

CABINET MEETING – 8 FEBRUARY 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Consideration of the Draft Bus Enhancement Partnership and Scheme

Author(s):

Executive Director of City Development

Purpose of Report:

Cabinet in November 2021 noted the submission of a Bus Service Improvement Plan (BSIP) to government by the North East Joint Transport Committee (JTC) and agreed to receive an update on the development of an Enhanced Partnership (EP) proposal at a future Cabinet meeting.

There is a requirement to have a Draft EP in place by the end of April and subsequently a full EP, with timescales for this yet to be announced. Given these requirements, and recognising the timescales necessary to meet Government deadlines, Cabinet is invited to delegate authority to the Executive Director of City Development in consultation with the Deputy Leader and Executive Director of Corporate Services as described below.

Description of Decision:

It is recommended that Cabinet authorise:

- the Executive Director of City Development in consultation with the Deputy Leader and Executive Director of Corporate Services to:
 - (i) agree the Draft Enhanced Bus Partnership's Plan and any Scheme(s) relevant to the Council's highway and traffic authority functions, including any associated Traffic Regulation Orders;
 - (ii) agree on behalf of the Council any amendments to the Draft Enhanced Bus Partnership's Plan and Scheme(s) arising from consultation; and
 - (iii) agree the final terms of the Enhanced Partnership and any Scheme(s) on behalf of the Council and to take all other steps associated with that to implement these proposals.

Is the decision consistent with the Budget/Policy Framework? **Yes**

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To enable the submission of a Draft EP and subsequently a Full EP through the North East JTC to deliver aspects of the Council's and the region's transport objectives whilst meeting Government's timescales for submission of a proposal in order to secure ongoing Government funding for bus services.

Alternative options to be considered and recommended to be rejected:

The alternative option would be to not develop a Draft EP and Full EP and if this is not done, the Council would not only stand to miss out on funding for improving bus services, it would also mean that the recovery from COVID was at greater risk of being car-led, rather than one that favoured active and sustainable ways of getting around, including by bus.

Impacts analysed;

Equality ☐ Privacy ☐ Sustainability ☐ Crime and Disorder ☐

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

CABINET – 8 FEBRUARY 2022

CONSIDERATION OF THE DRAFT BUS ENHANCEMENT PARTNERSHIP AND SCHEME

Report of The Executive Director of City Development

1. Purpose of the Report

Cabinet in November 2021 noted the submission of a Bus Service Improvement Plan (BSIP) to government by the North East Joint Transport Committee (JTC) and agreed to receive an update on the development of an Enhanced Partnership (EP) proposal at a future Cabinet meeting.

There is a requirement to have a Draft EP in place by the end of April and subsequently a full EP, with timescales for this yet to be announced. Given these requirements, and recognising the timescales necessary to meet Government deadlines, Cabinet is invited to delegate authority to the Executive Director of City Development in consultation with the Deputy Leader and Executive Director of Corporate Services as described below.

2. Description of Decision (Recommendations)

It is recommended that Cabinet authorise:

- the Executive Director of City Development in consultation with the Deputy Leader and the Executive Director of Corporate Services to:
 - (i) agree the Draft Enhanced Bus Partnership's Plan and any Scheme(s) relevant to the Council's highway and traffic authority functions, including any associated Traffic Regulation Orders;
 - (ii) agree on behalf of the Council any amendments to the Draft Enhanced Bus Partnership's Plan and Scheme(s) arising from consultation; and
 - (iii) agree the final terms of the Enhanced Partnership and any Scheme(s) on behalf of the Council and to take all other steps associated with that to implement these proposals.

3. Introduction/Background

- 3.1 There were approximately 120 million bus journeys made within Tyne and Wear in 2018/19. Since the onset of the Covid-19 pandemic buses have continued to provide a vital service, however passenger numbers remain significantly lower than before the pandemic.

- 3.2 Public transport is an integral part of how people get around in Sunderland and is key to achieving the Council's goals relating to air pollution, climate change and an inclusive economy. Sunderland has relatively low levels of car ownership, at the time of the last census in 2011, 35.6% of households across the city did not have access to a car. This percentage is significantly higher in certain parts of the city. This means that public transport, including bus travel, is integral to the everyday lives of many people in the city.
- 3.3 The JTC's statutory North East Transport Plan aims to improve bus travel and to attract more passengers.

4. Current Position

4.1 The National Bus Strategy and the Enhanced Partnership process

- 4.1.1 The Government announced in March 2021 that ongoing funding for bus services would be dependent on authorities' and bus operators' participation in new arrangements. The National Bus Strategy 'Bus Back Better' set out a more formal framework for partnership working between authorities and bus operators and instructed each area to implement a statutory EP under the Transport Act 2000 (as amended by the Bus Services Act 2017). Entering into an EP is a requirement in order to receive ongoing Government funding for bus services.
- 4.1.2 As part of the process set out in the National Bus Strategy, each area was also required to develop a Bus Service improvement Plan (BSIP).

4.2 Process and governance

- 4.2.1 The Council is represented on the JTC by the Deputy Leader of the Council as the designated member and the Leader of the Council as the designated substitute member.
- 4.2.2 Reflecting the national guidance, in June 2021 the JTC agreed to notify the Government of its intention to proceed with an EP. In July 2021 the JTC approved a process of public engagement, which was carried out by Transport North East over the summer and branded as the 'Big Bus Conversation'. Factors which respondents identified as barriers to using the bus more often included the level of fares; bus service punctuality and reliability; buses being seen as slow; buses not necessarily going where people needed them to; and vehicle cleanliness and maintenance in the context of the Covid-19 pandemic.
- 4.2.3 This informed the development of the North East BSIP, which was approved by JTC and submitted to the Department for Transport (DfT) by the deadline of 31 October 2021. The BSIP sets out a far-reaching programme of potential measures to improve bus services in the North East and made an ambitious request for Government funding of £804m to deliver the measures over three financial years from 2022/23 to 2024/25.

4.2.4 In a letter to Local Transport Authority (LTA) Directors on the 11th of January, the DfT confirmed that the budget available for transformation, including for Zero Emission Buses, is around £1.4bn for the next three years and that funding prioritisation is inevitable, given the scale of ambition across the country's 79 LTAs greatly exceeds this amount.

4.2.5 A Draft EP Plan and Scheme(s) are currently being developed in accordance with Government guidance. A period of bus industry stakeholder engagement, known as the 'Operator Objection Mechanism' was undertaken between the 22nd of December 2021 and the 19th of January 2022. Government timescales then require a Draft EP to be submitted by the end of April 2022.

4.2.6 Details of indicative funding will be provided by the DfT by February 2022. Following the announcement of indicative funding, the DfT will advise on a date for Full EPs to be made and submitted.

4.3 Transport and highways functions

4.3.1 The JTC discharges certain local transport authority functions on behalf of the two Combined Authorities, is responsible for the preparation of the statutory transport plan and has various responsibilities with respect to public transport. However, aspects of the Draft EP Plan and Scheme(s) and the Full EP Plan and Scheme(s) will relate to Traffic Regulation Orders powers held by the Council, as the highway authority and local traffic authority for the City, such as the delivery of an EP Scheme on the highway which requires a Traffic Regulation Order (TRO).

4.3.2 These orders can be made either to make permanent changes – such as preventing certain types of traffic from using particular roads on a permanent basis or install a bus lane – or on a temporary basis – i.e. to temporarily close a road because roadworks are taking place. Measures can also be trialled for up to 18 months under an experimental TRO. However, an order can only be made by the relevant traffic authority with the powers to do so on the stretch of road in question.

4.3.3 As TROs are made by the local traffic authority, if an EP Scheme requires a TRO then the Council must be a party to it and make it jointly. It is therefore important for the Council in its capacity as the highway authority and local traffic authority for the City to have a full understanding of the requirements of the Draft and Full EP Plan and Scheme(s) as they relate to Traffic Regulation Orders (TROs). Once a Full EP takes effect, there will be an obligation on the Council to implement facilities and measures in accordance with the identified EP Scheme(s).

4.4 Structure of Enhanced Partnership Plan and Scheme(s)

4.4.1 An EP is a statutory partnership between a local transport authority and local bus operators, which sets out how they will work together to deliver the outcomes identified in the BSIP. It consists of two parts: an EP Plan and one or more EP schemes.

- 4.4.2 Government guidance advises that an EP Plan should state a clear vision of the improvements to bus services which the EP aims to deliver, consistent with the BSIP: It should summarise the evidence base; what outcomes need to be delivered to improve local bus services in the area; and what overall interventions the partnership believes should be taken to deliver those outcomes.
- 4.4.3 An EP scheme should set out the precise detail of how the BSIP vision and objectives will be achieved, including any commitments made by the authorities or standards to be met by bus operators, and detail the specific interventions that will be made. It sets out the legal obligations on the relevant authorities and bus operators and is the mechanism by which the commitments made in the BSIP and the EP Plan are delivered.

4.5 Next Steps

4.5.1 The key milestones in the process (including indicative dates) are as follows:

- February 2022: Announcement of Indicative Funding and advice on timescales for full EP submission
- 15th March 2022: Meeting of the North East Joint Transport Committee to approve the Draft Enhanced Partnership and Scheme(s)
- 30th April: Submission of the Draft Enhanced Partnership and Scheme(s)

5. **Reasons for the Decision**

- 5.1 To enable the submission of a Draft EP and subsequently a Full EP through the North East JTC to deliver aspects of the Council's and the region's transport objectives whilst meeting Government's timescales for submission of a proposal in order to secure ongoing Government funding for bus services.

6. **Alternative Options**

- 6.1 The alternative option would be to not develop a Draft EP and if this is not done, the Council would not only stand to miss out on funding for improving bus services, it would also mean that the recovery from COVID was at greater risk of being car-led, rather than one that favoured active and sustainable ways of getting around, including by bus.

7. **Impact Analysis**

- 7.1 A full assessment of the impacts of an Enhanced Partnership will be completed as part of the detailed development of the document and will be presented to the Local Transport Authority as the relevant decision-making body.

- (a) **Equalities** – It is expected that this proposal, if successful, will have a positive impact on carbon emissions, air quality, public health and the wider economy.

- (b) **Privacy Impact Assessment (PIA)** – N/A
- (c) **Sustainability** - The final Enhanced Partnership proposal will contain a full assessment of its sustainability impacts.
- (d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – N/A

8. Other Relevant Considerations / Consultations

- (i) **Financial Implications** – There are no direct financial implications arising from this report. Should investment in infrastructure or other improvements be required following the implementation of the EP Plan then this will be considered by Cabinet at the appropriate time.
- (ii) **Risk Analysis** - The key risk to the bus network is to do nothing. If the Bus Service Improvement Plan is not produced and there is no agreement of an Enhanced Partnership/franchising scheme, government will remove funding currently being used to support bus services. This would have a catastrophic impact on buses in the region, and the people who rely on them for employment, and access. The actions identified in this paper are designed to mitigate this risk.

Further risks to the successful delivery of this work are considered to be:

- A breakdown of working relationships with bus operators and other key stakeholders
- Not receiving sufficient funding from DfT to deliver a high-quality bus offer in the region; and
- An inability to deliver infrastructure commitments in the Enhanced Partnership.

These will be mitigated through:

- Formal and informal dialogue with key stakeholders to ensure clear communication of expectations
- Ensuring that the Draft Enhanced Partnership and Scheme(s) are high quality and meets regional and national expectations; and
- A detailed review of infrastructure commitments in any Enhanced Partnership before adoption to ensure it aligns with delivery capability.

- (iii) **Legal Implications** – The Council’s integrated transport authority functions were transferred to the North East Combined Authority. Those transport functions must be exercised through the North East Joint Transport Committee which is a joint committee of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority (known as the “North East Combined Authority”) and the North of Tyne Combined Authority or the Joint Transport Committee’s Tyne and Wear Sub-Committee. The Council works with the combined authorities on transport matters and is represented on the Joint Transport Committee and its Sub-Committee.

Highway authority functions remain with the Council and were unaffected by the establishment of the combined authorities.

Section 138B of the Transport Act 2000 (as amended by the Bus Services Act 2017) states that if an Enhanced Bus Partnership Scheme(s) requires the making of a TRO, the Scheme(s) must be made by the local transport authorities and the metropolitan district council for the district acting jointly as “makers” of the Scheme.

The proposed EP Plan and Scheme(s) would oblige the Council, as the highway authority for the area, to take the measures set out in each Scheme by a specified date unless the Scheme is formally postponed, or the Council is temporarily unable to meet its obligations for reasons outside its control.

The development of an Enhanced Partnership follows a statutory framework under the Transport Act 2000 (as amended by the Bus Services Act 2017), requiring legal notices, consultation, and formal agreements. The EP will become legally binding upon the local transport authority, the Council as a local highway authority, and bus operators once made.

- (iv) **Procurement** – There are no direct procurement implications for Enhanced Partnerships. Any works identified will be subject to standard procurement procedures.

11. Background Papers

National Bus Strategy 'Bus Back Better' March 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/980227/DfT-Bus-Back-Better-national-bus-strategy-for-England.pdf

The Bus Services Act 2017 – Enhanced Partnerships Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002507/national-bus-strategy.pdf

Bus Service Improvement Plans: Guidance to Local Authorities and Bus Operators, May 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985379/bus-service-improvement-plans-guidance-to-local-authorities-and-bus-operators.pdf

North East Regional Transport Plan 2021-2035, February 2021

<https://www.transportnortheast.gov.uk/transportplan/>

JTC Report – Vision for Buses (item 9):

<https://northeastca.gov.uk/wp-content/uploads/2021/07/2021.07.13-JTC-Public-Agenda-Pack-v2.pdf>

JTC Report – Bus Partnerships (items 9 and 10):

<https://northeastca.gov.uk/wp-content/uploads/2021/07/2021.06.15-JTC-Public-Agenda-Pack.pdf>

North East Bus Service Improvement Plan

<https://www.transportnortheast.gov.uk/enhancedpartnership/>