

**North Yorkshire County Council****Transport, Economy & Environment Overview and Scrutiny Committee****12 June 2019****Call in of decision referred to in Decision Record CYP11/19****1 Purpose of Report**

- 1.1 To enable the Committee to consider the decision relating to the contribution rate for post-16 home to school transport for the 2019/20 academic year, and to determine whether or not the Committee would wish to refer the decision back to the Corporate Director Children and Young People's Service for reconsideration or to the full Council and, if so, the nature of its concerns about the decision.

**2 The Executive decision made by Stuart Carlton, Corporate Director of CYPS in consultation with Executive Member, County Councillor Patrick Mulligan**

- 2.1 On 21 May 2019 the following Executive decision was taken:

**Resolved –**

That the contribution rate for post-16 home to school transport be set at £600 per annum for the 2019/20 academic year. This will place the authority at the mode rate, and within the majority of County Council current rates of contribution.

- 2.2 A copy of the Report (Appendix 1) and Decision Record (Appendix 2) are attached to this Report.

**3 The Call in**

- 3.1 By 29 May 2019, written notice had been received from six Members that they wished the decision to be called in. The notice was signed by County Councillors John Blackie, Stuart Parsons, Helen Grant, John McCartney, Philip Broadbank and Bryn Griffiths.

The reasons given for the call in were:

- 1) The new charge of £600.00 represents an 'eye-watering' increase of £110.00, or 22.5% over what it stands at currently at £490.00.
- 2) As the school / college academic years run for 38 weeks, the £600 represents a charge of around £16.00 per week levied on the household budget.

- 3) The charge falls disproportionately on those families that live furthest from the schools with 6<sup>th</sup> Forms or the Post-16 colleges. These families will most often reside in the rural and the remotely rural communities of North Yorkshire where household incomes are low and the cost of living is high.
- 4) Options for those living near the Sixth Form Schools and Colleges are available to avoid the charge, including walking / cycling to their place of Post-16 education, or a group of parents taking turns to organise a lift for a number of students amongst themselves. These options are not available to those who live some way away from the Sixth Form Schools and Colleges, and inevitably leave a stark choice for parents to pay up, or for the student to give up on his / her career potential, and find a full time unskilled job locally.
- 5) If parents pay up it will probably be from an already very tight household budget, resulting in them having to make sacrifices elsewhere in their day to day expenditure.
- 6) If the parent cannot afford the charge, or the student decides to find an unskilled job locally then in all likelihood it will not exploit their skills and talents, and so they may not make the best of their future career pathway, leading to a lifetime of loss of career opportunity.
- 7) The huge increase in the charge comes against a background of Parish and District Councils and the two National Parks in the county highlighting the exodus of young families from rural areas, mainly through the lack of affordable housing and the lack of a range of suitable and well-paid employment opportunities.
- 8) Without young families in their midst, rural communities do not have a bright and sustainable future ahead, and the imposition of this increase of 22% without meaningful public consultation on an unavoidable charge that allows their children to access Post-16 education is unlikely to provide a reason for these families to stay.
- 9) The options considered by the Director of CYPS in consultation with the Executive Member appeared to have been based solely on financial reasoning without any consideration given to the economic and social arguments and detrimental impact outlined above.
- 10) North Yorkshire is England's most rural county, and its County Council should be seen to be in the vanguard of promoting sustainable, bright futures for its rural communities, an intrinsic component of which are the presence in their midst of young families. Instead it seems it is indulging in a competition with counties far less rural in nature in a race to the bottom to charge the most to provide Post-16 students with access to their further education and / or vocational training.
- 11) Engaging in Post-16 education / training will open up a lifelong of career opportunities best suited to the individual skills and talents of those students fortunate enough to be allowed to access it. Many of these opportunities will fall by the wayside as simply the households they come

from can hardly afford the standard charge of £490, let alone the extra £110 being demanded from June 1st. This will consign these students to a lifetime of humdrum work, rather than a lifetime of career opportunities of bright, remunerative employment making full use of their skills and talents.

12) This charge is based on discrimination against rural and remotely rural communities within the County, and the massive increase in the charge further underscores this discrimination.

13) The current rate of inflation is 2.1 % which on a charge of £490 would support £10.00 a year rather than £110 a year as an increase.

14) The increase in the NYCC component of Council Tax from April was 4.99% and dwellings in rural areas suffer from high Council tax banding because of the attractiveness of the countryside especially in our two National Parks and AONBs. This leads on through external influences on the housing market to inflate house values and thus Council Tax in rural areas. In short the increase of £110 is adding insult to the injury caused by vastly increased Council Tax bills landing on the doormat on April 1<sup>st</sup> this year.

15) The option we would have chosen would be to see a reduction in the charge, rather than an increase, or at best no increase at all because many rural households are already struggling to pay the existing charge of £490.00 a year.

16) If an increase has to be contemplated then I would propose it be no more than £25.00 a year phased over the next 4 years.

3.2 The Council's rules in relation to the call in of an executive decision are set out in paragraph 16 of the Overview and Scrutiny Procedure Rule in the constitution <http://www.northyorks.gov.uk/article/24041/Council-constitution>

#### **4 The Role of the Overview and Scrutiny Committee**

4.1 It is for the Committee to consider the decision which has been subject to call in and then to decide whether, or not, it wishes to refer it back to the executive decision making person or body for reconsideration, setting out in writing the nature of its concerns, or whether, or not, it wishes to refer the matter to full Council.

4.2 If the Committee does not refer the matter back to the decision taker, or refer it to the Council, the decision will take effect on the date of the Overview and Scrutiny Committee meeting. The relevant parts of the County Council's Overview and Scrutiny Committee Procedure Rules are set out below.

#### **5 Call in**

Note: Powers of call in apply only to functions which are the responsibility of the Executive.

- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to do so, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall then consider the matter, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body the decision shall take effect on the date of the overview and scrutiny meeting.
- (f) Where the matter has been referred to full Council, but the Executive decides that the matter must be determined prior to the next Council meeting, they may proceed to determine the matter, and shall report the matter to the next Council meeting.
- (g) Subject to (f) above, if the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, (note: it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget) the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

## **6 Recommendations**

- 6.1 That the Committee considers the decision taken and called in and determines whether, or not, it wishes to refer the decision back to the Corporate Director - Children and Young People's Service for reconsideration or to the full Council and, if so, the nature of its concerns about the decision.

**Jonathan Spencer,  
Principal Scrutiny Officer**

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3 June 2019

### Annexes:

- Appendix 1: Report: Post 16 Policy Statement – Home to school transport. Contribution Rate for 2019/2020 academic year
- Appendix 2: Decision Record CYP11/19

## North Yorkshire County Council

Corporate Director - Children's and Young People Service and Executive Members

21<sup>st</sup> May 2019

### Post 16 Policy Statement – Home to school transport. Contribution Rate for 2019/2020 academic year

#### 1. PURPOSE

- 1.1 This paper provides the rationale for the contribution fee in relation to the Post 16 home to school transport assistance. This is to ensure it remains fit for purpose and provides a sustainable framework for transport into the future.
- 1.2 The policy statement and transport provision must align with budgetary allocation going forward to ensure the Council can still provide travel assistance to those who require this the most, and is in line with the Department of Education Statutory Guidance, published January 2019.
- 1.3 This paper is to highlight the current contribution charge and recommend options for the 2019/2020 academic year, which requires publication no later than 31<sup>st</sup> May 2019.

#### 2. STATUTORY RESPONSIBILITY

- 2.1 Local Authorities have a responsibility under Section 508B of the Education Act 2014 to make such travel arrangements as they consider necessary to facilitate attendance at school for 'eligible' children.
- 2.2 Schedule 35B of the Education Act defines eligible children as those categories of children of compulsory school age (5-16)
- 2.3 For Students over the statutory school age (end of Year 11.) The local authority can use discretionary powers to facilitate transport assistance, these arrangements do not have to be provided free of charge as is the case with eligible statutory pupils.

#### 3. RATIONALE FOR CHANGE

- 3.1 Following the 2018 policy change in which the focus was to realigned SEND transport with Mainstream. The contribution fee was not reviewed due to the policy realignment. The contribution fee remained at £490 per annum, with a 50% reduction for low income families.

- 3.2 Home to school transport is a demand lead service. This is based on the eligibility criteria stated above. The current Home to School transport budget is £21.7 million with a current expenditure of £24.1 million. This is resulting in a £2.4 million overspend.
- 3.4 The Authority currently spends approx. £2.8 million on post 16 transport provision. In 2018/19 academic year, the authority received £0.5 million in contribution fees.
- 3.5 The average cost of transport that the local authority commissions ranges from approx. £900 for a seat on a coach up to £30k+ for a specialist provision with passenger assistance.
- 3.6 In comparison to all 26 county councils as shown in Appendix 1. NYCC is 20th in the contribution rates. Currently 4 County Councils currently do not charge a fee, however 2 of these are intending/consulting to charge from September 2019 or 2020.
- 3.7 A number of County Councils have made increasing on 2017 fees, ranging from £15 to £203, however the majority have kept this annual increase within £50 per year.
- 3.8 The majority of County Councils are charging in the region of £600 to £700.
- 3.9 The rationale behind the majority of contribution rates is based on local transport equivalent as not to discriminate those who do not have access or the ability to use public transport.
- 3.10 The average cost of a public transport ticket in North Yorkshire is difficult to calculate due to the amount of variable factors. These include:
- Commercial or commission operator
  - Urban or rural area
  - District services
  - Age a young person is viewed as adult fare – (14 – 18yrs)
  - Distance travelled
  - Saver discounts cards
- 3.11 The National daily rate as reported by TAS national bus survey 2017 showed the national rate to be at £4.92 in 2017 with an average increase of 1.9% every 2 years
- 3.12 Based on these average increases the 2019 rate is expected to be £5.013 per day
- 3.13 Current rate of inflation is 1.8%, this is equivalent to £9.80 on the current rate. The option of no increase will place additional £10,000 pressure on the budget for this financial year.

#### 4. OPTIONS FOR DECISION.

4.1 In reviewing the data from appendix 1 and understanding the rationale on how local authorities set the contribution rates, the options are as follows:

1. Increase the contribution to the national bus average of £5 per day  
Based on post 16 students attending 3 days a week for up to 38 weeks  
This will increase the rate to £570 per annum.
2. Increase the fee to £600 per annum, this will place the authority at the mode rate, and within the majority of County Council current rate of contribution.
3. Increase the fee to the average county council fee of £650 per annum.
4. No increase to the contribution rate.

4.2 The table below shows if these rates were applied to the 2018 actual contribution income;

Full Rate	Average cost per journey	Approx. Income
£490	£1.29	£500,000
£570	£1.50	£600,000
£600	£1.58	£630,000
£650	£1.71	£680,000

4.3 Approx. income figures provided are based on Like for Like and do not take external factors including human behaviours into consideration.

#### 5. INTERDEPENDENCIES

5.1 The LA should pay due regard to other priorities within the Authority on which the outcomes of these proposals may have an impact or influence. These include:

- Current consultation on the Home to school transport policy – for statutory aged pupils, in particular reference to proposal 5, in which the example given was based at the £570 – public transport equivalent to demonstrate the fee is not reflective of other transport options.

5.2 The authority made significant changes to the post 16 policy statement 12 months ago, in which young people with EHCP are now required to pay the contribution charge. We are still implementing this change until 2021, therefore have a number of young people who were exempt last year.

5.3 The Department for Education are currently reviewing the Statutory Guidance for Home to School Transport. A public consultation on the matter was expected in the autumn of 2018. However due to the political priorities of Brexit, This has not yet occurred, with no anticipated date given for the consultation to commence.

5.4 The Department for Education also published statutory guidance for Post 16 Transport in January 2019, on reflection of this guidance, the current policy is compliant with the guidance.

**6. TIMESCALE FOR IMPLEMENTATION**

6.1 The agreed option will be decided by the Director of Children and Young People service with the Executive Members for Education and Skills, and the Executive Member for Inclusion.

6.2 The agreed option will then be published in the Post 16 transport policy statement by no later than 31<sup>st</sup> May 2019

6.3 The published contribution rate will be implement from 1<sup>st</sup> June 2019, for the start of 2019/2020 academic year.

**7.0 RECOMMENDATIONS -**

The Director of Children and Young People Services in agreement with the Executive Member for Education and Skills will determine the contribution rate for the 2019/2020 Academic Year.

Report written by Gail Chester, SEND Transport Manager and William Burchill, Admissions & Transport Manager

Consulted .....Executive Member

Date:

Action Agreed as above

.....Corporate Director

Date:

Appendix 1

County Council Post 16 transport charges 2018/19

Ranking by Contribution rate	County Council	2018/19 charge	Variance from 2017/18
1	Hertfordshire	Up to £1411.50	No change
2	Essex	£900	No change
3	Somerset	£795	Increased £120
4	Warwickshire	£780	Increased £15
5	Gloucestershire	£750	Increased £294 from 3 years ago
6	Surrey	£699	No change
7	Cambridgeshire	£690	Increased £180
8	Oxfordshire	£690 with a 2%inflation for next 3 years	No figure last year
9	Suffolk	£660	Increased £30
10	East Sussex	£646	Increased £38
11	West Sussex	£630	Increased £203
12	Staffordshire	£625	Increased £50
13	Devon	£600	Increased £20
14	Hampshire	£600 - £1330	offer base on distance, possible legal challenge
15	Kent	First year at £600	No figure last year
16	Northamptonshire	£600	No change
17	Lincolnshire	£570 (£9 more p/a if paying in instalments)	No change
18	Worcestershire	£547 for zone 3	Worcestershire
19	Norfolk	£525	No figure last year
20	North Yorkshire	£495	£495 mainstream only
21	Derbyshire	£390	Increased £16
22	Leicestershire*	Moved to fixed financial grant	Change of offer from £660
23	Buckinghamshire	1st year of charging fee not public at point of asking	free
24	Cumbria	No charge but consulting	free
25	Nottinghamshire	Free	Free
26	Lancashire	Unclear of policy offer	No figure last year

\* Legal challenge submitted regarding the offer available

Reference Number: CYP11/19

## NORTH YORKSHIRE COUNTY COUNCIL

## DECISION RECORD

**Re: Post 16 Home to School Transport – Contribution Rate for 2019/20 Academic Year**

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

**This form should be used to record:**

- EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and
- EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)
- A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-
  - (i) under a specific express authorisation; or
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to
    - grant a permission or licence;
    - affect the rights of an individual; or
    - award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

*(One form per decision)*

**The following decision has been taken: -**

That the contribution rate for post-16 home to school transport be set at £600 per annum for the 2019/20 academic year. This will place the authority at the mode rate, and within the majority of County Council current rates of contribution.

**By whom:** *Stuart Carlton, Corporate Director – Children and Young People's Service in consultation with County Councillor Patrick Mulligan, Executive Member for Education and Skills*

**On: 21 May 2019**

*Was this an executive decision?*

YES

*If an executive decision, was it also a key decision?*

YES

**Reasons for decision: -**

For Students over the statutory school age (end of Year 11.) The local authority can use discretionary powers to facilitate transport assistance; these arrangements do not have to be provided free of charge as is the case with eligible statutory pupils.

The current contribution fee (£490 per annum with a 50% reduction for low income families) was not reviewed last year as part of the 2018 policy change to realign SEND transport with Mainstream transport.

**Details of any alternative options considered and rejected: -**

Four options were considered. The following options were rejected:

1. Increase the contribution to the national bus average of £5 per day. Based on post 16 students attending 3 days a week for up to 38 weeks. This will increase the rate to £570 per annum.
3. Increase the fee to the average county council fee of £650 per annum.
4. No increase to the contribution rate.

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?

**Background Papers**

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed  
.....

Publication Date: 21 May 2019

Stuart Carlton, Corporate Director  
.....

Cllr Patrick Mulligan, Executive Member

Directorate: Children and Young People's  
Service

***Note 1 regarding Executive decisions only:  
This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).***

***Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.***

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Contact for copy of report considered [marion.sadler@northyorks.gov.uk](mailto:marion.sadler@northyorks.gov.uk) or at <http://democracy.northyorks.gov.uk/committees.aspx?commid=100&meetid=4233&agendaaid=6422>

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