

AWARD OF 6 SPECIAL EDUCATIONAL NEEDS TAIL LIFT ROUTES TO PETERBOROUGH LIMITED TRADING AS ARAGON DIRECT SERVICES

LYNNE AYRES, CABINET MEMBER FOR CHILDREN’S SERVICES, EDUCATION, SKILLS AND UNIVERSITY

SEPTEMBER 2020

Deadline date: June 2020

Cabinet portfolio holder: Responsible Director:	Lynne Ayres – Cabinet Member for Children’s Services, Education, Skills and University Wendi Ogle-Welbourn, Executive Director People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/19AUG19/02
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

RECOMMENDATIONS

The Cabinet Member is recommended to:

1. award a contract to Peterborough Limited for additional passenger transport service routes at a cost of £291,840 per year totalling £1,167,360 for an initial period from 1 September 2020 until 31 August 2021 with an option for the council to extend for further three years (1+1+1) (“Extended Period”), provided Peterborough Limited’s annual Business Plan(s) for the Extended Period is approved by Cabinet.
2. authorise that the Council’s existing operational services agreement (“OSA”) with Peterborough Limited is varied to include the delivery by Peterborough Limited for the additional passenger transport service routes as set out in paragraph 1 above

1. PURPOSE OF THIS REPORT

- 1.1 1. This report is for the Cabinet Member for Children’s Services, Education, Skills and University to consider exercising delegated authority under paragraph 3.4.3 and 3.4.8 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph(g).

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. BACKGROUND AND KEY ISSUES

3.1 *The Council received a notification for the termination of a contract for transport passenger services, from the existing service provider which included 9 routes, due to operational difficulties.*

The service provider operated these routes as small vehicles on their PSV license so there was no requirement for the drivers to have PSV licenses. Therefore in order to enable the drivers to continue they needed to attain Private Hire Licenses which was not feasible in the timeframe.

The vehicle specifications on the majority of these routes (large minibus vehicles with tail lifts) means there is very limited availability within the market.

The TUPE information originally collated suggested 6 drivers and 7 Passenger Assistants indicated they wish to transfer to the new operator.

Many of the students transported have complex medical needs and behaviours, therefore, it is essential that experienced staff are allocated to these routes.

The external market was tested. However, there were concerns regarding the retention of these experienced staff and that the vehicle specifications would not meet the requirements (many of the vehicles used by the taxi companies are not fit for transportation of 3 wheelchairs at a time due to the space required to restrain each wheelchair correctly).

Due to the requirement to maintain continuity of services, the option of obtaining the services from Peterborough Limited was considered. Peterborough Limited is the Council's wholly owned company and has an operational services agreement (OSA) in place with the Council for the provision of various services which includes passenger transport services. The OSA obliges Peterborough Limited to submit an annual Business Plan for the delivery of the various services for an overall annual fee to be annually approved by Cabinet. Peterborough Limited's Business Plan for the financial year 2020-2021 is approved and currently includes the costs for the delivery of the 6 additional passenger transport routes.

4. CONSULTATION

4.1 *Passenger Transport Framework approved operators were sent specifications and asked for quotations (returned 29th July 2019)*

5. ANTICIPATED OUTCOMES OR IMPACT

5.1 *Retention of experienced staff members ensuring safety of students and continuity.*

Vehicles provided are fit for purpose, providing ample space for 3 wheelchairs to be restrained correctly.

Service provided is of high standard ensuring service users (students and parents) are satisfied and complaints are kept to a minimum.

Peterborough City Council ensures their statutory duty is met for these students.

6. REASON FOR THE RECOMMENDATION

- 6.1 To ensure that safe, quality transport is in place for the 36 students allocated to these routes for the new academic year in September 2020, and that Peterborough City Council fulfils its statutory duty to these students.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1

The external market was tested in 2019 however there were, and continue to be, concerns regarding the retention of these experienced staff and that the vehicle specification will not meet the requirements (many of the vehicles used by the taxi companies are not fit for transportation of 3 wheelchairs at a time).

8. IMPLICATIONS

Financial Implications

- 8.1 *None*

Legal Implications

- 8.2 Under regulation 12 of the Public Contracts Regulations 2015, the Council is permitted to obtain services from a company without the procurement rules being applicable, provided all of the following conditions are met, namely;

1. The Council exercises a level of control over the company which is similar to that which it exercises over its own departments;
2. The company carries out more than 80% of its activities for the Council;
3. There is no private ownership of the company.

The company is fully owned and controlled by the Council without private ownership and essentially carries out its activities for the Council. Therefore, all the conditions are met for the exemption under the Public Contracts Regulations to be applicable to this arrangement.

Equalities Implications

- 8.3 *None*

Carbon Impact Assessment

- 8.5 *Approved (attached)*

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1 None.

11. APPENDICES

