

# London Councils' Transport and Environment Committee

## Taxicard and Coronavirus / Covid-19      Item No: Urgent

**Report by:** Stephen Boon      **Job title:** Chief Contracts Officer  
**Date:** 26 March 2020  
**Contact Officer:** Stephen Boon  
**Telephone:** 020 7934 9951      **Email:** Stephen.boon@londoncouncils.gov.uk

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### Summary:

Following consultation with the London (Resilience) Strategic Co-ordination Group and Local Authority 'Gold' this report seeks approval to recommend to the participating authorities that they authorise a temporary change to the Taxicard travel scheme until 30<sup>th</sup> August 2020 (being an initial period of approximately 24 weeks, subject to review) to assist with efforts to get groceries and medicines to shielded and vulnerable Taxicard members affected by social distancing measures introduced to combat Covid-19. The change will permit Taxicard members to use the service without the individuals travelling themselves. This requires each authority to authorise an amendment to its discretionary scheme conditions. As a consequence of these amendments, if approved, London Councils on behalf of the participating authorities under the powers already delegated to the joint committee to manage and administer the Taxicard scheme as stated in the Governing Agreement, will agree relevant variations to the existing contracts with Taxicard service providers.

**Recommendations:** It is recommended that each participating authority resolves to:

- a. amend the Taxicard scheme as it operates within their area to allow scheme members to use the Taxicard service for the collection of groceries and medicines by a driver or a person nominated by the Taxicard member without travelling themselves for a temporary period until the 30<sup>th</sup> August 2020 (being an initial period of approximately 24 weeks, subject to review), AND

- b. implement the above resolution by completing and returning the notice provided at Appendix 1, which will be sent to all participating authority Chief Executives following LCTEC's agreement, for the amendments to formally take effect (and thus to permit London Councils under its existing delegations to implement the changes to the service with Taxicard service providers).

## Background

1. The Coronavirus / Covid-19 outbreak is leading to significant reductions in use of the Taxicard scheme which operates across all 33 London local authority areas. The London (Resilience) Strategic Co-ordination Group and Local Authority 'Gold' established under the Civil Contingencies Act 2004 are coordinating efforts to address challenges presented by social distancing in response to the measures implemented by HM Government, and has agreed that temporary changes to the Taxicard scheme could be used to help shielded and other vulnerable groups who are Taxicard members to receive supplies of groceries and medicine.

## Taxicard

2. The Taxicard scheme provides subsidised taxi journeys to scheme members who must themselves travel in the taxi. All scheme members have a qualifying disability and it is likely that many have been required to self-isolate. The average age of Taxicard members is 74. For these people, obtaining groceries and medicines will be more difficult while social distancing and self-isolation measures are in place.
3. There has been a significant reduction (40%) in the number of Taxicard journeys undertaken since social distancing measures were first introduced. Over the past three days there have been a combined total of 1,000 jobs undertaken. The normal average for three days would be >6,000. Therefore, this week there has been a reduction of 83%.
4. Following consultation with London Resilience partners and after an evaluation of the needs of Taxicard members, London Councils is recommending that the discretionary conditions of the Taxicard scheme are amended to allow members to use the Taxicard scheme for the delivery of vital supplies of food and medicine delivered, without the need to travel themselves. It is proposed that this change is implemented for a temporary period until 30<sup>th</sup> August 2020 (being an initial period of approximately 24 weeks, subject to review). This is considered to be a proportionate response insofar as the operation of the Taxicard scheme is concerned in response to the needs of Taxicard members and the underlying purpose of the scheme.
5. Allowing this flexibility would mean that Taxicard members can continue using their subsidy entitlements for journeys they are not currently taking but would have otherwise used, whilst achieving the ultimate objective of the scheme, which is to provide a taxi service for disabled Londoners who find it difficult or impossible to use bus, underground or railway services to travel around London or in the vicinity of London in the context of the Government's current social distancing measures. Officers do not consider that this measure will increase the cost of the Taxicard scheme.
6. The Agreement provides *inter alia* that London Councils has the authority to procure Taxicard services from taxi operators to deliver the Taxicard scheme and to manage the day-to-day operation and budget of the scheme so as to comply with eligibility, membership, budgetary provision and trip allocation requirements specified by the participating authorities. No amendments are proposed to these provisions.

## Financial Implications for London Councils

7. The Director of Corporate Resources reports that the forecast position for the current financial year (2019/20) for the funding of the Taxicard scheme is that the trips element of the scheme will be funded entirely from the contribution received from TfL.

The participating authorities, therefore, will make no contribution to the costs of Taxicard trips taken by members, but participating authorities will fund the majority of the costs in the current year of London Councils administering the scheme on their behalf.

8. Given that the 2020/21 financial year starts in less than 6 days, officers forecast that the funding pattern experienced in the current year is likely to repeat itself in 2020/21. On the basis of that assumption, officers will need to ensure that robust monitoring arrangements are put in place to ensure that clear evidence exists that this position continues to hold and that the position is reported on a monthly basis. This will ensure that if the volume of Taxicard trips accelerate to the extent that participating authorities may need to resume financial contributions, members can be alerted at the earliest opportunity.

### **Legal Implications for London Councils**

9. The 33 London local authorities participating in the Taxicard scheme have delegated the joint discharge of the functions of the management and administration of the London Taxicard scheme to the LCTEC, which is a joint committee. These functions, and the arrangements for their exercise as jointly agreed by all the authorities, are set out in the LCTEC Governing Agreement, dated 13 December 2001 (as amended). LCTEC has certain general obligations under that Agreement including to act in good faith and in the interests of all authorities collectively.
10. Insofar as Taxicard is concerned, the joint committee is constrained by the terms of the Governing Agreement and is required to act in accordance with the general and discretionary conditions of the scheme which each of the authorities have set. LCTEC has, in administering the scheme, the duty to tender for the Taxicard services and the power to enter into contracts with taxi operators on behalf of the participating authorities for delivery of the scheme. Each participating authority retains the power to set the rules of the scheme, whether general conditions which are common to all the authorities, or discretionary elements for their own local authority area.
11. Thus the joint committee's authority does not extend to varying the general or discretionary conditions and restrictions of the scheme. Currently, there is a general requirement that Taxicard members must be present in the vehicle when a journey is undertaken. The approval being sought is to introduce a temporary additional discretionary permission to allow Taxicard members to use the scheme in the manner outlined above. Therefore, the consent of each participating authority in accordance with their own constitution and governance framework is required, both to amend the discretionary conditions of the scheme as proposed, to give effect to the change.
12. It should be noted that London Councils will have to receive notice from participating authorities that they have agreed the variation to their discretionary conditions, and to expedite this, London Councils recommends that the notice is provided by each authority in the form set out in Appendix 1. This Notice must be received by London Councils from each authority before the change to the scheme can be formally implemented with its own Taxicard members. Subject to LCTEC's agreement, the notice will be sent to each authority Chief Executive. TfL as funder and Taxi operators have agreed to this change.
13. It is noted that having regard to the social and health impacts of undue delay, LCTEC officers will implement the variation on an authority by authority basis where we have received notice of their decision to vary the scheme. London Councils is required to

act in the interests of all the participating authorities, and therefore whilst this action would be taken at risk, should a challenge to this decision arise on the basis that it is in conflict with the general conditions of the scheme, LCTEC officers consider this risk to be low, and the action justified in these extreme circumstances. In taking this decision, regard will be had to (a) the support to the proposed scheme variation provided by the London Resilience Group, TfL as funder of the service, and the taxi operators themselves; (b) the variation being implemented for a proportionate period (which will remain under review); and (c) the significant public interest in prompt action to support these vulnerable individuals.

14. London Councils will put in place a contract variation with its supplier to allow the change to take effect. Officers consider that such a variation is permissible both within the current terms of the contract and is also in line with recent Cabinet Office guidelines issued in *Procurement Policy Note – Responding to Covid-19*.

### **Equalities Implications for London Councils**

None

### **Recommendations**

It is recommended that each participating authority resolves to:

- a. amend the Taxicard scheme as it operates within their area to allow scheme members to use the Taxicard service for the collection of groceries and medicines by a driver or a person nominated by the Taxicard member without travelling themselves for a temporary period until the 30<sup>th</sup> August 2020 (being an initial period of approximately 24 weeks, subject to review), AND
- b. implement the above resolution by completing and returning the notice provided at Appendix 1, which will be sent to all participating authority Chief Executives following LCTEC's agreement, for the amendments to formally take effect (and thus to permit London Councils under its existing delegations to implement the changes to the service with Taxicard service providers).

**Appendix 1** – Notice from Taxicard participating Authority to allow scheme members to use the Taxicard service for the collection of groceries and medicines by a driver or a person nominated by the Taxicard member without travelling themselves for a temporary period until the 30th August 2020 (being an initial period of approximately 24 weeks, subject to review).

To: [stephen.boon@londoncouncils](mailto:stephen.boon@londoncouncils)

Stephen Boon, Chief Contracts Officer, London Councils

I.....[name and position of authorised person]

on behalf of..... [name of authority]

hereby give notice that my authority has resolved to:

vary the discretionary conditions in the Taxicard scheme as follows:

*“For a temporary period until 30<sup>th</sup> August 2020 (being an initial period of approximately 24 weeks, subject to on-going review, and extended or withdrawn as appropriate) that the discretionary conditions of the Taxicard scheme will be varied to allow Taxicard members to use their Taxicard without travelling themselves. This relaxation will allow:*

- a) Taxicard members to nominate someone to travel on their behalf to collect groceries and/or medicine; and/or*
- b) To allow taxi and PHV drivers associated with the scheme to collect pre-ordered groceries and/or medicine on the member’s behalf.”*

Signed

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Date

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