

TITLE	Enhanced Partnership
FOR CONSIDERATION BY	The Executive on Thursday, 28 September 2023
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framalico
LEAD MEMBER	Executive Member for Active Travel, Transport and Highways - Paul Fishwick

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Agreement is sought to make a legally binding partnership agreement between the Council and local bus operators. The requirement to make the Agreement was set out in the National Bus Strategy and it is the Department for Transport's expectation that all local authorities will make an Enhanced Partnership Agreement.

The Enhanced Partnership Agreement aims to improved improve partnership working between the Council and local bus operators. Subject to funding the Enhance Partnership will identify how any grant or other new funding will be used to improve bus services which better meet the local needs of our residents by improving access to jobs, health care and other services and amenities. Where improvements are made the wider benefits will be reduced congestion, improved air quality and reduced carbon emissions.

RECOMMENDATION

That the Executive approve the Enhanced Partnership Agreement so that it can become formally "made" into a legal agreement between Wokingham Borough Council and local bus operators by the end of September 2023.

EXECUTIVE SUMMARY

The National Bus Strategy published in March 2021 required all Local Transport Authorities (LTA) in England and outside of London, to publish a local Bus Service Improvement Plan (BSIP) and agree an Enhanced Partnership (EP).

The BSIP sets out the Council's vision and objectives for local bus services in the borough, along with details about the existing network. The Council's second BSIP was published on 27th January 2023 and is available here: <https://myjourneywokingham.com/bus-travel/enhanced-partnership/> All LTAs are required to review and monitor their BSIPs on an annual basis.

An EP is a legal partnership agreement between an LTA and local bus operators operating in the borough. It is aimed at helping to deliver the BSIP. The EP sets minimum standards for local bus service, provides a framework for specifying how grant funding or any other funding will be spent, provides a governance framework for partnership working and partnership decision making, as well as a legal mechanism for its variation. Any decisions made by the partnership would then be subject to the Council's statutory processes, legal duties and Constitution.

Wokingham Borough Council had been unsuccessful in achieving any original BSIP grant funding but has recently been allocated £400,000 for financial year 2023/4. The Council is likely to receive a further £400,000 in 2024/25. It is understood that to receive the full funding an Enhanced Partnership would need to be adopted by the end of September.

The Executive are asked to approve the Enhanced Partnership document so that it can become a legally binding agreement. A statutory objection period has been carried out with all local bus operators who would be bound by the agreement. No objections were received. A statutory consultation, with statutory consultees has been completed. Responses to the consultation are included as Annex A. There were no significant issues arising from the consultation which would prevent the EP being made.

Following a decision by the Council's Executive Committee, the EP would be made on 29th September 2023 with a notice published on the Council's My Journey website on the same day.

BACKGROUND

The Enhanced Partnership (EP) Agreement, once formally made, forms a legal agreement between Wokingham Borough Council and local bus operators who operate qualifying local bus services. Qualifying local bus services are all registered local bus services, with the exceptions set out in 2.3.1, which mainly relate to school time only, community transport or coach services.

If the EP Agreement is approved at the Council's Executive Committee on 28th September 2023, the Agreement will be formally made on 29th September 2023 and commence 70 calendar days after this date.

The EP has been to Overview and Scrutiny Committee where suggestions were made in relation to an exit clause and clarity around future funding. In response, it has been confirmed with the Department for Transport that a single party exit clause cannot be included within an EP, instead the EP can be modified by variation or completely revoked for parties. Clause 5.2.1 has been amended to:

"All decisions made by the EP Forum are subject to any relevant approvals which are required by Wokingham Borough Council's Constitution or any legislation, regulation, or statutory guidance, including the availability of funding from all sources".

The EP Agreement is formed of two key components, the Enhanced Partnership Plan (EPP) and the Enhanced Partnership Scheme (EPS). The EPP sets out the Council's vision for local bus services and the key objectives and outcomes for improvements to local bus services. The EPP aligns with the Council's adopted Bus Service Improvement Plan (BSIP), which was adopted in January 2023. The EPP has no end date and will be reviewed every 5 years.

EPS form the basis of the EP Agreement and provide details of which party will deliver which improvements and by when for local bus services. As the delivery of improvements to local bus services in the borough is subject to funding being provided by the Department for Transport (DfT), the EP Agreement presented for approval at this stage is a "shell agreement" which consists of headings, which can later be varied to include appropriate facilities, measures, routes or operational requirements as funding becomes available.

Once made the Enhanced Partnership Agreement can only be varied using either the powers adopted under powers at s.138E of the Transport Act 2000 or the bespoke variation arrangement, as detailed in Section 5 of the EP Agreement.

Vision, Objectives and Outcomes

The Enhanced Partnership's vision is:

"for a high-quality bus network for residents and visitors that contributes towards improving accessibility, local air quality, reducing road congestion and enabling carbon neutrality by 2030."

The Council will look to work in partnership with local bus operators and other key stakeholders to achieve the EP vision through 9 key objectives. The 9 key objectives are:

Objective 1: Grow passenger numbers to pre-pandemic levels and to continue that growth.

Objective 2: Return bus services to pre-pandemic levels, improve levels of service and extend to new areas of travel demand.

Objective 3: Improve bus journey times, reliability and punctuality along key transport corridors.

Objective 4: Make fares affordable and simpler.

Objective 5: Deliver a greener bus network by reducing carbon emissions and provide residents with attractive greener travel alternatives.

Objective 6: Improve bus integration with rail passengers, cyclists, pedestrians and car drivers.

Objective 7: Improve passenger engagement and satisfaction of bus services.

Objective 8: Improve accessibility to transport services and the local bus network for communities in more rural and low-density areas.

Objective 9: Ensure bus travel is a safe means of transport.

Through the 9 key objectives the EP Plan aims to secure positive outcomes for residents and visitors, particularly younger and older residents, and those with disabilities for whom bus travel provides independence. Improved access to education, employment, and social opportunities is important for improving employment prospects and reducing social isolation.

Bus services are socially and economically necessary as they play a vital role in access to employment at all times of the day and night. More frequent and reliable bus services are important for improving connections to centres of employment, broadening the choice of work and education for local communities. More accessible and reliable buses increase opportunities for businesses to recruitment and improves prospects of job mobility for residents, this is particularly true for sectors where shiftwork is common such as retail, hospitality, warehousing, and healthcare. Reduced fares make buses more affordable and accessible which is particularly important for those on low-income, in education/training or unemployed.

When bus travel increases this has a positive outcome on both the economic viability of the service, and the on-going ability of local bus operators to reinvestment in further improvements. With buses able to take up to take up to 75 cars off the road, this can reduce local congestion and improve local air quality, both of which have a positive impact on the climate emergency.

Governance Arrangements

The governance arrangements are detailed in Section 5 of the EPS. An EP Forum will be set-up to oversee and direct the work of the EP Scheme. The members of the EP Forum are detailed in Section 5.1.1 and can include:

- Wokingham Borough Council Officers

- Local Bus Operators
- Representatives of key stakeholders, including businesses, anchor institutions, community transport operators, Towns and Parish Councils and passenger focus groups.

The EP Forum will be chaired by The Executive Member for Active Travel Transport & Highways. The EP Forum will meet every 6 months and decisions will be taken on a simple majority basis. The votes will be allocated as followed:

- 1) All bus operators who run qualifying bus services (1 vote per operator that exceed 20% of bus mileage and **2 votes** for an operator that runs more than 50% of the bus mileage. Operators which function as more than one company but are part of the same financial entity will be treated as a single operator).
- 2) A bus Operator and any of its Group Companies that operate less than 20% of the aggregate miles operated by all Bus Operators in respect of Qualifying Bus Services within the Scheme Area, **1 vote** in total to represent all of those Operators interests.
- 3) Wokingham Borough Council Executive Member for Active Travel Transport & Highways (chair, **1 vote** and **casting vote**).
- 4) Wokingham Borough Council Officers (Highways and Transport) (1 vote each up to **2 votes**).

All other members of the EP Forum would be non-voting members. All decisions made by the EP Forum are subject to any relevant approvals which are required by Wokingham Borough Council's Constitution or any legislation, regulation, or statutory guidance.

Funding

All costs of improvements to bus services will be covered by grant funding from the Department for Transport (DfT). Any additional costs would be required to go through the council's usual financial approval process and be considered against the overall MTFP position.

Any delay to the approval of the Enhanced Partnership will mean a delay in the receipt of BSIP+ funding, which is current estimated to be £400,000 and therefore a delay in being able to progress improvements.

If the Enhanced Partnership is not made there is also a risk to other central government grant funding, including the Bus Service Operator Grant (BSOG), which is currently £111,400 pa. This would place a further pressure on the Councils overall revenue budget position or require a reduction in services provided.

Next Steps

29th September 2023 Publish Enhanced Partnership Plan and Scheme

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative

that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	nil		
Next Financial Year (Year 2)	nil		
Following Financial Year (Year 3)	nil		

Other Financial Information

Improvements to bus services will be covered by grant funding from the Department for Transport (DfT). Any delay to the approval of the Enhanced Partnership will mean a delay in the receipt of BSIP+ funding, which is current estimated to be £400,000.

If the Enhanced Partnership is not made there is also a risk to other central government grant funding, including the Bus Service Operator Grant (BSOG), which is currently £111,400 pa.

Legal Implications arising from the Recommendation(s)

Include comments from legal officers, which set out all legal implications arising from the recommendations.

Stakeholder Considerations and Consultation

A 28-day statutory consultation was carried out between 18th August 2023 and 8th September 2023 with statutory consultees. See Annex A.

Public Sector Equality Duty

An Equalities Impact Assessment (EQIA) has been undertaken and a positive impact was identified. Any individual schemes or measures which result from the Enhanced Partnership would be subject to separate to a EQIA.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

The EP Agreement will oversee and govern local bus service improvements which contribute reducing the number of miles driven, reducing carbon emissions and reducing congestion on local roads

Reasons for considering the report in Closed Session

n/a

List of Background Papers

Enhanced Partnership Agreement
Annex A – Statutory Consultation Responses

Contact Rebecca Brooks	Service Place
Telephone Tel: 0118 908 8302	Email rebecca.brooks@wokingham.gov.uk

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