

## Urgent Decision Taken on Behalf of Cabinet

### Report to the Leader of the Council and the Cabinet Member for Highways and Transport

Report submitted by: Head of Service for Public and Integrated Transport

#### Part I

Electoral Division affected:  
(All Divisions);

**Corporate Priorities:**  
Delivering better services;

### National Bus Strategy - Enhanced Bus Partnership

(Appendix 'A' refers)

Contact for further information:

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#### Brief Summary

"Bus Back Better" is the Government's National Bus Strategy for England and was launched on 15 March 2021. It advocates the development of Enhanced Partnerships between Local Transport Authorities and bus operators to deliver the strategies objectives.

The decision was taken on 24 June 2021 to move towards an Enhanced Partnership and develop an ambitious Bus Service Improvement Plan. The Bus Service Improvement Plan was produced and submitted to the Department for Transport at the end of October 2021. A draft Enhanced Partnership Plan and Scheme has subsequently been prepared, (Appendix 'A' refers), with participation and contribution from local bus operators, in accordance with the statutory provisions and in line with guidance provided by the Department for Transport.

A requirement of the Enhanced Partnership Plan and Scheme is to consult with all local bus operators so that they can offer views on the Enhanced Partnership Plan and Scheme before it is finalised.

A notice that a Plan and Scheme have been prepared is to be sent, in writing, to all operators of qualifying local bus services. The notice contains full details of the Plan and Scheme and explains how they will deliver the Bus Service Improvement Plan. It explains that operators have a right to object to the Plan and Scheme and sets out what level of objections is required for the Plan and Scheme not to proceed to consultation.

There is a minimum period of 28 days after the notification is sent within which operator objections may be made. Should operators object then, following the

expiration of the objection period, as stated in the notice, the authority will need to assess the objections. If the objections are found to be admissible, it may be necessary to re-run the 28-day objection period.

Once the objection period has ended, and subject to there being no material objections to the Plan and Scheme, then the Enhanced Partnership Plan and Scheme can be formally consulted on more widely with stakeholders.

### **Reason for Urgency**

This decision is urgent and cannot await the next meeting of Cabinet on 20 January 2022. The reason for this is due to the timeframe for the process, which has been mapped by Government, demonstrating the expectations on each local authority and bus operator and which is outside the county council's control.

The timeframe is set out below:

- Following the publication of the Bus Service Improvement Plan by the end of October 2021 there is a requirement to follow a statutory process and have an Enhanced Partnership Plan and Scheme in place by the end of March 2022.

This decision is therefore being taken on behalf of Cabinet by the Leader of the Council and Cabinet Member for Highways and Transport in accordance with the provisions of Standing Order C16(1).

### **Recommendation**

The Leader of the County Council and the Cabinet Member for Highways and Transport are recommended to approve:

- (i) That notice be given to operators of qualifying local bus services that a draft Enhanced Partnership Plan and Scheme have been prepared giving a period of not less than 28 days within which objections may be made.
- (ii) That, subject to no objections being received, a consultation be undertaken with all statutory consultees as required by legislation.
- (iii) That the Executive Director of Growth, Environment, Transport and Community Services be authorised to approve the Enhanced Partnership Plan and Scheme, in consultation with the Cabinet Member for Highways and Transport by the end of March 2022, in line with the dates set by the Department for Transport.

This decision should be implemented immediately for the purposes of Standing Order C29 as any delay could adversely affect the execution of the county council's responsibilities. The reason for this is set out in the report.

## Detail

A previous report detailing the requirements of the National Bus Strategy and the development of a Bus Service Improvement Plan and of an Enhanced Partnership Plan and Scheme was set out in the report to the Leader of the County Council and the Cabinet Member for Highways and Transport on 24 June 2021.

The Bus Service Improvement Plan was published at the end of October 2021 and work has been ongoing in preparing the draft Enhanced Partnership Plan and Scheme, with participation and contribution from local bus operators, in accordance with the statutory provisions and in line with guidance provided by the Department for Transport.

As part of the Enhanced Partnership Plan and Scheme there is a requirement to consult with all local bus operators so that they can offer views on the Enhanced Partnership Plan and Scheme before it is finalised.

A notice that a Plan and Scheme have been prepared is to be sent, in writing, to all operators of qualifying local bus services. The notice contains full details of the Plan and Scheme and explains how they will deliver the Bus Service Improvement Plan. It explains that operators have a right to object to the plan and sets out what level of objections is required for the Plan and Scheme not to proceed to consultation. The Enhanced Partnership Plan and Scheme are included at Appendix 'A'.

There is a minimum period of 28 days within which operator objections may be made. However, should operators object then it will be a requirement to consider the objections, and if the authority holds these objections to be admissible, to re-run the 28-day objection period.

Once the objection period has ended, and subject to there being no material objections to the Plan and Scheme, then the Enhanced Partnership Plan and Scheme can be formally consulted on more widely, the statutory consultees being:

- all operators of local bus services that would be affected by any of the proposals;
- organisations that represent local passengers;
- other local authorities that would be affected by the proposals
- the Traffic Commissioners;
- the chief officer of police for each area to which the plan relates;
- Transport Focus;
- the Competition and Markets Authority; and
- such other persons as the authority thinks fit.

This should include the relevant local MPs.

Although these are the bodies that must always be consulted, there may be other stakeholders that should be included, if they can play a real part in developing the proposals to deliver the Bus Service Improvement Plan outcomes.

- Local Transport Authorities would generally be engaging with such bodies informally already.
- Where the scheme involves modification to services, Local Transport Authorities should also consider consulting:
  - existing bus passengers on affected services; and
  - relevant organisations which are not already involved in the Enhanced Partnership process (for example, major local employers).

Responses to the consultation should be analysed thoroughly and changes made to the proposals if they would improve Bus Service Improvement Plan outcomes.

### **Consultations**

Consultation is required with local bus operators as part of the objection period followed by a consultation with listed statutory consultees and wider consultees.

### **Implications:**

This item has the following implications, as indicated:

### **Risk Management**

Failure to meet the deadlines and requirements set by Government will mean that the authority, and bus operators will not receive the new discretionary forms of bus funding from Government. In addition, only services operated under these statutory agreements will be eligible for the reformed Bus Service Operators Grant, subject to consultation.

The decisions made will set out the course of actions towards a new look Bus Service for Lancashire.

Failure to confirm these arrangements will result in funding for public transport and other funding streams being unavailable to Lancashire.

### **Financial**

The authority has already received £700,000 of Local Transport Authority Bus Capacity Grant Funding to deliver the Bus Service Improvement Plan and develop an Enhanced Partnership Plan and Scheme. This will fund resources to initially manage the development of the Bus Service Improvement Plan and Enhanced Partnership Plan and Scheme and will be used to resource the Public Transport Team to ensure it can meet the ongoing requirements of the Bus Service Improvement Plan and Enhanced Partnership Plan and Scheme management.

### **Legal**

Sections 138A-S were put into the Transport Act 2000 in 2017 and provide for authorities to make Enhanced Partnership Plans and Schemes.

Giving Notice of intent commences procedures under statute which may have resource and other implications.

At every step the decisions by the authority could be subject to a Judicial Review challenge. This initial step is not bringing actual changes to services but intending to do so and later steps may bring friction and potential claims against the authority.

### **List of Background Papers**

Paper	Date	Contact/Tel
National Bus Strategy – Enhanced Bus Partnership and Bus Service Improvement Plan	24/06/2021	Andrew Varley (01772) 533336

Reason for inclusion in Part II, if appropriate

N/A

**Urgent Decision Taken on behalf of Cabinet: Declarations**

**Leader of the Council**

**National Bus Strategy - Enhanced Bus Partnership**

Original recommendation, as set out in the report, approved without amendment. Yes

Original recommendation amended and decision as follows: No

I have a pecuniary/non-pecuniary interest in this matter. No

If an interest is declared please give details below:

.....  
Leader of the Council

23 December 2021

**Chief Officer**

I certify that this is an appropriate and accurate record within the terms of Standing Order C30(2) and (3) of the decision taken by the Cabinet Member.

.....  
Democratic Services Officer

23 December 2021

\*Delete as appropriate

**This decision is to be taken by more than one Cabinet Member and all relevant Cabinet Members must be in agreement with the decision**

**Urgent Decision Taken on behalf of Cabinet: Declarations**

**Cabinet Member for Highways and Transport**

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Cabinet Member for Highways and Transport

23 December 2021

**Chief Officer**

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