

FLINTSHIRE COUNTY COUNCIL
MINUTES OF AN INDIVIDUAL CABINET MEMBER DECISION MAKING
MEETING HELD BY TELECONFERENCE ON TUESDAY 12 MAY 2020 AT
12.15PM

PARTICIPANTS: Councillor Ian Roberts (as the Cabinet Member making the decision). Advised by the Chief Executive, Chief Officer (Governance), Chief Officer (Education and Youth), Chief Officer (Streetscene and Transportation) and Corporate Finance Manager.

IN ATTENDANCE: Team Leader (Democratic Services)

The Chief Officer (Governance) gave details of the procedure and the arrangements for ensuring consultation and transparency. The reason that an Individual Cabinet Member decision was required was because of the emergency situation.

4. DECLARATIONS OF INTEREST

The Cabinet Member confirmed that, under the Councillors' Code of Conduct, he did not have an interest in the report.

5. REVIEW OF POST 16 DISCRETIONARY TRANSPORT POLICY

The Chief Officer (Education and Youth) introduced the report and explained that in June 2019, Cabinet made the decision to amend the Discretionary Transport Policy and introduce a charge for Post 16 transport to come into effect from September 2020. The charge was designed to offset some of the cost pressures within the Medium Term Financial Strategy.

Regulations for Public Service Vehicle Accessibility (PSVAR) were published in August 2019 and the implications on school transport provision became known. Those regulations would not allow charging for places on buses and coaches which were not fully compliant for accessibility. The regulations were due to come into force for the 2021/22 academic year.

As the transport fleet used locally for transporting learners did not fully meet those requirements, and unless a 'blanket exemption' for school transport was forthcoming from the Department for Transport, the Council would be in breach of those regulations at the point at which they would come into force if the Council was operating a charging policy for post 16 discretionary transport.

The Council has had to reconsider the earlier decision based on (1) the unsustainability of the charging policy with the onset of the Government Regulations; (2) the risks of attempting to introduce a short-term policy in an emergency situation when there was no certainty as to when schools would re-open; and (3) options for a different transport funding model with Coleg Cambria.

The Council transported 1950 post 16 students – 1500 to Coleg Cambria and 450 to Sixth Forms at Secondary Schools. The annual cost of providing this discretionary transport was £860k. Under a long standing service level

agreement with Coleg Cambria, the College contributed 25% towards those transport costs thereby reducing actual costs to the Council to £645k per annum. The Coleg Cambria contribution of £215k (25%) was proportionately low when taking into account that 77% of students were transported to the college.

The Chief Executive explained that discussions were taking place with the new Chief Executive of Coleg Cambria to consider the implications of the new transport regulations. The Governing Body of Coleg Cambria were considering options such as reimbursing students individually from September 2020 to offset the transport charge.

The Chief Officer (Education and Youth) said the Council needed to consider whether it was appropriate to introduce a charge for one year only with all the administrative functions required to manage the process, for it to be ceased on year later. This consideration was complicated by the current emergency situation and uncertainty of when schools would reopen and how, e.g. a possible phased approach.

The Chief Officer (Streetscene and Transportation) explained that an extension was being sought from the Department of Transport on delaying the implementation of the new regulations but a response had not yet been received. Work would be undertaken with operators but it would a number of years until they were all compliant with the regulations.

Councillor Roberts supported the rationale behind the recommendations in the report and stressed that this was not a U-turn which was how it had been reported in the press, but a change in circumstances and the Council's reaction to those changes.

Councillor Dave Healey, as Chair of the Education and Youth Overview and Scrutiny Committee, had submitted the following observations:

'I have read the documentation regarding the Review of the Post 16 School/College Transport Charging Policy. I know a number of Councillors, including myself, were not comfortable with the policy decision but we felt that we had little choice at the time.

Now the new PSVAR legislation gives us no choice but to reverse the decision taken. It is comforting to see that our good working relationship with Coleg Cambria is ensuring that the financial impact of this reversal can be mitigated.

I support the proposal which is under discussion'.

Councillor Dave Mackie had also made representations as detailed below:

'The Cabinet decision on 18 June 2019 in outline states that the charge be set at a maximum of £150 per term and students entitled to free school meals should not be charged.

Paragraph 1.13 of that report to Cabinet shows at Table 1 that at the £150 per term charging level and allowing for 15%FSM the income to the

Council from Coleg Cambria students would be £574k. The current report states that Coleg Cambria have agreed to pay the Council the amount they intended to use to reimburse students, so that amount should still be received. I presume that the £215k which Coleg Cambria normally pay to the Council will not be paid in addition to this.

Table 2 of paragraph 1.13 shows that at the £150 per term level and allowing for 15%FSM the income to the Council from Secondary Sixth Form students would be £172k.

I therefore feel that, bearing in mind the offer from Coleg Cambria, the financial implications of the decision to withdraw post 16 transport charging will be a reduction in income to the Council of £172k'.

In addition, he said:

SEPARATELY AND NOT PART OF THE CONSIDERATION HERE:

If this report was going to Scrutiny I would also ask a question based on paragraph 1.07 of the current report which reads "However it would not be reasonable or consistent for the Council to charge some students and not others i.e. to charge students attending secondary school sixth forms and not students attending Coleg Cambria". My question would be that as we now know that Coleg Cambria intend to refund travel costs to their own students, if secondary schools are not able to do the same then we will have the situation where some students will have to pay and others will not.

The Chief Officer (Education and Youth) had responded directly to Councillor Mackie's question.

The Corporate Finance Manager explained that charging for post 16 school transport was one of the reported open risks at the time of setting the 2020/21 budget. The budget provided for expected additional income of £0.449m based on the assumption that charging would be introduced from September 2020. The impact was £0.770 in a full financial year from 2021/22 onwards. The Chief Executive added that the financial solution through effective partnership working with Coleg Cambria would assist with mitigating the financial risk for 2020/21.

Councillor Ian Roberts, as Leader of the Council and Cabinet Member for Education, supported the recommendations.

RESOLVED:

- (a) That the implications of the Public Service Vehicle Accessibility Regulation (PSVAR) on the Council's Post 16 Discretionary Transport Policy be noted;
- (b) That the Cabinet decision made in June 2019 to introduce charging for Post 16 transport from September 2020 be reversed; and

- (c) That the financial impact of the recommended change of policy on the Medium Term Financial Strategy be noted.

6. **DURATION OF MEETING**

The meeting commenced at 12.15pm and finished at 12.30pm.

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Chair