

Report to the Cabinet

Meeting to be held on Thursday, 7 April 2022

Report of the Head of Service - Public and Integrated Transport

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Delivering better services;

Enhanced Partnership Plan and Scheme with Local Bus Operators

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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 strategy's objectives.

A decision was taken on 23 December 2021 on behalf of Cabinet under the county council's urgency procedures that notice be given to operators of qualifying local bus services that a draft Enhanced Partnership Plan and Scheme have been prepared and giving a period of not less than 28 days within which objections may be made. The objection period commenced on 14 January 2022 and concluded on 16 February 2022.

Also that, subject to no objections being received, a consultation be undertaken with all statutory consultees as required by legislation.

No admissible objections from operators were received and so the consultation process was started with all statutory consultees and wider stakeholders. The consultation ran between 1 March 2022 and 17 March 2022.

Five responses from the statutory consultees and stakeholders have been received by the 17 March deadline. These are from the Competition and Markets Authority, the Lancaster Bus Users Group, Transport Focus, Fylde Borough Council and North Yorkshire County Council.

Recommendation

Cabinet is asked to approve:

- (i) The Making of the Enhanced Partnership Plan and Scheme, in accordance with s138G Transport Act 2000 without modifications, the Local Transport Authority having complied with s138F regarding preparation, notice and consultation.
- (ii) That the Enhanced Partnership Plan and Scheme will be responsible for directing available funding from central government and elsewhere to deliver improvements to bus services and infrastructure in Lancashire to help achieve the ambition, objectives and targets in the county council's Bus Service Improvement Plan.
- (iii) That the mechanism by which the plan and scheme can be modified, following any future constructive comments, will be managed through the Enhanced Partnership governance structure and county council procedures.

Detail

Details of the requirements of the National Bus Strategy and the development of a Bus Service Improvement Plan and of an Enhanced Partnership Plan and Scheme were set out in the previous reports considered by the Leader of the County Council and the Cabinet Member for Highways and Transport on 24 June 2021 and 23 December 2021.

The Bus Service Improvement Plan was published at the end of October 2021 and submitted to the Department for Transport. Work has been ongoing in preparing the 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.

Notice that a Plan and Scheme have been prepared was 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 can be seen at: [lancs-enhanced-partnership-2022.pdf \(lancashire.gov.uk\)](https://www.lancashire.gov.uk/media/2022/01/lancs-enhanced-partnership-2022.pdf).

There was a minimum period of 28 days within which operator objections could be made. This operator objection period commenced on 14 January 2022 and ended on 17 February 2022.

No admissible objections were received from operators and so the consultation process started with all statutory consultees and wider stakeholders and was undertaken between 1 March 2022 and 17 March 2022. This was following the issuing of a notice in the matter of the Bus Services Act 2017 and the Transport Act 2000 S138F(1)(d) that Lancashire County Council, Local Transport Authority proposes to make an Enhanced Partnership Plan and Scheme.

The statutory consultees were:

- 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.
- Such other persons as the authority thinks fit.

This included the relevant local MPs, all local district and neighbouring councils and numerous other relevant organisations.

Consultations

Five responses were received from the statutory consultees and stakeholders to date. The first being from the Competition and Markets Authority which, given the number of partnership documents it is receiving, is reviewing all relevant documents that are provided to the Competition and Markets Authority by authorities, but it will not be providing detailed individual feedback for all plans. It aims to share high-level points after its review of an initial tranche of documents. The Competition and Markets Authority has sought some clarification from the county council but as it has not indicated when it may provide a definitive response and mechanisms are proposed that will enable the Enhanced Partnership to be varied, it is not considered feasible to delay its approval.

A response has also been received from the Lancaster Bus Users group, which is supportive of the Enhanced Partnership Plan and Scheme and the activity proposed, subject to funding, and has provided some useful feedback on local prioritisation.

Further responses have been received from Transport Focus, Fylde Borough Council and North Yorkshire County Council. Transport Focus is generally supportive of the proposed aim and ambitions and how the Enhanced Partnership meets the aspirations of the county council's Bus Service Improvement Plan. The county council will engage with Transport Focus as required to address some detailed comments, but accommodating these comments would not materially affect the Enhanced Partnership Plan and Scheme. Transport Focus has also provided some details of the type of support it could offer the Partnership going forward.

Fylde Borough Council is broadly supportive of the Bus Service Improvement Plan and has raised some useful comments regarding transport services within the

borough. It has also requested stronger local representation which can be facilitated through the Enhanced Partnership Forum and Management Board in the Scheme and is available to all district authorities.

North Yorkshire County Council supports the ambitions of the Enhanced Partnership and looks forward to working with the county council in achieving these aims in the future.

Should additional feedback be received, after the deadline, then that feedback would be taken into consideration and any that would improve the Bus Service Improvement Plan outcomes will be incorporated as the Enhanced Partnership Plan and Scheme has mechanisms in place to enable it to be modified through the proposed governance arrangements.

Implications:

This item has the following implications, as indicated:

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.

Risk management

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

Financial

The county council 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.

To date there has been no indication from the Department for Transport of the level of funding to support the Bus Service Improvement Plan.

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
Enhanced Partnership Plan and Scheme	1 April 2022	Andrew Varley, (01772) 533336

Reason for inclusion in Part II, if appropriate

N/A