

**Report of the Cabinet Member for Community, Public Health,
Transportation and Environmental Services**

1. Introduction

I have been asked to report by Members as follows:

by Councillor Hannaford, to provide a Community Transport Update – including work being done with the CCN, LGA and Ministers

and

by Councillor Gordon Hook, on the decline in insects, the recent report on this matter and the impact on nature's ecosystems and the work of the Council in this regard.

2. Community Transport

Background

The Transport Act 1985 made it possible for all community transport (CT) groups operating on a not-for-profit basis to apply for permits to carry passengers in a bus or minibus without requiring a Public Service Vehicle operator's licence (PSV licence).

In July 2017, the DfT wrote to local authorities to report that it was proposing to change how it interprets EU regulation 1071/2009 which covers operator licences.

This followed complaints from the commercial bus sector to the UK Government, its enforcement agencies and the European Commission regarding non-compliance and unfair competitive advantage by CT operators in some areas, particularly regarding competitively tendered contracts for home-to-school and day care transport services for local authorities.

This raised questions regarding the wider community transport sector and specifically the interpretation of non-commercial/not-for-profit services, the requirements for a Public Service Vehicle (PSV) Operator's licence and the consequences of employing paid drivers.

DfT acknowledged that developments in passenger transport over two decades had in part been encouraged by successive governments and that their guidance had not kept pace with development.

A DfT Public Consultation followed in February 2018.

Update

Further to the Cabinet report of 11 April 2018, DCC submitted a formal response to the DfT Consultation.

Subsequently, DfT issued an interim summary in July 2018 acknowledging the significant number of responses received and the complexity of analysing the resultant data. The summary stated the Department's intent to announce the Government's response on the outcome to the consultation in the autumn. This response is still awaited as at February 2019. Local authorities were advised: *"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts."*

DCC has maintained all existing contracts and partnership agreements with our Community Transport operators in Devon.

Alongside the on-going analysis, a local authority working group (LAWG) was set up by DfT to consider how the proposed exemptions from the EU Regulations could operate within current procurement practices. A dozen or so local authority officers were invited to be part of the working group, including DCC representation. Two LAWG meetings have taken place in September 2018 and January 2019 in London at the DfT offices under Chatham House rules.

In January, community transport's national membership body, the Community Transport Association UK (CTA), and the bus industry trade press announced that a Judicial Review Claim had been issued on behalf of the Bus and Coach Association (BCA) against the Secretary of State for Transport challenging the DfT's and DVSA's failure to enforce PSV regulations against CT Operators. The High Court has subsequently approved the judicial review application specifically into the Government's interpretation of "non-commercial" operations under EU regulations.

This action could nullify the decision not to prosecute community transport providers for not having PSV operators' licences and to compel the court to issue an order to force the DVSA to set out a new enforcement policy and proceed with prosecutions. The CTA has informed the Government Legal Department it intends to be an interested party in the proceedings and has asked to be named in its submission to the court as an interested party so that they can be represented in the court and submit evidence.

DCC continue to keep all local Community Transport providers up to date with regular meetings and monthly bulletins.

3. The Decline in Insects

Background

Biodiversity of insects is threatened worldwide. A recent report, titled 'Worldwide decline of the entomofauna: A review of its drivers', is to be published in the April 2019 publication of Biological Conservation. This study comprehensively reviewed

73 historical reports of insect declines from across the globe and assessed the underlying drivers of these declines.

The report found that 40% of the world's insect species are currently experiencing dramatic rates of decline which may lead to their extinction over the next few decades. Further to this, it was determined that the rate of extinction of insect species is eight times faster than that of mammals, birds and reptiles and that total insect biomass is declining by 2.5% worldwide each year.

The analysis stated there are four main drivers of insect species declines. In order of importance these are: i) habitat loss and conversion to intensive agriculture and urbanisation; ii) pollution, mainly that by pesticides and fertilisers; iii) biological factors, including disease and introduced species; and iv) climate change.

The conclusion of the report is that a rethinking of current agricultural practices, in particular a serious reduction in pesticide usage and its substitution with more sustainable, ecologically-based practices, is urgently needed to slow or reverse current trends in insect decline and to allow the recovery of insect populations and safeguard the vital ecosystem services they provide.

Current Devon County Council Position

This issue of insect decline has long been recognised; this latest report highlights its severity and implications for global ecosystems and mankind. The dramatic findings of this new report are symptomatic of the wider degradation of ecosystems resulting from human management (and mismanagement) of global resources (land, air, water etc.). On this basis, the required response should not focus purely on insects, but rather on dealing with the underlying problems causing their decline.

Devon County Council's Environmental Policy, its environmental performance agenda and its support for the work of the Devon Local Nature Partnership, form part of its response to such issues. These approaches broadly align with the objectives set out in the 25 Year Environment Plan, adopted by government in January 2018.

The adoption of the Devon County Council Pollinator Action Plan in July 2016 and the current recommendation to declare a 'Climate Emergency' are specific examples of the proactive approach being taken by this authority.

With regards to the use of pesticides and insecticides on Devon's land holdings, the situation is no different to 2016 when the Pollinator Action Plan was produced through discussion with the County Farms Estate Committee and other Council functions. A survey of County Farms showed that there is very limited use of neonicotinoids on the estate and the Pollinator Plan states that we will work with tenants to promote Integrated Pest Management Plans. Work on this began last year with County Farms linking up with the Farming and Wildlife Advisory Group and Exeter University. We are also improving the Environmental Audits produced for County Farms to promote these issues. The Pollinator Plan makes it clear that, in other situations such as grounds maintenance, the Council only uses insecticides in extreme circumstances e.g. controlling wasps for health and safety purposes.

Actions that our communities can take to help insects will be promoted by the Council and the Local Nature Partnership at the County Show as part of our contribution to the 2019 Year of Green Action.

Councillor Roger Croad

Cabinet Member for Community, Public Health, Transportation and Environmental Services