

PLYMOUTH CITY COUNCIL

Subject: Transport – Home to School Contract

Committee: Education and Children’s Social Care Overview and Scrutiny Committee

Date: 18 July 2018

Cabinet Member: Councillor McDonald (Cabinet Member of Children and Young People)
Councillor Jon Taylor (Cabinet for Education, Skills and Transformation)

CMT Member: Alison Botham (Director of Children’s Services)

Author: Jayne Gorton Head of Access and Planning

Contact details Tel: 01752 307472
email: jayne.gorton@plymouth.gov.uk

Ref: JEG/AB/JAH/050718

Key Decision: No

Part: I

Purpose of the report:

To provide members will an update on the issue relating to a vehicle which operates as part of the Home to School Transport contract.

Corporate Plan

Caring Plymouth - Provides access to improved facilities that ensure children and young people are safe and confident in their communities, narrowing the gap in equality of access, helping them take control of their lives and communities.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

The current revenue budget provides resources to fund the Home to School Transport contract.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

No other implications

Equality and Diversity

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

To note the report.

Alternative options considered and rejected:

The Contract could have been withdrawn but this would have involved having to cancel Home to School Transport for pupils with complex and challenging needs attending school.

Published work / information:

Background papers:

Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7

Sign off:

Fin	djn18. 19.43	Leg	It/30 806/ 0907	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

1.0 Introduction

On Friday 1 June 2018, an article published by the Herald indicated that a vehicle being used for transporting children on our Home to School contract had been clamped due to the road tax having expired. The Herald were also misled by the DVLA's website where you can check if a vehicle has current tax and MOT. Apparently, the MOT section is not accurate for Public Service Vehicles (which includes minibuses). It would seem that drivers are routinely stopped by the Police due the alarm being raised on their ANPR equipment advising there is no valid MOT on the vehicles. Many of the drivers and contractors have copies of the MOT certificates on their phones to show to police.

1.1 Action taken

The Transport Team immediately contacted the owners of Transport Operations Brian Couch and John Tompkins, who were not able to meet until Monday 4 June 2018.

John and Brian advised at the meeting on 4 June they had set up a direct debit to pay this vehicle's road tax monthly (together with 4 other vehicles) and for some reason the direct debit was cancelled in February 2018. They provided copies of bank statements prior to February and March 2018, which confirmed the facts.

They had not cancelled the direct debit

They had raised this issue with their bank who had confirmed the direct debit was still live but the DVLA had not requested any monies for the direct debit relating to this vehicle since February 2018. The DVLA have indicated that it is the drivers' responsibility to check if the direct debit is taken so they do not accept liability.

The company will now check bank statements each month and they have agreed they will check bank statements and the DVLA website to confirm tax (vehicle excise duty) each month.

The company have provided an email from their Insurance Company, which indicates that the vehicle remained insured; irrespective of road tax being paid, (no road tax is an excise duty and does not affect the roadworthiness of the vehicle)

This therefore confirmed that the children were not being driven to/from school on an uninsured vehicle

We also hold a copy of the MOT certificate for the vehicle so can confirm this was also valid

1.2 Going Forward

We have discussed the implications of their actions on the Council and they completely understand the position they have put us in and they are implementing changes within their organisation so ensure things of this nature do not occur again. They were deeply apologetic.

We have checked our current contracts and whilst it does not specifically include vehicle tax, the following is contained within three different sections:

'it has and will maintain all the licences, permissions, authorisations, consents and permits that it needs to carry out its obligations under the Contract;

it will perform the Services with all reasonable care, skill and diligence and in accordance with best practice in the Supplier's industry, profession or trade;

All vehicles will need appropriate insurances, MOT certificates, registration documentation and (where appropriate) to have complied with the Council's licensed vehicle checking requirements and any applicable Operating License / VOSA requirements. Vehicles will also need to meet specified standards in respect of presentation, quality and cleanliness.'

We therefore do not feel we need to action a contract variation at this time.

All contractors have received an email reminding them of their vehicle responsibilities under the contract. We have also checked with current minibus contractors that all vehicles has valid road tax.

This is not an exercise we can undertake for the taxis as this would be the responsibility of the Licensing department with whom we work very closely and have access to their database.