

Decision Report – Executive Director
Decision
Forward Plan Reference: FP N/A Urgent
Decision Date – 4 July 2023
Key Decision – Yes



Bus Service 96 Contract Award

Executive Member(s): Cllr Mike Rigby, Lead Member for Transport and Digital
Local Member(s) and Division: All
Lead Officer: Mickey Green, Executive Director, Climate and Place
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Summary / Background

1. Service 96 is a contracted bus route which provides the only regular bus service operating between Chard, Crewkerne and Yeovil on Mondays to Saturdays. It is currently operated by South West Coaches with the current contract which has been in place for the last seven years expiring on Saturday 8th July.
2. With the contract ending we went to tender in May 2023 with a view to letting the contract through our Dynamic Purchasing System (DPS) which we use for our Public, School, Health and Social Care contracts. As there are hundreds of contracts for transport, the Council has an agreed process that all contracts are retrospectively signed off on a school termly basis by our Service Director provided the value of the individual contract does not exceed £499,999 over the whole life of the contract.
3. When the tender was opened, we only had two bids with the lowest bid being considerably higher than previously. As the initial bids were more expensive than anticipated, we looked at ways to try to reduce the cost and following advice from Commercial and Procurement colleagues we chose not to award the contract but re-tendered again making changes to the timetable and the resources required in the expectation of attracting more bids at a lower cost.
4. When the tenders were opened again only the same two bidders had submitted prices but one of them had provided a more cost-effective bid and we entered discussions with that provider. Unfortunately, during these discussions, it

became clear that this provider was unable to meet the requirements of the contract and they voluntarily withdrew.

5. This has left us with only one bidder (the current provider) and whilst the contract price is lower than originally submitted in the first tender round the overall contract value exceeds the threshold in point 2 above for us to take a decision in the normal way for our bus service contracts and left us with insufficient time to follow the normal Key Decision process to ensure the service continues from Monday 10 July, hence the need for a General Exception Notice, Special Urgency and Urgent implementation.

Recommendations

6. That the Executive Director Climate and Place authorises:
 - a. The award of a contract to South West Coaches Ltd for the operation of bus service 96 for an initial period of five years with an option for a two-year extension.

Note – the Deputy Leader and Lead Member for Resources and Performance and the Chair, Scrutiny Committee Climate and Place have agreed the use of special urgency to consider the above recommendations and the use of urgency to enable the immediate implementation of the decisions.

Reasons for recommendations

7. Service 96 is a key strategic bus service in the County linking the towns of Chard, Crewkerne and Yeovil as well as many villages along the route, providing vital links to employment, education and health services in the area. The loss of this service would have a significant impact on local residents.
8. The special urgency provision has been agreed by the Deputy Leader of the Council and the Chair of Scrutiny for Climate and Place in order to ensure continuity of service for local residents.

Other options considered

9. Not awarding the contract, but this was discounted due to the impact as outlined in point 7 above. Reducing the service further (we have already removed the last journey from Yeovil on Monday to Saturdays which is lightly used to reduce costs

from the initial bids. The service operated on approximately a two hourly frequency Monday to Friday and a three hourly frequency on Saturdays and it is felt that this is the minimum frequency that can be provided to ensure that the service gives a sufficient level of access to services, employment and education for residents living along the route.

10. A third re-tendering process was considered but having already been out to tender twice and only receiving bids for the same two operators it was felt by both the service and Commercial and Procurement that with supply in the market being limited for the operation of local bus services we would not achieve any other result at the present time.

Links to Council Plan and Medium-Term Financial Plan

11. This decision is linked to the Council Plan as follows:
 - A Greener, More Sustainable Somerset – supporting the delivery of effective passenger transport services.
 - A Healthy and Caring Somerset – supporting services which are specifically aimed at providing travel opportunities for residents who do not have easy access to transport.
 - A Fairer, Ambitious Somerset – Enabling a service which specifically supports those who have difficulty accessing services.

Financial and Risk Implications

12. With regard to the budget impact for 2023/24 this will cost an additional £86,956.92 and in a full year this will rise to £116,705.34. Transporting Somerset recorded a budget underspend of £171,500 in 2022/23 and in addition to this we have been awarded additional funding by Central Government through Bus Service Improvement Plan Plus (BSIP+) funding of £737,079 from July 2023 to March 2024. Approximately £450,000 of this funding is already committed to previously withdrawn services but there is sufficient budget to absorb this additional cost with more BSIP+ Funding due in 2024/2025 although the amount is yet to be confirmed. For 2025/26 onwards we will need to review the situation again at this time. Our terms and conditions for local bus service contracts allow either party to serve twelve weeks' notice.
13. The only risks are associated with not awarding a contract, which will lead to a significant impact on local residents and their ability to access work, education and local services. Under the 1985 Transport Act Local Authorities have a duty to

provide local bus services that the Authority deems socially necessary. We also have a duty to provide access to Further Education and service 96 links residents of Chard and Crewkerne along with several villages to Yeovil College.

Likelihood	5	Impact	5	Risk Score	25
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Legal Implications

14. Pre-established standard terms and conditions applicable to the contract have been developed and meet requirements.
15. The Council may face a legal challenge under our duty to provide socially necessary services and access to Further Education if we do not provide this local bus service, as due process on significant service reductions would usually require consultation with communities on the implications of reduced service levels prior to proposing specific changes to the network

HR Implications

16. There are no HR implications related to this decision.

Other Implications:

Equalities Implications

17. Local Bus services provide access to residents who by reason of age or disability have no other means of transport to access employment, education, or health services. By providing this service we are helping to ensure that residents in the area have a means to access these services.

Due Regard implications have been considered. All vehicles will be accessible to passengers with physical disabilities as all vehicles used on a local bus services are required by law to meet the standards set through Public Service Vehicle Accessibility Regulations (PSVAR) and our contract requires these regulations to be met in full.

An Equalities Impact Assessment is not required for this decision, as the decision is to retain an existing service.

Community Safety Implications

18. This proposal will have an overall positive impact on the quality of life and wellbeing for residents, especially those who are vulnerable and those who do not have access to other means of transport.

Climate Change and Sustainability Implications

19. Bus services provide an alternative to car travel and maintaining this service will help reduce the use of private vehicles which might otherwise be used if this service were not available.
20. There are no implications for the Local Development Framework.

Health and Safety Implications

21. All vehicles employed on this service will meet PSVAR Regulations (see point 17 above) They are be built in line with current construction and use regulations for passenger carrying vehicles and they will be regularly inspected and maintained by the operator who holds an operator's licence for Passenger Carrying Vehicles (PCV) and regulation is provided by the Driver and Vehicle Standards Agency (DVSA) under the direction of the Traffic Commissioner.

Health and Wellbeing Implications

22. This decision will aid Health and wellbeing by providing access to travel for residents who do not have access to a car to a range of services including health services provided by local GP Practices and Yeovil District Hospital.

Social Value

23. There are no specific social value requirements set out in this contract as the core purpose of the service is one of providing a social benefit in providing access to learning, employment, health care and food shopping etc. The contract is for an individual route so there is little opportunity due to the nature of the service to seek additional social value.

Scrutiny comments / recommendations:

24. The proposed decision has not been considered by a Scrutiny Committee.

Background

25. Please see summary / background section of the report

Background Papers

26. None

Appendices

- None

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	24/06/2023
Communications	Chris Palmer	28/06/2023
Finance & Procurement	Nicola Hix	04/07/2023
Workforce	Chris Squire	26/06/2023
Asset Management	Oliver Woodhams	23/06/2023
Executive Director / Senior Manager	Mickey Green	29/06/2023
Strategy & Performance	Alyn Jones	26/06/2023
Executive Lead Member	Cllr Mike Rigby	26/06/2023
Consulted:	Councillor Name	
Local Division Members	All	On publication of the decision notification
Opposition Spokesperson	Cllr Diogo Rodrigues	30/06/2023
Scrutiny Chair	Cllr Martin Dimery	25/06/2023