

Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: *Philip Williams, Lead Commissioner, Community Infrastructure*

Pursuant to an Authorisation from: Cabinet – Tender and Award of Transport Contracts under the Dynamic Procurement System for Transport, 18/07/2018

Report title: Tender and award of contract to provide local bus service 42 (Tewkesbury – Cheltenham)

The decision	To procure and award a contract to Stagecoach for the provision of bus service 42 for £148,000 per annum for 5 years with a 2 year possible extension (total cost to the council £1,036,000), in a way that is compliant with EU OJEU procedure, using the Dynamic Purchasing System for Transport.
Background documents	<u>Cabinet – Tender and Award of Transport Contracts under the Dynamic Procurement System for Transport, (July 2018)</u>
Reasons for the decision	To provide a socially necessary bus service in line with the requirements of the Transport Act 1985 and ensure Gloucestershire communities have access to essential services.
Resource implications	<p>Cost of the service is £148,000 per annum with a maximum possible contract length of 7 years. Total cost to the council over the contract term would be £1,036,000 (an increase of 76.05% on the previous price for the same service).</p> <p>In 2018/19 £61,000 was drawn down from a section 106 fund to contribute towards the contract, there is a minimum of £290,000 remaining in this fund. The total cost to the council over the life of the contract, outside of section 106 funding, is £609,000. This assumes additional section 106 funding will become available during the life of this contract.</p> <p>The contract was awarded in March 2019.</p>
Who has been consulted?	<p>Cabinet.</p> <p>Cabinet member for Environment and Planning, Cllr Nigel Moor.</p>

What were their comments?

Cabinet at their meeting of July 2018 resolved to delegate authority to the Commissioning Director: Communities and Infrastructure to:

- 1) Use the Transport Dynamic Purchasing System (TDPS) to undertake in each case a legally compliant procurement processes to procure contracts for the provision of each of the local bus services set out in Table 1 of the decision report (starting at page 3 of the cabinet report, July, 2018), and
- 2) Upon conclusion of each process, under recommendation 1 above, award a contract to the preferred provider, in each case evaluated as offering the Council best value for money for delivery of the services in accordance with the TDPS requirements.

In the event that a preferred provider for a contract is either unable or unwilling to enter into a contract with the Council then the Commissioning Director: Communities and Infrastructure to be authorised to enter into such contract with the next willing, highest placed, suitably qualified provider.

Cllr Nigel Moor noted the contract award via email.

Background/Context

Bus service 42 has served the Tewkesbury to Cheltenham corridor for many years and is one of the council's most successful subsidised services. An average of approximately 11,000 passengers per month use this bus service. Given the large scaled housing development in the area served it is likely that use of this service will continue to grow and in time may even become commercially viable for an operator to perform without any subsidy.

At the tendered price (£148,000 per annum) the predicted cost per passenger is circa £0.76 which is well below the cap set down in the council's existing policy of £2 for an urban route. As this is within policy this service has not been flagged for further review. On a recent histogram detailing all subsidised services, service 42 sits in the bottom right quadrant as a high contract cost but low cost per passenger route, this is expected given the high volume of passengers served.

Alternative options considered and why they were rejected

A reduction in frequency or removal of the service would lead to significant hardship for passengers, large reputational damage for the council that could lead to substantial pressure to reinstate the service.

Splitting the service would be another option however, but this would increase the resources required by an operator to provide and perform, therefore increasing the contract price paid by the council. Also the council believe that such action would, lead to lower passenger use due to reduced functionality of the service, we would pay more for less so this would not provide the council value for money.

Equalities considerations

The council had considered its duties under S149 of the Equalities Act 2010 in respect of the awards of bus service contracts and that it has applied those duties in coming to its ultimate decision.

Has a Due Regard Statement been completed? Not for this decision, the original Due Regard Statement (October 2014) is applicable.

Has any conflict of interest been declared by any Cabinet Member consulted on the decision?

No

Does this decision report form or any supporting papers provided contain confidential or exempt information?

(Refer to Democratic Services Unit for advice if necessary)

No

Does this decision need to be published on the GCC website?

Yes

(Refer to guidance on "Executive Decisions taken by Officers").

Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report.



Signed

Philip Williams, Lead Commissioner, Communities and Infrastructure

Date 10.04.2019

Contact details for further information:

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Due Regard Statement

Please use this statement to evidence how 'due regard to' the three aims of the public sector equality duty has been made (section 149 of the Equality Act 2010) during the development of the 'policy'.¹

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the ACT:
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic

Name of the 'policy':	
Person(s) responsible for completing this statement	
Briefly describe the activity being considered including aims and expected outcomes	<p><i>For example: To deliver a new service provision x, to procure x to promote x, to inform x, to set standards x... in line with corporate objectives x. To deliver the service above in a different way from x to x To decommission</i></p>

Documenting use of sufficient information

¹ For 'policy': any new and existing policy, strategy, services, functions, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation.

Please document below the data and information sources that you have used to understand the needs, participation and experiences of each protected group. Evidence must be gathered as the policy is developed and used to inform decisions.

Service user data

Service user data is an important source of evidence and should be collated as part of routine monitoring of in-house or external services. If service user data is not available record 'not known' and use the action plan to identify what improvement actions will be used to gather data going forward.

Service user diversity reports are available on our website and give an indication of service user participation across commissioning areas, for example adult residential services and youth services. It does not include participation data at individual service level.

Needs analysis

Gloucestershire population demographics data is available to understand the representation of different protected groups across the county and help with needs analysis. Data like this may also be useful for benchmarking to identify under or over representation of a service by any of the protected groups. For example, a service is open to all residents and from monitoring you know that 2% of service users are disabled: However, demographic data indicate that 16.7% of Gloucestershire residents report having a disability or long term limiting illness. This finding can be used to explore if there are barriers to participation by residents with disabilities and how this can be addressed as part of the development of your 'policy'.

Data gaps

You may find that you have more information about some of the protected groups for example, gender, age, disability and less about others, for example, sexual orientation and religion and/or belief. If data is not available and you intend to start collating data about a protected characteristic please use the action plan to outline how this data will be collated. You can find equality monitoring guidance on our website including an equality monitoring template.

If you have no plans to start collating data about a protected characteristic please state the rational why.

Service information (if applicable) or Needs analysis (if applicable)

Who is responsible for delivering the service?

*For example: in-house provision by x,
External provider x.*

	<p>State if this is likely to change with proposed changes to service deliver and consider how this may need to be considered in context to the general equality duty</p>
<p>Service user data/Needs analysis information</p>	
Age	<p>Enter age percentage/profile of service users</p>
Disability	<p>Enter percentage/profile of service users who have a disability</p>
Sex	<p>Enter percentage/profile of service users who are male and who are female</p>
Race (including Gypsy & Traveller)	<p>Enter percentage/profile of service users who are from black and minority ethnic backgrounds</p>
Gender reassignment	<p>Enter percentage/profile of service users who have indicated they are transgender</p>
Marriage & civil partnership	<p>Enter percentage/profile of service users who are married or in a civil partnership</p>
Pregnancy & maternity	<p>Enter percentage/profile of service users who are female and who are pregnant or on a maternity leave</p>
Religion or Belief	<p>Enter percentage/profile of service users religious beliefs</p>

Sexual Orientation

Enter percentage/profile of service users who are lesbian, gay, bisexual, heterosexual

Other information

For example: National research, partner data, officer knowledge, complaints data, links to reports

Workforce data
Please document

ails of GCC staff only if they will be affected by the proposed activity. This could include GCC staff transferring under TUPE to a new service provider, relocating, employment at risk. **GCC Workforce diversity reports** are available on our website.

If the proposed activity does not affect GCC staff, please state 'Not affected below'.

Total number of GCC staff affected

Age	
Disability	
Sex	
Race (including Gypsy & Traveller)	
Gender reassignment	
Marriage & civil partnership	
Pregnancy & maternity	
Religion or Belief	
Sexual Orientation	

Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

Service users	<i>If applicable</i>
Workforce	<i>If applicable</i>
Partners	<i>If applicable</i>
External providers of services	<i>If applicable</i>

Equality analysis: Summary of what the evidence shows and how has it been used

This section will allow you to outline how the evidence has been used to show 'due regard' to the three aims of the general equality duty. It is important that this consideration is thorough and based on sufficient information. Consideration should be relevant and proportionate.

- Eliminate discrimination
- Advance equality of opportunity
- Promote good relations..

Protected group	Challenge or opportunity considered and what we did
Age(A)	<p><i>For example: Analysis of service user data has highlighted low take up of services offering mental health and well being support amongst those aged 30-40. This is addressed through closer working with partner organisations to promote awareness of services.</i></p> <p><i>For example: Changes to how residents can engage with the council are being introduced so that more contact is being shifted to on-line contact. Consideration is given to who currently uses neighbourhood services and therefore more likely to be affected by the increased on-line point of contact. Older people are identified as being more likely to be affected by changes as a result of being less likely to have on-line access and more likely to sue neighbourhood services. Further</i></p>

	<p>investigation identifies that there are alternative routes that older people can use to access a service and contact the council which will be promoted as well as consideration of how older people can be supported to use council web services.</p> <p>For example: A tender to procure a new ICT service provider for GCC is under review. As part of the discussions, it is agreed that further consideration will be required to understand if there are any additional requirements needed to ensure that the needs of disabled users are met. This is met by additional consultation and significant considerations forming part of the development of the tender specification.</p>
<p>Disability (D)</p>	<p>For example: Steps to make reasonable adjustments to service delivery and employment practices to ensure "accessible to all".</p>
<p>Sex (S)</p>	<p>For example: Changes to adult social care is more likely to affect females who in turn are more likely to be informal carers. This is considered during consultation events ensuring a number of approaches are available so that females have the opportunity to attend events and express their views.</p>
<p>Race (including Gypsy & Traveller)(R))</p>	<p>For example: BME males are more likely to be first time youth offenders and this is recognised and is addressed through the delivery of targeted youth support services.</p>
<p>Gender reassignment(GR)</p>	<p>For example: as a result of outsourcing services, HR data is to be shared with an external provider of a shared service. Potential providers are asked evidence awareness of the gender recognition Act, 2004 and demonstrate confidentiality of data where staff have declared transgender status.</p>
<p>Marriage & civil partnership (MCP)</p>	<p>For example: Civil partners have equal treatment to married couples in respect of employment rights and benefits and can apply for parental responsibility of a civil partner's child. This is considered during the development of policies relating to Ordinary Maternity Leave, Additional Maternity Leave and Statutory Maternity Pay.</p>
<p>Pregnancy & maternity (PM)</p>	<p>For example: Evidence suggests a rise in the numbers of pregnant women who are smokers at time of delivery. This is considered as part of the development of services targeted to reduce smoking.</p> <p>For example: Monitoring data highlights that there is an increase in the numbers of women returning to work following maternity leave, exiting within the first 12 months back to work. This is considered as part of the review of a coaching and mentoring programme and if an element of coaching should be targeted at women returning to work following maternity leave.</p>
<p>Religion and/or Belief (RAOB)</p>	<p>For example: Changes to pay and display parking measures are being introduced along highways where church goers will now have to pay to park their car where as previously parking was free. This was considered and it has been concluded that many drivers will be affected by changes and that alternative roads are available to drivers wishing to park their cars where charges do not apply. In addition it was concluded by introducing new parking and enforcement measures, disabled</p>

	drivers would benefit as abuse of disabled bays would be targeted. As there is evidence of misuse of parking bays for disabled drivers this policy would advance equality of opportunity for residents with disabilities.
Sexual Orientation(SO)	For example: When setting up a domestic violence service, officers do not have service user data to understand who is accessing current provision, but know from national research that domestic violence occurs amongst same sex couples also. This is factored into the design of the proposed new provision. Same sex couples are invited to offer views as part of the consultation process.

Strengthening actions: Planning for further improvements

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

Action Plan

Action	Who is accountable	Time frame

Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc

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Sign off and Scrutiny

By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Senior level sign off:	Date:
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I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Name of relevant Director/Head of Service:	Date:
Signed by relevant Director/Head of Service:	