

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>The Executive</b>
<b>Date:</b>	<b>14<sup>th</sup> of February</b>
<b>Subject:</b>	<b>The effect of the 'Public Service Vehicle Accessibility Regulations 2000' on selling vacant seats on school/college transport</b>
<b>Portfolio Holder(s):</b>	<b>Councillor Robert G Parry OBE FRAGs, Councillor R Meirion Jones</b>
<b>Head of Service:</b>	<b>Huw Percy – Head of Highways, Waste and Property Service Rhys Hughes – Director of Education, Skills and Young People</b>
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<b>Local Members:</b>	<b>Every ward</b>

<b>A –Recommendation/s and reason/s</b>
<ol style="list-style-type: none"> <li>1. The Authority should not charge a travel fee for Anglesey's non-statutory pupils and further education students;</li> <li>2. a) until the start of October 2025 with the option of extending for a further two years (if the PSVAR regulations were to change during this period we can re-consider this) That the Authority continue with the vacant seats scheme based on capacity for those years. For this academic year the Authority has offered the Vacant Seats Scheme on school buses ((This is the Scheme, prior to this academic year, which sold empty seats on school transport to non-statutory pupils) for free.</li> </ol>

<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
The background and reasoning is noted in section FF.

<b>C – Why is this a decision for the Executive?</b>
Not charging a fee would go against what is noted in the Fees and Payments document.

**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 effect on the budget is outlined in section FF.

**Dd – Assessing the possible effects (if applicable)**

1	How does this decision effect our long term needs as an Island?	N/A
2	Is this a decision that is anticipated to prevent future costs / dependencies on the Authority? If so, how: -	In the short term, it is anticipated that this decision will reduce additional costs for the Authority. This is outlined in section FF.
3	Have we been working with other organisations to come to this decision? If so, please not whom.	N/A
4	Have the citizens of Anglesey contributed to the drafting of this way forward, including those directly affected by the decision? Please explain how.	N/A
5	Please note any potential effects this decision would have on the groups protected under the Equality Act 2010.	Within the equality agenda, pupils with special needs will continue to be provided with similar transportation via taxi if 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 effects that the decision would have on those experiencing socio-economic disadvantage.	This decision entails free transport and as such has no effects.
7	Please note any potential effects this decision would have on opportunities for people to use the Welsh language, and on not treating the Welsh language less favourably than the English language.	N/A

<b>E – Who did you consult?</b>		<b>What were their comments?</b>
<b>1</b>	<b>Chief Executive / Senior Management Team (SMT) (mandatory)</b>	
<b>2</b>	<b>Finance / 151 Officer (mandatory)</b>	
<b>3</b>	<b>Legal / Monitoring Officer (mandatory)</b>	
<b>4</b>	<b>Human Resources (HR)</b>	
<b>5</b>	<b>Property</b>	
<b>6</b>	<b>Information Technology (IT)</b>	
<b>7</b>	<b>Procurement</b>	
<b>8</b>	<b>Scrutiny</b>	
<b>9</b>	<b>Local Members</b>	

<b>F - Appendices:</b>

**FF - Background papers (please contact the author of the Report for any further information):**

Section 40 of the Disability Discrimination Act (DDA) 1995 grants the Secretary of State the power to make regulations to ensure that Public Service Vehicles are accessible to people with disabilities. The National Government used these powers to establish the ‘Public Service Vehicle Accessibility Regulations 2000 (PSVAR)’.

From the 1st of January 2020, the PSVAR has been relevant to coaches with more than 22 seats and the vehicle needed to be accessible to people with disabilities. That said, the Department for Transport was offering an exemption certificate offering exemption from these regulations until the 1st of January 2022.

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

The requirements for coaches include providing space for wheelchairs, boarding aid, priority seats, handrails, bell buttons, retractable steps, and equipment that displays the destination. Although it is possible to install the equipment on non-accessible coach vehicles, doing so would be particularly technically complex and extremely expensive. Most of the Authority’s existing agreements are with local coach carriage companies and their vehicles do not meet

the new specification. The Executive approved the decision not to charge Anglesey non-statutory pupils and further education students for the 2021/22 academic year. This meant that the regulations did not apply after 1st January 2022.

The average income collected through bus ticket sales is £ 66,000 per year (these figures were estimated by looking at the years 2014/15 to 2019/20, however 2020/21 was not taken into account since the income was not a reflection of a typical year). Again, we have asked a few operators who traditionally operate Anglesey school buses. Unlike the previous estimate of costing between £ 5,000 and £ 7,000 annually, the estimate to upgrade an operator's bus or the cost of buying a bus that would meet the requirements, was now between £ 10,000 and £ 15,000 per year, per contract. It is believed that the reason for this increase is that the buses that meet the Regulations are becoming scarcer which means that the price has increased, as well as the increase in fuel prices in recent months. In turn, the operators would have to pass this cost on to the Authority for every contract they priced to meet these Regulations. These costs are based on the cost of purchasing buses that would meet these regulations. Therefore using these costs for the current 54 contracts, and if the Authority were to tender the next contracts for a period of up to 5 years, tendering the current contracts on Anglesey would create additional costs of between £ 540,000 and £ 810,000 annually and totalling between £ 2,700,000 and £ 4,050,000 for the entire contract period (for the period of up to 5 years). For the same period the loss of ticket payment income to the Authority would be approximately £ 360,913. This amount includes an annual loss of income for these 5 years including annual inflationary costs.

The normal duration of a school bus service provision agreement is 5 years, which gives operators a suitable period of security, avoids having to tender annually and gives the Council the opportunity to review arrangements every 5 years. Given the potential changes in transport as alternative fuels and decarbonisation needs develop, it is considered that up to 5 years is still a suitable period. Revision after 3 years gives the industry the opportunity to stabilize following the uncertainties of the covid period.

It is fair to note that requiring operators to provide such vehicles would give pupils with disabilities the option of traveling by bus, but in similar situations this Authority, and other Authorities throughout Wales, provide suitable taxi transport directly from the pupils' home to the yard of the educational institution. If a pupil with disabilities, or the family of a pupil with disabilities, wanted the child to travel by bus to the Educational establishment, this would not be possible directly from the home, as it would usually entail a trip to the nearest bus stop. Taking into account Anglesey's landscape and rural areas, a child is not necessarily waiting for their bus at a dedicated bus stop, on occasion they are required to wait at the roadside, that is, at a non-concrete site therefore, although such a vehicle would be provided, the infrastructure is not available in several locations to support the provision. That in turn could result in an additional costs.

Offering free bus transport is in line with the Government's transport vision – Y Llwybr Newydd - as it will lead to fewer vehicles on our roads and make school bus transport a more

attractive option.

Of course, not charging may mean that more pupils will wish to use the provision. For the 2021/22 academic year there has been very little increase in demand and steps are in place between the Highways, Waste and Property Service and the Learning Service to manage the risk of misuse.

So in conclusion, to summarise:

- the recommendation is that the Authority does not charge a travel fee for Anglesey's non-statutory pupils and further education students until the start of October 2025 at the earliest (if PSVAR regulations change within this period this can be reconsidered).
- not charging a fee would mean we could ask bus operators to provide vehicles that are less expensive to buy when the current arrangements with those operators expire on the 30th September 2022. These buses would not meet PSVAR standards but would not have to as the Authority would not be charging a travel fare. It must be kept in mind that the pandemic has had a detrimental effect on this industry where the situation of many operators is already fragile, requiring operators to provide similar vehicles would add to their financial burden at a time where a significant part of the market for some local operators has almost completely disappeared for example transporting local residents on trips within the United Kingdom or abroad. There is a risk that companies would not be able to purchase suitable buses and uncertainty over service delivery.
- the Authority will continue to provide taxis to provide transport for pupils with disabilities.
- the present arrangements currently expire on the 30th September 2022. The recommendation is to request prices for contracts of up to 5 years next time, ending 30th September 2027, these agreements include an option for the Authority to renew annually for 2 years after the expiry of the first 3 years. The rationale for this is that significant changes can occur in this area in the coming years as the need for decarbonisation becomes more apparent and in the first instance a tender for 3 years with the option to renew for the following 2 years, the Authority has not entered into an agreement for too long and would provide some certainty to operators.
- as there is no travel fee the application review process will continue to try and ensure that only eligible pupils will be able to travel
- taking into account traditional figures the loss of income would be around £ 360,913 for the duration of the contract, and we recommend that the loss of income be funded from central costs as these changes are National Government regulations and not a decision by the Learning Service .
- if the recommendation not to charge non-statutory pupils and further education students on Anglesey is accepted, and as part of a review of processes between the Learning Service and the Highways, Waste and Property Service, then there will be

early communication between the Anglesey Education Service and Heads of Schools regarding travel implications of choosing out-of-catchment secondary schools as part of parent information packs.

- the Council is considering investing in software and individual cards to manage Health and Safety and numbers on school buses. This recommendation does not change this need.