

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in Committee Room 1A , County Hall, Durham on **Wednesday 28 June 2023 at 9.30 am**

Present:

Councillor R Crute (Chair)

Members of the Committee:

Councillors V Andrews, A Batey, J Cosslett, B Coult, S Deinali, K Hawley, P Heaviside, L Hovvels, M Johnson, P Jopling, C Lines (Vice-Chair), C Marshall, C Martin, J Miller, E Peeke, A Reed, K Robson (Substitute), K Shaw, M Stead, A Sterling, A Surtees and R Yorke

Also in attendance:

Councillor R Bell, T Henderson, E Scott and M Wilkes.

1 Apologies for Absence

Apologies for absence were received from Councillors J Charlton and B Moist.

2 Substitute Members

Councillor K Robson for Councillor J Charlton.

3 Declarations of Interest

There were no declarations of interest.

4 Home to School Transport Services - Consultation Outcomes - Request for Call-in

The Board were informed that a request for call-in on the Home to School Transport Services – Consultation Outcomes had been agreed by the Chair of Corporate Overview and Scrutiny Management Board. The statement of request for call-in, the executive decisions of 14 June 2023, the Cabinet report of 14 June 2023 and the procedure for call-in were circulated (for copy see file of minutes).

The Chair invited one of the members who had requested the call-in to explain their reasons for the request and what they felt should be reviewed.

Councillor Miller explained that the £2 per day, per child, would have a massive impact on families who were already struggling. Those living in more rural areas where footpaths were inappropriate and unsafe would suffer and public transport was less reliable with routes being cut. Buses would often run late or not at all. He added that Cabinet had not considered the wellbeing of families across the whole county.

The Chair stated that as this issue had a countywide impact and therefore affected all members he would move to the next step of the procedure and ask the Cabinet Portfolio Holder to respond.

Councillor Henderson, Cabinet Portfolio Holder for Children and Young People's Services said that Cabinet were concerned and aware that this was a big issue affecting families. There had been a huge rise in costs and fuel had gone up a lot in the last 12-18 months which affected what we were paying out. He added that there would still be free travel for those children that needed it and that they would not expect a child to walk or cycle to school along an unsafe route.

Councillor Scott, Cabinet Portfolio Holder for Economy and Partnerships explained that to alleviate the rise in costs Cabinet had reduced the proposed £2.80 fare in line with Go North East, to £2. This would be in line with the £1 per journey for all under 20 year olds. She appreciated that it was not an ideal scenario and an emotive area of concern. Children with a disability or special educational needs would still be eligible for transport however it should be noted that the mode of transport may change. The consultation had referenced active travel modes as an option for accessing schools and that 56% of respondents supported this approach with 20% disagreeing. Making routes safer would be looked at and would help to empower young people to take journeys as independent young people. Councillor Scott added that these changes would be kept under constant review and would be based on the needs of the child. She explained that individualised transport for children with SEND was not an entitlement and that shared transport for this group was common prior to COVID however each child would be assessed according to their individual needs.

The Chair highlighted that most of the Cabinet decisions recommended further consultation and engagement and he looked forward to reports coming back to Cabinet and scrutiny on these issues.

Councillor R Bell, Deputy Leader and Portfolio Holder for Finance gave some financial context to the decision. He referred to the July Cabinet report on the Medium Term Financial Plan(14) which gave an update on the budgetary position. He indicated that the Council was facing a budget deficit over the life of MTFP 14 of £56m of which £12.1m fell in 2024/25. Children and

Young People's Services had an overspend on their budget every year due to the increase in looked after children, social care issues and home to school transport. In 2022/23 the overspend doubled over a four year period to £22 million, and additional increase had also been forecast for 2023/24 taking the total to £29.1 million. Diesel costs had gone up to 139p per litre and the sums were unsustainable. Councillor Bell said that the provision was generous compared to that of the statutory provision and in similar local authority areas.

The Chair thanked the portfolio holders and invited the Corporate Director of Children and Young People's Services to provide some background and context to the report.

The Corporate Director of Children and Young People's Services explained that a review of Home to School Transport was undertaken in 2021 to better understand the increase in those accessing transport and the escalation of take up and cost during COVID. The long term and financial sustainability was looked at in more detail highlighting any issues in terms of equity and mainstream travel options. Free entitlements for school children across the county would still be available for those meeting the criteria and the Council looked at how to develop children to make them more independent, be in a social environment and prepare them for adulthood. He went on to advise that the key components of the review were financial, the inequitable nature of the charging arrangements, and the need to focus on children's development to transport to school and the way we did it. There was a statutory duty on the Local Authority to provide Home to School Transport to children who met circumstances prescribed in legislation and distance and eligibility formed part of that model. The consultation process had been extended for a 6 week period rather than the statutory 4 week period and multiple channels were covered. He referred to the June Cabinet report which set out all of the detail and responses received. Children and Young People's Overview and Scrutiny Committee had been provided with the opportunity to comment on the consultation response and their response was included with the papers. The Corporate Director went on to explain that 253 schools did not have the opportunity to be subsidised through a concessionary scheme that highlighted the inequity across the county.

Moving on to unsafe walking routes the Corporate Director explained that there was a cohort of children who receive free transport as the route to school is deemed an unsafe walking route. Where possible capital investments would be made to routes to make them safe. However, if the route remained unsafe transport would still be provided. A report would come back to Cabinet about the concessionary scheme as further work would need to be undertaken to look at the inequity of the scheme across the county.

The development of the young person moving to secondary school was another important point and the Corporate Director said that he was keen to

introduce pick up points across the county to promote independent travel and give valuable skills for life. He added that this could add a financial benefit as we invested in our young people for the future. Although he recognised the complexities around this proposal he referred members to the recommendations in the Cabinet report.

The Chair thanked the Corporate Director and asked members of the board for comment/questions.

Councillor Surtees referred to the consultation results and the percentage in agreement with the proposals and was concerned by the results. 324 people had responded with children which was less than a 5% response rate and she had concerns that a review to change this policy was being made by such a small percentage. She was concerned about the affected families as not only did they have to contend with a rise in travel but also in school dinner costs and we should not push our need to make savings onto the community.

Councillor Hovvels recognised that we lived in a diverse county but was concerned about those rural villages with transport issues and asked had a rural impact assessment been carried out.

Councillor Coult was supportive of the travel hubs trial to pick up children at certain points on their way to school which would give children the opportunity to become more independent. She believed this would benefit a lot of children but those children who still needed extra support would be supported and she agreed with the recommendations Cabinet had made.

In response the Corporate Director advised that 450 pupils would be affected and he believed that the consultation was robust on two key issues and that it was not right to say that only a small number responded. He confirmed that an impact assessment had been carried out. The 450 children who received concessionary transport attended 4 schools in the county which were all in urban areas. 262 schools operated different arrangements and the council needed to provide a more equitable way of providing transport at a subsidised rate.

Councillor Jopling said that no one wanted children to be disadvantaged but that members needed to look at the overall picture and get back to normality after COVID. She liked the idea of pick up points and how this would help with climate change and the targets required to be met and how unsafe walking routes would be looked at as no one would allow a child to walk along an unsafe route. With regards to the consultation she was not surprised at the number of respondents. She said that the council needed to be cost effective and use money wisely and these changes resulted in an increase of 37 pence per day and for those who still need help it would be there.

Councillor Peeke said that consultation had been circulated to every resident and school and shows that we should have had more replies. She believed that we gave over and above and help people in smaller villages by introducing these pick up points.

Councillor Miller referred to the Corporate Director stating 4 mainstream schools and asked which schools they were. He mentioned that 400 children were going to these mainstream schools and asked where they were living. He also asked how children would get to the pick up points mentioned. In response the Corporate Director said that mapping had been carried out and all live within walking distance. It had been agreed to run a small scale trail for the pick-up points to a special school and had been discussed with the school and parents. The 4 schools mentioned were Belmont, Durham Johnston, Shotton Hall and Easington.

Councillor Scott said that Cabinet had deliberated and had not underestimated the financial impact to families of the proposals but that the council did not have an infinite amount of money. She added that being equitable was paramount and that they had not underestimated the difficulty which was why the fares were not matched and a reduced fare was being proposed.

Councillor Reed explained that Home to School Transport had been discussed at Children and Young People's Overview and Scrutiny Committee in 2021 before going out to consultation. The costs and overspend had been considered and following the results of the consultation a reduction to the proposed £2.80 fare had been reduced to £2. Those children with over 2 miles to primary school and 3 miles to secondary school would still be eligible for transport. She referred to a bag of chips being £1.85 and that she would rather pay for travel than that. She had worked in the children and young people sector for a number of years and was aware of the stigma around single point pick up to transport children to school, however recognised that where there was a need this would still be provided based on the individual needs. Public transport had always been used as a way to get to school and was an opportunity for young people to gain independence. She agreed that Cabinet had made the right decision.

The Chair commented that public transport had changed over the years in certain wards.

Councillor Andrews referenced a Government report into Child absences from school which had identified the region as the worst in the country and she had concerns that any increase in costs could result in more absences. She suggested that the overspends being experienced by the Council could be as a result of year on year underfunding by Government..

Councillor Stead asked why he was here today at the meeting as could not understand why this had been called in. He thanked the Corporate Director

for answering all questions and had read the report so asked if the people who had signed the call-in letter had read it beforehand. He said that no alarm bells had been raised at Children and Young People's Overview and Scrutiny Committee and that there would be monitoring throughout and a trial pick up scheme. He had worked with the North East Autism Society for a number of years and understood how home to school transport worked and could not foresee a problem with shared buses. He believed the letter was a red letter signed by members who were hitting the button.

The Chair said that this process was about accountability and that members had concerns so had the right to call it in.

Councillor Hovvells said that she knew exactly why she had signed the letter as was aware of a family who had 3 children who would have an increased cost to transport her children to school. She felt very strongly about this issue.

Councillor Stead asked how the procurement process was carried out for home to school transport as everyone has had an increase in fuel costs but that there seemed to be some disparities across the county. He supported the consultation numbers as felt they were good but was concerned about the procurement process.

Councillor Batey stood by her decision to 'hit the button' and confirmed that she was using scrutiny in the right way. She added to the debate by saying that it was not just about the £2 per day costs but also about looking at parental choice. In her ward the nearest secondary school was in the Gateshead ward and she would prefer if residents had a choice of a County Durham school but transport was an issue with a cost implication. She asked if parents would choose to send their children to Durham Johnston, Belmont, Shotton Hall and Easington if they understood the transport implications. With regards to school transport she said that it had been shown that people were using public transport rather than designated school transport.

Councillor Scott said that she welcomed parental choice and that the current home to school transport policy was not serving the wider residents across the county.

The Corporate Director explained that procurement workstreams were detailed in the report and had been led by the Head of Procurement. The allocation of school places was carried out in line with the School Admissions Code and parental preference was applied. He added that the report was clear in terms of responsibility and methodology used in how we transported children to school.

Councillor Marshall disagreed with the views of the Corporate Director as there was a big problem with transport. He believed that cost had been

looked at in isolation and access to services and that the wider transport issue should be looked into. Child poverty levels were the highest on record due to national political decisions and that placed more burdens on families already in crisis. He said that there was inequality across the county and that the report does not pick up on that. He asked that individual children's circumstances were looked at and how this was impacting their families. He said that this was a 'blue sky' way of looking at resources and felt that Cabinet had it wrong by bottoming out inequality. He asked that they looked at this again and considered the inequality, the isolated communities and poverty and not pushing the fees and charges onto these communities to combat financial pressures. He felt that the Council were creating a Ryanair Council in that if you could afford a better service then you would get one.

Councillor Scott clarified that she had been talking about equity and not equality.

Councillor Hawley said that a lot of money had been spent on the consultation and asked if we were using this in the right way.

Councillor Sterling said that the council went above and beyond the statutory provision in respect of Home to School transport by looking after families but was concerned about the rising costs. She asked if local companies were being used through the procurement process and the County Durham Pound ethos was promoted.

The Corporate Director said that 253 school did not access the scheme at present and it was about making sure any future scheme was equitable across the whole county. With regards to the consultation he advised that we went beyond the statutory duties with the extended consultation period. Referring to free school transport he advised that all children who were eligible would still receive it and that this has been looked at in detail. He believed the consultation response was reasonable and that it had gone beyond the statutory guidance. He confirmed that there were interactions with public transport and the bus network but that not all changes in public transport could be mitigated. In terms of procurement he would feed back the comments made to the Head of Procurement. He understood that there were not only increases to fuel but also issues with the availability of drivers and other workforce issues.

Councillor Heaviside was concerned at how far some children had to travel and when schools were over subscribed they had to travel into Sunderland area. He welcomed the review of single use taxis and looking at unsafe walking routes. He understood that those families who required help and support would still receive it but was concerned about those families who did not meet the threshold but were still struggling financially.

Councillor Yorke commented that all departments were under pressure and he understood the need to set a balanced budget but was more concerned

about those families who were the poorest in society. He said we should concentrate on residents and families and asked what would be done to increase the extended school transport grant.

Councillor Robson said that he received many complaints on a regular basis in a deprived area but that not one was about this issue. He asked if all the people who had signed the letters were Labour members.

The Chair confirmed that other members had signed the letter, not just Labour members.

Councillor Deinali said that those families on low income would suffer the most. She asked if there had been any impact on attendance so far or had any problems been predicted in the near future because of these proposed changes. With regards to savings she asked if any consideration had been given to supporting families with mental health, health and wellbeing and those struggling with food and transport. She asked if Cabinet had considered families being able to manage their own budgets and if they had the right skills to do so. Some families had mobility cars but may have had multiple children with more complex needs that need transporting children to school in different ways, and asked Cabinet to consider the impact that this had.

Councillor Jopling said that procurement had been carried out and that as a council a balanced budget needed to be set. She did agree that we should come back to scrutiny every time there was a small increase and did not feel that it met the criteria for call in. The Head of Legal and Democratic Services clarified that the decision was made by the Chair of Corporate Overview and Scrutiny Management Board, not officers.

Councillor Jopling further commented that she believed the report to be balanced and fair and officers had done their best. She added that the most vulnerable would be looked after and that further scrutiny would be carried out.

The Chair indicated that this was the first call-in for many years and with circumstances changes the council's ability to re-act and pick up the pieces had to be prioritised. He asked the Corporate Director and portfolio holders for any final comments.

The Corporate Director said that extended grants formed a small part of the overall budget and did involve lobbying the County Council's Network with every council being affected. He advised that a lot of money had been spent on concessionary travel and the overall position would save a significant amount. With regards to attendance, he stated that there was no evidence to support a drop in numbers but that this would be monitored. He added that the vast majority of schools did not receive wrap around support but that individual cases were looked at. With regards to mobility cars the statutory

guidance as clear that this could not be taken into account in the decision making process.

Councillor Scott asked members to look at the whole paper as this was not just about savings but also about promoting independence and developing skills. She understood the unfairness in the system but welcomed the opportunity to clear up any misunderstandings at this meeting.

Councillor Henderson had listened to the conversations in this meeting and pointed out that children would meet at a pick up point, which already happened in his area and worked well. For those families that needed support this would still be provided and that all children would be transported to school. He said that the council had no control over public transport or the costs of fuel going up. He said his main concern was that all children could get to school in the safest way possible, with free transport when required.

Councillor Bell had nothing further to add.

Councillor Martin said that call-in was about the process of why Cabinet had come to a decision and that it had been done in the correct manner, not necessarily the decision itself. He asked that the members who had requested call-in come up with some alternatives to be considered. He suggested that Children and Young People's Services Overview and Scrutiny Committee be tasked with looking more closely at some of the issues raised.

The Chair pointed out that the reason for call-in was about the decision and the consultation process and about what this management board did next.

Councillor Deinali said that a lot of things in terms of the numbers had been looked at but the long term costs and the impact of that and the impact on families should be considered. Low earning families and those who had children with additional needs should be considered and this as this specific decision impacted the whole of the county then the whole council should have the opportunity to debate it. Cllr Deinali suggested that the following areas should be subject to this further debate including:-

- i) Whether to undertake a detailed review of the procurement of Home to School transport provision to establish the potential to reduce budget costs before any changes to the existing scheme are made;
- ii) To undertake a full review of the sustainability of the Home to School Transport services budget in the medium to long term;
- iii) To consider that the proposed increase in the charge for the Standard and Maintained Concessionary scheme to £2.00 will place additional pressures to families who are already facing severe financial pressures under the current cost of living crisis;

- iv) To consider that the proposals will adversely impact on those more disadvantaged areas of the County, especially rural areas where public transport services are already being reduced or in some cases removed;
- v) To fully examine and identify the impact of the proposals on those children with complex and Special Educational Needs and Disabilities.

Councillor Miller seconded Cllr Deinali's recommendation.

Councillor Martin said that it would be more helpful to have a COSMB sub group look at this and that the statement of a £2 uplift was factually incorrect.

Councillor Stead seconded Cllr Martin's recommendation..

The Head of Legal and Democratic Services clarified that full Council could debate the matter but had no powers to overturn or make a different decision to Cabinet. If Council disagreed with the decision, it could only refer the matter back to the Executive for re-consideration.

Upon taking a vote to debate at full Council:

12 members were in favour and 10 against.

Resolved that the Cabinet decision taken on 14 July 2023 in respect of Home to School Transport Services – Consultation Outcomes be referred to full Council for further consideration.