



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023/24

SPECIAL OVERVIEW & SCRUTINY COMMITTEE

27 MARCH 2024

CALL-IN: REVIEW OF THE COUNCIL'S HOME TO SCHOOL TRANSPORT POLICY

**REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &
COMMUNICATION**

1. MEMBERS WILL FIND ENCLOSED:

Appendix A – Cabinet Committee Report of the [20th March 2024](#) - 'Cabinet Member Environment and Leisure titled Review of the Council's Home to School Transport Policy.

Appendix A1 – Equality Impact Assessment

Appendix A2 – Welsh Impact Assessment

Appendix A3 - Consultation Report

Appendix B - Copy of the Cabinet Decision for the above mentioned item.

Appendix B1 – Copy of feedback from Overview and Scrutiny to Cabinet

Appendix C –Extract of the Council's Overview and Scrutiny Procedure Rules re: Call-in

Appendix D – Copy of the Call in form received from Councillors K Morgan, Councillor P Binning and Councillor K Johnson

2. RECOMMENDATIONS:

- 2.1 To determine whether or not to refer the matter back to Cabinet for reconsideration.

3. **BACKGROUND**

3.1 On the 20 March 2024, a report was considered by Cabinet in respect of the decision to approve the recommendations outlined below:

2.1 Considers the content of the report and outcome of the public consultation, together with the associated Equality and Welsh Language Impact Assessments appended to the report;

2.2 Subject to 2.1 above, determines whether or not, and if so how, it wishes to proceed with implementation of a revised Home to School Transport Policy giving consideration to the following preferred option which was consulted upon, namely:

- providing mainstream English, Welsh and Faith primary school, secondary school and college transport in line with relevant statutory distance criteria,*
- allowing a learner to select their nearest suitable school in accordance with choice of English or Welsh Medium language or preferred religious denomination;*
- continuing to provide discretionary pre-compulsory school age transport and post-16 transport; and*
- continuing to provide discretionary Additional Learning Needs transport:*

2.3 Subject to 2.1 and 2.2 above, considers, in light of the feedback from the public consultation and analysis of the Equality and Welsh Language Impact Assessments, whether it wishes to amend the proposal as consulted upon, including consideration of alternative options presented within section 14 of this report;

2.4 Notes that any revised Home to School Transport Policy would need to be published in accordance with statutory requirements by 1st October 2024 in order for it to be able to be implemented for the commencement of the 2025/26 academic year; and

2.5 Subject to any decision taken to proceed with implementation of a revised Home to School Transport Policy delegates authority to the Director of Highways, Streetcare and Transportation Services to develop, introduce or amend any operational policies/guidance incidental to the implementation of any revised Home to School Transport Policy.

- 3.2 The Overview and Scrutiny Committee were formally consulted on the matter on the [13 December 2023](#). Members then also pre scrutinised the matter on the [18th March 2024](#). In addition to the formal consultation report, Members of the Overview and Scrutiny Committee were also provided with additional written consultation responses received. Formal feedback from these meetings which were presented to Cabinet for consideration is attached at Appendix B1.
- 3.3 The decision in respect of the above was published on the 20 March 2024 and is attached at Appendix B.
- 3.4 Members are able to view the Cabinet meeting where the matter was considered by clicking [here](#) to view the recording.
- 3.5 Rule 17 of the Overview and Scrutiny Procedure Rules dealing with call-in is attached as Appendix C of this report.
- 3.6 The call-in form was received on the 25 March 2024 which complied with the relevant criteria. (A copy of the prescribed call in form is attached as Appendix D)
- 3.7 The reasons for the call-in which were considered valid by the Proper Officer are presented for the Committees consideration below.

4. PROCEDURE

- 4.1 Each case for Call-in must be considered on its merits and the procedure for the conduct of the meeting will be in accordance with the Overview and Scrutiny Procedure Rule 17.1B, as shown below:-

17.1 Procedure at call-in meetings held under Rule 17.1

1. Declarations of interest (including whipping declarations);
2. Welcome by the Chair followed by the outlining of the reason for the call-in meeting, to be undertaken by the Head of Democratic Services as per detailed below:-

Call –in matters raised for consideration by the committee supported by the Proper Officer :

1. There is a need to further consider the negative impact of the decision for pupils, parents/carers and the communities of Rhondda Cynon Taf.
2. The decision to proceed did not fully consider the negative impact in relation to legal implications, equality impact assessment and welsh language assessment.
3. To further scrutinise if the Cabinet decisions being called in are legally compliant and in accord with duties under the Future Generation Wales Act 2015, the UN Convention on the Rights of the Child as well as the Equalities Act and Welsh Language Act

4. To further scrutinise practicalities in delivering decision 5 (recommendation 2.5 of the Cabinet report) relating to the delegated authority as agreed.

3. Chair to invite the three Members, namely County Borough Councillors:

Councillor K Morgan, Councillor P Binning and Councillor K Johnson who have signed the call-in form to present their submissions to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the accepted valid reasons set out in the 'notice of call-in form'.

4. *Chair to invite relevant Director(s) to respond.*
 5. *Chair to give any Cabinet Member(s) present the opportunity to address the Committee.*
 6. *Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).*
 7. *If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.*
 8. *Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.*
 9. *Chair to put the matter to the vote.*
 10. *Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f)*
- 4.2 If the proposal to refer the matter back for reconsideration is passed then the matter will be referred back to the decision maker, namely the Cabinet. If the proposal is lost then the decision will take effect from the conclusion of this meeting.
- 4.3 The relevant Cabinet portfolio holder(s) will be invited to the meeting to answer any questions Members of the Committee may have with regards to the subject matter of the Call In.
- 4.4 Should any public speaker requests be received, they will be considered in accordance with the Council Scrutiny participation arrangements, as outlined within the Council's Public Participation Strategy.
