

APPENDIX 5 - TERMS OF REFERENCE

Call-in the Cabinet decision: E2546: Home to School Transport Review

Introduction

At the Cabinet meeting on the 10th April 2013 a decision (E2546) was made to agree with effect from September 2014 a phased withdrawal of subsidised home to school transport services for new starters attending denominational schools from September 2014 who would not qualify under other home to school policy subsets, (e.g. as a low income family save in the case of children with siblings currently at the school)

On 18th April 2013 a call-in notice was received and validated on 19th April 2013 signed by 11 Councillors, objecting to this decision. The reasons given for the call-in were as follows:

1. We challenge point (3) of the Cabinet resolution relating to denominational transport, whilst supporting points 1,2,4 and 5 of the decision. We are concerned that the Cabinet did not accept the recommendation of the Early Years, Children & Youth PD&S Panel, which proposed recommendation 3 (C), and instead agreed to recommendation 3 (d).
2. We believe that the Cabinet should investigate alternative options in order to continue to provide support for denomination transport, even if at a reduced level, and consider alternative funding sources. We are also concerned that the Council has not fully assessed the impact withdrawal of the denominational transport subsidy will have on the cost of statutory home to school transport support.
3. We believe the Cabinet should take greater note of the special nature of St Gregory's school, which was established to provide Catholic-based education for the Clifton Diocese as opposed to a school to serve the local community. We believe the process was flawed from its inception as it appears predicated on the local authority boundary, rather than the Diocesan boundary.
4. We are concerned about the impact withdrawal of denominational transport subsidy will have on the ability of Catholic parents to exercise their right to choose a Catholic education for their children. We are concerned that this will impact upon the number of Catholic children attending St Gregory's School and the other schools impacted. We are also concerned about the knock-on impact this could have on pupil numbers at other Bath schools. We therefore believe the Cabinet should review this decision and consider alternative options to enable some level of support for denomination transport to continue.

Relevant PD&S Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Early Years, Children and Youth Policy Development and Scrutiny panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e 10th May 2013).

Call-in Meeting

At the Panel meeting on 9th May 2013 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet to have a phased withdrawal of home to school transport should:

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Gabriel Batt
- Representative Councillors from the Cabinet

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

- **Timescales.** The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - **Initial Public Meeting must be held by 10th May 2013.**
 - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 21st May 2013.**
 - **If referred back to the Cabinet, without an adjournment, a response must be received by 21st May 2013.**
 - **If the meeting is adjourned and then referred back to the Cabinet a response must be received within 10 working days of the reconvened meeting.**
 - **If referred to Council, a Council meeting will be arranged at the earliest opportunity**

- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.

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Key Dates for the Call-in

