

BATH AND NORTH EAST SOMERSET

CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Monday, 20th May, 2013

Present:

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

1 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.
The Chair welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

3 APOLOGIES FOR ABSENCE

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were none.

7 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

There were none.

8 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

The Chair referred to the recent meeting of the Early Years, Children and Youth PDS Panel, which had considered the Call-in of the Cabinet decision on Home to School Transport. He observed copies of the notes and resolution from the Panel meeting had been placed in the public gallery prior to this meeting [and *a copy of which is attached to these minutes as appendix 1 and on the Council's website*].

He welcomed Councillor Davis, Chair of the Panel, to the meeting and asked her to introduce the Panel's recommendations to Cabinet.

Councillor Davis in a statement [*a copy of which is attached to these minutes as appendix 2 and on the Council's website*] explained that the Panel had agreed to ask Cabinet to reconsider their decision made on 10th April. She laid out the reasons behind the Panel's request.

The Chair thanked Councillor Davis and the Panel for their hard work and said that the decision would be reconsidered, taking into consideration all the new evidence alongside the previously existing evidence.

9 HOME TO SCHOOL TRANSPORT REVIEW 2012

Councillor Liz Hardman in a statement said she felt the Cabinet had been misinformed when they had made their previous decision, resulting in a decision which was discriminatory. She also felt that the cost analysis had been flawed, so Cabinet had made a decision which would not deliver the headline savings figures, and had not properly considered other options which might have delivered substantial savings without abolishing the subsidy entirely. There were therefore no good grounds for withdrawing the subsidy.

Councillor Sarah Bevan in a statement [*a copy of which is attached to the Minutes as Appendix 3 and on the Council's website*] declared an "other" interest because her son attended a faith school and she received a transport subsidy from the Council. She felt that the process had been flawed from the outset because the original research had been based on the LEA boundaries, yet the two schools in question served much larger geographical diocesan areas. The decision would discriminate against families who lived in the outer parts of the dioceses. Removing the subsidy would also represent a discriminatory disadvantage for ethnic minority families, a substantial number of whom were catholic and whose children attended St Gregory's.

Cllr Bevan was very concerned that the decision might lead to large numbers of catholic parents being financially unable to send their children to the one school in the diocese which would uphold their faith.

Raymond Friel (Executive Head Teacher, St Gregory's and St Mark's) in an *ad hoc* statement emphasised the impact the decision would have across the city. He challenged the argument about a demographic bulge which it was claimed would provide increasing numbers of children into the schools in Bath; he said that it would have only a short-term effect. He asked the Cabinet to consider carefully the impact their decision would have on the whole school provision in the city and much wider.

Councillor Dine Romero in her introduction referred to Raymond Friel's statement and said that primary school numbers supported the contention that secondary admissions numbers in future years would increase. She assured Councillor Davis

that Cabinet had been aware of all the facts available at the time, and that all the new evidence now available would be considered. She explained to Cabinet that it was not in fact possible to be sure how many parents might decide not to send their children to a faith school as a result of losing the subsidy. She acknowledged that it would be some time before the full savings would be delivered, but explained that this was because Cabinet had been determined not to deprive existing families whose children already received the subsidy and whose younger children would also be able to enjoy it.

Councillor Romero reminded the Cabinet that she had addressed all the issues when she spoke at the Call-in Panel; it was not correct to say that some evidence had not been taken into account. She was very clear that the phrase “cost-neutral” meant cost-neutral to the Council. She warned that a large increase parental contribution might in any case dissuade a number of parents and would lead to an unsustainable model.

She proposed to Cabinet that they CONFIRM the original decision made on 10th April.

Councillor David Bellotti seconded the proposal. He reminded Cabinet that it was necessary to save £30M over 3 years because of cuts in central funding and that the option to increase Council Tax had been rejected. He also observed that government would conduct a further funding review in 2015/16, out of which further funding pressures would arise.

Councillor Bellotti rejected criticisms of discrimination. He said that when making its original decision, Cabinet had been mindful to avoid the possibility of discriminating against younger siblings of existing pupils. He acknowledged that it would therefore take longer to realise the savings but he had felt that this was the right thing to do.

He reminded the Cabinet that government had made no cuts to education and nor had this Council. On the contrary, substantial capital sums had been invested in St Gregory’s, Beechen Cliff and Ralph Allen.

As a member of the faith community, he had felt uncomfortable that the subsidy appeared to give special treatment to a few parents. Bristol, South Glos and Wiltshire authorities did not subsidise parents whose children attended St Gregory’s. He felt that this authority should come into line.

Councillor David Dixon said that previous speakers had been right to point out the risk that some children from further afield might not opt for a faith school because of their transport costs; but the two schools were very special places and would remain so. He had looked at a number of policies of authorities across the country. The policy in Kent had been raised by one respondent but he said that Kent’s policy was not as generous as the one being proposed for confirmation because the proposals would ensure fairness for families who had already shown a commitment to faith education. He gave an assurance that the council was meeting and exceeding its statutory duty.

Councillor Paul Crossley thanked all the contributors and correspondents. He expressed the Cabinet’s incredible respect for the work done by Raymond Friel and others although he felt that Mr Friel was being pessimistic in saying that the balance of catholic children in his school would be at risk. He reminded Cabinet that there were a number of ways of transporting children to school, one of which for longer journeys would be to lift share. He restated the Council’s commitment to work with St Gregory’s on its exciting VI form project.

Councillor Dine Romero in summing up paid tribute to the hard work done by the PDS Panel, which had provided the main source of information leading to the decision. She stressed that the decision was about fairness and that parents' right to choose a good school for their children was not being removed.

On a motion from Councillor Dine Romero, seconded by Councillor David Bellotti, it was

RESOLVED (unanimously)

To CONFIRM the previous Cabinet decision:

- (1) To AGREE that the Council should continue to seek to encourage more sustainable methods of home to school transport, particularly an increase in cycling;
- (2) To AGREE that the Council should encourage the promotion of safe cycling routes to school as an alternative to using the car where there is a safe route to do so and that the feasibility of establishing the following two routes should be investigated.:-
 - a) Between Bishop Sutton and Chew Valley School.
 - b) Between Compton Dando and Marksbury.
- (3) 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. This option would not affect students who currently attend the school, only new pupils joining in September 2014. The anticipated savings from this withdrawal would be seen over a number of years can be found in the table in 3.2.5.
- (4) To AGREE to maintain the budget to provide transport for Children in Care [circa £70,000] for the foreseeable future; and
- (5) To ASK Passenger Transport Services to review home to school transport routes on a termly basis to ensure best value for money and that home to school transport bus routes are as efficient and effective as possible. This should also include liaising with parents/carers of students who have Special Educational Needs to consider whether it is appropriate for them to receive independent travel training and a personalised transport budget to arrange their own transport which may be more suitable for their needs, similar to the system used at Coventry City Council.

Additional Documents

The meeting ended at 7.20 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

Notes from EYCY Panel

Call-in of Cabinet Decision on Home to School Transport

The Early Years, Children and Youth Policy Development and Scrutiny Panel held a public meeting on the 9th May 2013 to review this decision following the request of 11 Councillors for it be reviewed (or called in).

They raised their concerns that the Cabinet did not accept the recommendation 3(C) of the Early Years, Children and Youth Policy Development and Scrutiny Panel 'Home to School Transport' review and instead agreed to 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 that school.

The Panel received two written statements from members of the public, interviewed the Cabinet Member for Early Years, Children and Youth and the Leader of the Council, received a representation from Councillor Gabriel Batt on behalf of those Councillors who had signed the Call-In request and representations from other Councillors and members of the public.

Having considered the evidence, a majority of the Panel **RESOLVED**:

To **UPHOLD** the Call In for the reasons presented by the Lead Call In Member, Councillor Gabriel Batt and refer the decision to remove subsidies for denominational schools transport to be reconsidered by the Cabinet.

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Statement by Cllr Sally Davis to Cabinet on May 20th regarding the reasons for the CALL IN being sent back to Cabinet.

I am here today as Chair of the Early Years, Children & Youth Policy Development & Scrutiny Panel [EYCY PDS Panel] as the decision, by the majority of the Panel, following the Call In heard by the Panel on May 9th was to ask Cabinet to reconsider their decision made on April 10th regarding denominational subsidy.

The Cabinet decision was made following the Home to School Transport Review & recommendations from the EYCY PD&S Panel following their meeting on March 25th.

It was felt the reasons for the Call in were valid on the following grounds:

- Did all the Cabinet have access to all the information including all minutes from our March meeting as they were not available on the web-site?
Verbally the Panel were told yes but some Panel members were not convinced there was sufficient evidence, especially in the public domain, to back up this statement.
- Did the Cabinet fully explore option 3c from the Panel's recommendations or was a presumption made that parents would not want to contribute more even though on p48 of the Report it was noted that families at the contributor session were willing to pay?
- Was the costing for all options researched thoroughly particularly the cost neutral option before Cabinet made their decision?
Cllr Romero said the once costs started to come through of around £1,000 it was not felt appropriate to continue looking at option C, these figures were shared verbally with the Panel. Cllr Romero stressed that Cabinet had the same information as the Panel throughout its decision making but some Panel members were not convinced of both this & whether all options such as increasing charges had been worked through in the same detailed manner.

The majority of the Panel would have liked to have seen clear written evidence linked to these statements available when the Cabinet decision was made. There was particular concern that the cost neutral figures, which had been requested at the January Panel meeting, be part of the facts shared with Cabinet before they made a decision. These figures were not presented to the Panel at their March meeting as an update so members felt this part of the evidence had not been shared with them, if it had been it would have allowed them to comment as appropriate.

- Impact on equalities section did not make it clear whether the real effect on families from minority groups who sent children to St Gregory's in particular, because of their beliefs, had been fully considered, the school has particular measures in place

to help these students & producing materials in other languages was not the only aspect that needed considering.

I hope the Cabinet will look carefully at these reasons & in reconsidering their decision address the concerns raised by the Panel to show that all the options available to them have been considered in detail.

Sally Davis 20.05.13

STATEMENT

Cllr Sarah Bevan

1 I would like to declare a pecuniary, non-prejudicial interest as my son attends St Gregory's and uses the home to school transport.

2 My annual income as being low, about £12.5k before tax credits, but not low enough to qualify for free transport. As a member of the squeezed middle, I am in the same situation as the majority of parents. With the subsidy, we already pay £300 a year to get our children to school and home again. Without the subsidy, this is likely to rise to £900, which is a huge proportion of our income.

3 The original research leading to the cabinet's decision was based on the Local Education Authority boundaries. Neither St Gregory's nor St Mark's were set up as LEA schools. They were established as Diocesan schools. The process was thus flawed from the outset.

4 St Gregory's was set up to serve a minority - the Catholic minority. As you know, the Catholic faith is a global faith, and as such, the school welcomes and is also set up to accommodate educationally and spiritually members of that faith from outside the UK such as the Polish, Kerala Indian and Philippino Catholics, for whom their faith is not just a matter of theology and once a week attendance at Holy Mass, but a way of life and culture, with their school a central supportive hub. Removing the subsidy would represent a disadvantage for these minorities and thus could be construed as discriminatory.

5 Catholics and Anglicans are already at a known disadvantage, since there is only one Catholic and one Church of England secondary school in the authority, meaning that children of the Christian faith have to travel far further to school than other children. Removal of the transport subsidy therefore constitutes a double disadvantage, and again, discrimination could be claimed.

6 There is no point in having a designated Catholic secondary school which not only delivers the National Curriculum but imbues the wider educational offering with a strongly Catholic ethos if there are no Catholic pupils in it.

7 (If time) Catholic parents support their clergy financially, who unlike Anglican clergy, do not receive a stipend to live on, both through weekly collections at Mass or through planned committed giving. To remove the home to school transport subsidy would therefore mean a second unavoidable strain on low to middle income parents.

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