, but receiving education outside of school premises

Secondary pupils aged between 11 and 16 (years 7-11) from families who are in receipt of a qualifying benefit (entitled to free school meals or maximum working tax credits)	Free transport to one of three qualifying secondary schools if it is between two and six miles away as measured by the shortest available walking route. This also applies to pupils registered at a qualifying school which is between 2 and 15 miles away; and whose parent has expressed a wish, based upon their religion or belief, for the child to be provided with education at that school
Pupils of compulsory primary school age or secondary school age who live within the statutory walking distance, but where the nature of the route has been deemed unsafe	Free transport to the nearest qualifying school where the pupil lives within the statutory walking distance but where, due to the nature of the route, they are unable to walk in reasonable safety even when accompanied by a responsible person
Pupils of compulsory school age with Special Educational Needs, disability or mobility problems	Free transport to the nearest qualifying school, where the pupil lives within the statutory walking distance but where, due to their special needs or disability or mobility problems, they cannot reasonably be expected to walk to school.

9. Which schools/colleges do children and young people in Cheshire East attend?

The main denominational schools currently attended by Cheshire East children and young people are set out below:

School	School type	District
All Hallows Catholic College	Secondary	Macclesfield
Astbury St Mary's CE Primary School	Primary	Congleton
Bickerton Holy Trinity CE Primary School	Primary	Crewe & Nantwich
Brereton CE Primary School	Primary	Congleton
Bunbury Aldersey CE Primary School	Primary	Crewe & Nantwich
King David High School	Primary	Manchester
Marton and District CE Primary School	Primary	Macclesfield
St Alban's RC Aided Primary School	Primary	Macclesfield
St Anne's Catholic Primary School	Primary	Crewe & Nantwich
St Gabriel's RC Aided Primary School	Primary	Congleton
St Gregory's Catholic Primary School	Primary	Macclesfield
St John's CE Primary	Primary	Congleton
St Mary's Catholic Primary	Primary	Congleton
St Mary's Catholic Primary - Crewe	Primary	Crewe & Nantwich
St Nicholas Catholic High School	Secondary	Vale Royal (Northwich)

St Paul's Catholic Primary School	Primary	Macclesfield
St Thomas More Catholic High School	Secondary	Crewe and Nantwich
St Wilfrids Catholic Primary School	Primary	Vale Royal (Northwich)
Warmingham CE Primary School	Primary	Crewe and Nantwich
Wincle CE Primary School	Primary	Macclesfield
Wybunbury Delves CE Primary School	Primary	Crewe and Nantwich

The schools and Colleges attended by post 16 students with complex and special needs are:

School/College	District/Location
Bishops Bluecoat CE High School,	Chester
Blackfriars School (FE College)	Staffordshire
Brentwood School	Altrincham
Bridge College	Stockport
Callow Park College	Derbyshire
Cavendish School	Runcorn
Cloughwood Special School,	Vale Royal (Northwich)
Condoval Hall School	Shrewsbury
David Lewis Centre - College	Macclesfield
Dee Banks School	Chester
Derby University	Buxton College
Fallibroome High School	Macclesfield
Greenbank School	Vale Royal (Northwich)
Hebden Green Special School	Vale Royal (Winsford)
Home from Home Placement	Congleton
Inscape House	Stockport
Knutsford High School	Knutsford
Macclesfield High School	Macclesfield
Mid Cheshire College, Hartford Campus	Vale Royal (Northwich)
New College	Worcester
Oaklands School	Vale Royal (Winsford)
Park Lane Special School	Macclesfield
Reaseheath College	Crewe and Nantwich
Sandbach Boys School	Congleton
Seashell Trust	Stockport
Sir John Deane's VI Form College	Vale Royal (Northwich)
South Cheshire College	Crewe and Nantwich
Springfield School	Crewe and Nantwich
St Vincent's School For The Blind	Liverpool
Strathmore College	Stoke
The Petty Pool Trust	Vale Royal (Northwich)
The Russett School	Vale Royal (Northwich)
Wargrave House School	Newton le Willows
Wilmslow High School	Macclesfield
Wilsic Hall School (Lancashire)	Doncaster

10. What does the law say that the Council has to provide?

The Education Act 1996 states that the Local Authority must make the arrangements that '*...they consider necessary to **facilitate attendance at...***' an **appropriate educational setting**. This means that all home to school transport is discretionary, although the law does set out how it expects the Local Authority to use this discretion around some 'eligible' groups. These are set out at Question 8 above.

A charge can be made for transport arrangements made under the other relevant sections of the Education Act 1996, i.e. sections 508C to 509A, subject to that charge being **reasonable** in the circumstances. In carrying out its duties, the Local Authority is expected to take into account the wishes of parents.

11. How do you know the proposed changes are fair?

The Council is aware that this proposal will affect some families more than others and is keen to understand this impact. A full equality impact assessment will be carried out that will help us to see what the impact might be and what we could do to help this. This will look at the groups that the Council has identified in its Single Equality Plan. An equality monitoring questionnaire forms part of the questionnaire to collect the relevant information.

12. Doesn't this proposal go against the Council's plans to be more eco-friendly?

The Council will look at other ways it can support and encourage families to be more eco-friendly, including encouraging schools, colleges and others to coordinate their own transport arrangements, car-sharing, walking bus schemes, school travel planning and making safer routes to school. If you are a parent, you can ask to look at your school's travel plan that should set out ways that the school has identified to improve safety on the journey to and from school.

13. What will happen next?

Following the closure of the consultation on 20th May, all responses will be considered by Council Members before making their decision on which proposals to take forward. Once a decision has been made, the existing school transport policies could be amended to reflect the changes and these will then be implemented.

14. Can I appeal against the proposed change?

Specific appeals against a policy change can only be made where the policy is either failing to meet the statutory requirements or where the policy contributes towards inequality in provision. Any revised policy would be designed to be equitable and compliant with current legislation.

GLOSSARY

Families on a low income

The Education and Inspections Act 2006 requires Local Authorities to adopt the following criteria for assessing a family as low income or 'disadvantaged':

"The Act will place a new duty on Local Authorities to provide free transport for some of the most disadvantaged pupils (those eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit)..."

Nearest suitable school

The nearest suitable school is defined as the local zoned or catchment school; or, if closer than the zoned school, the nearest maintained school that is deemed by the Council as suitable to a child's particular age and needs.

Designated school

A designated school is one deemed by the Council as the appropriate school for a particular pupil (eg, a permanently excluded pupil, a statemented pupil, a child in care of the local authority, where normal admissions procedures have failed).

In relation to faith schools, the 'designated school' is the appropriate school as agreed between the Council and the Diocesan Authority. This may not always be the nearest faith school.

Walking distance

Walking distance is defined by the Council as:

- Less than 2 miles from home for children attending primary school ; and
- Less than 3 miles from home for children attending secondary school

This is measured by the “nearest available route”. This route is measured using digital mapping from the pupil’s home gate or drive nearest to the school to the nearest available gate/entrance of the school grounds by way of the nearest walking route. The route is not necessarily the shortest distance by road. It is measured by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.

Qualifying school

Qualifying schools are the three nearest to the child’s home address (and within 2 to 6 miles) from:

- Community, Controlled, Foundation or Voluntary Aided Schools
- Community or Foundation Special Schools
- Non-maintained special schools
- Pupil Referral Units
- Maintained nursery schools
- City Technology Colleges (CTCs), City Technology Colleges for the Technology of Arts (CCTA), or Academies.

In relation to a child with special educational needs, an independent (other than a CTC, CCTA or Academy) will be a qualifying school if it is the only named school in the child’s statement, or it is the nearest of 2 or more schools named in the statement.

This page is intentionally left blank

APPENDIX 2



Public Consultation on School Transport, 25th March – 20th May 2011

Report on Responses

Cheshire East's public consultation on proposed changes to school transport took place between 25th March and 20th May 2011. The purpose of the consultation was to establish the likely impact of the changes and consultees were asked to complete a questionnaire either online or in hard copy to give their views. In total 909 questionnaires were completed. Of these, 723 were completed online and 186 were received as paper copies, 5 of which were translated from Polish. This report sets out the responses to the questionnaire, a copy of which can be seen at **Attachment A**.

Summary

- Over a quarter of respondents (265 people) said that the proposals would influence their current or future choice of schools
- Of those who currently pay for school transport, almost half (96 people) said that the proposals would influence their current or future choice of schools
- Regarding denominational transport proposals, many comments were made stating that the pupil / student would need to find an alternative method of transport (car, walking, public transport)
- Regarding post-16 mainstream transport proposals, a number stated that the pupil / student would not be able to attend post-16 education
- Regarding post-16 complex and special needs transport proposals, a high level of concern was expressed by those not directly affected
- Most respondents disagreed or strongly disagreed with the statement that 'parents should be responsible for getting their children to school / college'
- The 'top 5' schools for number of responses from parents were Catholic schools

1. Postcode

- *909 survey responses were received*
- *A high concentration of responses were received from Middlewich and Crewe*
- *Respondents to the survey are likely to be more affluent than the average Cheshire East resident*

909 people responded to the survey on the proposed changes to school transport, with a number of other people providing comments by letter, email, in person and by petition.

The map at **Attachment B** shows a high concentration of respondents from the town of Middlewich, with a high number also from the town of Crewe. Knutsford and Macclesfield show a good response rate, with a scattering of responses from rural areas and towns across the rest of Cheshire East, and from surrounding areas outside of Cheshire East.

A demographic analysis of the postcodes of respondents using MOSAIC (an industry-standard tool for classifying UK households) provides an indication of the social groupings of the respondents. The MOSAIC group chosen for each respondent is the most typical one for their postcode, and while we do not know if this is accurate in each case, we can gain a general picture. A table showing the profile of respondents is at **Attachment C**.

Respondents appear to be mainly from the more affluent groups. A large proportion, 31% of respondents, were from high-income groups C and D, compared to only 24% of Cheshire East's overall population. Middle-income families (groups E and F) are also strongly represented, with 33.4% of respondents from these groups, compared to only 20% of Cheshire East's overall population. Only 9.6% of respondents are from the lower-income groups (I, J and K), compared to 21% of Cheshire East's overall population.

It may be reasonable to conclude that respondents to this survey are generally more affluent than the average Cheshire East resident.

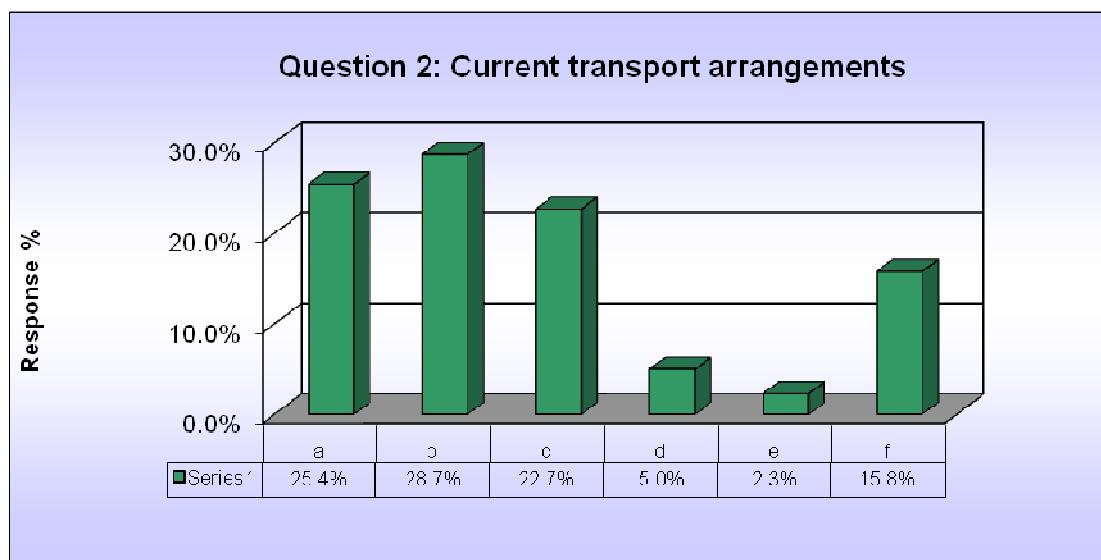
2. Current transport arrangements

- *Less than a quarter of respondents are likely to be immediately affected by the proposed changes, as they pay for council-run transport to school / college.*

The chart below shows that the majority of respondents (28.7%, or 257 respondents) receive free transport, with a further 25.4% responsible for their own transport arrangements. These groups are very unlikely to be affected by the proposed changes.

Those most likely to be affected - those who pay for council-run transport to school / college - are the third largest group, at 22.7% (204 responses). 15.8% responded 'not relevant to me', amongst which there may be some respondents who are not currently affected but may be in the future.

The council welcomes the views of people not currently affected by the proposed changes. These figures are presented to provide information on the scale of the impact upon those directly affected, and put the responses into the appropriate context.



Key:

a	I am responsible for my own transport to school / college
b	I get free transport to school / college
c	I pay for council run transport to school / college
d	I use transport organised by the school / college
e	I pay for privately run transport to school / college
f	Not relevant to me

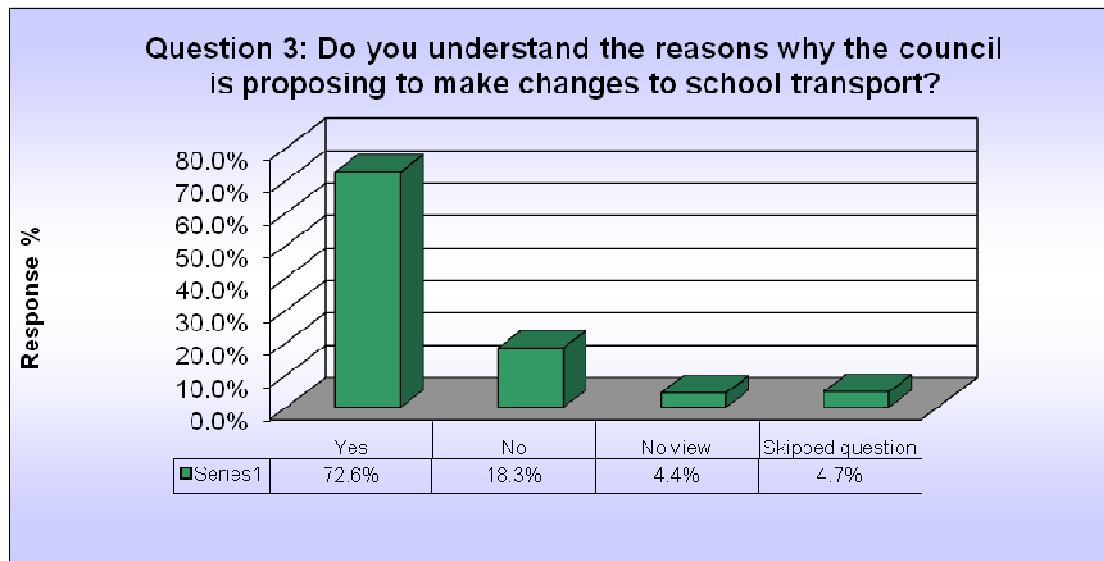
3. Understanding of the reasons for the proposed changes

- *More than three-quarters of respondents understand the reasons for the proposed changes*

77.4% of respondents (672 responses) stated that they understand the reasons for the proposed changes, suggesting that almost a quarter of respondents did not understand, or are not interested.

However, some of the respondents who stated that they did not understand the reasons, may have been interpreting the word 'understand' to mean 'sympathise

with' or 'accept'. This is illustrated by some of the comments made at this question by these respondents, which often showed disagreement with the proposals.



288 comments were made at this question, which can generally be categorised as:

- Understanding that the council needs to cut costs
- General disagreement with the proposals
- Concern that pupils displaced will only be bussed to other schools anyway, as local schools are full
- Concern that children with Special Educational Needs will be disadvantaged
- Feeling that cuts should be made from elsewhere in the budget

The concern that displaced pupils will only be bussed to other schools anyway, as local schools are full, may be an issue for the short-term. In the longer term, new school entrants can be admitted to local schools in the usual way and would be unlikely to need transport.

'To save money and to shrink the role of the state. It is not clear whether cost savings will be achieved. There are easier and better ways to cut costs even within the school transport budget.'

'I don't think the council should be targeting children and young people with Special Needs.'

'I understand and it will be difficult for some, maybe it's now time to encourage greener travel.'

4. How the proposals on denominational transport will impact on respondents

- 163 comments were made by respondents that currently pay for school transport

598 respondents made comments in response to this question. 163 of these were from people who currently pay for school transport.

These comments can generally be categorised as:

- Will use another method of transport (car, walking, public transport)
- Comments that indicate transport will be needed
- Current pupil will have to change school
- Prospective pupils will not be able to attend preferred school
- Will impact financially
- Will consider moving house
- Comments that the proposals are unfair / discriminatory towards Catholics, including that the numbers in faith schools will decline
- Comments that parents have chosen schools based on the availability of transport, and that it is unfair to withdraw this for existing pupils

Some comments were made about the subsidy that the Catholic Church provides towards the education of local Catholic children, in the form of some building and education costs. Similarly, Catholic schools are located according to council planning and education requirements.

'I already have 2 children using School transport to & from Nantwich. An increase in cost will be difficult but manageable. A removal of the service would be disastrous. My children would have to change schools which will be very disruptive and detrimental to their education.'

'We chose All Hallows not knowing that transport support may end - this will affect our family a great deal financially and we have no other means of transport as only 1 parent drives and both of us work. Also my son's younger brother is joining the same school.'

5. How the proposals on post-16 mainstream transport will impact on respondents

- *126 comments were made by respondents that currently pay for school transport*

492 respondents made comments in response to this question. 126 of these were from people who currently pay for school transport.

A high number of these responses were made by people whose preference is for denominational education for the post-16 years. Many of these respondents make the point that 6th Form education is not available to them locally, and they would have to travel to access this in any case.

The comments can generally be categorised as:

- Child will not attend education / training post-16

- Will use another method of transport (car, walking, public transport)
- Child will not be able to attend their preferred 6th Form (i.e. Catholic)
- Will impact financially

'This will again impact on choice and not just for denominational schools. In this area, some children who do not attend denominational schools choose to go to other schools/colleges post-16. One common destination is Sir John Deane's. Post-16 facilities are all very different and provide different opportunities and courses. Removing the subsidy would reduce choice for AS and A level for all children. Of course, this situation would only apply to children in Cheshire East. Is the council really suggesting that the choices of these children should be restricted in this way?'

6. How the proposals on post-16 complex and special needs transport will impact on respondents

- *A high level of concern can be seen from the responses of people not directly affected by this aspect of the proposals*

432 respondents made comments in response to this question. A large number of responses were, however, respondents simply stating 'no impact' or similar; many others state that the proposals would not affect them directly but disagreed with them.

Of the 144 who get free transport to school, many of them had a disabled child. Many were worried about having to pay for transport, particularly as there was not always suitable provision near to where they live and their children did not have the option to use public transport or cycle to school.

Some of those who may be affected had much younger children, for example age 4, but were still concerned for the future.

Some of the comments expressing concern are as follows.

It is unfair as our disabled child has no option but to use School transport. Able bodied post 6 pupils have the ability to Cycle / Walk or use local bus services. This proposal would impact on children / parents with no choice & who can't work part time to cover the costs.

'Special needs children need continuity. It is therefore important for these schemes to continue, to allow them the support they require to thrive and live a normal life within Cheshire East. Reducing this would lead to reducing the overall opportunities for those with complex and special needs.'

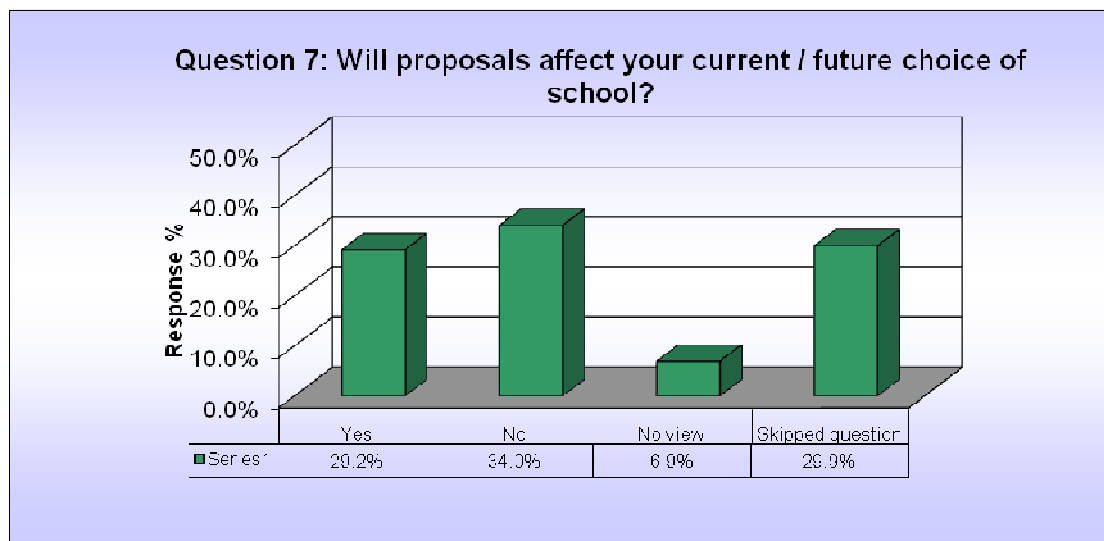
If we have to pay for transportation or undertaken transportation ourselves this will further limit our son's, already limited, post 16 educational choices. If we feel that we have no choice but to provide transportation ourselves then this will have a huge impact on the rest of our family commitments: I might have to consider giving up my

much loved and valued part time job; I would have to make alternative arrangements for getting my other children to and from school. In addition it would have a grave emotional impact on my son who has had transport and escort provision all his time at school and it is what he is used to. Furthermore, at 17yrs old does not want to have to be transported to school by his mum, like some little kid - he may be learning disabled but he is aware and has his dignity!

7. Impact on current or future choice of school

- *Over a quarter of respondents said that the proposals would influence their current or future choice of schools*
- *Of those who currently pay for school transport, almost half (96 people) said that the proposals would influence their current or future choice of schools*

Over a quarter of respondents (265) said that the proposals would influence their current or future choice of schools, with over a third of respondents (309) stating that they would not. An even larger group of respondents (335) either stated 'no view' or did not complete this question.



Of those that currently pay for school transport, a higher proportion – almost half – state that the proposals will affect their current or future choice of school (47.1%). The number of people, however, is lower, at 96 respondents. 46 respondents stated they will not be affected, and 62 stated no view or skipped the question.

310 respondents (from all groups, not just those that currently pay for transport) made comments at this question, mainly indicating which school may be affected by their choice. The majority of comments relate to Catholic schools.

'It would affect two children in one school. One child would be in year 6 and I would not be happy for her to move schools in her last year before secondary school. The

younger one would be moving into year 1 so it wouldn't be ideal for him to move schools either having just settled at our chosen school.'

'Three daughters aged 11, 8 and 7 now in St Vincent's, were to go to St Nicholas'. Now have to go to Knutsford High.'

'We have 2 children and this will affect our choice greatly'

'Yes because both our children will not be able to attend St. Nicholas Catholic High school. There is no alternative as Middlewich has no post sixteen and is over subscribed'

'We have no choice of school as Park Lane is the nearest school for children with complex needs'

8. Agree / disagree with statements

- *Most respondents disagreed or strongly disagreed with the statement that 'parents should be responsible for getting their children to school / college'*
- *Some people felt that these statements were ambiguous or leading and that the Council should have asked more direct questions.*

Comments on the nature of the statements include:

'I believe the questions set are leading and designed to give a high number of responses to support the Council's arguments regardless of whether we feel these are fair. The Council should be supporting choice in education and taking steps to facilitate this. The amount spent on supporting denominational transport is small compared to lower priority spending and efficiency savings that could be made elsewhere.'

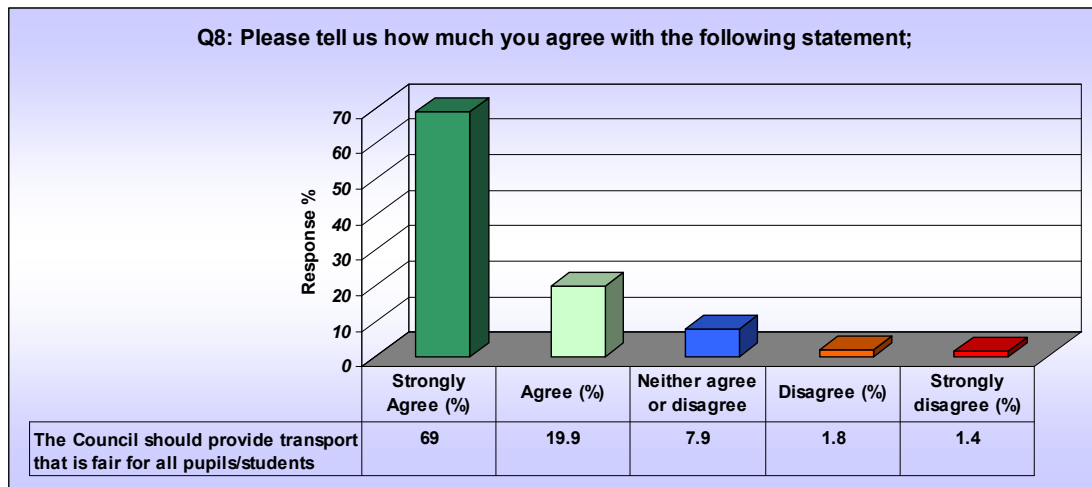
'You should be asking people whether they agree or disagree with the proposals!'

It seems that different people have inferred different meanings into the statements. For example, one respondent who strongly agreed that 'parents should be responsible for getting their children to school / college' said that they were doing this by paying for the transport. In contrast, most other respondents who disagree with the proposals also disagreed with this statement.

Most of the 668 people who responded to this question strongly agreed with the first three statements:

- 'The council should provide transport that is fair for all pupils / students';
- 'The council should use the budget for those groups who need it most'; and
- 'The council should make it a priority to provide those services that it must do so by law'.

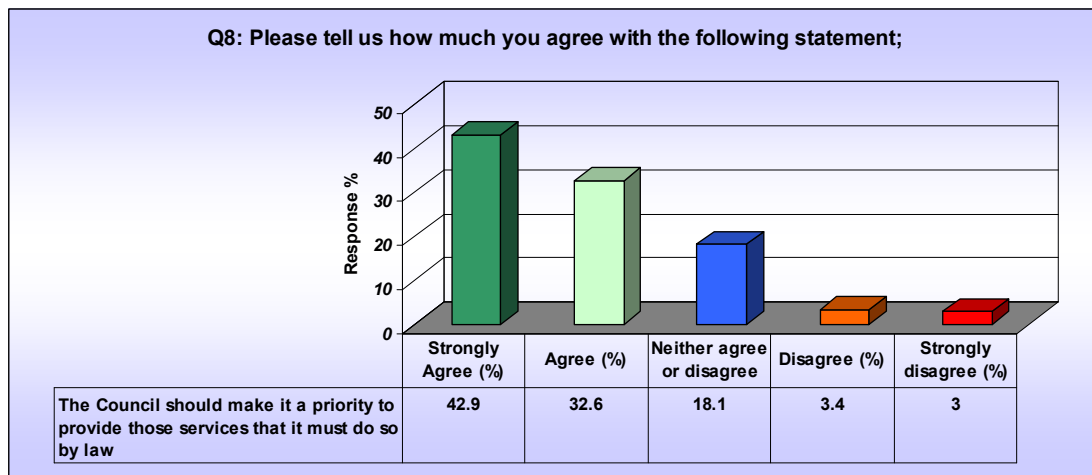
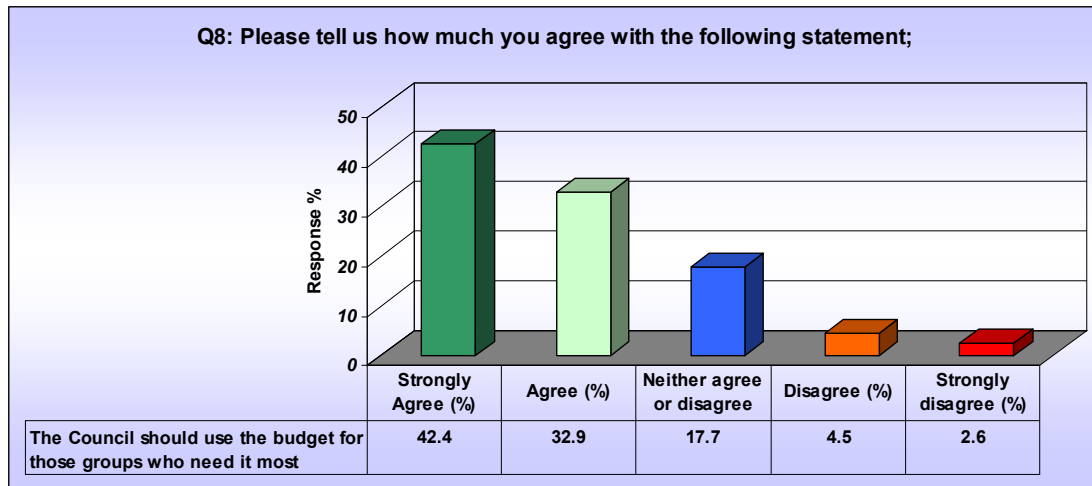
A significant number disagreed with the fourth statement 'Parents should be responsible for getting their children to school / college'.



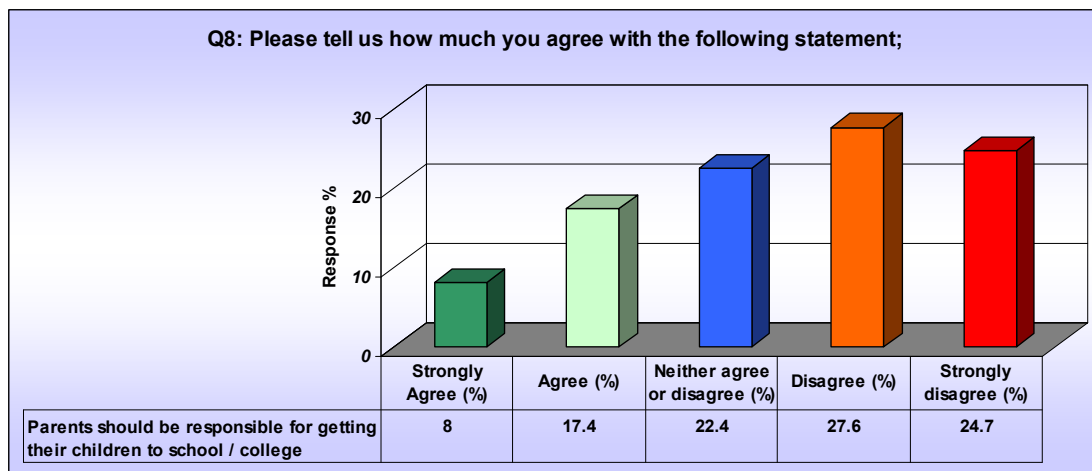
Comments include:

'By far the most important principle is to provide for those groups who need it most. A fair policy doesn't mean a policy that ignores need. A fair policy isn't the same as an equal policy, and it's a fair policy we should aim for. Those with special needs will have more requirements, and those who hold a faith upbringing with some importance will have more reason to go to a faith school. In the same way there is more reason for a faith school to be an important choice than another school. There is a difficult balance when it comes to responsibility - to a certain extent parents should ensure they live within commuting distance from the right school, but where people live is a complex combination of needs and sometimes it simply isn't possible to ensure this, whether it be house prices, commitments to work or community or inability to move, etc.'

'My answers to the above vary depending on circumstance e.g. I feel that it is more important to provide "optional" transport for special needs children than for children attending a non-catchment area school through parental choice (e.g. denominational). The first question seems meaningless - what is "fair" is often subjective.'



'The council should have money for those groups that require the service by law but should also provide the transport for those who chose to attend the faith schools, as these schools are part of the community and when we started at the school no mention was made that the service would be terminated.'



Most respondents disagreed or strongly disagreed with the statement that 'parents should be responsible for getting their children to school / college'.

'It would be a total impossibility to get all our children to school at once! We rely on the school bus and understand to an extent the need to charge although I already think it's far too expensive before your proposed increase.'

'Whilst parents do need to be responsible for getting their children to school they should also have the right to choose Catholic education.'

'If you take away transport options, you are effectively taking away parents' choice of school, because they can only send their children to the school they are in the catchment for if they work and can't drop children off.'

9. Suggestions, comments or other options

371 people made comments under this section. Many of these comments repeat the concerns previously stated, particularly with reference to Catholic schools, but some constructive suggestions are also made. A few examples of these are below.

'Remove school lower management and use money saved to support transport costs. A school with 600 pupils does not need three assistant heads plus heads of years plus heads of departments.'

'Perhaps a clever combination of services be used - use the flexi-rider service to perform the school runs, causing a temporary gap in availability of flexi-rider bookings. This should hopefully still allow the flexi-rider to be used for early morning work runs and daytime travel, but utilise the same bus and same driver for picking up school kids.'

'The transport costs should be rationalised by looking at combining services.'

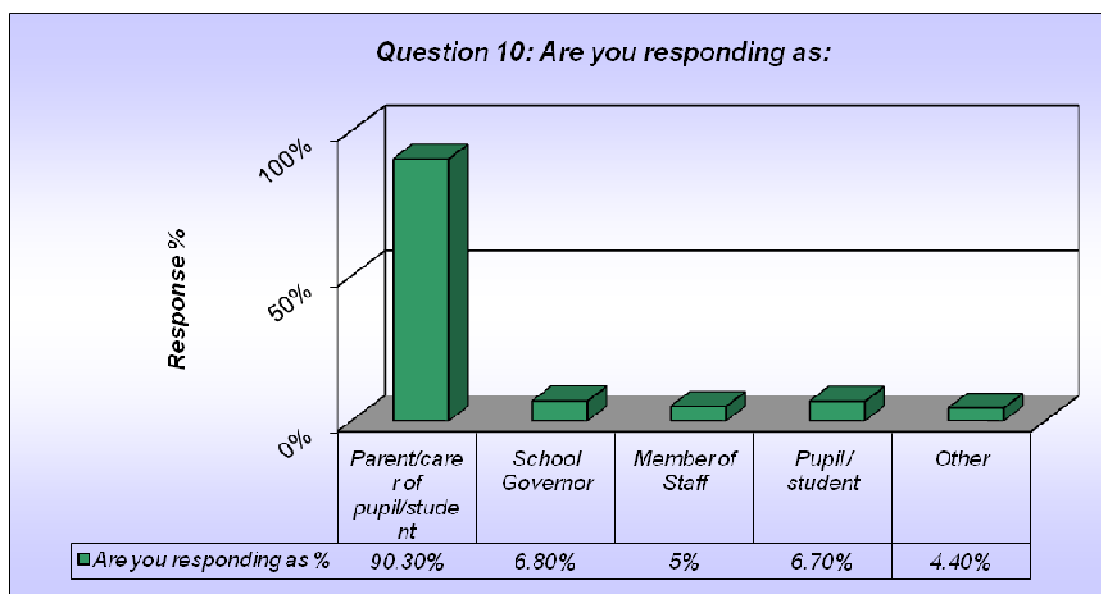
'The council could set up a support group for parents to arrange car shares to get children to school.'

10. Types of respondent

- *Parents / carers of pupils / students made up the vast majority of respondents*

658 people responded to this question:

- 594 were from parents / carers of pupils / students
- 45 were from school governors
- 33 were from members of staff
- 44 were from pupils / students
- 29 were 'others'



11. Schools / colleges of respondents

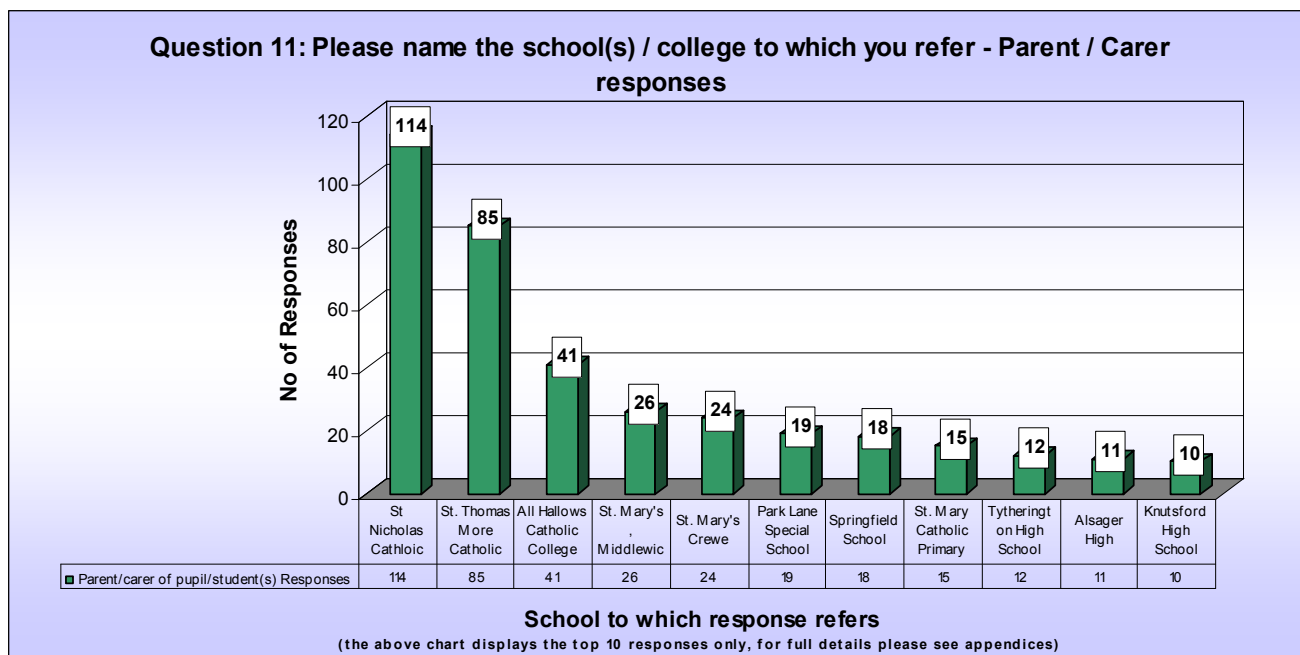
- *The 'top 5' schools for number of responses from parents were Catholic schools*
- *Two special schools also provided a good level of response from parents*

For the parent responses, the top 5 respondent groups relate to Catholic schools. The biggest group related to St Nicholas Catholic High School, with 114 responses, closely followed by St Thomas More Catholic High School with 85 responses (see chart below).

While the council is keen to receive input from the communities most affected by the proposals, members should bear in mind that the response is not representative of the community as a whole and of wider views on council spending priorities.

A good level of responses was also received from parents whose children attend Park Lane and Springfield special schools, with 19 and 18 responses respectively. The chart below shows the 'top 10' schools for number of responses from parents.

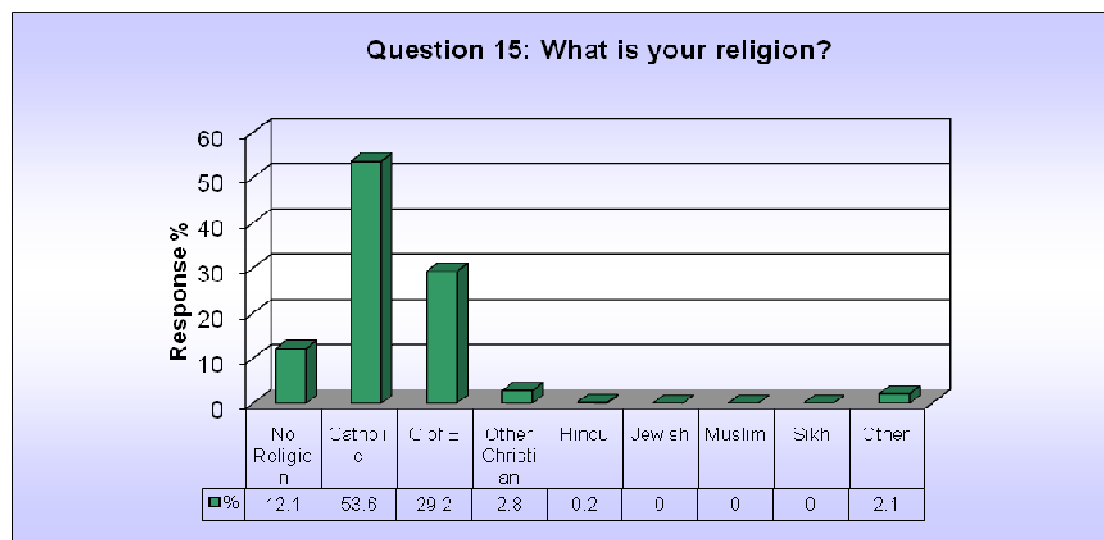
In total, parents from 87 schools provided responses. **Attachment D** provides a full table of parent responses by school, and for other types of respondents also.



12. Equality monitoring questions

- *Over half of respondents are Roman Catholic*

A number of further questions were asked for equality monitoring purposes. Of most interest is the question on religion, showing (unsurprisingly, given the results seen above) that the majority of respondents are Roman Catholic.



With regard to ethnicity of respondents, the vast majority (91%) are 'white British', with a small number of 'white Irish' and 'other white' backgrounds, many of whom state their ethnicity as being Polish. A very small number of responses were from people of mixed or Asian backgrounds.

ATTACHMENT A

Consultation feedback form**Cheshire East Council
School Transport Consultation Feedback Form**

Cheshire East Council has set out a number of proposed changes to school transport. These changes will affect many families within Cheshire East and we need to know, before we make these decisions, what the impact will be. These changes do not affect those groups for whom the Council must provide transport by law (see Frequently Asked Questions). Please read the consultation and Frequently Asked Questions documents at www.cheshireeast.gov.uk/schools before you answer the following questions.

All your answers will be treated in line with the Data Protection Act 1998.
Thank you for your time.

1. What is your postcode? <i>(This will help us to understand whether there are issues for your local area)</i>			
2. Please tell us which statement is true for you	Please tick (✓)		
a. I am responsible for my own transport to school/college			
b. I get free transport to school/college			
c. I pay for council run transport to school/college			
d. I use transport organised by the school/college			
e. I pay for privately run transport to school/college			
f. Not relevant to me			
3. Do you understand the reasons why the Council is proposing to make changes to school transport?	Please tick (✓)		
	Yes	No	No View
Please comment here			
4. Please tell us how you think the Council's proposals around denominational transport will impact on you.			
Please comment here			

5. Please tell us how you think the Council's proposals around post-16 mainstream transport will impact on you.

Please comment here

6. Please tell us how you think the Council's proposals around post-16 complex and special needs transport will impact on you.

Please comment here

7. Will any of the proposed changes affect your current/ future choice of school?	Please tick (✓)		
	Yes	No	No View
If yes, please give details, including the number of children and schools affected.			

8. Please tell us how much you agree or disagree with the following statements	Please tick (✓)				
	Strongly Agree	Agree	No view	Disagree	Strongly Disagree
a. The Council should provide transport that is fair for all pupils/students					
b. The Council should use the budget for those groups who need it most					
c. The Council should make it a priority to provide those services that it must do so by law					
d. Parents should be responsible for getting their children to school/college					
Comments					

9. Please make any further suggestions, comments or propose other options here.
Comments
<i>(Please continue on a separate sheet, if required.)</i>

Please indicate below any of the following that apply to you:

	Please name the school/s/college , if appropriate
Parent/carer of pupil/student(s)	
School Governor	
Member of Staff	
Pupil/student	
Other (please specify)	

Thank you for your time

Please return this form by Friday 20th May 2011 to:

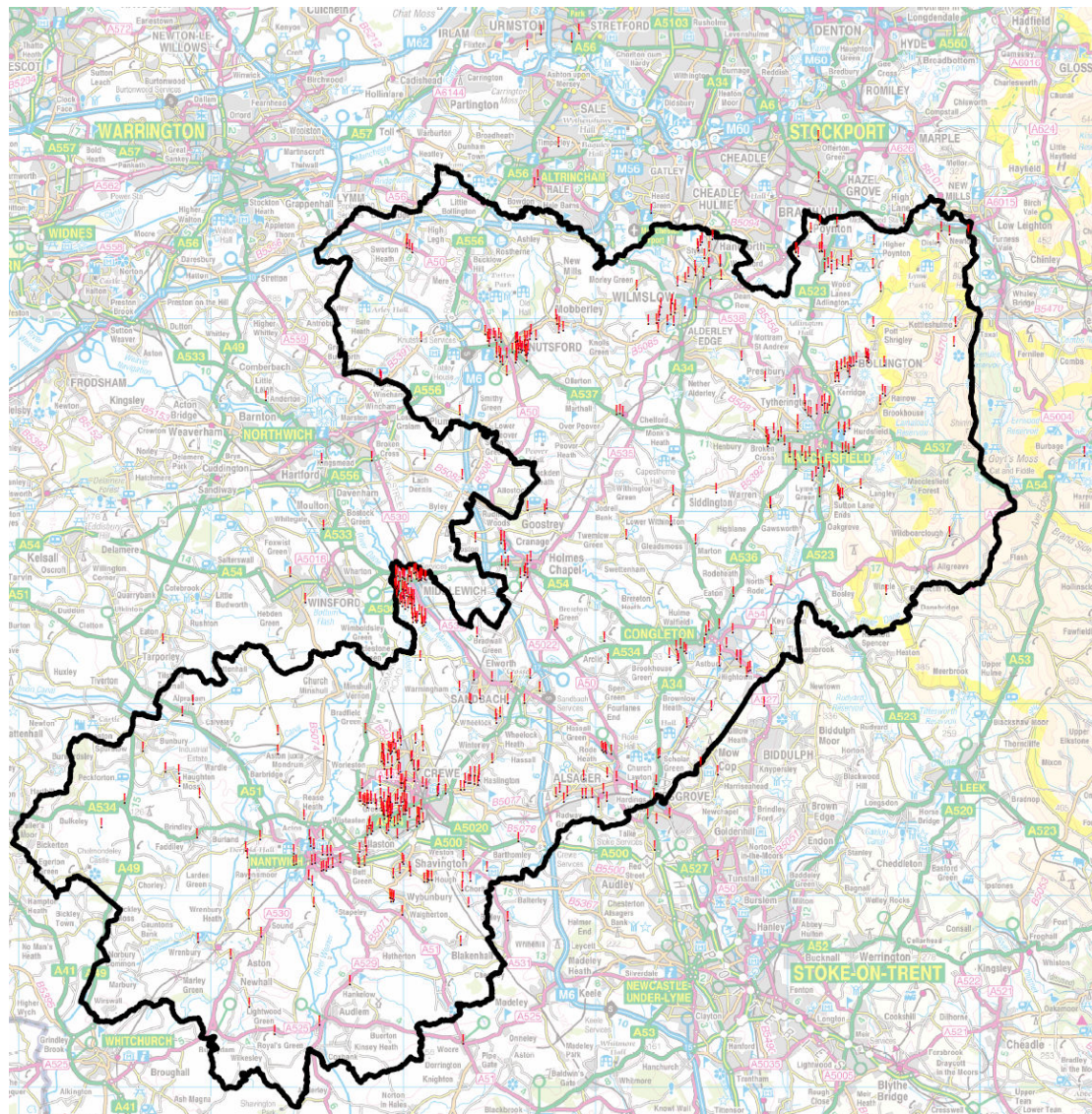
Cheshire East Council
 School Transport Consultation (GB)
 Children and Families Service
 Dalton House, Dalton Way
 Middlewich, CW10 0HU

Or email to stp@cheshireeast.gov.uk

Equality Monitoring Form



If you wish to include your name please provide it here <input type="text"/>		Organisation/Community/Support Group if relevant <input type="text"/>	
(Cheshire East Employees only) Service/Dept <input type="text"/>		Do you have caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Age <input type="text"/>		Is the Council aware of your caring responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Gender <input type="checkbox"/> Male <input type="checkbox"/> Female		Transgender <input type="checkbox"/> Male to Female <input type="checkbox"/> Female to Male	
What is your relationship status? <input type="checkbox"/> Single <input type="checkbox"/> Separated/Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Other <input type="checkbox"/> Married <input type="checkbox"/> Civil Partnership <input type="checkbox"/> Cohabiting		Ethnicity A White <input type="checkbox"/> English/Welsh/Scottish/Northern Irish <input type="checkbox"/> Irish <input type="checkbox"/> Gypsy/Traveller <input type="checkbox"/> Any other White background, write in <input type="text"/>	
Religion & Beliefs <input type="checkbox"/> No Religion <input type="checkbox"/> Church of England, Protestant <input type="checkbox"/> Roman Catholic <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Sikh <input type="checkbox"/> Any other religion, write in <input type="text"/>		B Mixed or Multiple Ethnic Groups <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other Mixed/Multiple background write in <input type="text"/>	
Disability Do you consider yourself disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No Definition: An impairment that as a long-term and substantial effect on a person's ability to carry out normal day to day activities.		C Asian or Asian British <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background write in <input type="text"/>	
Have you ever chosen not to disclose your disability because you feel it may have an adverse affect on you at work or in your community <input type="checkbox"/> Yes <input type="checkbox"/> No		D Black/African/Caribbean/Black British <input type="checkbox"/> African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any Black African Caribbean background, write in <input type="text"/>	
		E Other ethnic groups <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, write in <input type="text"/>	
		Do you belong to the Traveller or Gypsy Community <input type="checkbox"/> Yes <input type="checkbox"/> No Has the wording of any of these groups affected your decision to complete this section <input type="checkbox"/> Yes <input type="checkbox"/> No	
Completion of this form is entirely voluntary but the information you provide will help Cheshire East Council meet its obligations under the Equality Act 2010. We will use it to monitor equality to ensure everyone has opportunity and inclusion in relation to employment and access to services. No identifiable details will be kept with this information. Statistical data may be shared with other government agencies for equality monitoring purposes.			

Scatter map showing location of respondents across Cheshire East and surrounds

Demographic analysis of respondents who provided postcodes

This demographic analysis was carried out using MOSAIC, an industry-standard tool for assessing the likely characteristics of people according to their postcode.

MOSAIC group	Number of respondents	Percentage of respondents
D Successful professionals living in suburban or semi-rural homes	192	23.6
F Couples with young children in comfortable modern housing	155	19.1
E Middle income families living in moderate suburban semis	116	14.3
B Residents of small and mid-sized towns with strong local roots	77	9.5
C Wealthy people living in the most sought after neighbourhoods	60	7.4
J Owner occupiers in older-style housing in ex-industrial areas	51	6.3
A Residents of isolated rural communities	46	5.7
K Residents with sufficient incomes in right-to-buy social housing	27	3.3
I Lower income workers in urban terraces in often diverse areas	24	3.0
O Families in low-rise social housing with high levels of benefit need	21	2.6
H Couples and young singles in small modern starter homes	20	2.5
M Elderly people reliant on state support	17	2.1
L Active elderly people living in pleasant retirement locations	4	0.5
G Young, well-educated city dwellers	2	0.3
N Young people renting flats in high density social housing	1	0.1
Total	813	100

NB: This analysis is of 813 postcodes. Some respondents' postcodes have not been included in the analysis because they were either:

- Not provided;
- Incomplete or invalid;
- Outside of Cheshire East; or
- Too new to have a MOSAIC classification.

ATTACHMENT D

Number of responses that refer to specific schools, by respondent type

School to which response refers	No of Parent/carer of pupil/student(s) Responses
Abbey Hill	1
Acton School, Acton, Nantwich	2
Adelaide School	1
Adlington Primary School	2
All Hallows Catholic College	41
Alsager High	11
Altrincham Girls Grammar	1
Ashdene Primary	2
Bickerton Primary	1
Bishop Heber	1
Bollington Cross	1
Brereton Primary School	1
Bridgemere Primary	1
Brine Leas Primary	8
Bunbury Aldersey School	4
Bunbury Primary	1
Calveley Primary	2
Chelford Primary School	1
Congleton High School	5
Dean Valley Community Primary	1
Disley Primary School	1
Eaton Bank	2
Fallibroome Academy	2
Gainsborough Primary	1
Gorsey Bank Primary	1
Greenbank School	5
Hartford	2
Havannah Primary	1
Hermitage Primary	3
High Legh Primary	1
Holmes Chapel Comprehensive	9
Horton Lodge Special School	1
Ivy Bank	1
Knutsford High School	10
Lindow Primary	2
Lostock Hall Primary	2
Lymm High	2
Macclesfield Academy	6
Malbank	3
Marton and District	7
Mid Cheshire College	2
Middlewich High School	4

Mobberley Primary School	1
Monks Coppenhall School	1
Oaklands Primary School	2
Park Lane Special School	19
Petty Pool	1
Pott Shrigley Church School	1
Poynton High	4
Rainow Primary	3
Reaseheath College	1
Rosebank	2
The Russett School	1
Sandbach Boys School	4
Sandbach High School	6
Shavington High school	1
Sir John Deanes	3
Sir William Stanier Community School	1
Sound & District	3
Springfield School	18
St Albans	3
St Ambrose	1
St Annes Primary School	3
St Benedicts RC Primary	2
St Gabriel's Catholic Primary School	8
St Nicholas Catholic High School	114
St Pauls Catholic Primary	4
St. Mary Catholic Primary	15
St. Mary's , Middlewich	26
St. Mary's Congleton	1
St. Mary's Crewe	24
St. Thomas More Catholic High School	85
St. Vincent's Catholic Primary School	7
Stapeley Broad Lane	1
Stockport college	1
Swashell trust	1
Tarporley High School	3
The Dingle Primary	1
The Quinta Primary School	1
The Russell Centre; Inscape House	1
Tytherington High School	12
Warmingham Primary	3
Weaver Primary	1
Weston Primary	4
Wilmslow High School	3

Wynbunbury Delves School	5
Wyche Primary	1

School to which response refers	No of School Governor Responses
All Hallows Catholic College	3
Bridgemere Primary	1
Brine Leas Primary School	1
Christ the King, Macclesfield	1
Daven Primary School	1
Dean Valley Community Primary	1
Greenbank School	1
Hartford	2
Havannah Primary	1
Marton and District	1
Monks Coppenhall School	1
Park Lane Special School	3
Rainow Primary	1
Shavington High school	1
Sir William Stanier Community School	1
South Cheshire College	1
Springfield School	3
St Albans	1
St Nicholas Catholic High School	1
St. Mary's , Middlewich	1
St. Mary's Crewe	3
St. Thomas More Catholic High School	3
St. Vincent's Catholic Primary School	5
Stapeley Broad Lane	1
The Weaver Primary school.	1
Wrenbury Primary	1
Wynbunbury Delves School	3

School to which response refers	No of Member of Staff Responses
All Hallows Catholic College	1
Dean Oaks	1
Eaton Bank	1
Highfields	1
Lostock Hall Primary	1
Malbank	1
Park Lane Special School	1
Sandbach Community Primary	1
St Paul's Catholic Primary	1
St. Mary Catholic Primary	1

St. Thomas More Catholic High School	7
St. Vincent's Catholic Primary School	3
Tytherington High School	1
Wheelock Primary	1
Worth Primary	1
Wynbunbury Delves School	3

School to which response refers	No of Pupil / Student Responses
All Hallows Catholic College	1
Alsager High	1
Park Lane Special School	2
South Cheshire College	1
Springfield School	1
St Astbury	1
St Nicholas Catholic High School	10
St. Mary's Crewe	2
St. Thomas More Catholic High School	8
Tytherington High School	1

School to which response refers	Other Responses
All Hallows Catholic College	3
Alsager High	1
Aquinas College Stockport	1
Church Lawton	1
Eaton Bank	1
Greenbank School	1
Hebden Green	1
Reaseheath College	1
Rosebank	1
St Nicholas Catholic High School	5
St Paul's Catholic Primary	1
St. Mary's , Middlewich	1
St. Thomas More Catholic High School	2
St. Vincent's Catholic Primary School	1

Appendix 3

**CHILDREN AND FAMILIES SCRUTINY COMMITTEE 20 JUNE 2011 -
EXTRACT FROM MINUTES**

60 REVIEW OF HOME TO SCHOOL TRANSPORT

Lorraine Butcher, Director of Children's Services, attended to provide a presentation which outlined the main issues in the report on the review of Home to School Transport.

She explained why the proposed changes to transport had been put forward. Firstly attention was drawn to the tight fiscal situation that, in line with the national context, Cheshire East faced. It was made clear therefore that if the requisite savings were not found in discretionary services such as subsidised travel, they would have to be found in other services, potentially impacting vulnerable children and young people.

Lorraine Butcher continued to outline the consultation process, highlighting the significant and wide-ranging response that it had produced. Following the consultation process, the service had drafted a recommended proposal for each affected group. She explained that based directly on the feedback from the consultation, the impact of the original proposals stated in the consultation papers had been considerably reduced. For instance, following the consultation exercise, the amended proposals suggested no changes for transport arrangements for children and young people with specialised needs. Additionally, it was stated that the 'phasing in' of the proposed changes would help maintain continuity of educational setting. It was also noted that the amended proposals would mean that it would take longer to achieve the necessary savings and that this discrepancy would have to be found elsewhere in the budget.

Following the presentation, the Chairman invited visiting Councillors to speak on the item under consideration.

Councillor Sam Corcoran made the following points:

- Had the Council considered the impact on jobs as a result of the proposed changes as parents had to drive their children to school?
- St. Thomas More Catholic High School had not received the full 28 days consultation period.
- Did the figures take into consideration the loss of income for Cheshire East as children stopped using the service during the transition period?

In providing a summary, Councillor Corcoran stated that whilst he welcomed the concession to 'phase in' the proposed changes he was still concerned over the potential of siblings being on split educational sites. He also asserted that Cheshire East needed to address the fundamental issue as to whether the Council intended to continue to support faith schools. He suggested that the Committee could consider recommending to Cabinet an inflation linked charge increase until a number of potential discrepancies were investigated.

Councillor Shirley Jones stated that faith schools were different in their offer to other schools and therefore it was important that parents had the choice available to them. Additionally, she stated that the proposed changes would have a large impact on young people in Cheshire East who wished to follow a vocational path in their

education post 16 but would not be able to due to their local colleges not offering the relevant courses. Councillor Jones expressed her regarding withdrawing the subsidy for school transport and that other alternatives or compromises should be sought.

Councillor Frank Keegan drew attention to a number of faith schools that would be seriously affected in terms of pupil numbers if the proposed changes were made. He stated that ultimately, the proposal was striking at the viability of these schools and that it was vital that Cheshire East made a decision over whether they would continue to support faith schools. He asserted that it was fair for Cheshire East to continue to support faith schools considering the historical financial support they had provided to Cheshire East and previously Cheshire County Council. Councillor Keegan contended that there were a number of unintended consequences of the proposed changes that required further exploration before any recommendation could be endorsed.

In response, Lorraine Butcher answered to a number of the points made by the visiting Councillors.

In terms of the point made regarding the viability of various faith schools, she confirmed that in order to prevent an immediate impact, the proposed changes would be 'phased in' which would allow for school places to adjust.

Regarding the impact that the proposed changes would have on those young people entering post 16 education, she accepted that there would be some significant challenges but that these were not exclusive to Cheshire East but reflective of a wider national issue. She reported that the replacement for the Educational Maintenance Allowance would have provision for transport but that the details of this were not yet fully available.

Members of the Committee made the following points:

- Considering that the proposals appeared to disproportionately affect Faith Schools and that the rationale behind this was based on principal as well as financial reasons, it was suggested that this change of policy required further and wider debate as it was purporting a fundamental change in the relationship between the faith community and Cheshire East. It was asserted that whilst providing transport to faith schools was not statutory, national policy and legislation supported faith schools and parental choice, indicating a subtlety between 'discretionary' and 'statutory' not reflected in the report. It was also contended that faith schools made a significant contribution to subsidising the existing system and that this had not been fully considered in the proposals.
- That in light of the Bollington to Tytherington bus route being removed, the safe route to school plan should be reviewed.
- Whether or not the proposed changes would actually produce the desired savings required. It was suggested that the proposed changes would result in a number of false economies as for instance, pupils could potentially move from being entitled to 'discretionary' to 'statutory' support as their choice of school changed.
- A number of concerns were expressed regarding the impact on those young people entering post 16 education. It was stated that Cheshire East had a responsibility to widen access to education rather than reduce it.

- The use of mosaic modelling was queried as it was stated that for a diverse area such as Cheshire East, it produced a number of unhelpful generalisations.
- It was suggested that areas with faith schools would see a gradual increase in population, further exacerbating traffic and pollution issues.
- It was queried that as Cheshire East provided educational settings for children and young people residing in neighbouring authorities and conversely that some Cheshire East children and young people received their education in neighbouring authorities, was enough being done to work with partner authorities to solve these issues.
- The point was made that parents who did not receive a subsidy were often confused as to why parents whose children went to faith school did. It was stated that in order to prevent ill feeling developing this needed to be communicated more clearly and effectively.
- A concern was raised over the fact that it was the same officers who wrote the consultation documents that subsequently analysed and collated the results. It was also stated that the results of the consultation were misleading on a number of points; in particular the contribution of the two respective dioceses had not been acknowledged.

The Committee then discussed a number of issues including the lack of information and alternatives presented in the report. It was stated that whilst it was understood that not making savings in this area would potentially mean that savings would have to be made elsewhere, it was queried whether these could be found in the wider Council budget or from central government grants that were possibly available rather than from only the Children and Families budget. Members suggested that discussions should be held with schools and colleges themselves over a compromised transport funding arrangement.

It was therefore suggested that it was recommended to Cabinet that the decision be deferred until the above points were satisfactorily resolved. The Chairman reported that there was a timing issue in deferring a decision due to the fact that the admissions booklet provided to all schools needed to be published well in advance of September 2011.

It was suggested therefore that it be recommended to Cabinet that the status quo remain, except for an inflationary 5% rise in parental contributions until 2015/16 academic year whilst simultaneously alternatives were sought for the requisite savings beyond that of the Children and Families Budget.

RESOLVED – That it be recommended to Cabinet:

- a) That the proposals to change the Home to School Transport Policy be not endorsed and that the status quo be maintained subject to annual increases in the parental contribution of 5% up to the 2015/16 academic year.
- b) That the Council's overall Budget be examined further to achieve elsewhere the potential savings identified in the report.

This page is intentionally left blank

Appendix 4

**RESPONSES TO QUESTIONS AND COMMENTS RAISED AT
THE CHILDREN AND FAMILIES SCRUTINY COMMITTEE, 20 JUNE 2011**

The following are questions and comments raised by the Children and Families Scrutiny Committee on 20 June 2011 that are not covered elsewhere in the documents to Cabinet.

QUESTION/COMMENT	RESPONSE
1) Will siblings continue to be eligible for subsidised transport?	The current proposal does not include transitional protection for siblings.
2) The consultation was flawed as it did not give 28 days notice, specifically to St. Thomas More High School, Crewe.	<p>Statutory guidance states that 'Local authorities should consult widely on any changes to their local policies on school travel arrangements, with all interested parties included in the consultations. Consultations should last for at least 28 working days during term time. This period should be extended to take account of any school holidays that may occur during the period of consultation.'</p> <p>The Council ran a public consultation from 25 March to 20 May 2011. This is 57 days, 37 working days or 30 working days during term time for most schools (excluding INSET days). As INSET days are classed as working days, all schools received the 28 days consultation period. St Thomas More took 1 INSET day during this period.</p>
3) Parental choice should be paramount.	The Council supports parental choice through the admissions process. However, to subsidise transport for all parents to their choice of school (where this is not the nearest and eligible for free transport) would be cost prohibitive to the Council.
4) Does 685 pupils include those that go to St Nicholas High School	Yes, there are 685 Cheshire East children who are transported to a number of denominational schools both within and outside of the borough, including St Nicholas High School.
5) Proposals will increase traffic congestion	<p>Having consulted with colleagues in both Cheshire East Transport and Cheshire East Highways, it is accepted that the original proposals would have an impact on "school gate" congestion. Also, from a highways perspective, it is likely that there would be a moderate impact on local roads, but no significant impact on major highways. As the school already exists, there would be no planning issue to consider.</p> <p>However, the revised recommendations mitigate against the need for parents to move children who have already started their education and makes provision to work with</p>

	<p>schools, parents and local transport operators to seek to ensure that there is accessible, full cost recovery and sustainable travel available for pupils attending faith schools. Each school has adopted a school travel plan, along with associated funding from central government, and it would be for each school to decide how best to mitigate the impacts of travel to school arrangements.</p>
6) Have safe routes to school been considered.	<p>Yes, routes to school are regularly assessed to ensure that they are safe. Transport would be provided free of charge for a route deemed not safe following a formal assessment.</p>
7) The full cost of these proposals have not been presented as where existing local schools are full, the Council will have to transport to other local schools at a cost.	<p>The coordinated admission process implemented by the Local Authority provides parents and carers with an opportunity to state three school preferences ranked in order of priority. In the event that more than one school can be offered, a single offer is made for the preference ranked highest on the application form. However, where a school receives more preferences than it has places available in the relevant age group, the agreed oversubscription criteria is applied to determine priority for admission. The Local Authority gives priority for admission to its community and voluntary controlled schools to cared for children, children with medical and social needs which justifies admission to a particular school, to younger siblings of children attending the school in reception through to Year 5 and then to children resident within the school's designated catchment area. For secondary applications, the following criterion is based on attendance at a named feeder school. In all cases, applications that are not within one of these higher criteria will be considered on the basis of a straight line 'distance' measured from the home to school. The oversubscription criteria to other non-community or voluntary controlled schools is determined by the governing body of the school and can therefore vary. Some secondary foundation schools and Academies do not use catchment areas as a level of priority for admission but the majority do give priority to siblings and to children attending named feeder schools.</p> <p>For most schools, residency within the school's designated catchment area provides sufficient priority for a place to be offered through the coordinated application process. For admission in 2011, at allocation there was only Wilmslow High School that could not accommodate all the secondary aged children resident within its catchment area and for reception admissions, there were 18 of the 124 primary schools where this was an issue. Many places are declined by parents and carers through this process and these are then re-allocated to parents of</p>

	<p>children held on a school's waiting list, which is held in criteria order. As an example, the waiting list for Wilmslow High for September now holds the names of only 15 children, all of whom are in the 'distance' criterion compared with 106 at allocation, which included 30 children resident in the school's catchment area. In summary, based on the information available, should parents who would have attended a faith school make an application to their local school in the future, it is likely to be successful in the case of most schools, so long as this is their first preference and their application is submitted on time.</p> <p>Other local authorities who have already made changes to denominational transport have not reported a significant impact on admissions.</p>
8) The decision should be deferred until after Christmas so it can be given proper consideration.	<p>The booklet for prospective parents to choose their school for 2012-13 will be published by September 2011. If information relating to school transport arrangements is not included in this document, then there can be no changes implemented from 2012. This will significantly impact on the savings that can be achieved over the next few years.</p>
9) The finances are confusing in the paper.	<p>A summary of the issues around the variance in pupil numbers and savings has been included in the Cabinet paper. A broad sensitivity analysis has been added showing that changes in the numbers of children and other factors etc by 10% either way could increase or reduce the saving achieved by approximately £300k.</p> <p>The financial evaluation estimates the impact over the forthcoming years, including taking into account the numbers of children leaving in year 11 and year 6, the numbers of children from low income families likely to start in reception and year 7 and the loss of income as those children who pay for their transport leave school. The financial evaluation has not included an allowance for the impact of other factors such as children requiring statutory to their nearest local school in place of a denominational school. Until parents express their choices for their children the impact cannot be calculated or estimated. The impact of such issues will be accommodated with the sensitivity calculations included within the report.</p> <p>Following discussion at Children and Families Scrutiny Committee, the financial information has been further reviewed and verified. Whilst this shows some minor variations it continues to demonstrate that savings of approximately £1m, subject to a sensitivity of +/- £300k should be achieved.</p>

<p>10) Why doesn't the Council use the sustainable transport funding to support discretionary transport?</p>	<p>The sustainable transport funding may be an option for the Council to consider in introducing the phased approach to any changes. The funding is only for 2 years so would only be a temporary measure and this assumes that the sustainable school transport funding should be devoted only for denominational and post-16 travel, thereby disadvantaging all other schools.</p>
<p>11) Why doesn't the Council consider other transport alternatives?</p>	<p>Some of the measures suggested – such as reducing the costs of transport to the council by tendering transport – are already undertaken so savings through changes in this area are likely to be low. There is a proposal within the paper to work with schools, parents and local transport operators to explore local solutions.</p>

Department/Service	Children and Families	Equality Impact Assessment Form Template		
Ref CHI		Officer responsible for the assessment	Fintan Bradley, Head of Strategy, Planning and Performance	
Name of policy procedure function being assessed	<ul style="list-style-type: none"> • Under 16 School Transport Policy • Complex Special Needs Transport Policy • Post-16 Transport Policy 	Start date of assessment	March 2011	
Are there any other policies or procedures associated or linked with this one.		<ul style="list-style-type: none"> • School Admissions policy • Special Educational Needs policy • Local Transport Plan 		
Briefly describe the aims, objectives and outcomes of the policy / procedure / function		<p>The main objective of the school transport policies are to ensure that statutory obligations for Home to School Transport are met.</p> <p>There are currently 3 separate school transport policies:</p> <ul style="list-style-type: none"> • Under 16 • Post-16 • Complex and special needs <p>These policies aim to ensure that pupils travel in a safe, secure and comfortable environment, so as to arrive at school (or their destination) on time and ready to learn.</p> <p>The policies set out what the local authority will and will not provide in terms of school transport based on identified criteria. The policies identify those pupils entitled to free or subsidised school transport.</p> <p>The proposed changes have been developed in response to the tight financial framework within which Councils are operating and the need to make savings. This has resulted in the need to review all discretionary transport.</p>		

Who is intended to benefit from this policy –procedure – function?	The main users of this policy are children and young people attending denominational schools and post-16 young people (including those with complex needs) attending schools and colleges.
What factors could contribute to or detract from the outcomes?	The results of the public consultation on the proposed changes have impacted on the proposed policy changes.
Who are the main stakeholders in relation to the policy – procedure- function? (Please consider key equality groups)	<p>The main groups affected by the changes in policy are:</p> <ul style="list-style-type: none"> - Children and young people attending denominational schools, - Post-16 mainstream pupils who use school transport to attend school/college - Post-16 complex and special needs pupils who use school transport to attend school/college - Parents of children and young people attending denominational schools and post-16 provision - Headteachers, governors and staff of denominational schools - Managers, and staff of Colleges and other post-16 provision - Neighbouring local authorities - Transport operators
Who is responsible for the policy – procedure – function?	<p>Cheshire East Children and Families Service is responsible for setting the policy, allocating the budget and commissioning the service</p> <p>Cheshire East Transport delivers transport services.</p>
<p>To take us forward in:</p> <p>(a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;</p> <p>(b) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>(c) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it</p>	

Please indentify any impact (Positive / Negative) this policy, procedure, function or service will have on the following protected characteristics:			
Age - Is there an impact?	Yes	No	Comments/Actions:
	√		<p>This policy change will impact on school and college age children, in particular on under 16s who attend denominational schools and over 16s (including those with complex needs) who attend school and college and use Cheshire East transport to get there.</p> <p>Under 16s There are currently 685 under 16s accessing denominational transport. This represents 1.37% of the 5-16 school population. Of these, 224 currently pay for transport and so would be directly affected by the policy change. The breakdown by year group is set out below, along with the numbers within each year group who pay for transport and so would be most affected by the proposed policy change. This trend shows an overall reduction in demand over time for council transport. There is a corresponding increase in the number who pay as those pupils who qualify for free transport under the previous policy are phased out.</p> <p>Y11 – 114 pupils (0 pay) Y10 – 104 pupils (2 pay) Y9 - 89 pupils (65 pay) Y8 - 90 pupils (63 pay) Y7 -96 pupils (64 pay) Y6 - 40 pupils (4 pay) Y5 - 38 pupils (1 pays) Y4 - 39 pupils (2 pay) Y3 – 27 pupils (1 pays) Y2 - 13 pupils (6 pay) Y1 - 14 pupils (10 pay) Reception – 9 pupils (6 pay) Year group unknown – 12 pupils</p>

			<p>Post 16 Mainstream</p> <p>There are currently 1003 post-16 pupils accessing transport under this policy that would be affected. Of these, approximately 36% or 361 pupils get free transport, leaving approximately 64% or 642 who pay for transport, so are most likely to be affected by these proposals. The breakdown in year groups is as follows:</p> <p>Y13 – 612 students Y12 – 391 students</p> <p>Out of the 1003 pupils, 79 attend a denominational sixth form.</p> <p>Post -16 Complex needs</p> <p>There are currently 167 pupils accessing post-16 SEN transport who would be affected by this policy.</p> <p><u>Next steps</u></p> <p>Recommendations to Cabinet</p> <p>a) From September 2011 raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation.</p> <p>b) From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education and Inspections Act 2006.</p> <p>c) Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.</p>
--	--	--	---

			<p>d) From September 2011 raise parental contribution for post-16 mainstream transport from £415 to £436 per annum, this reflects the current rate 5% inflation.</p> <p>e) From September 2012 withdraw post-16 mainstream transport completely for all new entrants.</p> <p>f) Remove the proposal to charge for post-16 transport for students with special and complex needs</p>
Carers – Is there an impact?	<p>Yes</p> <p>√</p>	No	<p>Comments/Actions:</p> <p>Parents/carers of the 167 children and young people with complex and special needs will be affected by part of this policy</p> <p><u>Results of the consultation</u></p> <p>Of the 909 responses to the consultation questionnaire, 152 responded to say that they had caring responsibilities. A significant number of these respondents had children with complex needs who were in receipt of free transport. A number of these parents expressed the view that the proposed policy of charging for post-16 complex needs would limit the choice for their child and put more pressure of them as carers in terms of time, money and organisation. The importance of safe and reliable transport for their children was stressed by many respondees.</p> <p><u>Next steps</u></p> <p>Recommendation to Cabinet</p> <ul style="list-style-type: none"> Remove the proposal to charge for post-16 transport for students with special and complex needs
Disability - Is there an impact?	Yes	No	Comments/Actions:

	√		<p>This policy will impact on the 167 children with complex needs.</p> <p><u>Results of the consultation</u></p> <p>Of the 909 responses to the consultation questionnaires, 24 stated that they considered themselves disabled. 6 of these were pupils attending special schools and 20 were parents/carers. The issues raised were the same as above, expressing concern that the proposed changes would limit or even remove choice for disabled children.</p> <p>For all other children with a disability, they would continue to be entitled to transport under the Complex and Special Needs policy so there is no immediate impact on that group.</p> <p><u>Next steps</u></p> <p>Recommendation to Cabinet</p> <ul style="list-style-type: none"> Remove the proposal to charge for post-16 transport for students with special and complex needs
Gender (Including pregnancy and Maternity, Marriage)?	Yes	No √	<p>Comments/Actions:</p> <p>This policy is not expected to impact significantly on gender.</p>
Gypsies & Travellers - Is there an impact?	Yes √	No	<p>Comments/Actions:</p> <p>The proposed changes to denominational transport could possibly impact on gypsies and travellers as some attend the Catholic schools within Cheshire East.</p>

			<p><u>Results of the consultation</u></p> <p>Of the 909 responses to the consultation questionnaire, 3 stated that they belonged to the gypsy/traveller community. None of these stated that they were parents/carers or pupils at relevant schools, so arguably the views of this group were not properly represented through the questionnaire. However, the views of those attending or proposing to attend denominational schools are well represented and it is expected that the issues for this group will be included in the response under religion and belief.</p>
Race – Is there an impact?	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments/Actions:</p> <p>The proposed changes to denominational transport may have an impact on the Polish community who are predominantly at Catholic schools.</p> <p>Action – translate key documents into Polish</p> <p><u>Results of the consultation</u></p> <p>With regard to ethnicity of respondents, the vast majority (91%) were ‘white British’, with a small number of ‘white Irish’ and ‘other white’ backgrounds, of which 9 state their ethnicity as being Polish. A very small number of responses were from people of mixed or Asian backgrounds. The views of those attending or proposing to attend denominational schools are well represented and it is expected that the issues for this group will be included in the response under religion and belief.</p>
Religion & Belief- Is there an Impact?	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments/Actions:</p> <p>The current under 16 transport policy offers home to school transport to denominational schools where the parent or child adheres to the religion or denomination of that particular school. This is offered free to those on low incomes and is significantly subsidised for others. The proposal to increase the charge for transport from September 2011 and to withdraw subsidised transport from September 2012 is likely to impact on the families who wish to</p>

		<p>attend denominational schools.</p> <p>Out of the 145 primary, secondary and academy schools in Cheshire East, 43, or nearly 30%, are faith schools, which cater for pupils from Catholic and Church of England backgrounds. The total number of pupils attending faith schools is 8469, which equates to 18% of the total pupils on roll at Cheshire east maintained schools. In addition, some Cheshire East pupils travel to faith schools within neighbouring authorities. Most are transported to St Nicholas High School, Northwich. 253 pupils used school transport to St Nicholas High in 2010-11.</p> <p>Only one faith school caters for post 16 education. It is a catholic college and has a sixth form with 204 pupils on roll (based on January 2011). This equates to 7% of the total post 16 pupils in school.</p> <p>Whilst the Council has due regard to parents preference to send their children to faith schools, the intention of the future school transport policy is to bring about equality and align with fair access by providing a statutory only school transport policy, where there is no additional benefit in terms of transport provision or funding to either faith schools, or through routes running to specific schools, but not others.</p> <p>The proposed recommendations to Cabinet discharge the Council's wider obligation to promote equality of opportunity and avoid discrimination.</p> <p>Having noted the above, Officers will work with schools most impacted, particularly with the individual faith groups, to support them in offering capacity building, to enable them to procure their own transport arrangements.</p> <p><u>Results of the consultation</u></p> <p>A significant number of responses to the consultation questionnaire came from individuals with a religion or belief. 287 or 53% were from Roman Catholics, 156 or 29% from Christian (Church of England and Protestant) and over 5% from other religions. Only 65 or 12% of respondents said they had no religion.</p>
--	--	--

There was a widespread perception from respondents, particularly on the part of the Roman Catholic community, that these proposals discriminate against members of the Roman Catholic faith. In practice, however, those parents in Cheshire East selecting a school on the grounds of their denomination (currently Roman Catholic and Church of England) currently access transport at a subsidised rate even when this is not the nearest to their home. Other parents choosing schools other than the one nearest to their home on other grounds such as educational standards, specialisation etc. currently have to pay the full cost. This means that there are children attending denominational schools whose parents are paying the full cost of transport, because the school was chosen on grounds other than its denomination. In practice, therefore, the current policy discriminates positively in favour of parents who request that their children attend schools on denominational grounds.

Next steps

Recommendations to Cabinet

- From September 2011 raise parental contribution for denominational transport from £299 to £314 per annum this reflects the current rate of 5% inflation (ie, a reduced increase for 2011-12)
- From September 2012 withdraw transport to faith primary and secondary schools completely for all new entrants, except for those pupils who would remain 'eligible' for free transport to a faith secondary school under the Education and Inspections Act 2006 (this would ensure that those pupils currently in schools are not impacted by the proposals)
- Supporting the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools

Sexual Orientation -Is there an impact?	Yes	No √	Comments/Actions: This policy is not expected to have a significant impact on sexual orientation.
Transgender - Is there an impact?	Yes	No √	Comments/Actions: This policy is not expected to have a significant impact on transgender.
Other socio-economic disadvantaged groups (including white individuals, families and communities) Is there an impact?	Yes √	No	<p>Comments/Actions:</p> <p>This policy will not impact on low income families in receipt of free school meals as they will continue to receive free transport. However, there may be some families who do not qualify for free transport but who will find the increase in charges and subsequent withdrawal of transport has an impact on them.</p> <p><u>Results of the consultation</u></p> <p>An analysis of the postcodes of respondents using MOSAIC (a system for classifying UK households) provides an indication of the social groupings of the respondents. The MOSAIC group chosen for each respondent is the most typical one for their postcode, and while we do not know if this is accurate in each case, we can gain a general picture. However, respondents appeared to be mainly from the more affluent groups. A large proportion, 31% of respondents, were from high-income groups C and D, compared to only 24% of Cheshire East's overall population. Middle-income families (groups E and F) are also strongly represented, with 33.4% of respondents from these groups, compared to only 20% of Cheshire East's overall population. Only 9.6% of respondents are from the lower-income groups (I, J and K), compared to 21% of Cheshire East's overall population. It may be reasonable to conclude that respondents to this survey are generally more affluent than the average Cheshire East resident.</p>

			<p><u>Next steps</u></p> <p>The recommendations to Cabinet take account of the need to reduce the impact on low income families by phasing in changes, maintaining free transport for complex needs students and the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.</p>
Please give details of any other potential impacts of this policy (i.e. Poverty & deprivation, community cohesion, environmental)	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments/Actions:</p> <p><u>Next steps</u></p> <p>Recommendation to Cabinet</p> <ul style="list-style-type: none"> Cabinet supports the commitment to work with schools, parents and local transport operators to seek to ensure that accessible, full cost recovery and sustainable travel continues to be available for pupils attending faith schools.
Could the impact constitute unlawful discrimination in relation to any of the Equality Duties	<p>Yes</p>	<p>No</p> <p>√</p>	<p>Comments:</p> <p>Legal advice is that the proposals are not unlawful. Many local authorities have already implemented similar proposals. Although the policy will not unlawfully discriminate, it may have a less favourable impact upon those groups currently receiving free or subsidised transport through the Councils school transport policies. However, the policy proposals would see each student treated equally in future, once the policy is fully implemented.</p>
Does this policy – procedure – function have any effect on good relations between the council and the community	<p>Yes</p> <p>√</p>	<p>No</p>	<p>Comments:</p> <p>This original proposal would be likely to have a negative impact on relations, particularly with parents/carers of pupils attending or planning to attend a denominational school or post-16 provision. The proposed recommendations to Cabinet take into account the issues raised by interested parties through the</p>

			consultation and take steps to mitigate these.
Do you require further data/information/intelligence to support decision making?	Yes √	No	Comments: A public consultation took place between 25 th March and 20 th May to establish the full impact of the proposed changes on the protected characteristic groups. 909 questionnaires were received and the results from these have been included in this impact assessment.
Please specify any question(s)/issues/concerns/actions identified as a result the assessment. What needs to be done?			Comments <ul style="list-style-type: none"> • Full impact on protected characteristic groups has been gathered through a consultation process • Cabinet to consider issues and recommendations arising from consultation

Data Methods/Collection to Support Decision Making		
Please indicate what methods of research, information and intelligence will be/have been used e.g. consultation, reports, comparisons with similar organisations	Internally Local Transport Plan consultation results Pre-budget report consultation Proposed consultation to take place between 25 March 2011 – 20 May 2011 Data analysis – School Census information	Externally Local Transport Plan consultation results Pre-budget report consultation Proposed consultation to take place between 25 March 2011 – 20 May 2011 Comparison with other local authority school transport policies
Please state who will be/who was involved/engaged/consulted	Internal (Staff/Members/Service/Dept)	External (stakeholders/service users/partners)

	<ul style="list-style-type: none"> • Cheshire East Transport • Education services • SEN Assessment and monitoring • SEN Advisors • Parent Partnership Service • Performance, Information & Monitoring Team • School Admissions Team • Legal Team • Finance Team • School Organisation Team 	<ul style="list-style-type: none"> • Headteachers, governors and staff at all academies, primary, secondary and special schools • All parents/carers at schools/colleges in Cheshire East • Managers and staff of post-16 providers • Neighbouring authorities
Please indicate any significant expected costs & resource requirements for completing the data collection	<p>Printing costs of:</p> <ul style="list-style-type: none"> • proposal document • Frequently asked questions • Questionnaire <p>Translation costs – documents from English to Polish</p> <p>Drop-in sessions – venue costs</p> <p>Analysis of consultation feedback – staff time</p>	

Equalities Impact Assessment (EIA) Action Plan: Making Changes

REF	Action	Responsible Person/s	Action Deadline	Tasks	Progress

Please state the date the policy/procedure/function will be reassessed? (generally 1-3 yrs)			Comments/Date: As the policy is introduced – over next 7 years – it will be regularly reviewed		

Signed (Service Manager) Date.....

Signed (Head of Section) Date.....

Once you have completed this section please email it to the Equality and Inclusion Team. The Equality and Inclusion Team will convene a quarterly meeting of the Fairness and Inclusion Group (FIG) who will quality check our EIA's to ensure we have considered everyone. We plan to send approximately 2-5% of our completed EIAs Forms to the (FIG).

Quarterly Progress and monitoring

REF	Action	Progress	Completed

Once you have completed your progress report, please email it to the Equality and Inclusion Team. Make a copy of the progress report template so you can present an update in three months time.

Once you have completed your quarterly progress report, please email it to the Equality and Inclusion Team
Measuring Impact & Reporting

Ref	Action	Impact	Outcome	Review Date
	The changes that you have made to remove the gaps you have Identified (simply cut and paste these from the action plan).	What has been the overall impact of making the particular changes? (could include wider community involvement in policy development or	What are the concrete results of having changed your policy or service? Could include improved service use, reductions in complaints or increased satisfaction. These will be based on detailed data and should	

		greater use of service by diverse communities).	outline how the changes have brought about improvements for different communities and groups	
--	--	---	--	--

Once you have completed your impact report, please email it to the Equality and Inclusion Team. The Equality and Inclusion Team will prepare an annual report for Corporate Management Team and Cabinet on our progress.

This page is intentionally left blank

CHESHIRE EAST SCHOOL/COLLEGE TRANSPORT CONSULTATION - KEY ISSUES AND RESPONSE AS AT MAY 2011

The following sets out some of the key issues emerging from the initial feedback to Cheshire East Council's consultation on proposed changes to home to school/college transport. This is not an exhaustive list of issues raised and this document will be developed further once the full analysis of feedback is complete.

ISSUE	INITIAL RESPONSE
CONSULTATION PROCESS	
1. The process for consultation was inadequate	<p>Guidance suggests that consultations should last for at least 28 working days during term time. The school transport consultation was first published on the Council's website on 25th March and ran for 57 days to 20th May, ie, 37 working days or 30 working days during school term time (taking into account school and bank holidays).</p> <p>Information was publicised through schools/colleges (schools were first informed via the Schools Bulletin on 23/3/11), the Council website and local newspapers. Other key stakeholders (including other local authorities) have been contacted via email and presentations have been made at key meetings.</p> <p>Engagement with the process has been monitored through attendance at public drop-in events, completion of online and hard copy questionnaires, web hits and emails to a dedicated email address. Given this information, the Council's Cabinet will make a decision as to whether the consultation has been sufficient or whether further consultation is required.</p>
2. This is not a true consultation as decisions have already been made	<p>This is a genuine consultation, the purpose of which is to establish the impact of a number of proposed changes to school transport across Cheshire East. A comprehensive report of the consultation responses will be presented to the Council's Cabinet who will make a decision on next steps.</p>

3. Parent/carers should have been mailed direct not via schools/colleges	The cost of sending a letter to every parent/carer in Cheshire East with children under the age of 18 years old in postage, paper and envelopes alone would be in excess of £50,000. This would be a very costly approach that could leave the Council open to criticism at a time when budgets are being cut.
4. Proposals are not clear	Some consultees asked for clarification around the proposals to withdraw subsidised transport for post-16 and denominational pupils from 2012 as they did not feel that this is explicit in the consultation document, ie, whether this means all parents who pay for transport will need to pay the full price or whether this means the removal of any transport for this group. An email was sent to all schools to ask them to clarify this with their parents/carers. In addition, a number of emails and letters were received and responded to clarifying the proposals. Stakeholders attending the drop-in sessions had the opportunity to discuss the proposals at length with officers.
IMPACT ON CHILDREN AND YOUNG PEOPLE	
5. Disruption to children already in certain schools/colleges	The impact of the proposals on existing pupils will need to be considered and the Council is considering whether transitional protection arrangements should be put in place.
6. It is not safe for children to use public transport	A number of children and young people travel to school using public transport on a daily basis across the country and this is reflected in Cheshire East. In 2009/10, method of travel data found that 47.1% of school attendees travelled on foot, a third (33.6%) travelled by car and 14.7% travel by public transport. Younger children (aged 5 to 10) were more likely to travel by car, whilst children aged 10-15 were more likely to travel by public transport or walk. There are no grounds to assert that a child accompanied as necessary will find it unsafe to use public transport.
7. Children and young people are worried that they may need to move school as this would affect their friendships, schooling etc	This response came from young people who were concerned that they may have to move school. The impact on children and young people has been a key concern in implementing proposals and arrangements have been put in place to mitigate this.

IMPACT ON PARENTS/CARERS AND THEIR FAMILIES

<p>8. Public transport is not in place to support routes to school/college if the Council withdraws transport, in particular in rural areas.</p>	<p>The council supports a number of public transport routes, spending over £2m a year and this supports over 2.2 million passenger journeys. However, this funding must be prioritised, and the mechanism for doing so is the Council's adopted local transport plan and associated strategies. Since bus services in rural areas are significantly more expensive per passenger, and the usage of them is low, it is unlikely that additional public transport services other than those already in place will be made available in the foreseeable future. However, Cheshire East Transport is committed to working with parents, schools, colleges and Diocesan representatives to consider suitable alternatives.</p>
<p>9. Impact on parental choice</p>	<p>As part of the consultation, the questionnaire asks parents 'Will any of the proposed changes affect your current/future choice of school?' This will help to establish impact on parental choice and school admissions. Further work is required to analyse this information. If required, the Council will work with schools/colleges and other providers to broker suitable transport arrangements for parents/carers or consider whether transitional protection arrangements should be put in place.</p>
<p>10. Changes in September 2011 and 2012 does not give enough notice to families</p>	<p>This issue will need to be considered by Members in the light of the budgetary issues faced.</p>
<p>11. Financial burden, in particular for larger families and those just above income threshold</p>	<p>Free transport will continue to be provided for those families on low income and the assessment of benefits takes into account family size. However, we know that these proposals will put financial pressure on some families, particularly those who are close to the threshold for free transport. This issue will need to be considered by Members.</p>
<p>12. Language barrier to engaging with the consultation</p>	<p>As many consultees interested in denominational transport do not speak English, the Council arranged for the key documents to be translated into Polish. We are not aware of any other language barriers.</p>
<p>13. Parents may have to split siblings</p>	<p>Final proposals have taken into account family arrangements.</p>

IMPACT ON SCHOOLS/COLLEGES

14. If parents chose to move their children, it could impact on school numbers	If current transport arrangements change, some parent/carers may feel that they need to move their children from their existing school/college to one which is more convenient to access. If this happens, demand for places at some faith schools and colleges may fall. Alongside this, demand at local schools and colleges could increase and this may put pressure on already over-subscribed schools. This has been taken into account in the revised proposals.
--	--

IMPACT ON FINANCIAL POSITION

15. Parents paying towards transport to denominational schools who chose to change to their nearest school may be entitled to free transport if local schools are full	There are some areas within Cheshire East where local schools are at or close to capacity and would be unable to accommodate significant numbers of children if parents changed their choice of school. However, the revised proposals mitigate this, and it is not considered to present a barrier to adoption of the revised proposals.
--	---

IMPACT ON THE ENVIRONMENT

16. There will be a negative effect on the environment if parents choose to use their cars to transport their children to school	Some parents are saying that they would have to move their children to other schools, whereas others would choose to use public transport or transport children in their cars. The majority of Cheshire East children walk to school. However a significant number use their cars. The Council has a duty to promote the use of sustainable travel and transport and encourages this through School Travel Plans. Each school has a plan that sets out how they will encourage the use of sustainable travel by staff, pupils and visitors. The Council will continue to work with schools to develop sustainable travel plans and to explore alternative options for parents who would chose to use their cars. A full equality impact assessment has been completed on the proposed changes.
--	--

<p>17. Particular areas of congestion were identified by stakeholders that could impact on residents, carbon emissions, safety of children</p>	<p>There is likely to be an impact on local residents at particular congestion “hotspots” should parents decide to transport their children by private motor vehicle. Set against this is the fact that each school in Cheshire East has been assisted to produce a school travel plan, and funding from central government was made available to each school to implement such plans.</p> <p>In terms of carbon emissions, the impact is not expected to have a substantial adverse impact. Some children will use non-motorised means of getting to school; others will carshare. In terms of emissions per passenger kilometre, two occupants in a small car emit only half the carbon dioxide as average bus occupancy.</p> <p>Finally, it is not expected that any changes to transport would have a seriously detrimental impact on road safety. There is no proposal to change the Council’s policy on hazardous routes for children travelling to school.</p>
<p>DENOMINATIONAL ISSUES</p>	
<p>18. Religious discrimination</p>	<p>Current legislation does not place a duty on the local authority to provide transport to help children attend denominational schools where that school is not the nearest school, or the local authority determines that suitable education can be provided at a nearer school. The local authority has discretionary powers under which it may provide transport assistance having considered all the circumstances.</p> <p>The Council has a duty to consult on changes to school transport and not others. Transport for denominational and post-16 pupils is discretionary, ie, the Council can choose whether or not to make provision. The proposal to withdraw transport to denominational schools brings the provision in line with other residents of Cheshire East, ie, parents/carers who make a choice to send their child to a school that is not their nearest qualifying school would need to fund transport themselves if they did not meet the eligibility criteria for free transport.</p> <p>The proposals, if approved, would not mean that parents who chose a school on the grounds of religious belief would be treated any less favourably than other parents. A number of local authorities are currently consulting on similar proposals, including Cheshire West and Chester, and a substantial number of local authorities have already withdrawn all provision on denominational grounds.</p>

<p>19. Parent's have a right to practice their faith</p>	<p>Parents have the right to express a preference for a place at a particular school and admission authorities must comply with that expression wherever possible. Cheshire East parents will continue to have the right to express a preference for a place at a faith school and schools can continue to make these children a priority. However, there is no automatic or legal right to transport. With the need to reduce its spend, the Council must look to discretionary services such as certain areas of transport. Cheshire East parents with a particular faith would not be disadvantaged any more than other person in the county who is losing a service due to budget reductions as a consequence of the fiscal deficit.</p>
<p>20. Proposals go against human rights legislation</p>	<p>Article 2 of the First Protocol of the European Court of Human Rights provides that:</p> <p><i>No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.</i></p> <p>Human Rights legislation therefore gives parents the right to make sure that their religious beliefs are considered in the provision of education.</p> <p>However, when ratifying, the UK entered the following reservation:</p> <p><i>In view of certain provisions of the Education Act enforced in the United Kingdom, the principle affirmed in the second sentence of Article 2 is accepted by the United Kingdom only so far as it is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.</i></p> <p>The legislation does not therefore guarantee parents a place for their child at a specific school and allows local authorities to make decisions about a right and justifiable balance between the provision of education and reasonable public expenditure.</p> <p>A number of local authorities have implemented similar proposals.</p>

POST-16 MAINSTREAM	
21. Impact on post-16 numbers at a time when the government is encouraging more education and training	The Council will continue to monitor the proposals on post-16 take up to see whether this will impact on post-16 choice and the decision on whether or not young people continue into further education.
22. There is no 6th form in Middlewich, so this town is at a disadvantage	Provision of post-16 education is available in nearby towns, some of which falls within the border of Cheshire East, and some of which falls outside. Parental/student preference is not confined to local authority administrative boundaries.
POST-16 COMPLEX AND SEN	
23. Concern around transport provider	The main concern from parents of children and young people with complex and special educational needs is around <u>who</u> is transporting their children. Most parents/carers would like to maintain the existing transport arrangements, but these do not form part of this consultation.
24. Unfair as no alternative options for these children	This is true for some children, ie that they cannot use public transport or cycle to school and this leaves them at a disadvantage and this issue has been considered. There are others who, with independent travel training, have successfully made this transition.
25. Legality of proposal, ie, charging for post-16 children with statements	There is some concern around whether it is legal for the Council to charge for transport where a child has a statement. S139A of The Learning and Skills Act 2000 says that the local authority must assess someone for whom they maintain a statement of Special Educational Needs in their last year of compulsory education and up to the age of 25 where they believe the person will go on to receive post 16 education, training or higher education. The assessment must be of their learning difficulty and result in a written report which identifies their educational/training needs and the provision required to meet them. This means is that if transport is identified as “provision” which is necessary to meet their educational need, then it must be provided. It is not mandatory to provide transport in all cases – it is dependent on need.

OTHER ISSUES/IMPACT	
Explore other options to reduce costs including: <ul style="list-style-type: none"> • Review contributions from parents re pre-2008 agreement • Stop corporate lunches • Review contracts to get best price • Put bus services to tender • Make admin more effective • Abolish free bus passes for pensioners who do not use them 	<p>The council has a robust tendering regime to ensure that transport is provided at best value for the tax payer. Public transport service must be tendered regularly by law, and the council regularly reviews and, if necessary, re-plans transport to make most effective use of the scarce resources available. Cheshire East Transport has reduced its operating costs year on year. In terms of free bus passes for pensioners, the law states that so long as the qualifying criteria are met, a resident is entitled to a bus pass. The council only reimburses bus companies when the pass is used, so incurs no additional costs of the pass is not used. The other issues have been considered in formulating revised proposals.</p>
26. Why not wait to see what the coalition government's plans are for school transport?	<p>On 13 December 2010, Michael Gove, Secretary of State for Education, wrote to all local authorities and schools concerning the two year funding allocations for local government and maintained schools. The letter highlighted that the government wants 'all families to be able to choose the right school for their child and area, therefore, reviewing home to school transport so that we can better meet the needs of not only disadvantaged families, but all families, ensuring transport is properly targeted to those that need it most'. A number of local authorities have since consulted on removing discretionary transport, as there is no further information on what the government plans may be. In the meantime, Councils must reduce their financial commitments. At a recent meeting held by Central Government to outline their proposed review - attended by Cheshire East Council representatives – it is clear that central government have no intention of mandating any change to the existing statutes on entitlement to transport.</p>
27. Council should follow Suffolk's example and use sustainable transport funding to maintain provision	<p>The sustainable transport funding has been considered in formulating revised proposals. The funding is only for 2 years so would only be a temporary measure.</p>
28. Middlewich is disadvantaged as no station	<p>The council is considering a feasibility study of investment in Middlewich and the associated rail infrastructure. However, current estimates place this investment at over £2m, and it is unlikely that school travel alone would justify this level of investment.</p>

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 4 July 2011

Report of: Strategic Director – Places, Borough Treasurer and Head of Assets

Subject/Title: Compulsory purchase of land to facilitate the Crewe Green Link Road South.

Portfolio Holder: Councillors Jamie Macrae and Peter Mason

1.0 Report Summary

- 1.1 The purpose of this report is to recommend the Cabinet formally resolve to use the Councils Compulsory Purchase powers to enable the acquisition of land to facilitate the Crewe Green Link Road South and to secure funding for the scheme from the Department for Transport (DfT)

2.0 Decision Requested

- 2.1 To approve the use of the Councils Compulsory Purchase Powers to undertake the acquisition of land required for the scheme between the A500 roundabout and the A5020 Weston Gate roundabout.
- 2.2 An Order being made under Sections 239, 240, 246, 250 and 327 of the Highways Act 1980 for the compulsory purchase of land and rights required for the construction of Crewe Green Link Road South as shown on drawing No: PC/12043/09/24 D/A
- 2.3 That within the indicative land take identified on the drawing in 2.2 above, the detailed extent of land required by the CPO process is determined and authorised by the Head of Regeneration.
- 2.4 The order be submitted to the Secretary of State for confirmation
- 2.5 The Borough Solicitor be authorised:
 - 2.5.1 To take all necessary action to secure the making, confirmation and implementation of the Order including the publication and service of all relevant notices including the presentation of the Council's case at any public inquiry; and

- 2.5.2 To approve terms in consultation with the Strategic Director Places and Assets Manager for the acquisition of legal interests (including new rights) including those for the purposes of resolving any objection to the CPO.
- 2.6. Note that in the meantime continuing efforts are being made to acquire the land by agreement to enable the Crewe Green Link Road to be progressed

3.0 Reasons for Recommendations

- 3.1 The acquisition of this land enables the Council to proceed with the development and delivery of the Crewe Green Link Road (South). This is a vital new road connection as it provides a key strategic transport link to relieve congestion, safety and air quality issues in Crewe and provides access to the Basford East Regional Investment Site and an alternative route to Crewe Railway Station.
- 3.2 The completion of this road supports one of the Council's key priorities, Crewe Vision, and will support the emerging planning and economic development strategies, both of which place significant importance on the delivering our vision for Crewe.
- 3.3 As part of the major scheme business case for the scheme submitted to the DfT, an exercise was undertaken that examined proceeding with the development aspirations for Crewe without completing the full link road. This concluded that the capacity of the existing road network could not support any further significant development, which would neither meet the planning and economic development strategies nor deliver the wider transport benefits.
- 3.4 The land required to deliver this scheme is owned by the following parties:
- A) The Duchy of Lancaster
 - B) Network Rail
 - C) Private individual (Mr & Mrs Whitby)
 - D) Co-operative Plc - *Developer land*
 - E) Prologis - *Developer land*
 - F) Private individual (Mr Whitter) *Developer land*.
- 3.5 The Duchy of Lancaster generally has Crown Immunity from compulsory purchase legislation and so an acquisition by agreement is vital to deliver the scheme. Other landowners detailed in 3.4 have no such immunity from CPO legislation.
- 3.6 In recognition of their unique position, On 1st November 2010, the Cabinet Member for Procurement, Assets and Shared Services resolved that *the land located off Weston Gate Roundabout in Crewe, as referred to in the report, be acquired from the Duchy of Lancaster on terms and conditions to be determined by the Head of Regeneration, Assets Manager and Borough Solicitor.*

- 3.7 Negotiations with the Duchy for the acquisition of the above land were undertaken. Heads of terms have been agreed subject to one final point and the Duchy has instructed or will shortly instruct solicitors' so the matter is proceeding towards completion.
- 3.8 Discussions with other land owners, Mr Whitby and Network Rail have been on-going since November 2009 but have reached an impasse with limited prospect of agreeing the terms of acquisition through private treaty. Consequently there is a need for the Council to instigate the use of its Compulsory Purchase Powers to acquire the said land.
- 3.9 Discussions with the three developers have indicated their willingness to cede the land required for the road to the highway authority for a peppercorn transaction reflecting the potential development opportunity the road brings. However, in order to be able to demonstrate that all necessary land can be assembled for the scheme delivery, and as at this stage no formal agreement to this effect has been reached, it is considered prudent at this stage to include the three developers in the formal CPO action.
- 3.10 In addition to facilitating the eventual delivery of this scheme, initiating the CPO process over the entire land holding that is required to implement that scheme offers a 'security' and 'backstop' position in evidencing the deliverability of this scheme to the DfT
- 3.11 The Council has the requisite powers under Sections 239, 240, 246, 250 and 327 of the Highways Act 1980 for the compulsory purchase of land and rights required. Section 239(1) provides that a highway authority may acquire land required for the construction of a highway which is to be a highway maintainable at the public expense and Section 239(3) allows a highway authority to acquire land for the improvement of a highway being an improvement which the authority is authorised to make under the Act
- 3.12 The powers of compulsory purchase in this section are subject to the distance limits set out in Section 249 and Schedule 18 of the Act
- 3.13 In considering whether to confirm a CPO the Secretary of State will need to be convinced that there is an compelling case in the public interest for compulsory acquisition as the use of such powers are to be considered a matter of last resort. Members should reach a similar decision before authorising its making on the balance of the information contained in this report.
- 3.14 In particular members will have consideration to the issues set out in this section of the report, the policy implications set out in Section 6 and the legal implications in Section 8.
- 3.15 If members are satisfied that compulsory powers are necessary on the facts then they are entitled to authorise the making of a Compulsory Purchase Order

4.0 Wards Affected

4.1 Haslington and Crewe East

5.0 Local Ward Members

5.1 Cllr John Hammond, Cllr David Marren, Cllr Margaret Martin, Cllr David Newton, Cllr Chris Thorley

**6.0 Policy Implications including - Carbon reduction
- Health**

6.1 The completion of Crewe Green Link Road will provide traffic relief to one of the busiest road corridors in the Borough, the A534 in Crewe. This relief will:

- Reduce congestion and therefore carbon from transport use benefiting climate change
- Reduce vehicular exhaust emissions in an air quality management area, therefore benefiting health
- Make walking and cycling more attractive supporting wider health benefits from physical activity

The completion of Crewe Green Link Road is a fundamental part of delivering the council's LDF aspirations for Crewe.

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 It is very difficult to estimate the costs associated with the CPO process due to the number of third party variables over which the Council has no control. On the basis that there is likely to be a Public Inquiry, costs are likely to range between £75,000 and £150,000. This estimate of costs would cover surveyors /solicitors / barristers / land referencers fees but does not cover any references to the Lands Tribunal in respect of compensation. The lower cost estimate assumes that elements of the CPO process are undertaken in-house.

7.2 The costs for preparation of the CPO in the 2011/12 financial year can be met through the LTP resources already approved for this scheme. Beyond this the preparation costs will be included in the bid for funding from the DfT. However, should the 'Final Approval' bid be unsuccessful the council would be liable for meeting these sunk costs from the revenue account.

7.3 The costs for the land acquisition / compensation costs whether through the CPO process or by negotiation will be included in the overall funding bid for the Crewe Green Link Road Scheme.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Council should use a specific power of compulsory purchase where available rather than a more general power. It is possible that the Council could use those powers contained in the Town & Country Planning Act 1990 in respect of the general economic well being of the area but, as this is a highways issue, the Highways Act powers are appropriate.
- 8.2 It has been pointed out that the use of compulsory purchase powers should be considered as a matter of last resort and that a compelling case in the public interest must be made out. Members are advised that acquisition by negotiation should continue and that the making of a resolution or indeed the CPO itself does not require that these be discontinued. Circular 06/2004 states:

“Before embarking on compulsory purchase and throughout the preparation and procedural stages, an acquiring authority should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the time which needs to be allowed to complete the compulsory purchase process, it may be often sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”

It is therefore legally correct (subject to other issues) to authorise a CPO while negotiations are proceeding.

- 8.3. Members will need to be assured that there are no planning, financial, legal or physical impediments to the scheme. A revised planning application for the scheme was submitted on the 6th June, updating a previous planning permission granted by the former Crewe & Nantwich Borough Council on the 5th February 2002. There is a reasonable expectation of funding from the DfT and officers understand that any shortfall can be recovered through planning obligations or the forthcoming Community Infrastructure Levy (CIL). There is, in theory, a legal impediment so far as the Duchy Land is concerned. It may be possible to overcome this by agreement under S.327 of the Highways Act 1980 but it is assumed that agreement by private treaty will be achieved.
- 8.4. Members will need to consider the Human Rights Act and Article 1 of the First Protocol to the European Convention on Human Rights. Although there are apparently no domestic dwellings within the proposed CPO land, Article 8 should also be considered.
- 8.5. Article 1 protects the rights of everyone to the peaceful enjoyment of their possessions. No person can be deprived of their possession except in the public interest and subject to the relevant national and international law.

- 8.6. Article 8 protects private and family life, the home and correspondence. No public authority can interfere with this interest except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country
- 8.7. In considering the above Articles it should be noted that where such landowners as set out in 3.4 above may wish to carryout development of their land then the road will assist them in that regard, subject to any planning policies on any individual application, and they will be compensated for any land acquired under the CPO
- 8.8. Members will need balance whether the powers it is recommended are compatible with the European Convention on Human Rights. In weighing up the issues as set out in this report it may conclude that there is a compelling case in the public interest for the acquisition of land which will bring benefits to the residents and businesses of Crewe that could not achieved by agreement and this outweighs the loss that will be suffered by existing landowners. The CPO will follow existing legislative procedures. All parties have the right to object to the CPO and attend a public inquiry arranged by the Secretary of State. Parties not included in the CPO may be afforded that right if the inquiry inspector agrees. The decision of the Secretary of State is can be challenged by way of proceedings, following judicial review procedures. Those whose land is acquired will receive compensation based on the CPO compensation code principles and should the quantum of compensation be at dispute the matter can be referred to the Lands Tribunal for determination. The Courts have held that this framework complies with the Convention and as such a decision to proceed with the recommendation is compatible with the Human Rights Act

9.0 Risk Management

- 9.1 Entering into the CPO process offers the 'security' that the DfT require to ensure a successful funding bid for the scheme and contribution to keeping the bid 'alive'. Negotiations will continue in parallel to CPO proceedings to ensure that where possible agreement is reached by private treaty outside of the CPO process.
- 9.2 Progressing a CPO would only occur after allowing an opportunity for any final negotiations. Ultimately however, the making of a CPO could be the only way to resolve the major area of uncertainty that could otherwise delay the proposed project programme.
- 9.3 The project programme key dates demonstrate that the scheme can be delivered even assuming an extended period for the CPO process to complete. However, it also shows that there may be risks to the project associated with the CPO process becoming drawn out and extended. To cover this eventuality, discussions with Network rail have included booking a set of later rail possessions (Xmas 2014 and Easter 2015). The additional delay and risk of this will be included in the scheme costs supplied to the DfT.

- 9.4 A paper providing further details of the 'Best and Final' funding bid will be prepared for the August 2011 cabinet meeting. This paper will discuss the risk assessment and costs that will be included in the funding request from the DfT.
- 9.5 DfT have made it clear that they expect the level of funding requested in the 'Best and Final' to be lower than in the original business case and we need to be mindful of this when we assess the costs associated with the land element of the scheme.
- 9.6 The council can notify the Secretary of State that it is no longer wishes to use its CPO powers in respect of any interest and request the Secretary of State not to confirm the CPO over those interests at any time if negotiations are successful or if the council considers the financial risks to be too great. The submission of the 'final approval' bid to the DfT in 2013 which will contain the agreed funding and cost arrangements for Crewe Green Link Road will be a future cabinet decision.

10.0 Background and Options

- 10.1 Negotiations have taken place with the landowners who have interests along the route of the Crewe Green Link Road by the former Cheshire County Council for nearly 10 years. Previously, negotiations had taken place with the requisite land owners, the Duchy of Lancaster, Network Rail and Mr Whitby to reach a collective agreement but this was unsuccessful.
- 10.2 A decision was taken recently to resume negotiations but to proceed with each party on an individual basis. Negotiations with the Duchy of Lancaster have been successful and the parties are working to legally complete the contract by mid July 2011.
- 10.3 Negotiations with Mr Whitby and Network Rail, though continuing, have thus far failed to reach an acceptable agreement.
- 10.4 The DfT operates a 'two stage' approval process for funding -
 - A) Programme Entry – award of funding 'subject to completion of statutory procedures and firm scheme costs'
 - B) Final Approval – award of monies
- 10.5 In order to secure Programme Entry - The council is required to make its 'Best and Final' bid for funding for this scheme from the DfT on the 7th September 2011. One of the critical factors that will be examined in this bid by the DfT will be the 'deliverability' of the scheme and the prospect of land acquisition.
- 10.6 Though negotiations will continue with Mr Whitby and Network Rail it is considered that having the option to exercise a CPO should negotiations fail will be a crucial component in accessing DfT funding. The same consideration must also be given to the three Basford East developers.

- 10.7 CPO processes can be extremely lengthy. In this instance, advice has been received suggesting the process could take up to twenty months. In this regard, in order to demonstrate to the DfT that the scheme can be constructed to the current Programme (2014-2015 on site) in the event that land acquisition is via the CPO route, the council must commence proceedings immediately.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Paul Griffiths

Designation: Principal Transport Officer

Tel No: 01270 686353

Email: paul.griffiths@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of meeting: 4 July 2011
Report of: Juliet Blackburn, Performance and Partnerships Manager
Subject/Title: Parish Planning Protocol
Portfolio Holder: Cllr Rachel Bailey and Cllr David Brown

1.0 Report Summary

- 1.1 This report presents the updated Parish Planning Protocol for endorsement by Cabinet.
- 1.2 The aim of this Protocol (attached at **Appendix 1**) is to provide clear, concise guidance on how Cheshire East Council and its partners will work with communities undertaking a Parish Plan to support their development and implementation. It also provides guidance on how Plans will be disseminated within the Council and how they can influence Council policy and service delivery.
- 1.3 Development of the new protocol has been led by the Partnerships team with significant input from Housing and Planning, Assets, Cheshire Association of Local Councils (ChALC), and Cheshire Community Action (CCA). CCA have a lead role in parish planning in Cheshire East as CEC pay them to provide parish planning support, and also administer grants for parish councils to develop and implement parish plans.
- 1.4 The protocol will need to be reviewed on a regular basis to take account of changes in legislation, in particular areas such as the Localism Bill.

2.0 Decision Requested

- 2.1 Cabinet is requested to endorse the new parish planning protocol attached at **Appendix 1**.

3. Reasons for Recommendations

- 3.1 Parish Plans are a significant aspect of community life in Cheshire East and it is important that there is a strong process for their development and implementation.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

5.1 All Ward Members

6.0 Policy Implications

6.1 None

7.0 Financial Implications

7.1 None – endorsing the protocol does not require any further funding from Cheshire East Council. Funding is currently provided from the Partnerships team to Cheshire Community Action to support parish planning.

8.0 Legal Implications

8.1 Parish and community plans are not statutory documents. However, the protocol sets out the link between parish/community plans and the statutory planning system in sections 8.6 and 8.7.

9.0 Risk Management

9.1 None

10.0 Background

10.1 The proposed protocol is attached at **Appendix 1**. Section 7 of the protocol outlines the support required from Cheshire East Council. Cabinet are asked to note two key actions which will ensure that plans are realistic and deliverable, particularly in relation to a parish's expectations on the Council:

- i. To establish an internal Parish plan Group to receive completed plans and look at how CEC can support them and contribute to delivery where necessary.
- ii. To ask parish's to use a template when identifying actions, which would enable CEC and partners to sign off any actions attributed to them.

10.2 Other areas where CEC will support the development and implementation of Parish Plans include:

Development

- Assisting with a grant of up to £3,000 towards the development of the Plan (this grant pot of £20,000 is within the Partnerships budget and is administered by Cheshire Community Action);
- Providing information and advice when requested (see section 6.0);
- Appropriate officers to attend meetings and consultation events;

Implementation

- Publicising the completion of Plans on the Council's website, in Members Bulletins and other Council generated literature where practical;
- Establishing a lead link officer for completed Plans;
- Sending copies of completed Plans to Heads of Service, relevant officers, elected Members and partners;
- Reporting of completed Plans to Local Area Partnerships;
- Identifying groups/organisations who may be able to help with implementation;
- Taking Parish and Community-led Plans into account when awarding grants.

10.3 Some examples of projects being delivered through parish plans are:

- Ollerton with Marthall built new eco Village Hall within 2 years – attracting funding from Big Lottery (£326k) and WREN (£50k)
- Wybunbury working on new children's play areas for under 7s and over 7s
- Chelford working on a safe off road route to Village Hall and all weather sports facility
- Gawsworth Speed Watch using SID
- Prestbury multi user sports and leisure facility
- Warmingham upgrade lighting and smoke alarms in village hall and village amenity area and traffic calming scheme
- Acton Edleston & Henhull village environment improvement and traffic calming scheme
- Weston & Basford – book club, regular friendship lunch club, allotments
- Rainow - integrated communication system -winners of NW communication category of the Community Spirit Competition 2009
- Willaston – Green Gap Event and communication
- Bollington – canal zone improvements

11.0 Access to information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Juliet Blackburn

Designation: Performance and Partnerships Manager

Tel No: 01270 686020

Email: Juliet.blackburn@cheshireeast.gov.uk

APPENDIX 1

Parish and Community-Led Planning Protocol

Updated May 2011

1.0 Aims of this Protocol

1.1 Overall Aim

Cheshire East Council recognises the value of Parish and Community-led Plan[*to be referred to as Parish Plans throughout this Protocol*] in identifying and articulating local community needs and priorities, improving service delivery and informing policy and strategy within Cheshire East.

The aim of this Protocol is to provide clear, concise guidance on how Cheshire East Council and its Partnerships for Action in Cheshire East (PACE) partners will work with communities undertaking a Parish Plan to support their development and implementation and to provide guidance on how Plans will be disseminated within the Council and how they can influence Council policy and service delivery.

This protocol will be reviewed on a regular basis to take account of changes in legislation, in particular areas such as the Localism Bill. There will be at least one full review of the protocol each year. Please check that you are using the latest version (available from CEC website).

1.2 Specific Aims

Cheshire East Council aims to:

- Support the development and implementation of Parish Plans;
- Develop and maintain a Cheshire East Parish Plan Group of officers from a cross section of services (Membership listed in Appendix 1) which is supported by the Parish Plans Development Officer, to discuss key issues affecting community-led planning and monitor the progress of Parish Plan activity;
- Establish through the Cheshire East Parish Plan Group all actions and projects from Parish Plans that partners are able to take forward and promote;
- Feedback to Parish and Community-led Planning Groups [*to be referred to as Parish Plan Groups throughout this Protocol*] on actions taken by the Council and its partners in furtherance of Parish Plans;
- Establish a single point of contact within the Council for Parish Planning Groups to liaise with;
- Take account of Parish Plans through the Local Area Plans which inform the Councils business planning agenda and work programmes;
- Circulate completed Parish Plans to all relevant Heads of Service and other appropriate officers and Council Partners;
- Update relevant officers and partners on the progress of Parish Plans on a regular basis;

- Invite Parish Plan Groups to present their completed Plans to the relevant LAP Area Management Group and/or to the Cheshire East Parish Plan Group;
- Ensure that elected Members are made aware of Parish Plans being developed or implemented in their areas;
- Report all completed Parish Plans to the Council's Portfolio Holders for Performance & Capacity and Safer & Stronger Communities as set out in Section 10;
- Develop the Council's website to become a source of information and advice for groups completing Parish Plans and those officers and elected Members who wish to know more about Parish Plan progress;
- Monitor the effectiveness of this protocol and update and revise it as necessary in the light of feedback received from interested parties.
- Work with and link into the independent facilitation provided by Cheshire Community Action;

The Council funds a Parish Plan Development Officer at Cheshire Community Action to provide independent advice and facilitation to support groups through the parish planning process. Cheshire Community Action also administer Parish Plan funding on behalf of the Council. They provide support to groups in a number of practical ways such as:

- attending and speaking at meetings;
- providing displays and materials;
- planning a consultation;
- providing useful Parish Plan guidance, information and precedents;
- hosting an informative website;
- answering queries;
- putting groups in touch with useful contacts;
- constituting a Parish Plan Steering Group;
- planning a budget for the project;
- applying for funding;
- drafting a questionnaire and action plan;
- reviewing and commenting on draft documents;
- analysing data;
- attending a launch; and
- implementing the actions.

1.3 Protocol Users

This protocol is designed to provide useful guidance for a wide range of users and readers including:

- Community groups producing / implementing a Parish Plan;
- Residents and community members;
- Parish or Town Councils, Councillors and Clerks;
- Cheshire Association of Local Councils (ChALC);
- Elected Members of the Council;
- Officers of the Council;
- PACE which includes the Local Area Partnerships (LAPs);
- Potential project funders.

2.0 What is a Parish or Community-led Plan?

Two recent definitions of what a Parish or Community-led Plan is:

“A step by step structured process, taken on by local community activists, to create a vision for a community and an action plan to achieve it. The process involves using a mix of evidence collection, different types of consultation and debate at the very local neighbourhood level. It is designed to be a process in which each and every citizen can participate and results in very high levels of participation. The resulting vision covers the social, economic, environmental and cultural well-being of the community and all those who live and work there.”

Taken from the Action for Communities in Rural England (ACRE) website.

“A Parish Plan is a detailed, critical but at the same time constructive survey of a community by the people who live and work in that community or have some other close connection with the community (such as owning land or owning a business in the Parish). It provides an opportunity for people to take stock of their community and decide which aspects of their community they like and wish to preserve and perhaps enhance and which aspects they do not like and want to change. The idea is for the community to develop its own voice and to use this to create a shared vision for the future and an action plan for turning that vision into reality.”

Taken from ‘The Guide to Parish Plans’ by the Parish Plans Development Officer, CCA

3.0 Who is involved

3.1 Unelected community volunteers

A Parish Plan is undertaken by a community group or group of residents made up of unelected volunteers, supported by the local Town or Parish Council, where there is one. Parish Plan Groups are encouraged to cover the widest aspects of community life and may therefore include social, environmental, economic and cultural issues as well as spatial planning issues.

3.2 Cheshire East Council Services/Departments and its Partners

It is important that links are made between the Parish Plan Group and the relevant Council department or its partners at the earliest opportunity.

A Cheshire East Parish Planning Group, made up of service heads, Partnerships Team and Cheshire Community Actions Parish Plan Development Officer will meet on a regular basis to discuss progress of plans and emerging actions and responsibilities. It is advisable for groups to send a copy of the draft action plan to this group, via the main point of contact as set out in appendix 1, for comment prior to final publication.

If an electronic copy of the completed Parish Plan is sent to the main point of contact it will be circulated via email to all service heads and relevant elected Members and Portfolio Holders in Cheshire East Council.

3.3 Parish Plans Development Officer

Independent facilitation for Parish Plans, funded by Cheshire East Council, is provided by the Parish Plans Development Officer employed by Cheshire Community Action, the Rural Community Council

for Cheshire. This officer is the initial and main point of contact for any Parish or Community considering, developing or implementing a Parish Plan. The contact details are set out in Appendix 1.

3.4 Elected Members

It is also important for Parish Plan Groups to work collaboratively and co-operatively with local Town and Parish Councils, where they exist and ideally for there to be active participation and representation by Town and Parish Councillors on the steering and working groups. It is recommended that there is at least 1 Town or Parish Councillor represented on the steering group. It is also important for Parish Plan Groups to make contact with elected Members of Cheshire East Council at an early stage in the process, encourage their involvement and seek and use their active support, knowledge and expertise.

3.5 Local Area Partnerships (LAPS)

LAPs will actively support the development of Parish Plans as a way of collecting additional knowledge and understanding of local needs and priorities.

Parish or Community-led Plan Groups will be invited to present their completed Parish Plan to the relevant LAP Area Management Group which will formally receive the Plan, once it has been endorsed by the relevant Town or Parish Council. More information on endorsement of Parish Plans is set out in section 10.0.

4.0 Main Point of Contact

There is a main point of contact for the Council whose contact details are set out in Appendix 1 along with other key contacts.

5.0 How the Council will communicate

5.1 Response Time

The Council (and partners) will, where possible, acknowledge requests for information, advice and support for Parish Plan related emails, correspondence or telephone calls within 3 working days and provide a full response within 10 working days.

5.2 How the Council communicates with Town and Parish Councils

A communications plan to assist the flow of communication between Cheshire East Council and local councils is to be developed and will include greater use of the Council's website. Further information on the progress of the communications plan will be added to this section.

6.0 Likely Stages of Involvement of the Council, Partners & Agencies

6.1 Initial Start Up Stage

Officers of the Council and sometimes partner organisations are invited to support Parish Plan Groups by attendance at public meetings, consultation events and launches, by presenting or speaking, providing literature or exhibition material.

6.2 Desk Top Review Stage

A table of sources of useful information to provide Parish Plan Groups with an equivalent base line of necessary information is set out in Appendix 2. Base line data may include census and other statistical information on population, demographic changes, households, housing needs; details of planning policies and land use; information on local Council services; maps and plans; aerial and other photographs and exhibition materials.

6.3 Questionnaire Stage

The Council and its partners may wish to supply questions to a Parish Plan Group to consider for inclusion in the community questionnaire. The Council or agencies may also wish to supply copies of recently undertaken surveys or consultations to the Parish Plan Group.

6.4 Action Planning Stage

As the Community begins to formulate possible actions to resolve issues identified during the consultation period, it is vital that the Council and its partners, in particular the LAPs, become involved in the process. This will ensure that Communities can draw upon their knowledge and expertise. The Council and its partners can share with residents what is practicably possible and also what is not capable of being achieved and the reasons for this. An Action Plan Template is included in Appendix 3.

6.5 Draft Plan Stage

The Council and its partners who have been involved in the development of the Plan should have the opportunity to comment on the draft Plan, before it is finalised.

6.5 Implementation and Ongoing Review

If “Action Plans” are to be progressed, it is vital that the Council and its partners play their part in assisting with implementation and ongoing review.

7.0 How the Council Will Support Parish Plans

7.1 Development of Parish Plans

- Assisting with a grant of up to £3,000 towards the production of the Plan (administered by Cheshire Community Action);
- Providing information and advice when requested (see section 6.0);
- Attendance at meetings and consultation events;
- Meeting regularly as the Cheshire East Parish Plan Group.

7.2 Implementation of Parish Plans

- Publicising the completion of Plans on the Council’s website, in Members Bulletins and other Council generated literature where practical;
- Establishing a lead link officer for completed Plans;
- Sending copies of completed Plans to Heads of Service, relevant officers, elected Members and partners;

- Reporting of completed Plans to Local Area Partnerships;
- Identifying groups/organisations who may be able to help with implementation;
- Taking Parish and Community-led Plans into account when awarding grants.

8.0 Community planning and the statutory planning system

This section intends to assist local communities in understanding the relationship between the various community planning tools and the statutory planning system.

8.1 The Local Development Framework

Local Development Frameworks were introduced by the Planning and Compulsory Purchase Act 2004. The Local Development Framework consists of a portfolio of Local Development Documents, including: Development Plan Documents, which contain the vision, strategy, policies and allocations; and Supplementary Planning Documents, which give more detailed guidance on the implementation of policies.

The Cheshire East Local Development Framework will set out the vision, objectives, spatial strategy and policies for the development of the plan area for the next 15 to 20 years or so. Further information on the Local Development Framework is available at: www.cheshireeast.gov.uk/ldf

8.2 Timescales for the Local Development Framework

The Cheshire East Local Development Scheme 2010 -2014¹, sets out a programme and timetable for the preparation of documents for the Cheshire East Local Development Framework. In order to ensure that we draw up a comprehensive Local Development Framework as quickly as possible, resources have been prioritised to deliver the key Development Plan Documents proposed for the Borough.

8.3 Development Plan Documents

Development Plan Documents set the planning policies for a Local Authority. Cheshire East intends to develop two Development Plan Documents; these are the Core Strategy and the Site Allocations Documents.

8.4 Place Shaping Consultation

As part of the work towards the development of both the Core Strategy and the Site Allocations Documents, Cheshire East is proposing to undertake a place shaping consultation commencing July 2011. The purpose of this consultation is to reflect the principles of localism, by focusing discussions with communities on their neighbourhoods.

These discussions will seek to identify views on the key challenges facing an area. These are likely to include employment, market and affordable housing, community infrastructure, town centres, transport, climate change, built heritage and the natural environment. The consultation will also seek views on development opportunities within an area.

¹ Cheshire East Council (2010), Local Development Scheme, www.cheshireeast.gov.uk/pdf/En-LDF-LDS2.pdf

8.5 Supplementary Planning Documents

Supplementary Planning Documents provide further detail on the implementation of policies contained within Development Plan Documents.

The Cheshire East, Local Development Scheme states that Supplementary Planning Documents will be prepared to provide guidance to support the delivery of major development proposals or to provide detailed guidance for an area which is likely to experience significant development.

It is envisaged that Supplementary Planning Documents will provide technical guidance on such matters as the delivery of affordable housing, contributions to amenity infrastructure or guidance on the master planning of major development sites as the design principles of new development.

In future Cheshire East Council will focus resources on preparing guidance to support the delivery of major development proposals. Consequently, support for the preparation of Supplementary Planning Documents for rural communities will only be available where there are specific development proposals.

8.6 Status of Parish and Community Plans

Guidance in Planning Policy Statement 12 (PPS12): Local Spatial Planning (June 2008) states that communities should not regard the statutory planning approach as the only option open to them: other forms of community planning may be more appropriate². Cheshire East Council will pay close attention to the contents of non-statutory Parish and Community Plans as part of their community involvement in the production of the Local Development Framework.

Non-statutory Community Plans can inform the production of the Local Development Framework through the provision of evidence on the views and opinions of the local community. They can also assist in the delivery of the Local Development Framework through the provision of useful support or detail for policies.

In addition, Parish Plans can be a material consideration in the determination of planning applications. The weight attached to the plan will vary according to each specific case.

8.7 Neighbourhood Planning

The Localism Bill is proposing to introduce the concept of Neighbourhood Planning with the intention of giving neighbourhoods far more ability to determine the shape of the places in which people live.

Further information on the Localism Bill, is available on the Communities and Local Government website: www.communities.gov.uk/localgovernment/decentralisation/localismbill/

A plain English guide on the Localism Bill is available at:
www.communities.gov.uk/documents/localgovernment/pdf/1818597.pdf

² CLG, (2008), Planning Policy Statement 12: Local Spatial Planning,
www.communities.gov.uk/documents/planningandbuilding/pdf/pps12lsp.pdf

8.8 Keeping Communities Informed

As the implications of the Localism Bill become clear, Cheshire East Council intends to provide further information to ensure communities are aware of changes to community planning tools and the statutory planning system and will update this section accordingly.

Further guidance on developing Community Planning is available on the Cheshire East Council and Cheshire Community Action websites at:

- www.cheshireeast.gov.uk/community_and_living/local_strategic_partnership/jsna/community_voice_information/town_and_parish_plans.aspx
- www.cheshireaction.org.uk/parish-plans-community-led-plans

9.0 **Responsibilities of Parish Plan Groups**

Parish Plan Groups receiving support from the Council and its partners, in developing or implementing Parish Plans undertake that they will:

- Work within the structures and procedures provided for by this Protocol;
- Operate in a fair, open and inclusive way at all times;
- Balance vision and aspiration with likely resources;
- Ensure that the Parish Planning process is apolitical;
- Act as custodians of the process on behalf of their communities;
- Use Cheshire East funding strictly in accordance with any Terms and Conditions of Funding attached to the award;
- Acknowledge any financial and other support provided by Cheshire East Council and other partners in the final Plan (high quality logos available on request).

10.0 **Endorsement of the completed Parish Plan**

Completed Parish Plans should be sent to the main point of contact within the Council in both hard copy and electronic format.

Once a completed Parish Plan has been received by the Council, Parish Planning Groups will be invited to present their plans in person to the Cheshire East Parish Plan Group and/or the relevant LAP Area Management Group. Parish Planning Groups do not have to present their plans in person and may opt to allow the Plan to be presented on their behalf.

10.1 Endorsement by the Council

The Cheshire East Parish Plan Group will respond to any relevant actions contained within the Plan and pass a copy of the plan, along with their recommendations to the Portfolio Holder for Safer and Stronger Communities for comment and endorsement.

An electronic copy of the Parish Plan will be emailed to all service heads and relevant elected Members and Portfolio Holders within the Council.

10.2 Endorsement by the Local Area Partnerships

The relevant LAP Area Management Group will receive the plan and take account of any relevant issues and actions in the LAP Area Plan during its next annual review.

11.0 Monitoring & Review

11.1 Review of the Protocol

As stated in section 1.1, this Protocol will be the subject of regular reviews to take account of changes in legislation and policy changes and will be updated accordingly. There will be at least one full review of the protocol each year conducted by the Cheshire East Parish Plan Group.

11.2 Monitoring success of plans

The Cheshire East Parish Plan Group will monitor the success, or otherwise, of aims and objectives contained within completed Parish Plans.

APPENDIX 1**Main Parish Plan Contacts for Cheshire East Council and PACE**

Organisation	Contact Name	Address	Telephone	E-MAIL
PACE & Cheshire East Council Main point of contact	Tina Jones	Westfields Middlewich Road Sandbach CW11 1HZ	01270 685811	tina.jones@cheshireeast.gov.uk
Cheshire Community Action (Parish Plans Development Officer)	TBC	Unit 3, Royal Mews Gadbrook Park Northwich CW9 7UD	01606 359732	TBC
Cheshire East Council Planning		Westfields Middlewich Road Sandbach CW11 1HZ	01270 685893	ldfconsultation@cheshireeast.gov.uk
Congleton Local Area Partnership	Alan Lawson	Town Hall Macclesfield SK10 1HR	01625 383843 07776 198973	alan.lawson@cheshireeast.gov.uk
Crewe Local Area Partnership	Dawn Clark	Westfields Middlewich Road Sandbach CW11 1HZ	01270 686663 07970 533636	dawn.clark@cheshireeast.gov.uk
Knutsford Local Area Partnership	Richard Christopherson	Town Hall Macclesfield SK10 1HR	01625 383844 07921 872286	richard.christopherson@cheshireeast.gov.uk
Macclesfield Local Area Partnership	Fiona Seddon	Town Hall Macclesfield SK10 1HR	01625 686842 07780 652652	fiona.seddon@cheshireeast.gov.uk
Nantwich Local Area Partnership	Sharon Angus- Crawshaw	Westfields Middlewich Road Sandbach CW11 1HZ	01270 685793 07980 265604	sharon.angus-crawshaw@cheshireeast.gov.uk
Poynton Local Area Partnership	Fiona Seddon	Town Hall Macclesfield SK10 1HR	01625 686842 07780 652652	fiona.seddon@cheshireeast.gov.uk
Wilmslow Local Area Partnership	Richard Christopherson	Town Hall Macclesfield SK10 1HR	01625 383844 07921 872286	richard.christopherson@cheshireeast.gov.uk
Portfolio Holder for Safer and Stronger Communities	TBC	Westfields Middlewich Road Sandbach CW11 1HZ	TBC	TBC

Note: contact details for members of the Cheshire East Parish Plan Group will be added to this table, once the group is established.

APPENDIX 2

Parish Plan Sources of Useful Information

Description	Who to contact	Web link
Maps and plans <ul style="list-style-type: none"> To show individual properties and community facilities To highlight designations and constraints such as TPOs, flood risks, wildlife corridors, green belt, allocated sites such as green spaces, cycle networks etc. 	1. Mike Garrity, CEC – info to follow 11.05.11 Email Tel:	Cheshire East interactive mapping http://maps.cheshire.gov.uk/cheshirecc.interactivemapping.web.internet/Default.aspx?region=1#aTabTop5
Historic Designations Details of any premises that have been listed as of Historical or Architectural importance or are covered by a conservation area designation, including a plan and details of all resulting restrictions or opportunities. Should also recognise Listed Buildings, Locally Important Buildings, Scheduled Ancient Monuments, Historic Parks and Gardens etc.	1. Mike Garrity, CEC 2. English Heritage 3. Heritage Gateway	www.english-heritage.org.uk/caring/listing/ www.heritagegateway.org.uk/gateway/
Nature Designations Details of any areas that have been declared as Special Areas of Conservation, Special Protection Areas, Ramsar Sites, Sites of Special Scientific Interest, Sites of Biological Interest, Regionally Important Geological and Geomorphological Sites, Sites of Special County Value or as Historical Monuments, including a plan and details of what this means for the future of the Parish or area.	1. Mike Garrity, CEC 2. Natural England	www.naturalengland.org.uk/ourwork/conservation/designatedareas/default.aspx
Spatial Planning <ul style="list-style-type: none"> The Local Plans, for each of the three former Boroughs and the Local Plan maps. (It is advisable to familiarise yourselves with these documents prior to commencing the development of a Parish Plan) Supplementary Planning Documents Identification of public open space 	1. Spatial Planning, CEC ldf@cheshireeast.gov.uk Tel: 01270 685 893	www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/saved_and_other_policies.aspx www.cheshireeast.gov.uk/ldf

Planning Applications Current planning applications which affect the parish or area	1. Contact the local council for your area as Town and Parish councils are informed of planning applications within the local area	
Housing Information around housing needs and any housing needs surveys	1. Spatial Planning ldf@cheshireeast.gov.uk Tel: 01270 685 893 2. Economic Development business@cheshireeast.gov.uk 3. Housing	www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/research_and_evidence.aspx www.cheshireeast.gov.uk/business/economic_development_services.aspx www.cheshireeast.gov.uk/housing.aspx
Census information Area profiles and Topic summaries generated from the 2001 Census data	1. Research and Intelligence randi@cheshireeast.gov.uk Tel: 01270 371419	http://www.cheshireeast.gov.uk/community_and_living/census/2001_census_and_area_profiles.aspx
Community Safety Information Data profiles and research regarding local safety information	1. Council Community Safety 2. Cheshire Police 3. Cheshire Fire and Rescue Service	http://www.cheshireeast.gov.uk/community_and_living/community_safety.aspx http://www.cheshire.police.uk/my-neighbourhood.aspx http://www.cheshirefire.co.uk/detail.aspx?mid=1057
List of useful internal contacts within the Council	1. See appendix 1	
List of contact details for relevant elected Members	1. Cheshire East Council	http://moderngov.cheshireeast.gov.uk/ec/minutes/mgMemberIndex.aspx?bcr=1
List of Local Area Partnership Managers	1. See appendix 1	

APPENDIX 3 Parish and Community Led Planning Action Plan Template

Theme:									
Ref / Action No.	Key Issue	Specific actions to be taken	Project Lead Organisation	Completion and review dates	Measures of Success	Resources			
						Financial	In Kind	Key partners	✓

Theme:									
Ref / Action No.	Key Issue	Specific actions to be taken	Project Lead Organisation	Completion and review dates	Measures of Success	Resources			
						Financial	In Kind	Key partners	✓

Note

Tick if Key Partners have been notified of the actions and have agreed to be a part of the project

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank