

APPENDIX 5 - TERMS OF REFERENCE

Call-in of the Cabinet decision: E3037 Primary & Secondary Organisation Plan 2017-2021

Introduction

The Cabinet on the 11th April 2018 resolved as set out below:

- 2.1 Approve the proposed strategy for the provision of school places within the 2017 – 2021 plan period.
- 2.2 Approve the proposed strategy for the provision of school places over the longer term within the Core Strategy period and agree the emerging approach for the Local Plan period.

On the 18th April 2018 a Call-in notice was received, signed by 10 Councillors, objecting to this decision.

This decision relates to the proposed strategy for Primary and Secondary school organisation plan 2017 – 2021, and the proposed strategy for the provision of school places over the longer term within the Core Strategy period, including the emerging approach for the Local Plan period. Taken by the Cabinet, for the following reasons:

1. The Greater Bath Consortium Planning Area is too large to be practical as a means of planning the distribution of school places. Whilst a sufficient number of places are currently available across the whole city, this mechanism does not meet families' needs as it does not take geographical context into account. This creates a different system for Bath children compared to those from North East Somerset (where geographical divisions form part of the plan), which may be discriminatory.
2. Families from the South West of Bath are being disproportionately penalised by being allocated places at schools which are the furthest from home. This puts the biggest burden of travel on families from the part of the city which has on average the lowest family incomes. This may be an equalities issue which has not been fully considered.
3. The planning system fails to consider the air quality implications of home to school travel as well as issues of congestion, time taken, and cost to families.
4. Pupils with special educational needs or extra needs may be disadvantaged by the challenge of independent travel.
5. Pupils travelling long distances to school may be disadvantaged in their social development by not living close to classmates.

6. The planning system does not make an allowance for the number of children from outside of Bath and North East Somerset attending Bath schools, nor does it allow for the reciprocal arrangements adopted by Hayesfield and Beechen Cliff schools for siblings.
7. It fails to look to the longer-term with regards to provision requirements at secondary level and the potential need for new schools.

Relevant PDS Panel

The 'Call-in' request has been referred to Bath & North East Somerset Council's Children & Young People Panel Policy Development & Scrutiny Panel to review the decision.

Call-in Meeting

At the Panel meeting on 15th May 2018 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 resolution made by the Cabinet 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 or any variation proposed by the Chair. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) : Cllr Paul Crossley
- Lead Cabinet Member – Cllr Paul May (Cabinet Member for Children & Young People), and key service officers

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

The Panel will only address questions from the validated point within the call-in notice.

- **Timescales.** The Panel must hold its initial meeting within 14 working days of the Call-in being verified 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 16th May 2018 [14 working days from receipt of validated call-in request]
 - If meeting adjourned, second public meeting must be held by the 24th May [21 working days from receipt of validated call-in request]
 - If referred directly to the Cabinet, a response must be received by the 30th May [10 working days from date of 1st meeting]
 - If adjourned and then referred to the Cabinet, a response must be received by 12th June [10 working days from date of 2nd meeting]
- **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.