

Cheshire East Council

Report to Cabinet – 18 October 2016

Report of:	Kath O'Dwyer, Deputy Chief Executive & Executive Director - People
Subject/ Title:	Officer response to the recommendation of the Children and Families Overview and Scrutiny Committee in relation to Available Walking Routes to School.

1.0 Report Summary

- 1.1 At Cabinet on 14 June 2016, the proposals in relation to a 'Review of the Available Walking Routes to School' (AWR) was considered. The decision was called in by the Children and Families Overview and Scrutiny Committee and this report provides a response to the Scrutiny review.

2.0 Officer Response

At the Children and Families Overview and Scrutiny Committee meeting on 19 July 2016, a number of recommendations were made relating to the withdrawal of the right to free school transport where a route to school has been assessed as available to walk. Listed are the resolutions and officer's response to these, shown below.

The current number of pupils affected by each route at September 2017 is as follows:

Bollington to Tytherington School	= 155 pupils
Willaston to Brine Leas School	= 9 pupils
Willaston to Malbank School	= 83 pupils
Middlewood to Poynton High School	= 22
Ettiley Heath to Wheelock Primary School	= 50

N.B. Please note, there has been some confusion in the road names used in the scrutiny minutes, as London Road and Newcastle Road meet at approximately 100metres east of the level crossing and * ** notes where there should be amendments.

* London Road

** Newcastle Road

- 2.1 Recommendation 1 - That Cabinet be informed that this Committee recommends that the decision relating to available walking routes to schools taken on the 14 June 2016 should be reviewed along the following lines:

That the walking route from Bollington to Tytherington High via Middlewood Way be declared unavailable on the grounds that there are serious concerns

about the personal safety of pupils on considerable stretches of the Middlewood Way which is isolated and hidden from view of the nearby Silk Road. In addition, there are concerns about access to emergency services to the whole of the Middlewood Way and significant road safety concerns relating to the only alternative route in the vicinity, the Silk Road which would have to be used as an alternative walking route in the event that the Middlewood Way was closed for any reason. The committee therefore is of the opinion that it would not be possible to make the Middlewood Way safe, irrespective of any improvements that may be proposed.

- 2.1.1 Officer Response - It should be noted that the 'Available Walking Routes to School' policy was adopted on 15 October 2012 by Cabinet and that it was resolved that the updated policy would trigger a process of reassessment with potential impacts on the entitlement to transport. The Cabinet meeting did not discuss individual routes. Following this approval, the Middlewood Way was assessed to be an available walking route. However, free transport was not removed for pupils living in Bollington, even though the route was assessed as available.
- 2.1.2 The Middlewood Way is a wide, traffic free, generally well surfaced, accessible route. It is used by over 250,000 people each year. There is a rear entrance to Tytherington School, from the Middlewood Way, which can be accessed by cyclists and pedestrians. This entrance was improved and lighting installed under the Council's 'safer routes to schools' programme, just over 10 years ago. The route between Bollington and the entrance to the school is just less than 3 miles and the first 1.5 miles of the route is currently used by pupils, who live in the Tytherington area. Pupils also regularly use the Middlewood Way between Macclesfield and the School.
- 2.1.3 Due to concerns raised by local members, school and parents about the personal safety issues on the Middlewood Way, the following research has been carried out to assess personal safety issues on the route.
- 2.1.4 Pedestrian and cyclists counts were carried out between 13th September and 19th September (Tuesday to Monday) to record the number of users on the Middlewood Way. Cameras were sited on 3 locations to record the data
 Site 1 Middlewood Way, south of Brocklehurst Way
 Site 2 Middlewood Way, north of Brocklehurst Way
 Site 3 Middlewood Way, Clarke Lane, Bollington

	Average number of users Monday to Friday	Average number of users Saturday to Sunday
Site 1 0800 – 0900	86	21
Site 2 0800 – 0900	47	22
Site 3 0800 – 0900	53	20
Site 1 1500 – 1600	64	66
Site 2 1500 – 1600	28	66
Site 3 1500 - 1600	31	80

- 2.1.5 There are 5 access points for emergency services. Appendix B shows a map of location points. The emergency services do not have a key to the access gate on the Middlewood Way and this is because of the infrequency that the emergency services are requested to access the route.
- 2.1.6 Cheshire Fire & Rescue service has stated that, *“pupils using a footpath away from traffic can only be a good thing. There are many footpaths around the country which don’t have immediate and complete access to emergency services, but the separation from traffic hugely reduces the likelihood of the need for our services. The service has several means of gaining access to locked gates and doors”*.
- 2.1.7 Statistics provided by Cheshire Police indicated that there have been three crime incidents over the last three years for possible drug dealing on this stretch of the Middlewood Way. In addition, there have been 15 recorded incidents over three years which occurred between 8am and 4.30pm of anti-social behaviour which include things such as a report of an aggressive dog, males drinking, motorbikes being driven on this route.
- 2.1.7 Cheshire Police response included the comment that *“There will never be any stretch of road that we can say with complete certainty is “safe” as this is a very subjective matter and of course children especially can place themselves in positions of risk simply because they are children”*
- 2.1.8 If the Council declared the route unsafe for children attending school, it would suggest that we are allowing the general public to use an unsafe route and the logical next step would be to close the route to the public.
- 2.1.9 As such, officers recommend that this section of the Middlewood Way is confirmed as an available walking route. However, it would remain a parental decision as to whether parents wish their child to walk this route.
- 2.2 Recommendation 2 - That in respect of the northern section of the Middlewood Way near to Poynton, improvements be made to the lighting and footpath surfacing which are currently uneven in places and prone to flooding thereby creating puddles and significant muddy patches;
- 2.2.1 Officer Response - The Middlewood Way, north of Poynton, is a popular route as it leads to the Middlewood Railway station which can only be accessed on foot or bike. This section has recently suffered from flood damage due to storms; however, this damage is due to be repaired by the end of this financial year.
- 2.2.2 An estimate for the lighting for this section is £54,325. This figure includes a commuted sum for energy and maintenance. However, this will be explored further as part of a full review of street lighting as part of street lighting policy development.

2.2.3 The Children and Families Overview and Scrutiny Committee stated that they were less concerned about personal safety on this section of the Middlewood Way due to the various access points.

2.3 Recommendation 3 - That in connection with the walking routes from Willaston to Malbank High and Willaston to Brine Leas School, the Committee believes that as they currently stand, these walking routes are not safe and would therefore ask the Executive Director Place to:

2.3.1 Recommendation 3a - Bring back to this Committee data regarding the collision rates at the roundabout on the A500/A51;

Officer Response - Collision data for 5 years up to the 29.02.2016 indicates that there have been no collisions resulting in injuries involving vehicles approaching the crossing. There were 9 vehicular collisions on the Cheerbrook Roundabout (see appendix C).

2.3.2 Recommendation 3b - Install signage on the A500/A51 to indicate to motorists that they are approaching a pedestrian crossing.

Officer Response - There is good visibility of the crossing on the northern approach and also for vehicles travelling around the roundabout. However, visibility is limited for traffic from Newcastle Road. Cycle warning signs are present on the A51 northern approach and also on the approach from Newcastle Road. Signage could be improved at an estimated cost of £3,000. It is recommended this is implemented prior to September 2017.

2.3.3 Recommendation 3c - Request Network Rail to make improvements to the level crossing at Nantwich Road, Willaston to install double barriers in the interests of pedestrian safety;

Officer Response - Network Rail has stated they are happy with the crossing and the addition of a second barrier would not reduce the risk at this location. The crossing passed a safety audit in February 2016.

Two counts of pedestrians using the level crossing were carried out on 13th September 2016 between 8.00am and 9.00am and 14th September between 3.00pm and 4.00pm. The a.m. count showed that 38 pedestrians used the crossing in the hour, 8 of the pedestrians were pupils wearing the Malbank School uniform. The p.m. count showed that 48 pedestrians used the crossing and 15 of them were of school age.

2.3.4 Recommendation 3d - Ensure that street lighting is switched back on those sections of London Road ** that have been part of the Council's experimental scheme;

Officer Response - Under the new LED programme, the lighting on Newcastle Road * has been switched back on.

- 2.3.5 Recommendation 3e - Review the speed limit on London Road with a view to it being reduced;

Officer Response – The speed limit is currently under review and subject to consultation. Any change to reduce to 40mph could be implemented by September 2017.

- 2.3.6 Recommendation 3f - Carry out repairs to the footpath on London Road** which has collapsed in places and to create a footpath where currently none exists.

Officer Response - The section of footpath on Newcastle Road ** is the vehicular access to a farm field; Highways report that the condition is within tolerance and is not considered a danger to pedestrians. The condition will continue to be reviewed as part of the Council's regular scheduled safety inspections.

- 2.4 Recommendation 4 - That in respect of the Elton Road Roundabout to Wheelock Primary School, the Executive Director of Place be requested install street lighting to the footway/cycle path which is located behind the hedge on Hind Heath Road.

- 2.4.1 Officer Response - A new section of footway, running adjacent to Hind Heath Road, was installed as part of a new housing development in 2014. Additional houses are due to be constructed in 2017 and discussions are currently taking place between Highways and the developer as to the feasibility of lighting along this section of road. However, for the pupils walking to school it is unlikely that they will need to walk this section in the dark as the school starts at 08.50 and closes at 15.15. In early January sunrise is at 08.24 and sunset at 16.08, this should therefore give pupils time to walk in daylight.

- 2.4.2 As pupils using this routes are of primary school age we would expect children to be accompanied and therefore any risks are minimised.

- 2.5 Recommendation 5 - The Director of Education be requested to provide safety information on any future proposals relating to the availability of walking routes to school.

- 2.5.1 Officer Response - There are approximately 3 to 4 individual requests each year from parents requesting that individual walking routes to school to be assessed. This work is carried out by Transport Service Solutions.

- 2.5.2 Where further assessments are carried out that may impact on large numbers of pupils, local members will be invited to walk the route along with Cheshire East Highways, these route assessments will be published on the CEC website.

- 2.6 Recommendation 6 - Whilst the Council's current policy on available walking routes to school complies with national guidance in respect of road safety, the Committee believes that its failure to address issues of personal safety

indicates that the policy is detached from modern life and the Committee therefore requests Cabinet to review the policy with a view to including specific reference to the need to take account of personal safety.

- 2.6.1 Officer Response - When assessing a route, the Council follows the nationally accepted guidelines Road Safety GB. These guidelines state that a route should be assessed on road safety not personal safety. This is based on case law. An available route is one that can 'reasonably' be walked and is 'capable of being used' (*Rogers V Essex County Council* [1987]).
- 2.6.2 Case law also states that it is reasonable to expect a child to be accompanied on their walking journey to and from school (*Regina v Devon County Council, Ex parte George* [1989]).
- 2.6.3 A recent request posted, by CEC, on two Local Authority Forums, Association of Transport Coordinating Officers and Road Safety GB, asked which Local Authorities follow the Road Safety GB guidance. Twelve Local Authorities responded who all stated that they follow the guidance and do not include personal safety into their assessment.
- 2.6.4 It should be noted that assessments do not determine whether a route is "safe" or dangerous. Instead, the assessment determines whether transport should be provided because a particular walking route presents exceptional road safety hazards.
- 2.6.5 As the current CEC policy is in line with national guidance and in line with the approach of many other local authorities, it is unnecessary to review the policy at this time.
- 2.6.6 In the guidance issued by the Department of Education in 2014, 'Home to School travel and transport', it recommends that Local Authorities have a statutory duty to promote the use of sustainable travel and transport, which includes the publication of a Sustainable Modes of Travel Strategy. The Council has in place a Local Transport Plan (2011 – 2026) and section 6 focuses on 'Supporting our Children and Young People'. However, as the last update of the Sustainable Modes of Travel Strategy took place in 2009, it is recommended that the Executive Director – Place be requested to review the Council's Sustainable Modes of Travel Strategy and present a revised strategy to Cabinet for consideration and approval.
- 2.6.7 The development of a Sustainable Modes of Travel to School Strategy provides the Council with the opportunity to bring together existing strategies and programmes of work where we support travelling to school by sustainable modes of travel. Current programmes of work comprise:
 - Working in partnership with the Fire and Rescue Service delivering Road Safety Education in schools.
 - Supporting the Bikeability Training, with 1555 young people trained at Level 1, 4223 young people trained at Level 2 & 162 trained at Level 3.
 - Rolling out the implementation of 20 mph zones around schools.

- Where applicable, supporting individual schools with the development of walking routes.
- Investing in School Crossing Patrols.
- Developing a cycling strategy that will support cyclists travelling on everyday journeys.
- Our Local Plan which encourages new developments to support sustainable travelling.
- Improvements in footpaths and public rights of way near schools.

2.7 Recommendation 7 - That in respect of the five sites involved in the call-in and any future sites, decisions to withdraw free bus travel be undertaken on a phased basis in accordance with paragraph 53 of the Department of Education guidance 2014 so that no child currently in receipt of a bus pass will be disadvantaged by the decision.

2.7.1 Officer Response - Department of Education Home to School Travel and Transport Guidance states that 'good practice' suggests when there is a change to policy that the introduction of any changes should be phased-in so that children who start under one set of transport arrangements continue to benefit from them until they either conclude their education at the school or choose to move to another school'.

2.7.2 A range of transition options have been considered including:

- a) No transition payment to be made available as such payment is not a 'requirement'.
- b) A 50% subsidy to be made for one year.
- c) A smaller subsidy be made to cover the period until a pupil concludes their education at their current school or moves to another school.

A precedent has previously been made in relation to option b) for post 16 transport, but option c) is recommended as it is more in line with the good practice guidance within the DfE Guidance.

2.7.3 In light of the guidance from the DfE it is recommended that the Executive Director – People be given delegated authority (in consultation with the Portfolio Holder for Children and Families) to discuss options with the relevant schools and academies; and approve a level of transitional grant funding so that where practicable any child who currently receives free school transport will receive subsidised transport until they either conclude their education at their current school or move to another school. This would be in the form of a one off payment to schools or academies within a maximum total budget allocation of £150,000.

2.8 Recommendation E – That the Committee's disappointment be placed on record regarding the fact that this matter was not brought to it for consultation by Cabinet before the decision was taken.

Officer response – As the proposals relate to the implementation of an existing and previously agreed policy, no formal consultation is required. However, post

the Cabinet decision it was always the intention to liaise with parents, schools, feeder schools etc. in relation to the issues connected with implementation and to seek to address issues together. This activity was paused during the call in period. The Committee's disappointment is however noted.

3.0 Recommendations

It is recommended that the decisions approved by Cabinet, in June 2016, regarding AWR be confirmed, subject to the following:

- 3.1 Middlewood Way be confirmed as an available walking route.
- 3.2 Implementation of changes to the availability of routes be postponed until September 2017.
- 3.3 The Executive Director – People be given delegated authority (in consultation with the Portfolio Holder for Children and Families) to discuss with relevant schools and academies; and arrange such transitional grant funding as the Executive Director considers appropriate, so that where practicable any child who currently receives free school transport will continue to receive subsidised transport until they either conclude their education at their current school or move to another school.
- 3.4 The highway improvements recommended by the Children and Families Overview and Scrutiny Committee, and identified as 'to be implemented' in appendix A to this report, be approved.
- 3.5 For any future route assessments, where changes to the classification are being considered, local members to be invited to accompany officers on a route review.
- 3.6 The Executive Director – Place be requested to review the Council's Sustainable Modes of Travel Strategy and bring a revised strategy to Cabinet for consideration and approval.
- 3.7 Cabinet note the Committee's disappointment at a perceived lack of consultation in relation to the proposals.

4.0 Contact Information

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