

EXECUTIVE BOARD
20th January 2020

Subject : Fare Paying School Bus Services

Purpose: The report provides an update to Executive Board on national developments that are affecting the provision of fare paying transport for pupils who do not qualify for free home to school transport.

Recommendations / key decisions required:

Should the ongoing dialogue between the WLGA and the Wales Government fail to reinstate the current full exemption for DDA/PSVAR compliance on school transport services, Executive Board approves:

1. An amendment to the Authority's the Spare Seats Policy to waive the current annual £50 charge, with effect from 1st January 2020.
2. The Authority continues to pursue the Wales Government and the Department for Transport for a change in the application of the Public Service Vehicle Access Regulations to allow bus operators to continue using coaches on school bus routes that are operated on a commercial basis.
3. The Authority undertakes a review of the Home to School Transport Policy.

Reasons: To support access to the school transport system through the application of the Council's spare seat policy.

There is limited spare seat capacity in the school transport system.

To allow bus operators to continue to use coaches for fare paying passengers on school bus routes, on a commercial basis i.e. Without cost to the Local Authority.

Relevant scrutiny committee to be consulted

NO

Scrutiny committee and date

EXECUTIVE BOARD / COUNCIL / COMMITTEE:

Scrutiny Committee recommendations / comments:

Exec Board Decision Required	YES
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Council Decision Required	NO
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EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER: -

Directorate: Environment

Name of Head of Service:
Stephen G Pilliner

Report Author:
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Designations:
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EXECUTIVE BOARD 20th JANUARY 2020

Fare Paying School Bus Services

The Council provides free home to school transport for circa 8,500 pupils each day. Pupils who reside more than the statutory walking distance from school are eligible for transport if they reside over two miles from nearest or the Local Education Authority (LEA) designated primary school and three miles from the nearest or LEA designated comprehensive school. Transport arrangements for these pupils is made using contracted vehicles or in some cases via the public transport network.

Where pupils are eligible for transport, the public have a high regard for the services provided. For pupils who do not qualify for free school transport, transport to and from school is a parental responsibility.

To date, largely in urban areas, some pupils who are ineligible for free home to school transport may have been able to access services provided through a number of channels:

1. The general public transport network.
2. Through services provided on a commercial basis by operators.
3. Through spare seats on the dedicated school transport vehicles. Seats are provided as set out in the Council's School Transport Spare Seats Policy.

Members will recall that late in July this year, there was a development which had and will continue to affect pupils who have been able to access services provided commercially by operators either in the form of dedicated "commercial" bus routes or where operators have provided larger vehicles than the specified vehicle on a contracted route, then registered those service to carry fare paying passengers. Such routes are registered but are "closed" to the wider general public.

This is a relatively complex issue that the Council is unable to control and arises from Disability Discrimination Act (DDA) compliance regulations affecting public transport services which come into force in January 2020, known as the Public Service Vehicle Access Regulations. DDA/PSVAR compliance for public transport services is something the industry has prepared for and is not an issue for public transport routes.

However, over the period from July to date, there has been communication between the Wales Govt. and the Department for Transport (DfT) concerning the application of the DDA/PSVAR to school transport services which are registered as fare paying services. The DfT has stated that school transport vehicles which are registered to carry fare paying passengers now also have to be DDA/PSVAR compliant by January 2020. Vehicles used on these services are mainly coaches and are not compliant, this is linked to a requirement for all dedicated school transport vehicles to be fitted with seat belts. Bus operators have reviewed the investment required to operate compliant services and determined it is not viable to run these services where fares are charged. Operators have consequently either downsized vehicles or withdrawn a service. Some made the changes in September others are making changes from January. Some 126 pupils were affected by the changes in September, many have migrated to alternative public transport routes or other modes.

Since the changes in September and following further dialogue between the Wales Local Government Association, the Wales Government and the Department for Transport. The Department for Transport introduced an exemption to allow operators to continue to charge fares for spare seats that were up to twenty percent of capacity of a vehicle. For example, operators with a seventy seat vehicle could provide and charge fares for a maximum of fourteen seats. This change was announced on the 24th November, Local Authorities have been working through the implications of the change since. Unfortunately, the change does not resolve the issue as a number of the services are provided by “stand alone” vehicles where operators charge for the full capacity of the vehicle. Local Authorities via the Wales local government Association and the Wales Government remain in dialogue with the Department for Transport to seek further changes to the exemption.

Whilst those discussion are continuing, officers have reviewed what options are available for the pupils affected by the change in January. The options are set out in Appendix one of this report. Appendix A includes detail of the number of schools and pupils affected by the change from January. The options include: 1. The use of the existing public transport network. 2. Spare seats where bus operators wish to use the twenty percent exemption and routes where operators have been able to provide a compliant vehicle. Many operators have determined the latter is not a commercially viable option mainly due to cost. There is also a lack of supply of the required compliant vehicles.

Similarly the council is unable to subsidise additional services due to the cost and supply of vehicles and drivers. Providing transport for a relatively small number of pupils has wider implications for over 18,500 pupils who live within the statutory walking distance who already make their own way to school. The Wales Government is also prioritising the use of Active Travel Measures in urban areas to promote walking and cycling.

The Authority already provides circa eighty pupils with access to seats via the Council's Spare seats Policy through the payment of a fifty pounds administration charge. Where the Council issues passes under its spare seat policy, information issued by the DfT suggests that the current administration charge constitutes a fare for the service. The Authority will therefore need to amend the spare seats policy to forego the charge with a small revenue consequence of £4,000 per annum. Once the charge is removed, it will help the authority to continue providing spare seats on mainstream school transport.

Officers have communicated with all schools affected by the changes that are due to come into effect from January .Information has been shared with the schools on the alternative transport options that are available. Further communications are also being issued via the press.

Recommendation.

Should the ongoing dialogue between the WLGA and the Wales Government fail to reinstate the current full exemption for DDA/PSVAR compliance on school transport services, Executive Board approves:

- 1. An amendment to the Authority's the Spare Seats Policy to waive the current annual £50 charge, with effect from 1st January 2020.**
- 2. The Authority continues to pursue the Wales Government and the Department for Transport for a change in the application of the Public Service Vehicle Access Regulations to allow bus operators to continue using coaches on school bus routes that are operated on a commercial basis.**
- 3. The Authority undertakes a review of the Home to School Transport Policy.**

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S G Pilliner

Head of Transportation and Highways

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	NONE	YES	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

A decision to waive the administration charge of £50 per pass will require a change to the Council's policy on spare seat provision.

2. Finance

A decision to waive the administration charge of £50 per pass will result in a loss of revenue of circa £4,000 per annum.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S.G.Pilliner

Head of Transportation and Highways

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE