

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	13 November 2018
<b>Title:</b>	Community Transport Contracts
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Recommendation

1.1. That the Executive Member for Environment and Transport confirms the broader definition from that set out in the decision taken on 25 September 2018 in relation to Community Transport contracts, such that the procurement exercise will accept tenders from all Section 19 and Section 22 Permit Holders.

### 2. Contextual information

2.1. Community Transport services in Hampshire operate using Permits issued under Section 19 and 22 of the Transport Act 1985, which allow non-profit making operators to operate for 'hire and reward' without having to meet the full Public Service Licence (PSV) requirements. The Department for Transport issued a consultation document which outlined proposed changes to the current licensing arrangements for vehicles operating under Section 19 and 22 Permits.

2.2. Following this, it was agreed at the decision day on 25 September 2018 that the procurement exercise for community transport contracts should only accept bids from Section 19 Permit Operators who can demonstrate that they have a main occupation other than that of being a road transport provider which most existing providers would appear to meet.

2.3. This would prevent operators who cannot meet this condition from taking part in the approved procurement process. Given the continuing uncertainty over the format of the future Section 19 and 22 Permit licensing arrangements there is some concern that this could unreasonably result in an operator being excluded from the procurement process at this stage who may later find, following any licensing changes, that they could have operated these services. This could leave the County Council open to challenge on this.

2.4. It is therefore proposed that the Executive Member for Environment and Transport confirms the broader definition from that set out in the decision taken on 25 September 2018 in relation to Community Transport Contracts, such that the procurement exercise will accept tenders from all Section 19 and 22 Permit Holders. Any contracts would then be issued to these operators on the basis that, should the final approach by the Department for Transport identify that an

alternative method of operation was necessary, the operator of the contract would be required to convert to this within an agreed timescale. If they were not able to do this then the contract would be re-tendered.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	no
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	no
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	no

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Community Transport Contracts <a href="https://democracy.hants.gov.uk/ieDecisionDetails.aspx?ID=853">https://democracy.hants.gov.uk/ieDecisionDetails.aspx?ID=853</a>	25 September 2018
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

The proposals in this report have been developed with due regard to the requirements of the Equality Act 2010, including the Public Sector Equality Duty and the Council's equality objectives. As the proposal will not amend existing arrangements for service users it is considered that the impact upon those with protected characteristics will be neutral.

### **2. Impact on Crime and Disorder:**

2.1. It is not anticipated that there will be any impact upon crime and disorder arising from this decision

### **3. Climate Change:**

a) How does what is being proposed impact on our carbon footprint / energy consumption?

The services will be able to provide group travel opportunities and so reduce the need for individual car journeys

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

As sustainable travel modes of transport become more important in mitigating climate change, the proposals support travel options for groups and individuals which are in keeping with the need to reduce carbon emissions