

The Highland Council

Minutes of Meeting of the **Education Transport Appeals Committee** held in Committee Room 2, Council Headquarters, Glenurquhart Road, Inverness on Thursday 14 January at 2.45 pm.

Present:

Mr W Fernie	Mr L Fraser
Mr A M Millar	Mr B Gormley
Mrs E McAllister (Appeal 1/10 & 11/09)	

Local Members also present:

Mr R Coghill (Appeal 1/10 & 11/09)	Mr R Durham (Appeal 2/10)
Mr D Flear (Appeal 1/10 & 11/09)	Mr A Rhind (Appeal 2/10)

Officials in attendance:

Mr R MacKenzie, Head of Support Services, Education, Culture and Sport Service
Mr B Edwards, Senior Transport Officer, Transport, Environmental and Community Services
Mr D Summers, Transport Development Officer, Transport, Environmental and Community Services
Miss J MacLennan, Principal Administrator, Chief Executive's Office
Miss C Maragh, Administrative Assistant, Chief Executive's Office

Mr A M Millar in the Chair

Business

Preliminaries

Prior to the commencement of formal business, the Chairman informed those present of the procedure he intended to follow during discussion of each appeal.

Mr R MacKenzie, Head of Support Services explained that, in addition to the maximum walking distances, the Education Authority was required by the Education (Scotland) Act 1980, as amended, when considering the provision of home to school transport, to have regard to the safety of pupils. Scottish Government guidelines issued in June 2006 had reinforced this and advised that school transport provision be kept under review to ensure compliance with duties under the Act. The Council therefore had a duty to decide if a route was safe to walk and, if deemed unsafe, to provide transport. He pointed out, however, that parents were also responsible for ensuring that their children got to and from the transport pick-up point safely and on time and that this could mean that children, especially young children, should be accompanied by a parent or responsible adult on the journey. This did not absolve the Council from the duty to provide transport if the route was considered unsafe to walk.

Continuing, he explained that the Council's road safety assessments were carried out following the Local Authorities' Road Safety Officers Association (LARSOA) guidelines. Although written in terms of English law, the route assessment procedure was equally relevant to Scotland. The guidelines provided a risk assessment process based on potential risk created by traffic, highway and topographical conditions but not personal safety. Criteria were given for a route to be classed as non hazardous including the adequacy of the walking route and provision of crossing points. The assessment was based on children being accompanied if necessary and, consequently, a route would

not be considered unsafe solely on the grounds of a child's age.

Officers undertook to provide Councillor Flear with a copy of the LARSOA guidelines and to clarify their legal position for use in Scotland.

1. **Apologies for Absence**

Apologies for absence were intimated on behalf of Mr D Bremner, Mr W Mackay and Mr A Torrance.

2. **Education Transport Appeals**

The Appeals Committee **RESOLVED** that under Section 50A(4) of the Local Government Scotland Act 1973 the public be excluded for discussion of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

(i) Transport Appeal No 1/10

There had been circulated Report No ETR 1/10 by the Transport Development Officer which set out the detail of two appeals for the provision of home to school transport in respect of two secondary school pupils living at Dixonfield, Thurso and travelling to Thurso High School.

The report gave details of the circumstances involved and included School Route Assessments from the Policy Standards and Safety Team of the two possible routes. A DVD was shown, together with photographs, highlighting the low light levels during the winter months and road safety issues surrounding the ditches, verges and step-off points.

The views of the Local Members present in support of the appeal were heard. Amongst the points raised, it was pointed out that, having walked the route, it had proved necessary to use the verges. The road was not twin tracked and, as a result of encouraging people to live in the country, the volume of traffic was likely to continue to increase.

Following discussion, the Committee **AGREED** that the appeals be dismissed.

(ii) Transport Appeal No 2/10

There had been circulated Report No ETR 2/10 by the Transport Development Officer which set out the detail of an appeal for the provision of home to school transport in respect of a secondary school pupil living at Bogbain, near Tain.

The report gave details of the circumstances involved. However, due to weather conditions, a School Route Assessment was not available but supplementary photographs had been issued as well as verbal statistics on traffic flow at the Bogbain junction on the A9 from Transport Scotland.

The views of the Local Members present were heard on various issues in support of the appeal. In particular, the dangers in crossing the A9 to meet the bus during the morning and the speed of traffic gave concern. Mention had also been made of the possibility of exploring an alternative pick-up point along South Balkeith and the re-instatement of the stagecoach bus seats from an 8 seat to a 16 seat capacity vehicle but it was confirmed that this would require the driver's PSV/PCV operator's licence to be re-classified.

During discussion of the circumstances, some Members of the Education Transport Appeals Committee were of the view that the junction was unsafe. Others, however, felt that visibility lines were adequate.

Mr W Fernie, seconded by Mr B Gormley, **MOVED** that the appeal be upheld.

As an **AMENDMENT**, Mr A Millar, seconded by Mr L Fraser, moved that the Appeal be dismissed.

On a vote being taken, the **MOTION** received 2 votes and the **AMENDMENT** received 2 votes. The Chairman used his casting vote in favour for the **AMENDMENT** and the **AMENDMENT** was therefore **CARRIED**.

Thereafter, the Committee **AGREED** that the Appeal be dismissed.

(iii) Transport Appeal No 11/09

It was recalled that the Highland Council agreed, at its meeting on 17 December 2009, in terms of Standing Order 10.6, to refer the decision of the Education Transport Appeals Committee on 15 September 2009 in respect of Case 11/09, back to the Committee for further consideration. In this connection, there had been re-circulated Report No ETR 11/09 by the Transport Development Officer which set out the detail of two appeals for the provision of transport from home to the bus pick-up point in respect of two secondary school pupils living at Stemster, by Halkirk and travelling to Thurso High School.

The report gave details of the circumstances involved including the School Route Assessment, together with photographs, prepared by the Policy Standards and Safety Team. In addition, a DVD of the route was shown to Members at the meeting.

The views of Local Members present in support of the appeal were heard. They raised points on various issues surrounding the appeals including the busy nature of the road, visibility, the lack of step-off points along the route and the potential dangers encountered at the crossroads.

During discussion, Members of the Education Transport Appeals Committee explored specific detail of the Appeals. In particular, possible alternative arrangements for the bus pick up point were investigated. Mention had been made of a potential parental contribution towards additional transportation costs but it was recognised that consideration of such a proposal was outwith the remit of the Committee.

Mrs E McAllister moved that transport be provided. However, unable to find a seconder, this motion fell and the Committee **AGREED** that the appeals be dismissed as the route was not deemed unsafe.

The meeting concluded at 4.05 pm.