

<b>Meeting of:</b>	<b>CABINET</b>
<b>Date of meeting:</b>	<b>18 JULY 2023</b>
<b>Report title:</b>	<b>POST-16 COLLEGE TRANSPORT ARRANGEMENTS 2023-2024</b>
<b>Report owner / Corporate Director:</b>	<b>CORPORATE DIRECTOR - EDUCATION AND FAMILY SUPPORT</b>
<b>Responsible officer:</b>	<b>ROBIN DAVIES GROUP MANAGER – BUSINESS SUPPORT</b>
<b>Policy Framework and Procedure Rules:</b>	<b>There is no effect upon policy framework or procedure rules</b>
<b>Executive summary:</b>	<ul style="list-style-type: none"> <li>• <b>Cabinet permission is sought for the use of an existing commercial bus service for the delivery of home-to-college transport from September 2023</b></li> <li>• <b>This is the result of the local authority being unable to contract a dedicated transport service in time for September 2023, due to the market insecurity linked to Welsh Government’s replacement Bus Emergency Scheme (BES).</b></li> </ul>

## **1. Purpose of report**

- 1.1 The purpose of the report is to seek approval from Cabinet for the use of an existing commercial bus service for the delivery of home-to-college transport from September 2023, in line with the local authority’s Home-to-School/College Transport Policy.

## **2. Background**

- 2.1 The Education and Family Support Directorate (‘the directorate’) currently contracts First Cymru to deliver college transport for eligible learners attending Bridgend College.
- 2.2 The current contract ends on Monday 24 July 2023.

## **3. Current situation/proposal**

- 3.1 Officers would normally have progressed a procurement exercise to ensure a new contract was in place for the commencement of the 2023-2024 academic year in

September 2023. However, this has not been possible due to the uncertainty in respect of the cessation of Welsh Government's Bus Emergency Scheme (BES). This has meant significant uncertainty over the availability of bus services within Bridgend, that would be able to allow the local authority to offer the current level and geographical coverage of bus services across the county borough for eligible college learners for the start of the new 2023-2024 academic (college year).

- 3.2 However, Welsh Government has only very recently identified replacement BES funding to ensure that bus services, in particular those operated by First Cymru, are able to continue to provide good geographical coverage of public transport across the county borough.
- 3.3 In previous procurement exercises, First Cymru have been the sole bidder for the local authority's college learner transport contract, as they are the only public transport service that is currently able to provide a public bus service that meets the local authority's learner travel policy requirements, allowing college learners in all parts of Bridgend, public bus transport to all Bridgend College campuses.
- 3.4 As neither public sector procurement rules nor the local authority's Contract Procedure Rules allow sufficient time to procure a contracted service prior to the start of the new academic (college) year, the local authority is now proposing to provide college transport bus passes to each eligible learner, by simply purchasing a First Cymru bus pass on a case-by-case basis.
- 3.5 This has significant benefits, not available if the local authority was to contract a dedicated public bus service, as follows:
  1. The local authority is not required to contract with a transport provider and enter into a legal agreement.
  2. It supports the legitimate expectation of college learners that they are able to benefit from an equivalent public transport offer that has been available in previous years.
  3. The arrangement makes use of an existing public bus service and the additional patronage contributes to its sustainability.
  4. The bus pass is provided electronically, via a mobile app, as an 'e-ticket', which provides young people with a more modern, digital 'offer' and allows data to be provided to the local authority on service usage to support future planning and strategy.
  5. If a learner leaves college, the pass can be remotely disabled and a refund can be processed to the local authority.
  6. There are significant potential savings if college learners choose to activate their ticket with a valid Welsh Government 'mytravelpass' which provides 30% savings on bus travel for 16-21 year-olds in Wales. However, there is no requirement to do so, and this is not a dependency of the offer.
  7. The provision is scalable.
  8. The provision will continue to be administered in partnership with Bridgend College.
- 3.6 The Council's Contract Procedure Rules (CPRs) contain a waiver from the requirement to obtain quotations or tendering under CPR 3.2.3 where the services required can be provided only by a particular economic operator due to competition being absent for technical reasons or the protection of exclusive rights

but only where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.

- 3.7 As set out above, First Cymru are the only public transport service that is currently able to provide a public bus service that meets the local authority's learner travel policy requirements, allowing college learners in all parts of Bridgend, public bus transport to all Bridgend College campuses.
- 3.8 The report proposes entering into a contract with First Cymru without any competition. The waiver available under CPR 3.2.3 reflects a regulatory provision under regulation 32(2)(b) of the Public Contracts Regulations 2015 which allows for the use of a negotiated procedure without prior publication where the services can be supplied only by a particular economic operator. Cabinet needs to be aware that relying on the proposed waiver does present the risk of potential challenge from other providers of such services on the basis that alternative service provision would be available had the Council structured the arrangement in alternative manner.

#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

#### **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

- 5.1 The well-being goals and principles prescribed for within the Well-being of Future Generations Act 2015 connect directly to the approach to supporting further education colleges. The approach to supporting Bridgend College and college learners is consistent with the five ways of working as defined within the sustainable development principle and more specifically as follows:

##### **Long-term**

The proposed use of an existing public transport service ensures that a local public transport operator is able to benefit from the additional patronage across its service for the short to medium term.

##### **Prevention**

The local authority assesses the suitability of transport operators to deliver home-to-college transport services.

##### **Integration**

Public transport operators have a strategic role in providing a service so that all eligible college learners are supported in accessing their place of education. This ultimately means that learners can learn and achieve so that they can access

opportunities for further learning and employment, and can play active roles in their communities, contributing positively to society as a whole.

## **Collaboration**

Public transport providers have a strategic role in supporting college learners access their place of education. Transport providers need to ensure the health and wellbeing of all passengers. The local authority, in conjunction with transport providers, ensures that such services are able to meet the needs of all learners.

## **Involvement**

The local authority engages with public transport operators on a dynamic basis.

## **6. Climate change implications**

- 6.1 The local authority's 'Bridgend 2030 – Net Zero Carbon Strategy' and Welsh Government's carbon reduction commitments are supported by this proposal, as the local authority will be making use of an existing public transport provision and the provision of additional patronage across the network will support the sustainability of local public bus services in Bridgend.

## **7. Safeguarding and corporate parent implications**

- 7.1 The directorate has a robust approach to safeguarding. Risk assessments and appropriate transport arrangements, controls and support are put in place for any college learner who is looked after, care experienced, or considered to be at risk.

## **8. Financial implications**

- 8.1 The total (2023-2024) budget for the provision of all learner transport in Bridgend is £8,008,120. The budget for college transport is £323,120.
- 8.2 For September 2023, the cohort of eligible college learners is currently unknown. However, based on previous year's learner numbers, it is assumed that approximately 700 learners will be eligible for free home-to-college transport from September 2023 at term 1.
- 8.3 Table 1 below shows the estimated cost of the provision of a First Cymru annual student bus pass for all 700 learners. However, it is important to note that learner numbers can vary year-on-year and also they can reduce significantly from term 1 to term 3. Therefore, there is potential for large variations in the total annual cost, depending on each cohort of learners.

**Table 1: Estimated college bus pass cost for 2023-2024**

<b>College bus pass</b>	<b>Price</b>	<b>Total cost</b>
Term 1	£205	£143,500
Term 2	£145	£101,500
Term 3	£160	£112,000
<b>Total</b>	<b>£510</b>	<b>£357,000</b>

<b>College bus pass (with 'mytravelpass')</b>	<b>Price</b>	<b>Total cost</b>
Term 1	£135	£94,500
Term 2	£96	£67,200
Term 3	£106	£74,200
<b>Total (with My Travel Pass)</b>	<b>£337</b>	<b>£235,900</b>

- 8.4 As can be seen in Table 1 above, if all estimated 700 learners subscribe to and utilise the 'mytravelpass' on activation of their bus pass, there will be a 34% savings to the local authority's budget. However, the local authority is unable to demand learners use a 'mytravelpass', as under the local authority's current Home-to-School/College Transport Policy, this is not a determinant of eligibility for free home-to-college transport.
- 8.5 Cabinet should also be aware that, as also identified in Table 1 above, if all 700 learners stay until the end of term 3 there is the potential for an overspend against the existing college transport budget of £323,120 by £33,880. Nevertheless, in the 2021-2022 college year, numbers of learners requiring a college bus pass reduced from approximately 700 in term 1 to approximately 550 in terms 2 and 3. This is the generally expected pattern for natural loss of college learners through the academic year. Table 2 shows the impact of this natural reduction if a similar pattern was observed in 2023-2024

**Table 2: Estimated college bus pass cost for 2023-2024 with reduced cohort of learners in terms 2 and 3**

<b>College bus pass</b>	<b>Price</b>	<b>Total cost</b>
Term 1	£205	£143,500
Term 2	£145	£79,750
Term 3	£160	£88,000
<b>Total</b>	<b>£510</b>	<b>£311,250</b>
<b>College bus pass (with mytravelpass)</b>	<b>Price</b>	<b>Total cost</b>
Term 1	£135	£94,500
Term 2	£96	£52,800
Term 3	£106	£58,300
<b>Total (with My Travel Pass)</b>	<b>£337</b>	<b>£205,600</b>

- 8.6 Therefore, given the model of a reduced cohort of learners from 700 in term 1 to 550 in terms 2 and 3, the cost of providing bus passes to eligible college learners would be within the current £323,120 home-to-college transport budget with potential savings of £11,870. If all learners subscribe to and use their 'mytravelpass' on activation of their ticket, there would potential savings of £117,520.

## **9. Recommendations**

- 9.1 Cabinet is requested to:

- approve the use of the existing First Cymru public bus service, as it is the only public bus service able to support the home-to-college transport needs of all eligible learners attending Bridgend College from September 2023;
- delegate authority to Corporate Director to purchase bus passes directly from First Cymru in accordance with the waiver available under CPR 3.2.3; and
- work with Bridgend College to promote the new college transport offer, including the benefits of college learners subscribing to and using Welsh Government's 'mytravelpass,' which will allow for the making of financial efficiency savings to council services.

**Background documents**

None