

Transport and the Environment Board

16 December 2021

Consultation on the Bus Service Improvement Plan and Enhanced Partnership

Is the paper exempt from the press and public?	No
Purpose of this report:	Discussion
Is this a Key Decision?	No
Has it been included on the Forward Plan?	Not a Key Decision

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Executive Summary

This report provides an update on the Enhanced Partnership (EP) process and proposed public consultation. The development of a Bus Service Improvement Plan (BSIP) and entering an EP are required to unlock access to transformational bus funding from the Department for Transport (DfT). A period of consultation with bus operators commenced 17 November 2021 and will be followed by a period of public consultation in early 2022. Once both consultations are complete, the MCA will consider the consultation responses and determine whether to make any amendments to the Enhanced Partnership Plan or Enhanced Partnership Scheme before they are formally made.

What does this mean for businesses, people and places in South Yorkshire?

The Strategic Economic Plan (SEP) and the Mayor's Transport Strategy both underline the importance of the bus network to businesses, residents and visitors in South Yorkshire, whilst the independent Bus Review commissioned by the Mayor indicated a number of issues with the current network. The contents of the BSIP include a range of short, medium and long term actions aimed at supporting the recovery from the COVID-19 pandemic and providing the bus

network that South Yorkshire needs to achieve its aims for a stronger, fairer and greener region.

Recommendations

It is recommended that the Board notes the process of entering Enhanced Partnership arrangements and endorses the approach to the public consultation planned for January 2022.

Consideration by any other Board, Committee, Assurance or Advisory Panel

None

1. Background

- 1.1 The National Bus Strategy, "*Bus Back Better*", published in March 2021, required all Local Transport Authorities (LTAs) to produce a BSIP by the end of October 2021 and to enter statutory arrangements in order to be eligible for transformational funding for local bus services, from April 2022. An Enhanced Partnership is a statutory arrangement (under the 2017 Bus Services Act) between a Local Transport Authority, Local Highway Authorities, and local bus operators and has two components, a Plan and a Scheme (or Schemes).
- 1.2 Consultation is required as part of this statutory process on both the Enhanced Partnership Plan and Scheme before they can be formally made. Once finalised, the Plan and Scheme would form the basis of the work of the Enhanced Partnership, which would become operational from April 2022.

2. Key Issues

- 2.1 The current legislation governing bus networks in England covers different models of delivery, each determining when and how activities, interventions and policies are implemented, with the most appropriate model selected based upon what an LTA is trying to achieve. The MCA agreed in June 2021 that the short-term priorities in our BSIP will be delivered through an Enhanced Partnership model, with the Partnership to be in place by April 2022.
- 2.2 The process of entering an Enhanced Partnership is set out in legislation and requires an Enhanced Partnership Plan (EPP) and one or more Enhanced Partnership Schemes (EPS) (the latter being the detail of how elements of the former will be delivered) to be developed. These documents must then be consulted on with both local bus operators and the public.
- 2.3 The BSIP is the basis of the EPP for South Yorkshire and sets out the region's ambition for bus services. The EPP also includes mandatory targets and a list of 40 prioritised activities that when implemented, will contribute to improving the South Yorkshire bus network and deliver the agreed vision.
- 2.4 The other element of the EP is the EPS, which contains the measures that will be implemented to deliver the aims of the EPP. DfT guidance states that only measures with confirmed funding in place can be included in the EPS, therefore some elements relating to our City Region Sustainable Travel Settlement (CRSTS) programme have been omitted until further confirmation has been received from DfT.

2.5 At the November MCA it was decided that the EPP and EPS could be released for bus operator consultation. The Notice to Operators was issued on 17 November 2021 and this consultation will run for a period of 28 days, concluding on 16 December. The MCA also agreed that following the end of the operator consultation, and provided there were not sufficient operator objections, a period of public consultation can commence in January 2022.

2.6 As the DfT has set the timeline within which SYMCA must have established an Enhanced Partnership, our Statutory consultation will be tailored to meet those timescales. It is therefore proposed that the public consultation process will run for a period of six weeks to enable a report to be taken to the MCA in March 2022, seeking approval to enter in to the EPP and EPS arrangements in April. Once both the operator and public consultation is complete, the consultation responses, the proposed EPP and EPS will be presented to the MCA for their consideration and approval in March 2022.

3. Options Considered and Recommended Proposal

3.1 Option 1

The TEB could decide to delay or postpone the public consultation.

3.2 Option 1 Risks and Mitigations

This option is not recommended as the submission of a BSIP and entering statutory arrangements is linked to DfT bus funding, therefore delaying or opting out of the process could impact the options available to improve bus services in South Yorkshire. There would also be an associated reputational risk.

3.3 Option 2

The Board continues with the planned consultation on EP arrangements.

3.4 Option 2 Risks and Mitigations

This option is recommended as the EPP and EPS have been developed in partnership with stakeholders and bus operators, therefore continuing to pursue an Enhanced Partnership would prevent delay to the delivery of the measures proposed. The risks associated with this approach are low as entering EP arrangements in the short term, does not preclude alternative arrangements being established in the future.

3.5 Recommended Option

Option 2 is recommended to the Board.

4. Consultation on Proposal

4.1 The EPP has been developed following the Bus Review published in June 2020. The public consultation conducted as part of the Bus Review has been used as evidence in the development of the BSIP and therefore builds on that initial evidence base. The drafting of the BSIP has been undertaken collaboratively with Local Authority partners, bus operators in South Yorkshire and with input received from groups including Job Centre Plus and the Peak District National Park. Discussions have also been held with Derbyshire County Council and

Nottinghamshire County Council due to the cross-boundary nature of some of the region's bus services.

- 4.2 The period of statutory consultation proposed to take place on the EPP and Scheme will take place in January 2022. This consultation will follow the 28 day period of statutory consultation with the operators which commenced on 17 November and will close on 16 December 2021. Following both periods of consultation, the consultation responses and the EP documents will be taken to the MCA in March 2022 to seek approval for their making.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Following the end of the operator consultation period, the public consultation will take place in January 2022. The March MCA meeting will receive the updated EP documents for their consideration ahead of formalising the Enhanced Partnership in April 2022.

6. Financial and Procurement Implications and Advice

- 6.1 As set out in DfT's National Bus Strategy, the creation of a BSIP and entering statutory arrangements is required in order to access transformational funding for buses. The quantum of funding is currently unknown however Government support is required to deliver the actions in our BSIP/EP Plan. DfT have stipulated that the content of the first EP Scheme should reflect known funding sources only, therefore the activities included in our CRSTS programme have not been included at this stage.

7. Legal Implications and Advice

- 7.1 S.138F Transport Act 2000 requires that the MCA consult on the EPP and EPS. The first stage is to consult with local operators and provided insufficient objections are received from the operators then the MCA may proceed to wider consultation. The MCA will be required to have proper regard to the consultation responses when determining whether to make the EPP/EPS

8. Human Resources Implications and Advice

- 8.1 None as a result of this paper.

9. Equality and Diversity Implications and Advice

- 9.1 The EPP sets out the region's plans for improving accessibility across the bus network and on board our services. The public consultation will be shared with passenger groups that represent a cross section of society so they can comment on the content of the plan, ahead of delivery. A revised Equality Impact Assessment will be concluded once the consultation is completed.

10. Climate Change Implications and Advice

- 10.1 The EP Plan sets out the scale of change required to meet the regions net zero targets by 2035. At present the region does not have any zero emission buses and

the EP Plan identifies the trajectory, costs and initial projects that could begin the transition from diesel to alternative fuels.

- 10.2 The EP Plan also recognises that modal shift from Private Car to Bus is vital to achieving the region's climate ambitions and as such additional measures will need to be taken, over and above fleet replacement to ensure they are met

11. Information and Communication Technology Implications and Advice

- 11.1 None as a consequence of this paper.

12. Communications and Marketing Implications and Advice

- 12.1 The period of public consultation planned for early 2022 on the Enhanced Partnership Plan and Scheme, will require the support of the Communication and Marketing teams. There is a resource implication associated with the creation of consultation materials in addition to the interpretation of the result following the conclusion of the consultation period. To mitigate this impact, teams have been engaged early in the process to enable resource planning to take place.

List of Appendices Included

N/A

Background Papers

None