

Mayoral Combined Authority Board

24 January 2022

Options to Support the Delivery of the Region's BSIP

Is the paper exempt from the press and public? No

Purpose of this report: Policy Decision

Is this a Key Decision? Yes

Has it been included on the Forward Plan? Yes

Director Approving Submission of the Report:

Stephen Edwards, Executive Director (SYPTE)

Report Author(s):

Pat Beijer

pat.beijer@southyorkshire-ca.gov.uk

Executive Summary

This report sets out the process to formally assess bus franchising as an option to deliver the Bus Service Improvement Plan (BSIP). It recommends that the Constituent Local authorities consider the matter ahead of an additional MCA meeting in early March 2022 to determine whether to issue the notice of intention to prepare an assessment of a proposed franchising scheme in accordance with S.123C of the Transport Act 2000.

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

The process of assessing a franchising scheme would enable the MCA to fully consider whether a bus franchising scheme would be the preferred model to support the delivery of the MCA's ambitions for the bus service network in South Yorkshire, as set out in its Bus Service Improvement Plan.

Given the time required to complete a franchising assessment, the work to establish and implement the Enhanced Partnership between the MCA and bus operators continues, as approved by the MCA on 15 November 2021.

Recommendations

It is recommended that the Board:

- a) Consider the content of this report ahead of an additional MCA meeting in early March 2022, when the Board will determine whether to issue the notice of intention to prepare an assessment of a proposed franchising scheme in accordance with S.123C of the Transport Act 2000.

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

Mayoral Combined Authority Board
Transport and the Environment Board

15 November 2021
21 October 2021

1. Background

- 1.1 The National Bus Strategy guidance issued by the DfT, set out the requirement for MCAs and Local Authorities (LAs) to enter into an Enhanced Partnership to access BSIP funding.
- 1.2 The MCA submitted an ambitious Bus Services Improvement Plan (BSIP) to the Government on 29 October 2021. The MCA of 15 November 2021 approved the issuing of a notice to operators of the proposal to make an Enhanced Partnership Plan and Scheme and enter into a period of statutory consultation with operators of qualifying local bus services, followed by a period of public consultation.
- 1.3 The initial BSIP submitted to the DfT on 29 October 2021 left consideration of an alternative delivery model of franchising open as an option. It stated:

"The Enhanced Partnership was agreed by the MCA as the most appropriate means of delivering the initial set of activities contained within this Initial BSIP as well as enabling access to future funding. The intention is for the Enhanced Partnership to be in operation for a five year period from April 2022, matching the multi-year funding allocation through the CRSTS, albeit noting that there is a requirement to refresh the BSIP on an annual basis. However, it is not the only delivery model available to the Mayor and the MCA for all of the prioritised activities contained within this Initial BSIP. The prioritised activities within this document will also be used to undertake an initial assessment of the legal, financial and technical aspects of a number of future delivery models, including franchising, so that a clear preference can be identified as to the most appropriate mechanism to secure the required improvements beyond the proposed Enhanced Partnership."

2. Key Issues

- 2.1 There are significant operational challenges ahead and prior to a franchising assessment and subsequent steps could be completed. These issues are not specific to any particular model of bus governance and will need to be considered whichever approach is taken.
 - Likely reduction/ending of government Covid subsidy support for buses
 - Passenger recovery to pre-COVID levels is expected to take several years
 - Significant cost inflation pressures within the system (salaries, fuel, fare rises, etc)

The combination of these issues is likely to place pressure on the level of services operated in South Yorkshire without additional public funding support. The implications of any changes to services will need to be reflected in the assessment process.

3. Options Considered and Recommended Proposal

3.1 Option 1

Consider the content of this report ahead of an additional MCA meeting in early March 2022, when the Board will determine whether to issue the notice of intention to prepare an assessment of a proposed franchising scheme in accordance with S.123C of the Transport Act 2000.

3.2 Option 1 Risks and Mitigations

This approach will assess whether a franchising scheme could deliver additional benefits over an Enhanced Partnership and the resources required to realise these benefits. This would enable the MCA to make an informed decision on the best model for future governance of bus services in South Yorkshire (noting that getting to a point of implementing franchising could take 4 or 5 years and the franchising process can technically be stopped at each of the stages of the overall process – See Annex A for steps and timelines).

3.3 Recommended Option

Option 1

4. Consultation on Proposal

- 4.1 The approvals sought here do not give rise to starting a formal consultation process.

5. Timetable and Accountability for Implementing this Decision

- 5.1 If the MCA decide to progress the assessment of franchising at an additional MCA meeting, the indicative timeline for issuing a Notice is within 1 month of the decision having been made and it would take around 12 months for the assessment to be completed (see appendix A).

6. Financial and Procurement Implications and Advice

- 6.1 The costs of the assessment exercise are forecast to be in the region of £3m. These costs are not currently budgeted in-year nor in longer-term forecasts. To complete the franchising activity, it is forecast that a further £2m of resource would be required.

Should the Board wish to proceed with the assessment exercise the costs would, in the first instance, need to be underwritten from reserves. Allocating reserves to the activity would reduce the MCA's financial resilience in the context of known risks and pressures that are likely to crystallise in the new financial year.

7. Legal Implications and Advice

- 7.1 Section 123B requires an authority that proposes to make a franchising scheme covering the whole or any part of their area to prepare an assessment of the proposed scheme. Before it can undertake an assessment that authority must publish, in such manner as they consider appropriate, a notice stating that they intend to prepare such an assessment. In undertaking the assessment, the authority would have to comply with the provisions of s.123B and any statutory guidance issued.

8. Human Resources Implications and Advice

- 8.1 None as a consequence of this report.

9. Equality and Diversity Implications and Advice

- 9.1 None as a consequence of this report.

10. Climate Change Implications and Advice

- 10.1 The Initial BSIP/Enhanced Partnership Plan sets out the scale of change required to meet the region's net zero targets by 2040. Transport represents 39% of the region's carbon footprint as well as being a large contributor to poor air quality in our urban centres, whilst zero emission buses will not on their own meet our reduction targets, a clean and reliable public transport system is vital in achieving the required modal shift from private cars.

At present the region does not have any zero emission buses and the BSIP identifies the trajectory, costs and initial projects that could begin the transition from diesel to alternative fuels – some of these initial projects are included in the initial Enhanced Partnership Scheme and these could be transferred to a Franchising Scheme.

11. Information and Communication Technology Implications and Advice

- 11.1 None as a consequence of this report.

12. Communications and Marketing Implications and Advice

- 12.1 If a decision is made to audit the franchising assessment and make a Franchising Scheme, there will be a period of public consultation in late 2023 or early 2024 following a period of statutory consultation with bus operators, which will require the support of the Communication and Marketing teams.

Further resource will be required to support the public consultation phase of the activity to drive engagement and participation.

List of Appendices Included

- A Steps and likely timeline of the franchising process

Background Papers

South Yorkshire Bus Service Improvement Plan (Initial Version) – October 2021

<https://southyorkshire-ca.gov.uk/explore/transport>