

The Highland Council

Minutes of Meeting of the **Education Transport Appeals Committee** held in Committee Room 3, Council Headquarters, Glenurquhart Road, Inverness on Thursday 26 November 2009 at 2.00 pm.

Present:

Mr W Fernie
Mr A M Millar
Mrs E McAllister

Mr L Fraser
Mr B Gormley

Local Members also present:

Mr S Black (Appeal 8/09 & 14/09)
Mr D Fallows (Appeal 8/09 & 14/09)

Mr J Holden (Appeal 15/09)
Mr J Crawford (Appeal 15/09)

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
Ms L Johnstone, Head of Legal and Democratic Services, Chief Executive's Office
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

1. Apologies for Absence

Apologies for absence were made on behalf of Ms J Douglas, Mr G Rimell, Mr T Prag and Mr R Pedersen.

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 8/09

There had been circulated Report No ETR 8/09 by the Transport Development Officer which provided an update on the case of a primary school pupil living at Allanroy, by Nethybridge, and attending Abernethy Primary School. Members were reminded that, at the Transport Appeals Committee on 15 September 2009, determination of the Appeal had been deferred pending further investigation into whether the application could be granted on medical grounds. Following a review of the case, the Education, Culture and Sport Service had approved the application for transport on the basis that it would be reviewed annually.

The Committee **NOTED** the position.

(ii) Transport Appeal No 14/09

There had been circulated Report No ETR 14/09 by the Transport Development Officer which set out the detail on an appeal for the provision of home to school transport in respect of one primary and one secondary school pupil living at Clury, Dulnain Bridge and travelling to Grantown Primary and Grantown Grammar Schools respectively. The report gave details of the circumstances involved and included School Route Assessments from the Policy Standards and Safety Team of the three possible routes. A DVD was shown with commentary from the parent, together with photographs, highlighting the condition of the Croftjames road. The views of the Local Members present in support of the appeal were heard and where the alternative routes available were also argued to be unsafe.

Following discussion of the circumstances and the various issues surrounding the request, Mrs E McAllister, seconded by Mr L Fraser, **MOVED** that the Committee agree that the Appeal be upheld.

As an **AMENDMENT**, Mr W Fernie, seconded by Mr B Gromley moved that the Committee agree that the Appeal be dismissed.

On a vote being taken, the **MOTION** received 2 votes and the **AMENDMENT** received 3 votes and the **AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:-

For the Motion:

Mrs E McAllister
Mr Laurie Fraser

For the Amendment:

Mr W Fernie
Mr B Gromley

Mr A M Millar

The Committee, therefore, **AGREED** that the Appeal be dismissed.

(iii) Transport Appeal No 15/09

There had been circulated Report No ETR 15/09 by the Transport Development Officer which set out the detail on an appeal received from Milton of Leys Residents Association, Inverness South Community Council and Inshes Primary School's Safer Routes to School Team in relation to the provision of transport from home to Inshes Primary School for pupils when the current entitlement to transport was withdrawn once the new link road opened in February 2010. It had been supported by letters and/or emails from eight parents in Milton of Leys.

Having sought advice from the Head of Legal and Democratic Services, the Committee **AGREED** that the appeal be heard in the names of the parents who submitted appeal letters and that the submissions made by community groups should be considered in support of those appeals.

Returning to the appeal, the report provided details of the circumstances involved and DVD clips of various sections of routes to the schools were shown to Members. A supplementary paper had also been issued providing information on the School Route Assessment prepared by the Policy Standards and Safety Team together with a revised map.

The views of the Local Members present were heard on various issues surrounding the appeal, both in support and against.

Following discussion, where the suburban nature of the route was taken into consideration, the Committee **AGREED** that the appeal be dismissed.

The meeting concluded at 3.08 pm.