

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Executive Committee
Date:	21 June 2021
Subject:	Impact of the Public Service Vehicle Accessibility Regulations 2000 on the sale of vacant seats on school / college transport
Portfolio Holder(s):	Councillor Robert G Parry OBE FRAGs, Councillor R Meirion Jones
Head of Service / Director:	Huw Percy - Head of Service Highways, Waste and Property Rhys Hughes - Director of Education, Skills and Young People
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Local Members:	Every ward

A –Recommendation/s and reason/s
<ol style="list-style-type: none"> 1. That the Authority does not charge a travel fee on Anglesey’s non-statutory pupils and further education students for the 2021/22 academic year. 2. That the Authority limits the right only to the statutory distance for 2021/22. 3. That the Council invests in an electronic system to manage which students qualify for travelling on a school bus (outlined further in section FF) – the PG agrees to fund the cards in principle and then to develop a plan during the 2021/22 school year.

B – What other options did you consider and why did you reject them and/or opt for this option?
The background and rationale are set out in section FF.

C – Why is this a decision for the Executive?
Not charging a fee would be a departure from the Fees and Charges document.

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CH – Is this decision consistent with policy approved by the full Council?
The Council would continue to provide transport within the policy approved by the full Council.

D – Is this decision within the budget approved by the Council?
The impact on the budget is outlined in section FF.

E – Impact on our Future Generations(if relevant)		
1	How does this decision impact on our long term needs as an Island?	Not applicable
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	In the short term, it is anticipated that this decision will reduce the additional costs for the Authority. This is outlined in section FF.
3	Have we been working collaboratively with other organisations to come to this decision? if so, please advise whom:	Not applicable
4	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	Not applicable
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	With the equality agenda, students with special needs would continue to get similar transport by taxi if they are eligible. This is outlined in section FF. This decision does not affect the Welsh language.
6	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-	

	economic disadvantage.	
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	

DD – Who did you consult?		What did they say?
1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	Incorporated within the report
2	Finance / Section 151 (mandatory)	Incorporated within the report
3	Legal / Monitoring Officer (mandatory)	Incorporated within the report
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Procurement	
8	Scrutiny	
9	Local Members	

F - Appendices:

FF - Background papers (please contact the author of the Report for any further information):
<p>Section 40 of the Disability Discrimination Act (DDA) 1995 authorizes the Secretary of State to make regulations to ensure that Public Service Vehicles are accessible to disabled people. The National Government used these powers to establish the 'Public Service Vehicle Accessibility Regulations 2000 (PSVAR)'.</p> <p>From 1 January 2020 PSVAR applies to all coaches with a capacity in excess of 22 seats and vehicles are required to be accessible for disabled people. However, the Department</p>

for Transport offered an exemption certificate to exempt vehicles from these regulations until 1 January 2022 (the Authority currently holds an exemption certificate)

These regulations have been in the public domain for a number of years to allow operators to upgrade their buses to comply, but the thinking across England and Wales and among Local Authorities was that these regulations would not apply to closed school bus contracts.

During the Summer of 2019 the Department for Transport confirmed that these regulations would apply to any service where payment is made to travel, whether the payment is made directly to the driver or through the Local Authority as the service becomes applicable and the requirements of the regulations apply.

The requirements in relation to coaches include the provision of wheelchair spaces and boarding aids, priority seats, handrails, bell buttons, exiting steps and destination display equipment. Although it is possible to install the equipment on non-accessible coaches, doing so is likely to be particularly complex technically and extremely expensive. Most of the Authority's school bus contracts are with local coach companies and their vehicles do not meet the new specification.

As mentioned above, the Authority has an exemption certificate for our school buses that sells over 20% of available seats until the end of July and an exemption certificate until the end of 2021 for the remainder. To date, it does not appear that the Department for Transport will be offering another extension after that date. Should another extension be offered it would enable Local Authorities such as Anglesey to continue to sell seats to pupils who do not qualify for the statutory provision - for example pupils who live less than 3 miles from the catchment school and pupils in years 12 and 13.

On average, the income that is generated through bus fares is around £66,000 annually (these figures had been estimated by looking at years 2014/15 through to 2019/20, 2020/21 was not considered as the income was not a fair representation of an average year). We have inquired with a few operators who operate school buses on Anglesey traditionally. Those operators estimated a cost between £5,000 and £7,000 annually per contract. The operators would have to pass on that cost to the Authority for every contract that they quote in order to meet the regulations. By using those figures we can estimate that tendering the 54 current contracts on Anglesey would create additional annual costs of between £270,000 and £378,000.

Not charging a fee would mean that we are able to extend the current arrangements with the bus operators until October 2022 when it would be necessary to re-tender in any event, due to the length of the existing contracts. As a payment would not change hands the regulations would not apply.

Requiring operators to provide such vehicles would give pupils with disabilities the option

to travel by bus but in similar situations this Authority and other Authorities across Wales provide similar transport by taxi from the homes of the pupils to the yard of the educational establishment. If a pupil with disabilities or the family of a pupil with disabilities wished the child to travel by bus to the education establishment this would not be possible from the pupil's home, and would usually mean travelling to the nearest bus stop. Given the landscape of Anglesey and the rural nature of the Island a child does not always wait at a dedicated bus stop, sometimes they have to wait at the roadside, on a non-concreted site and therefore while such a vehicle would be provided, the infrastructure is not available in several locations to support the provision. That in turn could result in additional costs.

It is possible that not charging a fee would mean that additional students may wish to use the provision. There is a summary below of the number of seats on buses and the number of pupils who attend high schools on Anglesey.

Ysgol Syr Thomas Jones School and Ysgol Uwchradd Bodedern School – it appears that there are more seats than pupils in Ysgol Syr Thomas Jones School and Ysgol Uwchradd Bodedern Secondary School. If there is an increase in demand it is hoped that seats will be available.

Ysgol Gyfun Llangefni School and Ysgol David Hughes School – there are about 200 more pupils in these schools than the bus capacity that it is available at this time. We can assume that a number of pupils either live within walking distance of the school, drive themselves (year 12 and 13 pupils) or have alternative means of getting to those schools.

Ysgol Uwchradd Caergybi / Holyhead High School – There is a need to look in detail at the situation regarding the number of pupils on the buses. It is the only school that is a cause of concern as there are 700 more pupils who attend this school than there are seats available on buses. However, we can assume that a significant number of these pupils live within walking distance of the school, therefore this situation will need to be kept under review and additional seats may need to be provided if required.

In addition to this, we are trying to regulate the situation by ensuring that every pupil who is eligible to use this service gets a bus pass and are required to show the pass in order to travel. To this end, the Authority is exploring options, costs and timetable and investing in a pass system which would allow the Authority to know exactly which pupils are using the service from a health and safety point of view. This would strengthen the Authority's internal arrangements if an accident or incident were to happen or a Covid case. In the current circumstances with the virus spreading, such a system would aid with the Authority's contact tracing arrangements. We are anticipating additional costs of around £50,000 for the first year (which includes initial consultation and equipment costs) and then £25,000 annually for the remainder of the contract, based on an initial contract period of 3 years.

So in conclusion, to summarize:

- not charging a fee would mean that we could extend our current arrangements with the bus service operators until October 2022. This would not only give assurance to local coach operators during an exceptionally uncertain period, but also by that time perhaps the effect of the pandemic on operators will be beginning to ease and if the Authority wishes to re-start charging a fee, the prices quoted by the operators may be significantly more competitive. It must be remembered that the pandemic has had an adverse effect on this industry, where the situation of many operators is already precarious, and asking them to provide similar vehicles but perhaps adding to their financial burden in a period where the vast majority of the market for some operators has disappeared completely such as transporting local residents on trips within the UK or abroad.
- as previously mentioned, as there is no other extension planned after the 31st of December 2021, the recommendation is that the Authority does not charge a fee for Anglesey's non-statutory students and further education students from September 2021 until the end of the 2021/22 academic year.
- the income loss would be around £66,000 and we recommend that the income loss should be funded from central costs as the changes are regulations by the National Government and not the decision of the Learning Service. Early in 2022 we will be reviewing the situation for October 2022 in order to evaluate if it's worth asking that new tenders ask for buses that meet the regulations or not and if as a result there will be a way to start charging a fee again.
- in order to ensure that all pupils who are eligible to use the service get a bus pass and will be required to show the pass in order to travel. To this end, the Authority is exploring options, costs and timetable and investing in a pass system which would allow the Authority to know exactly which pupils are using the service for health and safety reasons. We are anticipating additional costs of around £50,000 for the first year (which includes initial consultation and equipment costs) and then £25,000 annually for the remainder of the contract, based on an initial contract period of 3 years. The sources that will fund this system will be beyond the scope of this report. There is no budget available for these costs, therefore we are making a claim and recommending that these costs come from the Council's central costs, or the digital transformation budget. If funding is made available, the Education and Transportation Teams will work together with the aim of implementing a system during the 2021/22 education year.

