



## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

**DECISIONS** to be made by the Lead Member for Transport and Environment,  
Councillor Claire Dowling

**MONDAY, 21 JUNE 2021 AT 10.00 AM**

**VIA TEAMS AND CC2, COUNTY HALL, LEWES**

**++ PLEASE NOTE, this meeting will take place remotely via Teams ++**

### **AGENDA**

- 1 Decisions made by the Lead Cabinet Member on 15 March 2021 (*Pages 3 - 4*)
- 2 Disclosure of Interests  
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3 Urgent items  
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Petition to improve road safety on the B2116 near Plumpton Lane (*Pages 5 - 12*)  
Report by the Director of Communities, Economy and Transport
- 5 Notice of Motion: To request the Cabinet set an authority-wide default 20mph limit for urban and village roads (*Pages 13 - 20*)  
Report by the Director of Communities, Economy and Transport
- 6 ESCC response to Government Bus Strategy (*Pages 21 - 170*)  
Report by the Director of Communities, Economy and Transport
- 7 Any urgent items previously notified under agenda item 3

PHILIP BAKER  
Assistant Chief Executive  
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11 June 2021

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NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website. The live broadcast is accessible at:  
[www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm](http://www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm)

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## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Claire Dowling, on 15 March 2021 at County Hall, Lewes

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### 32 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 15 FEBRUARY 2021

32.1 The Lead Member approved as a correct record the minutes of the meeting held on 15 February 2021.

### 33 REPORTS

33.1 Reports referred to in the minutes below are contained in the minute book.

### 34 CAPITAL PROGRAMME FOR LOCAL TRANSPORT IMPROVEMENTS 2021/22

34.1 The Lead Member considered a report by the Director of Communities, Economy and Transport. Officers reported that the Member Panel, referred to paragraph 2.11 of the report, supported the draft Programme.

### DECISIONS

34.2 The Lead Member RESOLVED to (1) agree the programme of local transport improvements for 2021/22 set out in Appendix 1 to the report; and

(2) agree the allocation of County Council capital funding, development contributions and Local Growth Fund monies forwards specific improvements identified in the 2021/22 Programme.

### Reasons

34.3 The draft capital programme set out in Appendix 1 represents a balanced programme of improvements which will help deliver not only the objectives of the County Council's Local Transport Plan but also contribute to achieving broader corporate objectives.

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**Report to:** Lead Member for Transport and Environment

**Date of meeting:** 21 June 2021

**By:** Director of Communities, Economy and Transport

**Title:** Petition calling on the County Council to take urgent action to improve road safety on the B2116

**Purpose:** To consider the petition to improve road safety on the B2116

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**RECOMMENDATIONS:** The Lead Member is recommended to advise the petitioners that:

- (1) During June 2020, East Sussex Highways undertook repairs east of the junction with Plumpton Lane. The work included a large patch repair to address the undulation in the road and a new road marking to highlight the edge of carriageway.
  - (2) The B2116/A275 junction has been identified as a Local Safety Scheme. Works will be carried out, this financial year, to improve the existing signing on the approaches to the junction to encourage lower speeds and highlight the need for drivers to give way.
  - (3) The B2116 between the County boundary near Keymer and A275 junction near Offham is one of the routes identified for a Strategic Casualty Reduction study during 2021/2022.
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## 1 Background Information

1.1 At the County Council meeting on 23 March 2021, Councillor Osborne presented a petition to the Chairman of the Council:

“We the undersigned petition the County Council to take urgent action to improve road safety on the B2116, especially at an accident ‘hotspot’ east of the junction with Plumpton Lane and the B2116. On Tuesday 7<sup>th</sup> January a coach carrying students home from Plumpton College was the latest vehicle to crash into a nearby field at this location. This is the same location as previous accidents on this part of the road and action needs to be taken by the County Council before lives are lost”.

1.2 A copy of the petition is available in the Members’ Room. Standing Orders provide that where the Chairman considers it appropriate, petitions are considered by the relevant Committee or Lead Member and a spokesperson for the petitioners is invited to address the Committee. The Chairman has referred this petition to the Lead Member for Transport and Environment.

## 2 Supporting Information

2.1 The B2116 runs between the County boundary near Keymer in the west and the A275 near Offham in the east. The average annual daily two-way traffic flow is 3,363 vehicles. A Location Plan is included in Appendix 1.

2.2 On the 7<sup>th</sup> January 2020 a coach carrying students from Plumpton College left the road to the east of Plumpton Lane and 12 students were injured. Although a number of non-highway related factors contributed to the incident, East Sussex Highways have carried out a large patch repair to address an undulation in the road and introduced a new road marking to help highlight the edge of the carriageway. This work was completed on 3 June 2020.

2.3 The Road Safety Team uses a three-year assessment period to prioritise road safety work. This helps to ensure our resources are targeted at locations that are experiencing the highest number of personal injury crashes (PIC's) and allows us to monitor our road safety work effectively. This approach is based on national guidance and best practice.

2.4 Sites are identified where there have been four or more crashes involving personal injury within the assessment period. In addition routes, or sections of routes, on the A and B class network are identified where the level of personal injury crashes are disproportionate to the traffic flow, with emphasis placed on routes displaying the highest level of serious and fatal road crashes.

2.5 A number of sites and routes are then identified for investigation as part of the annual Road Safety Programme. Interventions are then progressed within the available budget on a priority basis, targeted where they will produce the greatest impact in terms of their contribution to casualty reduction.

2.6 The B2116/A275 junction near Offham was identified as a Local Safety Scheme and is included within the Road Safety Team's 2021/22 works programme. The maintenance work identified as part of the Local Safety Scheme study has already been carried out. Some further improvements to the signage on the approaches to the junction will be made this financial year.

2.7 The B2116 from the County boundary near Keymer to the A275 near Offham has been identified as part of the Road Safety Team's Strategic Casualty Reduction (SCR) programme which aims to reduce the number and severity of crashes occurring on identified high risk routes. There have been two serious injury crashes and ten slight injury crashes reported to the Police on the B2116 during the three-year assessment period (1 January 2018 to 31 December 2020). The location and severity of the PIC's recorded during the assessment period are shown in Appendix 2.

2.8 A detailed assessment of the crashes, to identify any trends or patterns, will be undertaken. The outcome of this study will be used to identify a range of appropriate safety improvements to address the types of crashes that have occurred during the assessment period. The resulting safety improvements will be implemented later this financial year.

### **3 Conclusion and Reasons for Recommendations**

3.1 It is recommended that the petitioners be advised that during June 2020 East Sussex Highways undertook repairs to the east of Plumpton Lane to highlight the edge of carriageway and address an undulation in the road.

3.2 It is recommended that the petitioners be advised that a Local Safety Scheme to address the personal injury crashes at the B2116/A275 junction near Offham will be introduced this financial year.

3.3 It is recommended that the petitioners be advised that the B2116 is an identified route for a Strategic Casualty Reduction study, and that a range of safety improvements will be considered for implementation in line with the budget available later this financial year following a detailed analysis of the available crash data.

**RUPERT CLUBB**

**Director of Communities, Economy and Transport**

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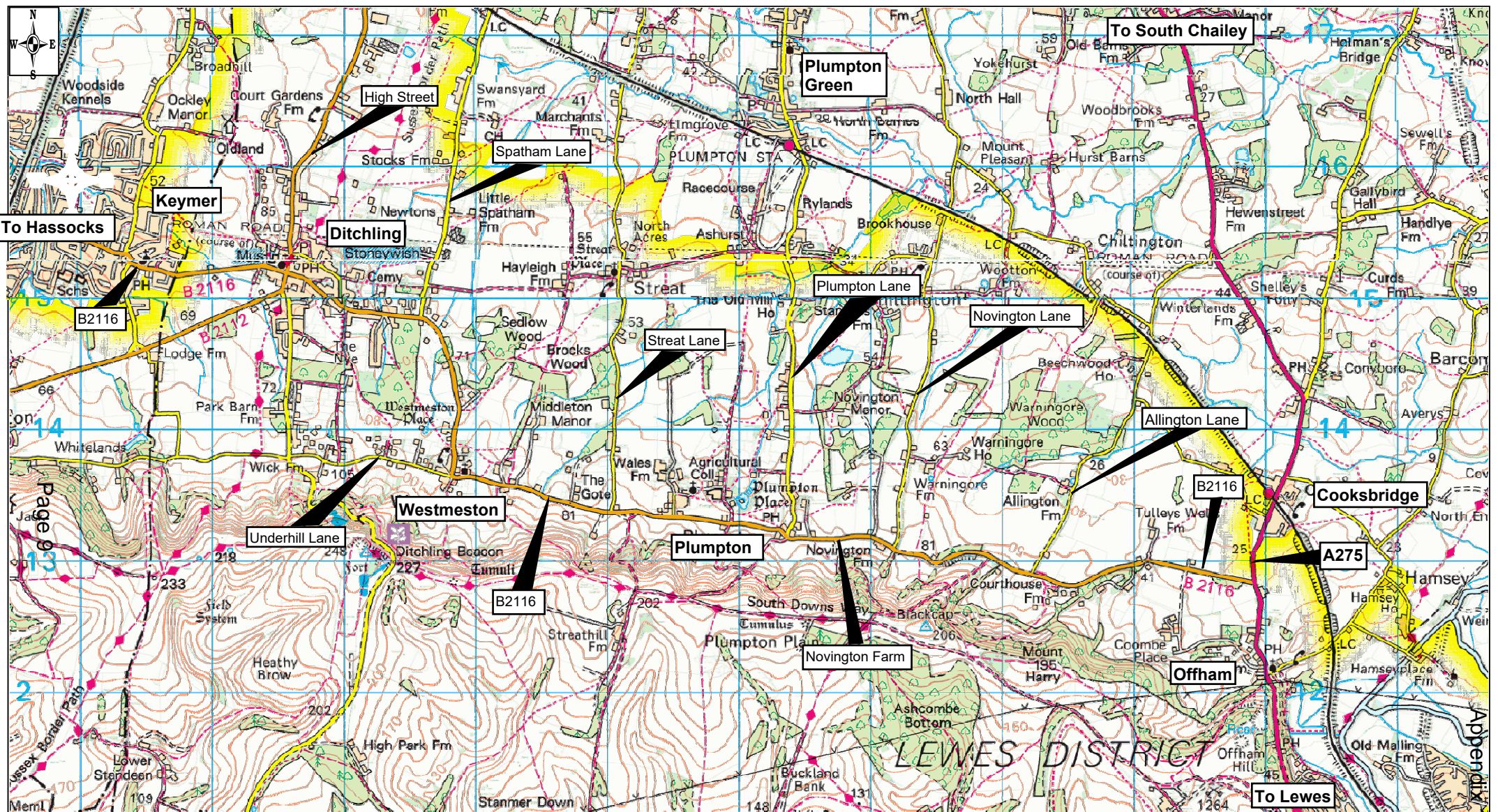
LOCAL MEMBER:

Councillor Sarah Osborne

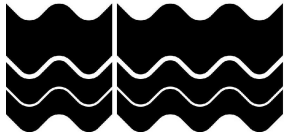
BACKGROUND DOCUMENTS:

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**East Sussex**  
County Council



AccsMap version 6.1

Location Plan

Appendix 1

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SCALE 1 : 40000

DATE 12/05/2021

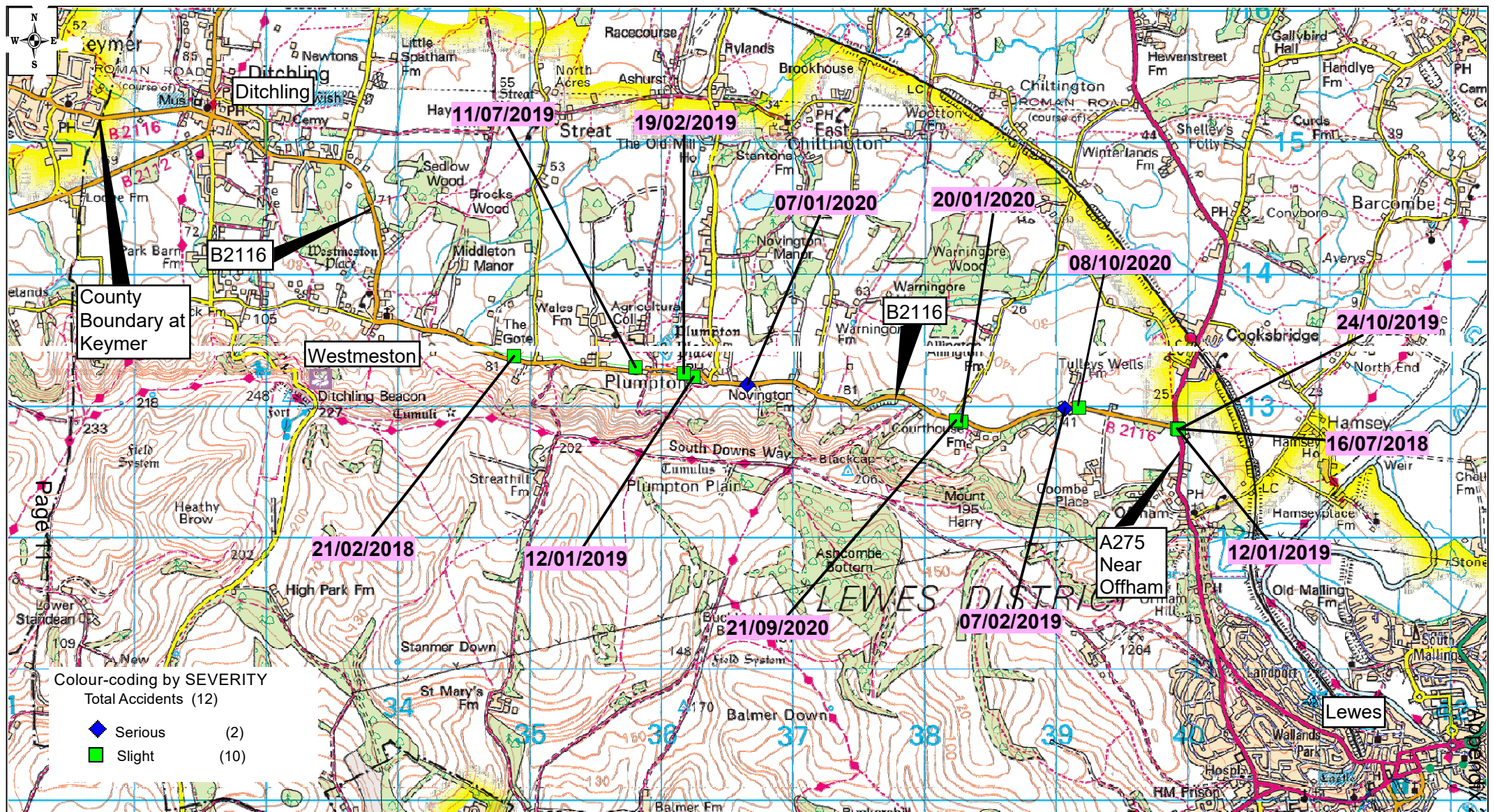
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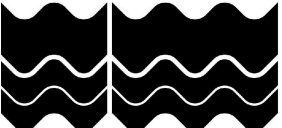
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 <p><b>East Sussex</b> County Council</p>	<p>AccsMap version 6.1</p> <p>B2116 Personal Injury Crash (PIC's) Plan</p> <p>PIC's between 1 January 2018 and 31 December 2020</p> <p>Appendix 2</p> <p>Crown copyright. All rights reserved. East Sussex County Council. Licence No. 100019601. 2021</p>	SCALE	1 : 40000
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**Report to:** Lead Member for Transport and Environment

**Date of meeting:** 21 June 2021

**By:** Director of Communities, Economy and Transport

**Title:** Notice of Motion for 20mph Speed Limits

**Purpose:** To consider the Notice of Motion by Councillor Osborne to set an authority-wide default 20mph speed limit for urban and village roads

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**RECOMMENDATION:** To recommend that the County Council advise Councillor Osborne that:

1. Those urban and village roads that demonstrate a history of personal injury crashes will continue to be identified for appropriate action, which may include 20mph speed limits, if the scheme is of sufficient priority for funding from the County Council's capital allocation for local transport schemes.
  2. At the present time the County Council does not have the necessary resources to introduce an authority-wide default 20mph speed limit for urban and village roads.
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## **1 Background Information**

1.1 Councillor Osborne has presented a Notice of Motion to the Chairman which states:

East Sussex County Council agrees to request the Cabinet to set an authority-wide default 20mph speed limit for urban and village roads. This does not mean 'every road', but that 20mph speed limits should be the norm and higher limits should be exceptions only where there is evidence that such a higher limit will be safe for pedestrians and cyclists. This is recommended by the World Health Organisation and was recently committed to by UK government in the 2020 Stockholm Declaration signed by the UK and 129 other global road safety ministers.

1.2 The Chairman has agreed that this Notice of Motion should be considered by the Lead Cabinet Member for Transport and Environment prior to it being reported to the full Council at its meeting on 9 July 2021.

## **2 Supporting Information**

2.1 Central government supports 20mph speed limits where appropriate. National legislation imposes an automatic 30 mph speed limit on roads provided with a system of street lighting (defined as 'a system of street lighting furnished by means of lamps placed not more than 200 yards [183 metres] apart). This covers most residential and urban roads. These roads are given 'restricted road' status and no speed limit reminder signs are required to give effect to the speed limit.

2.2 To introduce a speed limit other than that imposed by restricted road status would require the making of a Traffic Regulation Order and the provision of traffic signs to give continual reminder of that speed limit.

2.3 If central government were to consider lowering the speed limit that applied to restricted roads, the impact would be significant in terms of the resources required to implement it. Highway Authorities would need to assess all areas covered by a system of street lighting to identify higher standard roads that serve as part of the wider strategic network, and roads where average speeds are too high for the limit to be self-enforcing, to judge whether a lower speed limit would be appropriate. Every junction between these higher standard roads and all other residential roads would then need to be signed appropriately, with Traffic Regulations Orders put in place to back those limits that fell outside of the revised restricted roads speed limit. We would also need to assess all 30mph speed limits introduced by Traffic Regulation Order to see if these needed to be changed to ensure consistency across our road network.

2.4 Adopted Policy PS05/02 (which reflects national guidance and best practice) allows for 20 mph speed limits/zones to be considered where they are likely to be self-enforcing. This can be achieved on roads where the mean (average) speed of traffic is below 24 mph. On roads where the mean speeds are higher, appropriate traffic management/calming would need to be introduced (PS05/02 is attached as Appendix 1). Sussex Police would not support any proposed 20 mph speed limit/zones unless they were likely to be self-enforcing or the appropriate traffic management/calming introduced.

2.5 There are over 1,000 kilometres of 'residential' roads in the County (comprised of more than 4,500 individual roads). Although some roads would only require a Traffic Regulation Order and speed limit signs to introduce a 20mph speed limit, many roads would require some additional engineering measures so that average speeds were appropriate for a 20mph speed limit. The types of engineering measures required on these roads would make it very expensive to introduce an authority-wide default 20mph speed limit on all urban and village roads in the County.

2.6 The type and extent of engineering measures that may be required could only be defined following a detailed investigation, design, and consultation process.

2.7 Although the cost of introducing an authority-wide default 20mph speed limit is uncertain, based on the number of residential roads in the County the total cost would be several million pounds.

2.8 The County Council has a limited amount of funding available to develop local transport improvements. To help us prioritise the numerous scheme requests that we receive, including 20mph speed limits, a scheme prioritisation process has been developed to help us to determine which schemes should be selected for funding from the County Council's capital allocation and potential inclusion in our capital programme of local transport improvements. This process is in alignment with the key objectives of the East Sussex County Council Local Transport Plan 2011 – 2026. The content of the programme is considered by the Lead Member for Transport and Environment on an annual basis.

2.9 The introduction of 20mph speed limits are often well supported by local communities, as they can support greater levels of active travel and help produce an environment which improves health and wellbeing.

2.10 The County Council will continue to support the introduction of 20mph speed limits where these are funded externally or through our community match programme and, where possible, will support and assist local communities and parish councils to implement such schemes.

### **3.0 Conclusion and Reason for Recommendation**

3.1 The County Council will also, where appropriate, continue to support 20mph speed limit schemes funded externally or, where possible, through our community match programme.

3.2 The County Council does not have the resources to deliver an authority-wide 'default' 20mph speed limit. Where appropriate, requests for 20mph speed limits will continue to be subject to assessment through our scheme prioritisation process, alongside other requests for local transport improvements. This will then be used to prioritise schemes for potential inclusion in the capital programme of local transport improvements.

RUPERT CLUBB

Director, Communities, Economy and Transport

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#### LOCAL MEMBERS:

All

#### BACKGROUND DOCUMENTS:

The Notice of Motion (4 March 2021)

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## EAST SUSSEX COUNTY COUNCIL

**LEAD MEMBER – COMMUNITIES AND SAFETY**  
**POLICY SUMMARY**

<b>LOCAL SPEED LIMITS</b>	<b>PS05/02</b>
<p><b>PURPOSE OF POLICY</b></p> <p>To achieve a safe distribution of speeds consistent with the speed limit that reflects the function of the road and the road environment</p>	
<p><b>SPECIFIC POLICIES</b></p> <ol style="list-style-type: none"> <li>1. On trunk roads, speed limits (in common with other orders regulating traffic) are the responsibility of the Department for Transport (DfT), through its executive agency, Highways England. The County Council has no jurisdiction over this class of road.</li> <li>2. On all other roads Orders are made by the County Council subject to the statutory requirements for the advertisement of the proposals and considerations of any objections.</li> <li>3. The principle determinant of a proposed speed limit should be the appearance and character of the road as described in Appendix A.</li> </ol>	
<p><b>SUPPORTING STATEMENT</b></p> <p>Adherence to the criteria ensures consistency in the introduction of Local Speed Limits on a countywide basis and supports the work that has been undertaken with neighbouring authorities. It is recognised that, where appropriate, a lower speed limit can assist in the reduction of the number and severity of casualties and help to improve environmental aspects and quality of life for local residents. Reference should always be made to the latest national guidance available.</p>	
<p><u>References – Further Information</u></p> <p>Road Traffic Regulation Act 1984  Department for Transport – Circular Roads 01/2006  Department for Transport – Circular Roads 02/2006  Department for Transport – Traffic Advisor Leaflet 1/04  Department for Transport – Traffic Advisory Leaflet 2/06  Department for Transport- Circular Roads 01/2013  H &amp; T Committee – Agenda Item 10  H &amp; T Committee – Agenda Item 18  Cabinet Committee – Agenda Item 5  Lead Member for Transport and Environment – Agenda Item 11  Lead Member for Communities &amp; Safety – Agenda Item 31</p>	<p><u>Date of Approval</u></p> <p>17.03.1993  19.10.1994  15.11.2000  25.06.2007  16/03/2018</p>

## **SPECIFIC POLICIES (CONTINUED)**

4. Subject to paragraphs 5 and 6 below, villages may be considered for the introduction of a 30 mph speed limit in accordance with recommendations of DfT guidance for setting local speed limits providing that there are 20 or more properties served by private accesses which adjoin the main road (on one or both sides of the road), located over a length of not less than 600 metres, and clearly visible to drivers.
5. Speed limits should be set in accordance with the table below :-

<b>Speed Limit</b>	<b>Average Speed Below</b>
20	24
30	33
40	42
50	52
60	62

6. Where the average speed is above the figures quoted in paragraph 5 for a particular speed limit being investigated then, subject to available resources, either :-
  - a) Where the history of injury crashes at the site justifies the necessary expenditure, engineering measures appropriate to the function of the road should be investigated to reduce vehicle speeds below the figures quoted in paragraph 5 for a particular speed limit. If this can be achieved a Traffic Regulation Order (TRO) for the proposed speed limit may then be made in conjunction with the introduction of engineered measures.
  - b) Where engineering measures are not appropriate due to the function of the road or cannot be justified by the history of crashes a TRO may be considered for a higher limit than that originally proposed which reflects the speed quoted in paragraph 5.

### **7. 20mph Speed Limits and Zones**

20mph speed limits or zones can positively contribute to quality of life and encourage healthier modes of transport such as walking or cycling. They can also help in creating a sense a place, better serving the local communities' needs. However, to ensure that they are effective, they will only be pursued if the following general criteria are met: -

- a) It can be demonstrated that there are clear benefits to be gained in terms of casualty reduction, particularly involving vulnerable road users;
- b) The lower limit is an integral part of either an area wide traffic calming scheme, a School/ Community Safety Zone or a Town Centre Management Scheme; and
- c) The lower limit is effectively self-enforcing

**Proposed Speed Limit Criteria – Route Assessment**

*Below gives an indication of appropriate speed limits, reference should be made to the latest Department for Transport guidance for more detailed information.*

<b>SPEED LIMIT/ CHARACTER OF ENVIRONMENT</b>	<b>CHARACTER OF ROAD</b>	<b>TRAFFIC COMPOSITION</b>
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**20 mph Speed Limit**

Town centres, residential areas, in the vicinity of schools	Constrained in terms of vehicle movement with existing conditions or engineered features influencing vehicle speed with available alternative routes for through traffic	Mean vehicle speed below 24 mph  High proportion of vulnerable road users in direct conflict with traffic
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**30 mph Speed Limits**

Built up areas, visible properties with frontage access, the road giving a clear indication to drivers of the need to reduce speed	Urban streets  Roads through villages and identified rural settlements with 20+ visible properties within a 600m length	Mean vehicle speed below 33mph  Significant number of vulnerable road users in conflict with vehicular traffic
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**40 mph Speed Limits**

Less built up areas, set back properties with frontage access indicating to drivers the need to reduce speed	<b>Urban</b> Suburban distributor roads buildings set back from the road  <b>Rural</b> Roads through villages and identified rural settlements over a minimum length of 600m	Mean vehicle speed below 42mph  <b>Urban</b> Vulnerable road users segregated from road space  <b>Rural</b> A noticeable presence of vulnerable road users
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**50 mph Speed Limits**

Limited frontage development	Higher quality urban distributors with few points of access  Low standard classified roads	Mean vehicle speed below 52mph
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**60 mph Speed Limits (Dual Carriageways)**

Limited frontage development	High standard rural classified roads	Mean vehicle speed below 62mph
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*Note: Vulnerable road users include pedestrians (particularly children, the elderly and disabled) and cyclists.*

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<b>Report to:</b>	<b>Lead Member for Transport and Environment</b>
<b>Date of meeting:</b>	<b>21 June 2021</b>
<b>By:</b>	<b>Director of Communities, Economy and Transport</b>
<b>Title:</b>	<b>East Sussex County Council response to Government Bus Strategy</b>
<b>Purpose:</b>	<b>To consider the Government's new Bus Strategy and decide whether to establish an Enhanced Partnership for East Sussex.</b>

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**RECOMMENDATIONS:** The Lead Member is recommended to:

- (1) Approve the development of an Enhanced Partnership for East Sussex and the giving of a notice of intent to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Scheme, as required and set out in section 138F of the Transport Act 2000.**
- 

## **1. Background Information**

1.1. On Monday 15 March 2021 the Government launched "Bus Back Better", a new bus strategy for England outside London. It aims to rejuvenate local bus services, making them attractive for passengers, cheaper, easier to understand and use, faster and more reliable, and greener. It acknowledges the decades-long decline in bus patronage nationally and points to towns and cities which have bucked the trend, increasing passenger numbers with coordinated services and investment. Greater use of buses, and more buses being zero emission, will contribute to Government's central objectives: carbon net zero and levelling up.

1.2. Central to these proposals for the National Bus Strategy are new requirements for Local Transport Authorities (LTAs) to have a much stronger role in specifying and organising local bus services.

1.3. LTAs are expected to use the powers available in the Bus Services Act 2017 to achieve the aims of the Strategy. Two potential routes are available – the development of a statutory Enhanced Partnership (EP) between LTAs and bus operators, or a franchising scheme. By the end of June 2021, Government expects all LTAs to commit to establishing an Enhanced Partnership across their entire areas and for all operators to be in co-operation with the process.

1.4. The strategy places new requirements on LTAs to develop Bus Service Improvement Plans (BSIPs) and set up EPs with local bus operators, to tight timescales, with actions on networks and services, fares and ticketing, passenger facilities, and highway bus priority measures. The strategy states that if a local authority fails to take this forward, then they will lose out on their share of the £3billion of funding announced. They will also lose their current allocation of bus service operators grant (East Sussex County Council (ESCC) receives £426K pa), as well as expected revenue grants to support operators in maintaining services whilst passenger numbers recover post-COVID.

1.5. Government are making available a £100k flat payment to assist local authorities, who request it, towards progressing an EP or franchising arrangement. ESCC received this capacity funding in April 2021. Further capacity funding will be available from the end of June once they have received the notices of intent.

1.6. Key actions for local authorities are set out on page 40 of the newly announced bus strategy report (Appendix 1):

- By the end of June 2021 commit to an EP or begin statutory process towards franchising. Further details will be sent out on EPs but it will be based on the Hertfordshire model referred to on page 39 (Appendix 1).

- By the end of October 2021, a local BSIP is to be published, to be updated annually and reflected in the Local Transport Plan and in other relevant local plans such as local Cycling and Walking Infrastructure plans. Further details will be sent of items for inclusion in the BSIP. Referred to in Appendix 1 on pages 41 and 42 of the appendix. A passenger charter is also required (page 64).
- From April 2022 the EP should be in place or a decision to implement a franchising scheme in order to access the new discretionary streams of bus funding. This is the only way to access this funding.

1.7. Following the ESCC Public Transport Strategic Commissioning Strategy review in 2014 the Council re-prioritised its support of bus services not provided by operators on a commercial basis. The services we now subsidise are predominantly rural services, based on the need to access to education, employment, health and shopping. Our 2021/22 budget for subsidising bus services is £1.75m.

## **2. Supporting Information**

2.1. The difference between a bus franchise and an EP is that in a franchise it will be down to the local authority to specify all aspects of the service in fine detail, rather than the authority and the operators working in partnership. In doing so the local authority will take on the financial risk. There is a rigorous process that authorities must follow before they can introduce franchising and Government expects local authorities which are interested in the franchising model to enter into an EP first. Franchising would therefore be a very significant legal and financial undertaking, requiring several years to bring about. Given the very significant commitment to do so, without guaranteed benefit, it is therefore not proposed to plan for a franchising scheme.

2.2. The Department for Transport (DfT) 2017 guidance (Appendix 2) explains the statutory process that must be followed in setting up an EP. An EP, once formed, is a legally binding agreement between a local transport authority (LTA) and local bus operators to work together to improve local bus services. It includes a clear vision of the improvements that the EP is aiming for and accompanying actions to achieve them. The LTA has formal responsibility for making the scheme, but at set points in the process they can only proceed with their proposals if they have the support of a defined proportion of local bus operators. Until now, only a few local transport authorities have entered into an EP.

2.3. Government has said it will publish updated guidance on EPs 'in the coming weeks'. Guidance for BSIPs was published on 17 May 2021 and a summary of its implications is provided in Appendix 4. As the statutory requirements for EPs are framed in legislation, through the 2017 Act, it is not expected the updated guidance will significantly change. Given the time constraints, ESCC is in the meantime using the 2017 guidance, although Officers believe that elements of the 2017 guidance have been superseded by the guidance for BSIPs, such as the requirement for an EP 'Plan' (including the 'clear vision' mentioned in paragraph 2.2 above).

2.4. The Government's ambition for EPs is that their creation and investment will deliver a transformed bus offer. They envisage coordinated, more comprehensive bus networks, with better coverage and services operating for longer hours at higher frequencies than now.

2.5. Government wants to see simplified, lower fares, consistent across a city, town or county network, with flat fares or maximum single fares lower than current levels. The strategy encourages multi-operator tickets to be offered at the same or similar prices to single-operator equivalents and suggests LTAs and operators introduce daily and weekly capping. The Government has committed to continuing to fund free off-peak bus travel for disabled people and pensioners and free school travel for pupils living 'beyond walking distance'.

2.6. "Bus Back Better" sets expectations for the passenger experience, including comprehensive, updated information at bus stops and online, covering fares and real-time running information. Vehicles should be high-quality with at least 2 wheelchair spaces per full-size vehicle and audio and visual 'next stop' announcements.

2.7. The strategy gives a strong push towards zero-emission vehicles (electric or hydrogen) and the DfT has launched an open consultation on when the sale of new diesel-powered buses should be stopped. It sets an expectation for LTAs to work with energy providers and bus operators to coordinate

the efficient delivery of fuelling and charging infrastructure. Bus companies are expected to provide or secure most of the finance required, as part of their normal asset management and renewal cycles.

2.8. LTAs are expected to make or secure significant investment in on-street bus priority measures, including bus lanes, bus gates and signal priority schemes. LTAs are encouraged to introduce bus lanes quickly (subject to consultation). Part 6 of Traffic Management Act 2004 will be brought into effect in 2021, allowing highway authorities to enforce moving traffic offences.

2.9. The Government expects all LTAs to publish a local BSIP, detailing how they propose to use their powers to improve services. The BSIP will:

- Need to be developed by LTAs in collaboration with local bus operators, community transport bodies and local businesses, services and people.
- Need to cover the LTA's full area, all local bus services within it, and the differing needs of any parts of that area (e.g. urban and rural elements).
- Focus on delivering the bus network that LTAs (in consultation with operators) want to see, including how to address the under provision and overprovision of bus services and buses integrating with other modes.
- Set out how they will achieve the objectives in this strategy, including growing bus use, and include a detailed plan for delivery.
- Be updated annually and reflected in the authority's Local Transport Plan.
- Influence the share of the £3bn of transformation funding each LTA receives.
- Set targets for journey times and reliability improvements.
- Include significant increases in bus priority, matched with robust enforcement.
- Set out pressures on the road network, air quality issues and carbon reduction targets.
- Statutory traffic management guidance will be updated to expect enhanced bus reliability as an integral part of highway authorities' Network Management Duty (page 46 of Appendix 1).

2.10. The Government are asking LTAs to make a statutory declaration of their intent to commit to an Enhanced Partnership or begin statutory process towards franchising by the end of June 2021 (see Appendix 3 for sample draft). Under the current guidance an Invitation to Participate in the Partnership, which includes setting out its geographical limits (assumed to cover the whole of East Sussex) and a contact point at the authority, would be sent to every public service vehicle operator providing services within it. Formal discussions cannot take place before this, which is a statutory requirement.

2.11. The National Bus Strategy states that the COVID-19 Bus Services Support Grant (CBSSG) is discretionary, as will be future bus funding from the £3billion of funding announced for bus improvements. From 1 July 2021, CBSSG and any successor funding to it; funding to transform services as outlined in the Strategy; and potentially reformed Bus Service Operators Grant (ESCC receives £426K pa), will only be available to LTAs who have committed to entering into Enhanced Partnerships or started the statutory process of franchising services, and to operators who co-operate with the process.

2.12. There would therefore be a very significant impact of not complying with the requirements of the Strategy, potentially leading to a collapse of the commercial East Sussex bus market and a call on unsustainable levels of Council funding to replace it. As well as this, Government has also stated that LTAs who do not comply may encounter future difficulty in obtaining funds for non-bus related transport schemes.

2.13. At this time, it is not clear what the financial revenue or capital implications will be for ESCC in establishing an EP, nor is it clear what level of additional funding the authority may receive. However, at this stage the authority is only giving its intent to establish an EP. The financial implications for the authority will need to be clearer before formally entering into the EP in April 2022. There is concern regarding the risk of not meeting the tight timescales being set by Government. The Strategy states that plans must be developed in collaboration with *"local bus operators, community transport bodies and local businesses, services and people"*. Informal discussions to date have been taking place with East Sussex's two main operators, Stagecoach South East and Brighton and Hove Bus Company. Formal consultation will be required in the future development of the EP plan and scheme. In setting out and developing the proposals, views and input would be sought from a wider range of partners including District, Borough and Parish Councils, Transport Representatives, the Local Enterprise

Partnership, Rail Operators and Active Travel Groups. This will require a clear and jointly agreed communications plan to be in place.

### **3. Next Steps**

3.1. Subject to a commitment to enter into an EP being given, the next steps are to:

- inform the Department for Transport, by statutory notice, of this commitment by the 30 June deadline;
- give formal notice of the Council's intention to prepare an EP with the agreement of all participating local bus operators (same timescale);
- develop and consult/engage on the proposals for an Enhanced Partnership Plan / Bus Service Improvement Plan and Enhanced Partnership Scheme (summer 2021); and
- report to Lead Member for Transport and Environment on the proposed EP and East Sussex Bus Service Improvement Plan prior to submission of the BSIP (by 31 October).

### **4. Conclusions and Reasons for Recommendations**

4.1. Lead Member for Transport and Environment is recommended to approve the development of an Enhanced Partnership for East Sussex and the giving of a notice of intent to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Scheme, as required and set out in section 138F of the Transport Act 2000. The establishment of the Enhanced Partnership together with required additional funding from Government is an opportunity to make significant improvements to the bus service for our community. From 1 July 2021, CBSSG and any successor funding to it; funding to transform services as outlined in the Strategy; and Bus Service Operators Grant (ESCC receives £426K pa), will only be available to LTAs who have committed to entering into EPs or started the statutory process of franchising services, and to operators who co-operate with the process. There would therefore be a very significant impact of not complying with the requirements of the Strategy, potentially leading to the collapse of the commercial East Sussex bus market and a call on unsustainable levels of Council funding to replace it.

## **RUPERT CLUBB**

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### LOCAL MEMBERS

All Members

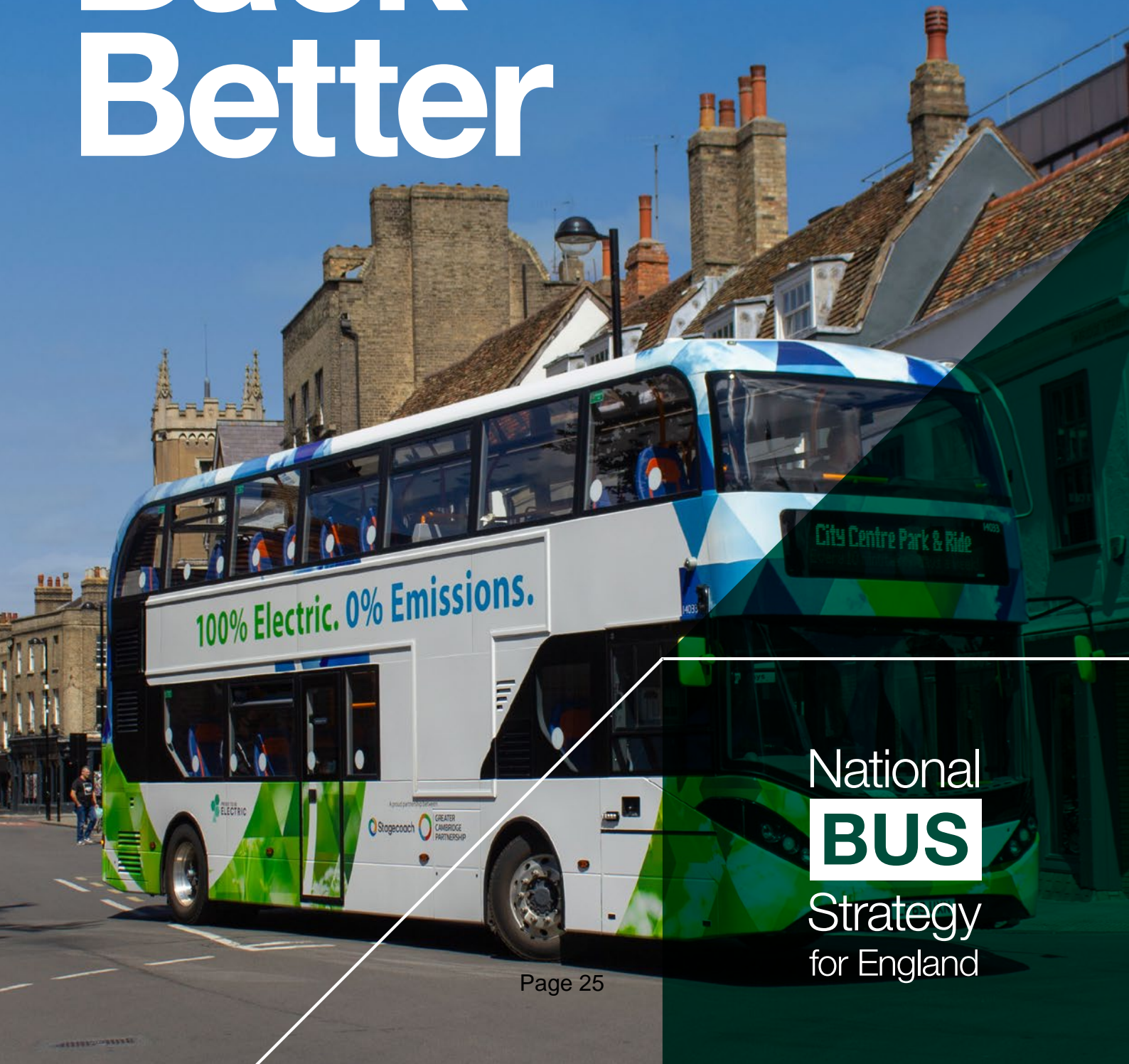
### BACKGROUND DOCUMENTS

None



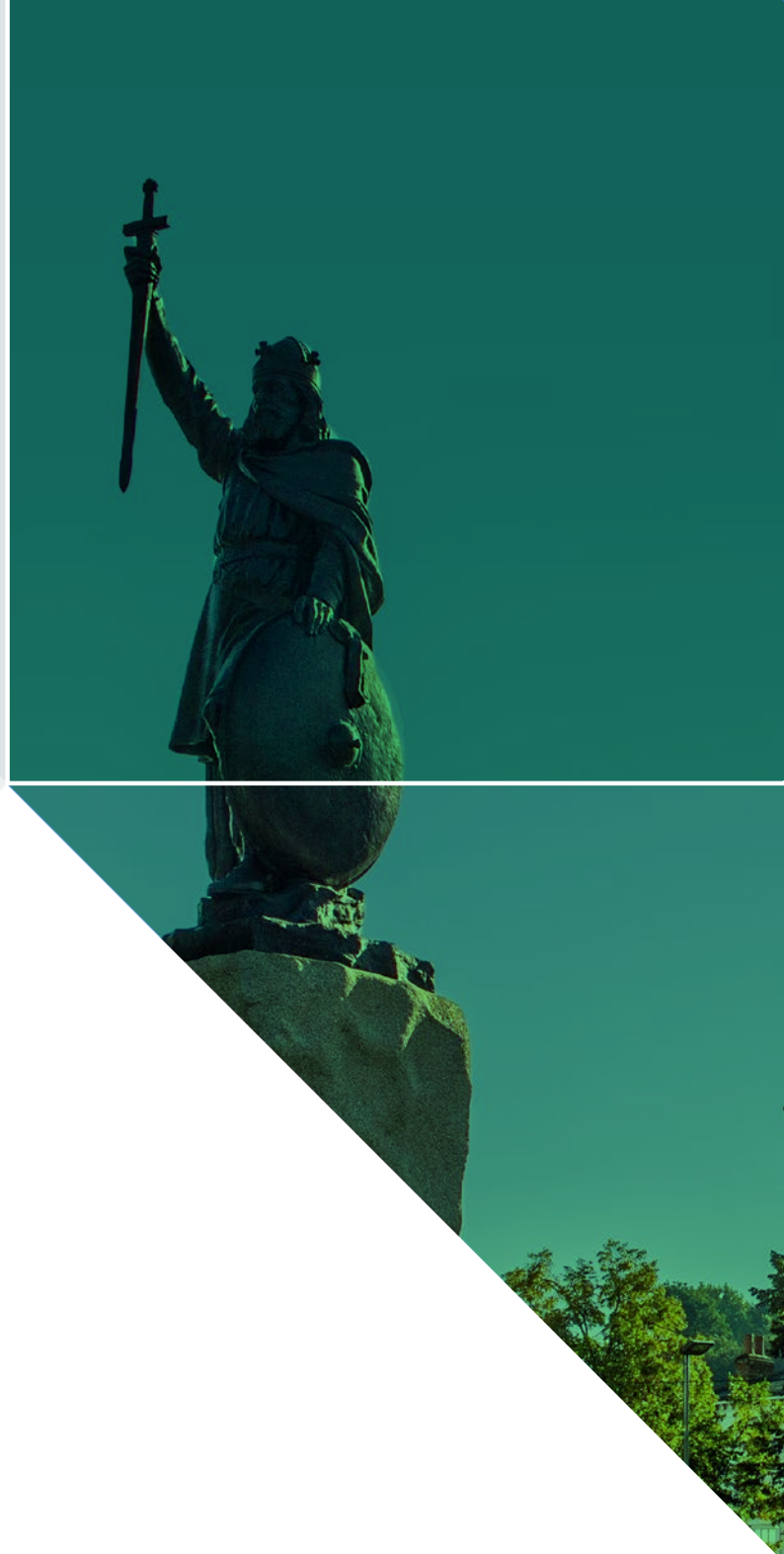
Department  
for Transport

# Bus Back Better



National  
**BUS**  
Strategy  
for England





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# Prime Minister's Foreword

I love buses, and I have never quite understood why so few governments before mine have felt the same way. A couple of years ago, I unintentionally broke the internet with the widely-mocked, but true, statement that one of my hobbies is making models of buses. As mayor of London, I was proud to evict from the capital that mobile roadblock, the bendy bus, and to replace it with a thousand sleek, green, street-gracing New Routemasters.

Buses are the country's favourite mode of public transport too – used for twice as many journeys as trains, from thousands more stopping-places across the country. They get teenagers to college. They drive pensioners to see their friends. They connect people to jobs they couldn't otherwise take. They sustain town centres, they strengthen communities and they protect the environment. They are lifelines and they are liberators.


Some people ask what levelling-up means in practice, and what difference it will really make to people's lives. This is part of what it means. As we build back from the pandemic, better buses will be one of our major acts of levelling-up.

As successive mayors showed in London, buses are the easiest, cheapest and quickest way to improve transport. In only a few years, policies started by my Labour predecessor and which I built on transformed the service. With frequent buses, low fares, and priority lanes to glide past traffic, we made London's bus network a natural choice for everyone, not just those without cars. Usage rose by more than half.

Outside London, with a few exceptions, that lesson has not been learned. For governments of all colours before this one, the bus has been last in the queue, with a fraction of the investment and political attention given to other, shinier things. Traffic has increased, but bus priority has stagnated, and some councils are actually taking bus lanes out. As services get slower, they become more expensive to run and less attractive to passengers. It is a classic vicious circle, which we intend to break.

Last year, we announced £3bn of new funding to level up buses across England towards London standards. This strategy describes how we will use that money. Just as we already have in the capital, we want main road services in cities and towns to run so often that you don't need a timetable. We want better services in the evenings and weekends, to reflect people's 24-hour lives and to provide safe, reliable transport for key workers. In places unserved or barely served by conventional buses, such as rural villages and out-of-town business parks, we want more demand responsive services with smaller vehicles.






We want simple, cheap flat fares that you can pay with a contactless card, with daily and weekly price capping across operators, rail and tram too. We want a network that feels like a network, with easy-to-understand services, consistent high standards and comprehensive information at the touch of a phone. We want 4,000 new green buses, and many others, running faster and more reliably in special lanes. As in London, all that will need councils, who control the roads, and bus operators to work together.

Our job has changed because of Covid. In some ways it is harder. Bus use has dropped, though by less than on the railways. In some ways it is easier. The industry has had almost £1bn in emergency funding, and will need significant public support for some time to come. The deal for operators is that we will give you that support, and the measures to unstick traffic that you have wanted for years – but in return, we need your cooperation and partnership to deliver the policies in this strategy.

In every way, the pandemic has made our job more urgent. We must build back greener, minimising pollution and tackling the congestion that clogs up our towns and cities. But as the country recovers, this strategy looks to the long term.



Introduction

# Our vision for the future of buses





# Buses are at the centre of the public transport network, making 4.07 billion journeys in England in 2019/20<sup>1</sup>, more than twice as many as the railways.

They bring people to jobs, study and local services; they liberate people who are old, young, disabled and isolated; they save millions of tonnes of carbon and pollution, and thousands of miles of traffic jams. The double-decker bus is a symbol of Britain.

Yet for decades, buses have been largely ignored by policymakers. Unlike rail, road aviation, cycling or walking, there was not – until now – a national strategy for buses. And unlike rail or road, buses have never – until now – had long-term funding commitments. Almost uniquely in the developed world, bus operators themselves, outside London, decide where most services are run and what to charge.

Services can be confusing, split between different companies who do not accept each other's tickets or, in some cases, acknowledge each other's existence. Traffic congestion has made buses slower, less reliable and costlier to run. Public subsidy has fallen. The industry faces new structural challenges which it cannot meet alone, such as the rise of ride-hailing. Usage in most places keeps falling.

And then came COVID-19. Bus use has held up more strongly than rail in the pandemic, but as with the railways it has accelerated the challenges to an operating model that was already in trouble. Few services could now survive without emergency state support. If we are not to abandon entire communities, services cannot be planned purely on a commercial basis.

COVID-19 has caused a significant shift from public transport to the private car. To avoid the worst effects of a car-led recovery – cities and towns grinding to a halt; pollution, road injuries, respiratory illness and carbon emissions all rising – we need to shift back quickly, by making radical improvements to local public transport as normal life returns. Buses are the quickest, easiest and cheapest way to do that.

Even before the pandemic started, the Government had committed £3bn of new money during the current Parliament to improve buses outside London. Armed with that transformational funding, this National Bus Strategy will build back better. Its central aim is to get more people travelling by bus – first, to get overall patronage back to its pre-COVID-19 level, and then to exceed it. We will only achieve this if we can make buses a practical and attractive alternative to the car for more people.

To achieve our goal, this strategy will make buses more frequent, more reliable, easier to understand and use, better co-ordinated and cheaper: in other words, more like London's, where these type of improvements dramatically increased passenger numbers, reduced congestion, carbon and pollution, helped the disadvantaged and got motorists out of their cars.

We want the same fully integrated service, the same simple, multi-modal tickets, the same increases in bus priority measures, the same high-quality information for passengers and, in larger places, the same turn-up-and-go frequencies. We want services that keep running into the evenings and at weekends.



We want buses to be both tools of inclusion and the transport of choice. We want to demystify buses for non-users, tackle misconceptions about bus travel and address the negative perceptions some still hold about it.

But London is only a partial role model. Its population density is greater than elsewhere; costs and subsidy remain stubbornly high; and its success is eroding as its bus ridership has been falling.





Wherever and whenever bus patronage grows, there are likely to be bus operators and local government working together to deliver improvements for passengers.

Buses in London, unlike the rest of England, are franchised. Transport for London determines the network of services which are provided, under contracts for specific routes, by private sector operators. Franchising does not necessarily have to replicate this route-by route tendering. Less onerously, contracts can be let for different parts of a city or to a single operator for a whole network, with significant co-design opportunities for that operator. This is the model of the successful LibertyBus franchise in Jersey. Franchising powers are only available automatically to Mayoral Combined Authorities (MCAs) but can be provided to other Local Transport Authorities (LTAs) through secondary legislation. We will support any LTA which wishes to access franchising powers, and which has the capability and intention to use them at pace to deliver improvements for passengers.

But franchising is not the only route to better and more locally accountable bus services. An Enhanced Partnership is a statutory arrangement under the 2017 Bus Services Act which can specify, for example, timetables and multi-operator ticketing, and allows the LTA to take over the role of registering bus services from the Traffic Commissioners. The main difference versus franchising is that operators in an Enhanced Partnership have a much greater role, working with LTAs to both develop and deliver improvements for passengers and having a real say on how bus services should be improved. Enhanced Partnerships also offer significantly more flexibility than franchising.





By the end of June 2021, we expect all LTAs, except MCAs which have started the statutory process of franchising bus services, to commit to establishing Enhanced Partnerships across their entire areas under the Bus Services Act, and all operators to co-operate with the LTA throughout the process. LTAs which also wish to pursue franchising may do so – but they should commit to implementing Enhanced Partnerships in the meantime until the franchising process, which can be lengthy, is complete. LTAs which are not mayoral combined authorities and wish to pursue franchising will need to satisfy the Secretary of State that they have the capability and resources to do so, and that it will better deliver service improvements for passengers.

From 1 July 2021, only LTAs and operators who meet these requirements will continue to receive the COVID-19 Bus Services Support Grant (CBSSG) or any new sources of bus funding from the Government's £3bn budget. The terms and conditions of CBSSG already make clear that it is discretionary. The new funding will also be discretionary. As part of wider reform of the Bus Service Operators Grant – see below – we will consult on linking payment of that reformed grant to these commitments. By the end of October 2021, we expect all LTAs to publish a local Bus Service Improvement Plan, detailing how they propose to use their powers to improve services. We expect actual delivery of Enhanced Partnerships by April 2022. From that date, the new discretionary forms of bus funding from Government will only be available to services operated, or measures taken, under an Enhanced Partnership or where a franchising scheme has been made. In addition, only services operated under these statutory agreements will be eligible for the reformed Bus Service Operators Grant, subject to consultation. The Secretary of State may disapply these rules or the deadline of April 2022 in individual cases, on an exceptional basis; we will also ensure that no operator is disadvantaged through any failure to establish an Enhanced Partnership due to actions beyond their control.







We expect that the majority of LTAs will choose these Enhanced Partnerships rather than franchising as their end state, though others will proceed to franchising. We value the crucial role that bus operators have and believe that partnerships will allow LTAs to harness their knowledge and entrepreneurial skills. As we describe later, partnerships will work best if they deliver benefits and incentives to both sides. We will publish updated guidance on Enhanced Partnerships in the coming weeks.

Just as important as new operating models, are other measures to drive quality and efficiency. We want to create a virtuous circle: increasing usage, but also reducing operating costs so better services can be sustained without permanently higher subsidy. In cities and other congested places, the key intervention will be significantly more ambitious bus priority schemes, making services faster, more reliable, more attractive to passengers and cheaper to run.

To benefit from the funding in this strategy, LTAs in such places will be expected to implement ambitious bus priority schemes and draw up ambitious Bus Service Improvement Plans. Statutory traffic management guidance will be updated to make promoting bus reliability an integral part of highway authorities' Network Management Duty. As we have already announced, the remaining elements of Part 6 of the Traffic Management Act 2004 – which allow local authorities to enforce moving traffic offences – will be commenced this year and we will consult shortly on increasing MCAs' powers over key roads in their areas, where they are not already the highway authority.

To further our commitments in the Government's green ten-point plan, we will support the purchase of at least 4,000 new zero emission buses, more than a tenth of the fleet<sup>2</sup>. We will also set a date for ending the sale of new diesel buses in the UK. This, too, will reduce costs, since an electric bus is much cheaper to operate than a conventional one.

And in lower-density, often rural areas, not served or barely served by conventional buses, we will support new forms of provision, such as demand responsive travel in smaller vehicles. These innovations in service may be how we improve evening and Sunday services in places which currently lack them, integrated with conventional buses during the day.

As well as spending more money, we will fundamentally reform how it is spent. The main current funding stream, the Bus Service Operators Grant (BSOG), is a fossil fuel subsidy. The new funding regime will take a holistic approach targeted at the delivery of the policies in this strategy and other specific benefits: growing patronage, increasing efficiency, improving the environment and securing modal shift from the private car.

Much of the work to improve services and manage the new funding streams will be done by local authorities, whose capacity varies significantly. We will therefore provide £25 million in 2021/22 to support partnership and franchising development, including a Bus Centre of Excellence.

Just as buses are central to the public transport network, bus reform is central to this Government's objectives. We are acting not just because buses are the easiest, cheapest and quickest way of improving transport – but because the bus is key to two of our wider priorities: net zero and levelling up.

During a challenging time for public transport, it might seem strange to predict a prosperous future for the bus. From crisis, however, comes opportunity.

# 1

## Chapter 1

# The opportunity







**Buses are the easiest, cheapest and quickest way to improve transport. Building a new railway or road takes years, if not decades. Better bus services can be delivered in months. Experience shows that relatively small sums of money, by the standards of transport spending, can deliver significant benefits.**





Since COVID-19, the need has become more urgent. In many places, roads already operated at or close to capacity before the pandemic. There is a risk that when full economic life returns, the move away from public transport during the crisis will cause unmanageable levels of car traffic, slowing some areas to a crawl, holding back the economic recovery and creating a severe risk to health. Bus services can be improved relatively quickly to draw people back to public transport. They can also be reconfigured more easily than railways to meet any post-COVID change in travel patterns, such as a greater number of suburban, local and orbital journeys in cities.

The bus sector includes many examples of success and innovation. Despite years of decline, the quantity of bus services in many places remains quite good, at least during the working day. But because buses have been neglected, their future is fragile and there remains substantial scope for improvement. Our task is both to unlock the substantial untapped potential in the existing service, by making it easier to understand and use; and to improve it, making it more reliable, more frequent and cheaper, and making more use of new forms of provision such as demand responsive transport.

## **Buses are key to delivering wider government priorities**

Buses can play a greater role in enabling access to work or more productive work. 44% of bus trips are for work or education, compared with 27% of solo car journeys<sup>3</sup>. Buses can help drive better employment outcomes for disabled people, and in cities outside London, 77% of jobseekers do not have regular access to a car, van or motorbike. Having found employment, affordable bus travel helps ensure that work pays and can be sustained for everyone<sup>4</sup>. But local bus fares have risen by 1.4% a year in real terms since 2010<sup>5</sup>.

Buses can improve productivity more widely, for instance by reducing congestion which affects all road users and costs urban economies at least £11bn a year<sup>6</sup>.

Buses can be key to levelling-up; users are disproportionately from less advantaged social groups and places. Improved services will strengthen communities, sustain town centres and connect disabled and isolated people. But buses should not be seen, or promoted, only as transport for those without an alternative. There is clear evidence that they can be made attractive enough to draw people away from their cars.

For this reason, buses are vital to ensuring the economy meets Net Zero carbon emissions and driving the green transformation. In congested areas, substantial modal shift away from the car will soon be needed if clean air targets and the Government's broader climate goals are to be met. The only mode capable of sufficient expansion in the time available is the bus. We need more people to choose the bus for their journeys; we need to reverse the declines of the past.

## **Bus spending works and is high value for money**

A Department for Transport (DfT) analysis of 33 major bus schemes found an average benefit-cost ratio of 4.2; in other words, they delivered benefits worth more than four times their cost<sup>7</sup>. Buses generate a significant proportion of benefits which accrue to other road users and to society at large.



## The challenge: a cycle of decline

Our system isn't working. With some encouraging exceptions, bus services have been in decline for a long time, as we have become an increasingly car-focused society. In many areas, we are stuck in a vicious cycle where ever-increasing congestion slows down buses and makes them less attractive, pushing people further towards the car and compounding the problem.

The way the bus industry works, with few incentives for operators and local authorities to work together, has made it harder to cope with these trends, or to act strategically. Since 1986, almost uniquely in the developed world, buses in Britain (outside London) have been organised on a predominantly commercial basis, with operators themselves deciding where to run and what to charge.

Following that change, profitable routes and times of day were flooded with buses at the expense of other routes and times; services became unstable and confusing; the quality of vehicles fell and fares in many places rose sharply. Services which could not be run commercially, previously cross-subsidised from the profits of busier routes, now had to be supported by the taxpayer. The money available for this fell substantially over the last ten years, causing severe cuts to supported services; some councils now spend nothing at all. The worst excesses of the "bus wars," which saw streets choked with rival vehicles, are long over, but the legacy remains.



# Examples of some barriers to delivering better bus services



## Limited cooperation

In a busy seaside resort, there are two sizeable **rival bus networks** that **don't acknowledge each other's existence**. They:

- publish **separate city maps**, showing only their own services, giving potential users including visitors the impression that **some areas of the city are completely unserved**;
- they use the **same route numbers for entirely different routes**; and
- on the busiest routes, served by both operators, there can be **overcapacity at certain times of the day**.

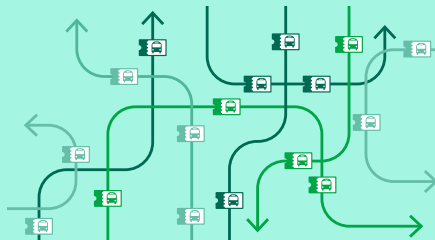
There is a multi-operator ticket, but it is **more expensive** and **hard** to find out about.

On numerous routes across the country, evening and daytime services are operated by different bus companies, many of which **do not acknowledge each other's existence** or even accept each other's tickets. Some operator timetables **don't display each other's services**, which gives the impression there are **no services** at different times of the day.



## Lack of evening services

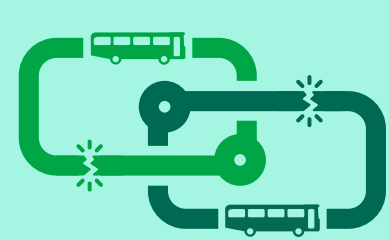
Large areas of even major cities have **only one or two buses an hour in the evenings**, even though late-night and shift-working are becoming commonplace. Lots of bus services in **rural areas cease as early as 5 or 6pm**.



## Complex ticketing

In a major northern city, bus passengers are faced with the choice of **many different weekly or monthly tickets**, which have different names and conditions attached to them. This can be **confusing** and makes it **difficult for passengers to choose** the best option for them. There are six different weekly tickets but none that gives travel on all the city's public transport networks.

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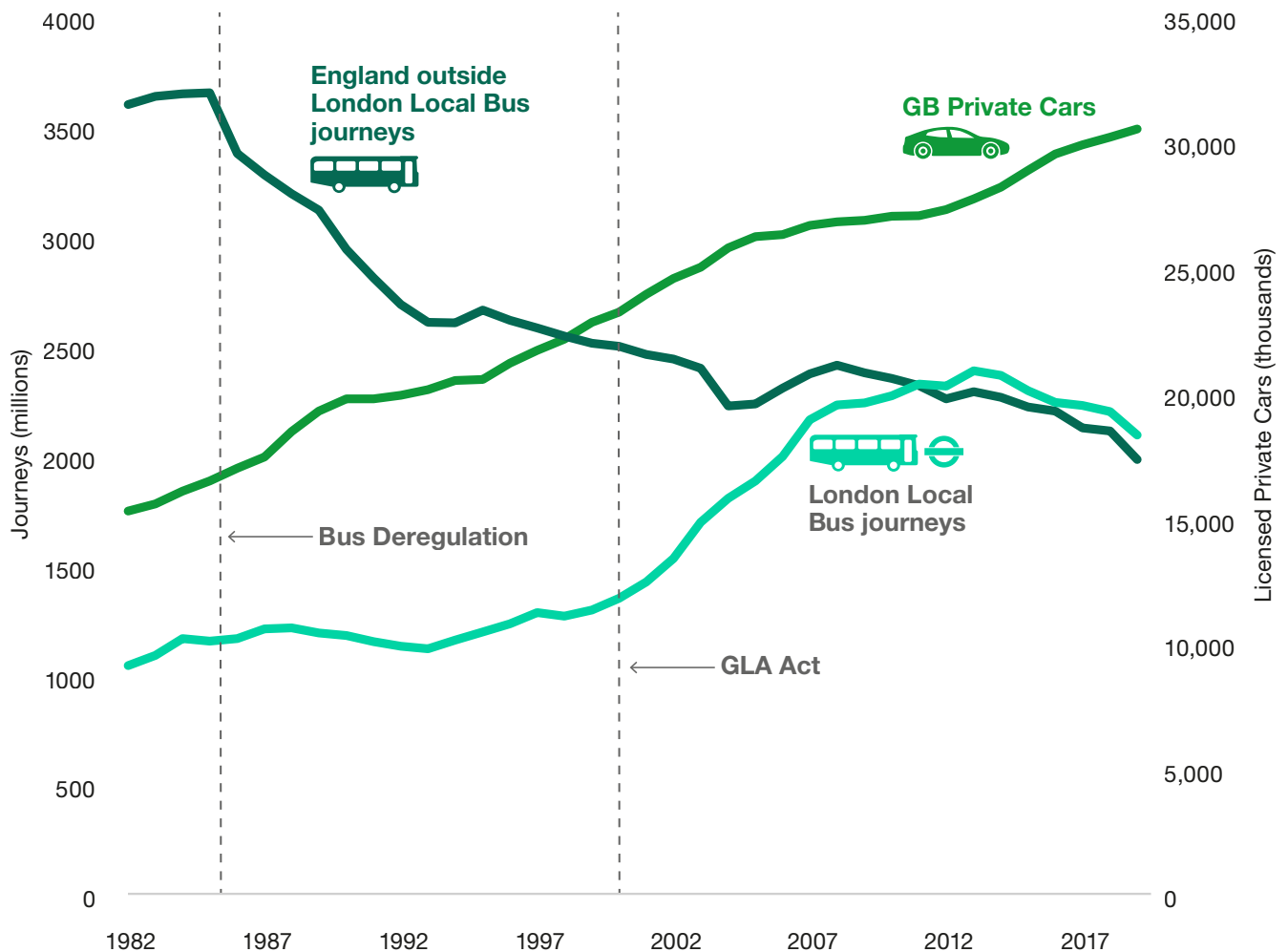


## Poor integration

In one Home Counties town with generally excellent bus services, **misguided landscaping and redevelopment** around the railway station **moved bus stops further away**.



## Bus Use and Car Ownership 1982–2019<sup>8</sup>



GLA (Greater London Authority) Act 1999 established authority for the Greater London Authority, the Mayor of London and the London Assembly to make provision about transport and road traffic in and around Greater London.

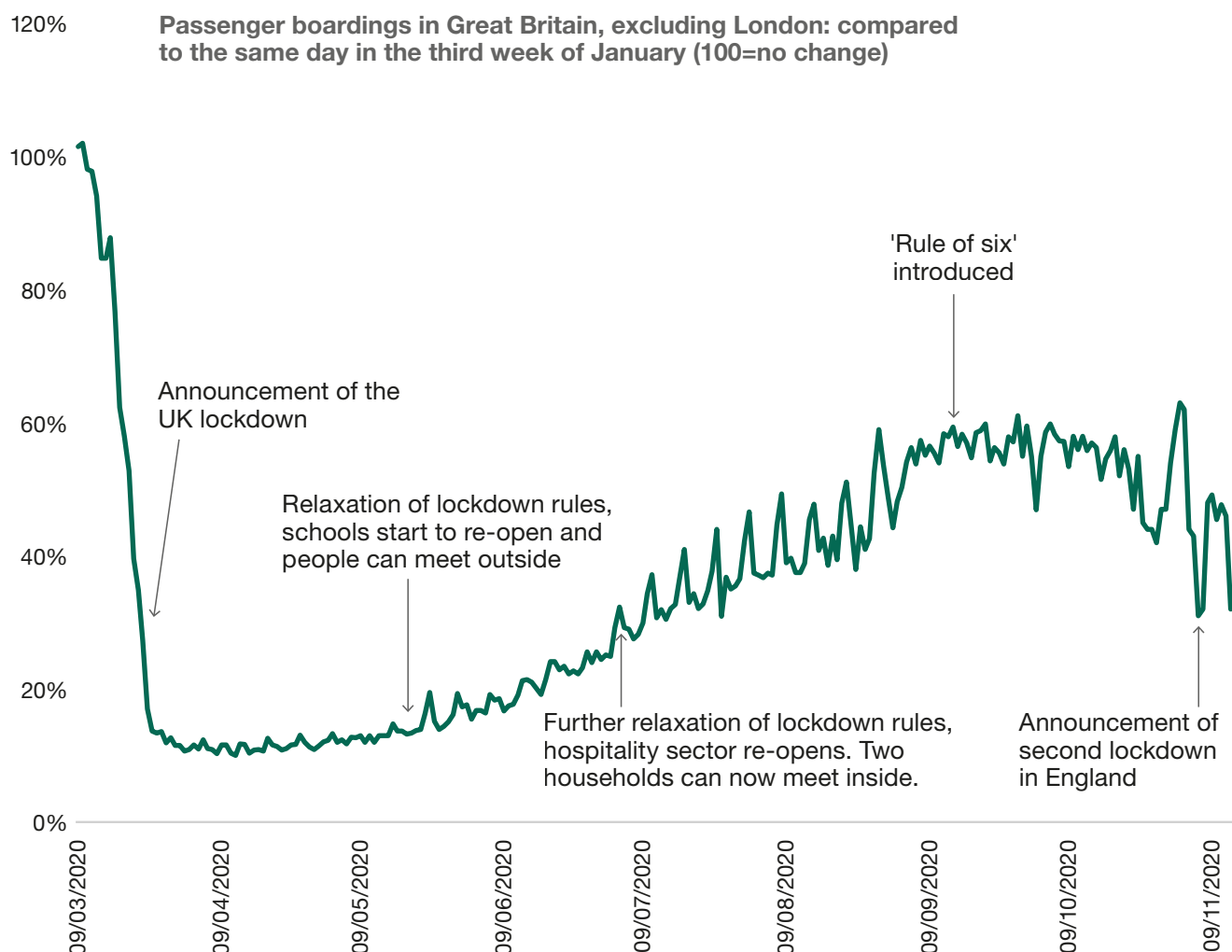
In rural areas, more dispersed, lower density populations make it challenging to deliver widespread timetabled services run by traditional buses. Services often take long and indirect routes, to serve as many people as possible, but they become an unattractive alternative for passengers with access to a car. Services invariably need funding from LTAs and, when money is tight, funding for bus services is deprioritised. Services get cut, and people are even more likely to buy a car, reducing the potential demand for buses even further.

If we are to meet our legal obligation to deliver Net Zero carbon emissions and have thriving communities, we have to reverse these cycles.

This is made more challenging by the impact of COVID-19 on the bus sector. With over £1bn of financial support provided by the Government during the pandemic so far, the sector has provided the essential services for people who have needed to keep using public transport, including key workers. But the lasting impact on bus use remains unknown, with passenger numbers expected to fall from pre-COVID levels – at least initially.

## The COVID-19 pandemic has had a huge impact on bus use in 2020

During the first lockdown passenger boardings fell to approximately 10% of those on the same day in the third week of January. As restrictions were eased passenger boardings increased<sup>9</sup>.



The impact of COVID-19 is both a significant risk and an opportunity. It has meant much greater co-operation between many LTAs and bus operators which we cannot afford to lose. While relationships and capacity still need to be built and improved, there can simply be no return to the situation, seen in too many parts of England, where services were planned on a purely commercial basis with little or no engagement with, or support from, LTAs.

The next year provides a unique chance to change the way in which local authorities and operators work together and deliver significant improvements for passengers. That is why we are seeking urgent action.

## Examples of success

Across England there are pockets of hope – places where significant growth has been seen despite the national trends. We know what can work and how the cycle can be broken. It needs LTAs and bus operators to work together to put passengers first. Where operators understand their passengers, offer great customer service and have clean, modern fleets; and LTAs invest to give buses priority on busy roads and junctions, and put buses at the heart of their local transport planning.

### Brighton & Hove

Partnership working between Brighton and Hove Council and local operators is cited as a key reason why the area has the highest bus use per head in England outside of London, with 167 journeys per person made between 2019–2020<sup>10</sup>. It has created a platform for co-operation and innovation, and shared initiatives on greening fleets and modernising the passenger experience.

Within the partnership, the council has focused on bus priority measures, improved passenger waiting areas and real-time information displays. The operators have focused on improving service frequencies, creating value for money fares and tickets, investing in new buses and improving customer training and marketing.



Picture:  
Brighton and Hove Buses





Picture: The Harrogate Bus Company

## The Harrogate Bus Company

The 36, a premium bus route linking Ripon and Harrogate with the City of Leeds, offers a sophisticated and comfortable service which has transformed the passenger experience and encouraged people to make the switch to bus. Achieving consistent growth, the number of passengers using the 36 has nearly doubled over 15 years.

Along with a high frequency timetable, the spacious and comfortable buses, which include USB power outlets, superfast WiFi and a glazed panoramic roof, have earned the route 36 service a customer satisfaction score of 97% and more than 50% of customers, who have a car available, choose to use the 36 instead<sup>11</sup>.



Picture: Bristol's Metrobus

## Bristol's Metrobus

The metrobus network was built with an investment of £235m – including £113m from the Department for Transport. Metrobus is a bus rapid transit system comprising three limited-stop routes in the Bristol urban area that use bus lanes and segregated busways.

There are 90 metrobus stops with new high-profile shelters and 'iPoints' that provide real-time information and sell tickets. The network uses new low-emission biomethane buses in a bespoke livery, and all ticket sales take place off-bus to ensure quick boarding. Minimum frequencies and maximum fares are specified.



## Projects which have grown patronage

The West Midlands is a good recent example of how revenue and capital subsidy by operators and government can arrest general decline. Bus use has been stabilised by a series of corridor and route enhancement schemes:

- 2.5km of bus lanes on B425 Lode Lane, Solihull, was an investment of £4.5m and delivered a 11% boost to patronage.
- £800k of route enhancements on Harborne Road delivered a 4% rise in patronage.

In addition, half-price travel for under-18s and low-fare zones for all, including cutting the price of a DaySaver ticket by c.25%, brought an extra 4,000 journeys a day<sup>12</sup>.

In Crawley, West Sussex, the Fastway scheme – a series of bus priority measures along two core routes, linking Horley, Gatwick airport and Crawley, has delivered patronage growth of 160% over ten years as well as an increase to customer satisfaction and reduced journey times. Assessments estimate a benefit-cost ratio of at least 4.67<sup>13</sup>.

So the cornerstone of this strategy is a roll out of this model for success – bringing together LTAs and their bus operators in every part of England to set out plans to improve local bus services and break the vicious cycle of decline.

Our plan is backed by transformative, long-term funding. The £3bn for buses in England outside London, which was announced by the Prime Minister in February 2020, will initially be invested in:

- Supporting new and increased services – with at least £300m of funding to support the sector recover from the pandemic in 2021/22.
- Giving LTAs the skills and people they need to deliver this strategy – with £25m of the £300m allocated in 2021/22.
- Bus priority schemes to speed up journeys – with the first schemes delivered in 2021/22.
- Accelerating the delivery of zero emission buses with £120m in 2021/22.

The bulk of the £3bn transformation funding will be paid after the transformational changes begin in April 2022.

## Chapter 2

# The buses we want









**Our goal is to get bus use back to what it was before the pandemic. Then we want to increase patronage and raise buses' mode share. We can only do these things by ensuring that buses are an attractive alternative to the car for far more people.**





## That means making them:

- **More frequent:** Turn up and go services, where passengers don't need a timetable, should be provided on major urban routes. Feeder services, using conventional buses or smaller vehicles, can boost the frequency of connections from places away from main roads, connecting to the major routes with integrated ticketing. In low-density areas and at low-demand times of day, demand responsive vehicles can provide much higher levels of service than conventional fixed bus routes.
- **Faster and more reliable:** Buses must have greater priority on urban roads. LTAs will be given new powers to enforce traffic regulations. They will be expected to promote bus reliability, and to implement ambitious bus priority schemes, to receive new funding. These must be planned to complement walking and cycling schemes. We will consult shortly on increasing Metro Mayors' powers over key roads in their areas, where they are not already the highway authority.
- **Cheaper:** We want to see more low, flat fares in towns and cities, lower point-to-point fares elsewhere, and more daily price capping everywhere.
- **More comprehensive:** Overprovision on a few urban corridors with dozens of competing buses every hour should be reduced to boost under provision elsewhere. More services should operate in the evenings, weekends, and at night, and to smaller towns and villages, sometimes using new forms of demand responsive transport.
- **Easier to understand:** All public transport across England – bus, light rail and conventional rail – should be easy to access via journey planning websites and apps, with everything passengers need to know at their fingertips, including times, accessibility information, fares and live running. The data is already available; we want to see it used. Additionally:
  - Bus stops should show accurate information about the services stopping there. Every town, city and rural area should have easy to access, up to date maps, showing all local bus services.
  - Each local area should have a common numbering system, to avoid two routes with the same number in the same place, and bus stops should be named consistently by operators running the same bus routes.
  - Local branding that reflects the community and not the operator should be adopted, though successful existing brands such as Harrogate's 36 should not be sacrificed.
  - Routes should, as far as possible, be the same in the evenings and weekends as they are in the daytime.
  - Routes should be as easy as possible to understand, with simple, high-frequency trunk services rather than lots of low-frequency services combining together.
  - All operators which run the same route should accept the same tickets, use the same route number and be shown on the same timetable.
  - Timetable changes should be minimised and co-ordinated across operators, so they happen at the same time.
  - There should be heavy promotion and marketing to familiarise non-users with their local buses, to demystify the service for non-users, and introductory offers to promote the service to them.





- **Easier to use:** Common tickets, passes and daily capping should be available on all services irrespective of operator, at little or no premium to single-operator fares. All buses should accept contactless payment. Tickets and fares should be simple; flat fares should increasingly be standard in urban areas. Bus stations should be protected from closure and redevelopment and improved.
- **Better to ride in:** Comfortable, high-spec, modern buses will help make using the bus more appealing. Passengers should feel safe on board. Buses should offer end to end accessibility and provide ample areas for pushchairs and luggage in addition to the wheelchair space, so that everybody can travel with confidence. They should also offer audible and visible information, in addition to WIFI and charging as standard – allowing people to work and interact online whilst they travel, and make better use of their time. In holiday and scenic areas, much more should be done to promote buses to visitors, with the views from the top deck an attraction in themselves.
- **Better integrated with other modes and each other:** More bus routes should serve railway stations, as is standard in most European countries, and integrate with cycling and walking routes and networks. Additionally:
  - Railway stations should be hubs for connecting services with high quality stops close to station entrances. Schemes that move buses further away from stations should not be allowed.
  - Passengers should not have to buy a new ticket when changing buses. Easy through ticketing should be available between bus operators and other transport modes.
  - Our ambition is for an integrated ticketing approach to allow you to buy a through journey for local bus, rail and metro with a single tap on your smartphone.
- Full information on local bus services should be posted in railway stations, and the rail industry should promote bus links.
- Park-and-ride schemes should be expanded, and more rural bus services should carry bikes.
- **Greener:** We will support the introduction of at least 4,000 more zero emission buses.
- **Accessible and inclusive by design:** Disabled people must be able to use bus services as easily as other passengers. Making buses more accessible (not just the vehicles themselves, but also bus stops, bus stations, and by providing excellent customer service) will benefit other passengers too. Next stop announcements, for example, will help everyone know where the bus is going and when they've reached their stop.
- **Innovative:** We want to harness the entrepreneurial skills of the best operators to constantly strive for innovation in the market.
- **Seen as a safe mode of transport:** The sector must strive for the highest safety standards, upheld by the Traffic Commissioners. Marketing should emphasise the features that support personal safety, for example CCTV onboard and at bus stops and data that allows passengers to know when a bus is arriving so they do not have to wait in the street. This should be supported by more demand responsive services in the evenings and late at night.

We want bus services that mean fewer journeys are needed by private car. We want buses across the country to become the transport of choice for people with other options, as they already are in some places. Our changes therefore need to tackle negative perceptions by non-users. We will have failed if we do not address the perceptions which deter people from buses:



# Passenger Satisfaction

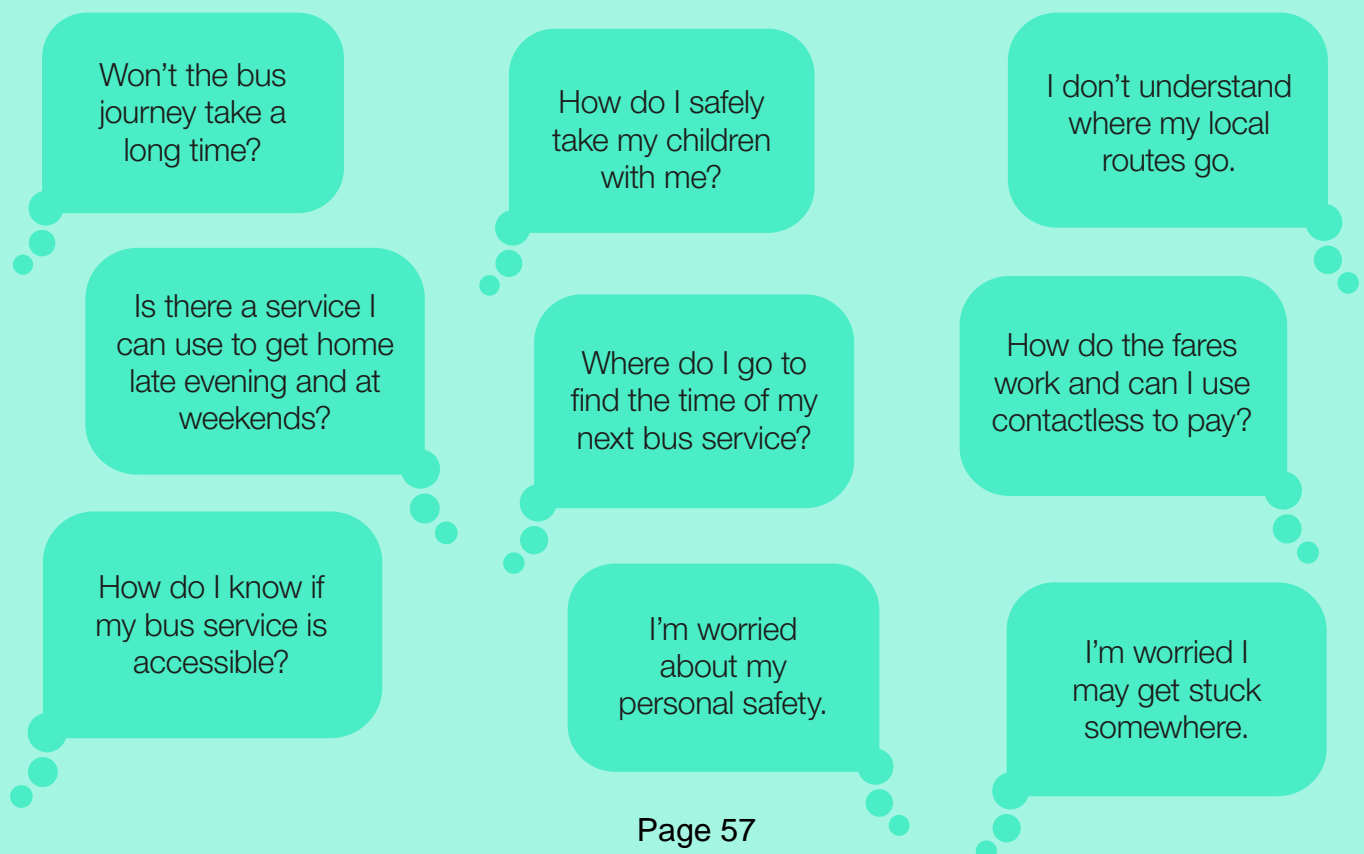
The latest Transport Focus ‘Annual Bus Passenger Survey’ gives headline satisfaction figures of between 76% and 95% for local bus services in England outside London<sup>14</sup>.

We know that people’s top priorities for improvement – from among people who both do and don’t use buses – include:



Source: Transport Focus, Bus Passengers’ priorities for improvement survey, published September 2020.

**We want to see any negative views and misconceptions surrounding bus use, which include the examples below, addressed by up to date and easy to access information about local bus services.**



# 3

## Chapter 3

# Delivering better bus services









**Strong bus networks connect our communities, getting people to jobs and services, giving them opportunities, and boosting economic growth and inclusion. This chapter sets out the collaborative approach that will give us stronger, better planned networks, and how Government will support local transport authorities and operators to deliver.**





## Today's bus sector

Since 1986, the bus market in England outside London has been deregulated. Prior to COVID-19, around 87% of local bus service mileage outside London was run on a commercial basis by hundreds of private sector bus operators<sup>15</sup>. These operators decide where and when to run commercial services, invest in the buses and facilities, and set their own fares, with only a very limited role for LTAs\*.

Before the pandemic, the 20% of services which were not run commercially were 'tendered' for and subsidised by LTAs if they considered them 'socially necessary'. Prior to COVID-19, the sector received funding from central Government through concessionary fares funding, the Bus Service Operators Grant, community transport grants and support to subsidise socially necessary services.

This model doesn't always work for passengers. There is often no incentive for integrated ticketing, or for operators to run services that are not profitable outside of peak hours. LTAs may not have the budget to provide additional or replacement services, or the skills and resources to understand where they are needed. And there is little or no visibility for the public of the role that LTAs play in supporting buses or data by which the local electorate can hold their councillors or Mayor to account for their part in improving bus services.

LTAs can do something about this. Over the past 20 years they have been given increasing powers to work with bus operators to improve services and ensure that they work for passengers and local communities. Most recently the Bus Services Act 2017 gave LTAs the potential for much greater influence over bus services in their area –underpinned by new types of statutory partnerships with operators and the ability to franchise services. Franchising powers are automatically available to Mayors of Combined Authorities and can be made available to other types of local authority, where needed, through secondary legislation.

COVID-19 has meant greater co-operation between LTAs and bus operators and a more transparent approach to the costs and revenues of running bus services. We want to build on this close working to drive the recovery of the bus sector.

## Building back better – recovering from the pandemic

The Government has provided an unprecedented amount of support for the bus sector during the pandemic. Through the COVID-19 Bus Services Support Grant (CBSSG) and the Bus Service Operators Grant (BSOG), the Government had announced over £1 billion of support by the end of 2020. CBSSG will remain in place as long as it is needed. We are clear that we will continue to support the sector to run the services needed to get our economy back on track.

CBSSG is discretionary, as will be future bus funding from the £3bn. From 1 July 2021, CBSSG and any successor funding to it; funding to transform services as outlined in this Strategy; and potentially, subject to consultation on wider reform, the reformed Bus Service Operators Grant, will only be available to LTAs, outside of London, who have committed to entering into Enhanced Partnerships or started the statutory process of franchising services, and to operators who co-operate with the process. Since franchising can take several years, we expect those LTAs who want to start down that road to commit to establishing an Enhanced Partnership in the meantime, unless they have begun the process of implementing franchising already (as in Greater Manchester, for instance).

\* Upper tier local authorities (usually combined authorities and county councils) and unitary authorities. Combined authorities are local government entities set up by two or more neighbouring councils wishing to co-ordinate responsibilities and powers over services, including aspects of transport, housing and social care. If the authority has a directly elected Mayor it is a Mayoral Combined Authority.



We want to see the commitment to these partnerships realised, so from April 2022 only LTAs with an Enhanced Partnership or who have begun following the statutory process to decide whether to implement franchising, will be able to access the new discretionary streams of Government bus funding. From that date, the new discretionary forms of bus funding from Government will only be available to services operated, or measures taken, under an Enhanced Partnership or where a franchising scheme has been made. In addition, only services operated under these statutory agreements will be eligible for the reformed Bus Service Operators Grant, subject to consultation. The Secretary of State may disapply these rules or the deadline of April 2022 in individual cases, on an exceptional basis; we will also ensure that no operator is disadvantaged through any failure to establish an Enhanced Partnership due to actions beyond their control. We will also take into account an LTA's performance with respect to the policies set out in this strategy when considering funding allocations for wider, non-bus local transport schemes.

By the end of October 2021, we expect all LTAs to publish a local Bus Service Improvement Plan. These new plans must set out how they will use their Enhanced Partnership or franchising scheme to deliver an ambitious vision for travel by bus, meeting the goals and expectations in this strategy and driven by what passengers and would-be passengers want in their area.

## Hertfordshire's Enhanced Partnership

Hertfordshire County Council introduced 'Intalink', England's first Enhanced Partnership agreement in April 2020.

The partnership's objectives include prioritising bus services in traffic, closer integration of the bus network including upgrading bus infrastructure; improving the image of bus travel and using data and information.

These objectives aim to keep passengers informed about available services, increase service frequencies and improve reliability and co-ordination with other modes to encourage residents to make bus their first choice to get around their local area.



Plans must be developed in collaboration with local bus operators, community transport bodies and local businesses, services and people. They will be living, transparent documents, with targets. LTAs will need to routinely publish six-monthly progress reports against these targets. Plans will demonstrate how bus services are integrated with other types of transport in their area such as connectivity to train stations, making journeys simple and stress-free for customers. They must take account of cycling and walking schemes, complementing these forms of travel and not competing with them. We will publish detailed guidance on preparing a Bus Service Improvement Plan shortly, and update our existing guidance on Enhanced Partnerships and franchising.

LTAs may also join together to produce joint plans and partnership or franchising arrangements and should be looking to do so where local economies and travel to work areas overlap significantly. We would expect to see shared arrangements across any areas wishing to become new or expanded Mayoral Combined Authorities in the future.

To support LTAs in forming partnerships and developing plans, we will make £25m available in financial year 2021–22.

## Summary of what LTAs and bus operators must do to access CBSSG from 1 July and transformational funding from April 2022

- **By the end of June 2021** LTAs will need to commit to establishing Enhanced Partnerships under the Bus Services Act or the LTA should begin the statutory process of franchising services. Operators in those areas should cooperate with those processes.
- Those LTAs who do not have access to franchising powers at present, but consider that it is the best route to adopt in the interest of passengers and that they have the capability and resources to deliver it, should progress with the implementation of an Enhanced Partnership alongside applying to the Secretary of State for access to franchising powers.
- **By the end of October 2021** each LTA will need to publish a local Bus Service Improvement Plan. Each plan will need to be updated annually and reflected in the authority's Local Transport Plan\* and in other relevant local plans such as Local Cycling and Walking Infrastructure Plans (LCWIPs).
- **From April 2022**, LTAs will need to have an Enhanced Partnership in place, or be following the statutory process to decide whether to implement a franchising scheme, to access the new discretionary streams of bus funding. Only services operated or measures taken under an Enhanced Partnership or where a franchising scheme has been made will be eligible to receive the new funding streams.



## Bus Service Improvement Plans will:

- Be developed by LTAs in collaboration with local bus operators, community transport bodies and local businesses, services and people.
- Cover the LTA's full area, all local bus services within it, and the differing needs of any parts of that area (e.g. urban and rural elements).
- Focus on delivering the bus network that LTAs (in consultation with operators) want to see, including how to address the under provision and overprovision of bus services and buses integrating with other modes.
- Set out how they will achieve the objectives in this strategy, including growing bus use, and include a detailed plan for delivery.
- Be updated annually and reflected in the authority's Local Transport Plan.
- Influence the share of the £3bn of transformation funding each LTA receives.

## We expect Bus Service Improvement Plans to:

- Set targets for journey times and reliability improvements (for the LTA as a whole and in each of the largest cities and towns in its area) – to be reported against publicly at least every six months.
- Identify where bus priority measures are needed, including consideration of Bus Rapid Transit routes to transform key corridors and how traffic management can be improved to benefit buses.
- Set out pressures on the road network, air quality issues and carbon reduction targets which improved bus services could address, and set out actions working with operators to transform the local bus fleet to zero emission.
- Drive improvements for passengers by:
  - Setting targets for passenger growth and customer satisfaction (to be reported against publicly at least every six months).
  - Setting out plans and costs for fares, ticketing and modal integration. Initially, we expect LTAs and bus operators to develop plans to enable multi-operator ticketing, where plans do not exist. Over time we will expect LTAs to work across transport modes towards enabling a multi-modal ticketing scheme.
  - Considering the impact of roadside infrastructure (e.g. bus stops and shelters) on passenger safety, security and accessibility.
  - Considering how a coherent and integrated network should serve schools, health, social care, employment and other services.
  - Taking into account the views of local people.
  - Committing to a Bus Passenger Charter (BPC) that sets out what passengers can expect from bus operators delivering local bus services across their area. BPC's should include commitments on the accessibility of bus services.

\* All local transport authorities in England are required to have a Local Transport Plan (LTP) relating to transport to, from and within their area. It is a practical document which sets out in detail the authority's transport policies over a given period. This includes local objectives, strategy and an implementation plan highlighting what measures will be taken to achieve local plans.



## Bus Service Improvement Plans will need to explain:

- How current services meet or fall short of the expectations listed above.
- How the improvements needed will be delivered through the Enhanced Partnership/franchising schemes and the LTA's and operators' investment plans.
- The financial support that the LTA is providing for subsidised public bus services, listing the numbers of routes and route mileage supported.
- How traffic management and investment are used to prioritise buses. In Mayoral Combined Authorities (MCA) this will include the extent of the MCA's role over a Key Route Network and how that is used to prioritise bus services.

## Franchising

Franchising can be an effective way of correcting a market failure and we support its use where it is in the best interests of passengers. Used well, franchising can harness the knowledge and expertise of the private sector and improve service levels, customer satisfaction and overall patronage.

Franchising does not always require the scale of LTA resource and planning seen in London. There are also strong models of franchising in the Channel Islands and other countries which capitalise on the strengths of private sector route planning, marketing and investment as part of the tendering process whilst ensuring stronger local accountability and financial incentives to prioritise bus services for the local authority.

The franchising powers within the Bus Services Act can currently be used by MCAs at any time, but only by other LTAs with the Secretary of State's consent and new secondary legislation. We support the use of franchising and will allow any LTA which has the capability to do so to pursue franchising where it would not needlessly delay the provision of better services.

This will include demonstrating the capability in traffic management necessary to ensure buses are prioritised appropriately.

The Secretary of State will reserve the right to refuse an application for franchising if he believes a LTA does not, or will not, have the capability and resources to deliver the franchised model chosen; or that an Enhanced Partnership would deliver the improvements proposed more quickly and cost-effectively.

Those LTAs which do not have access to franchising powers at present, but consider that it is the best route to adopt in the interest of passengers and that they have the capability and resources to deliver it, should progress with the implementation of an Enhanced Partnership alongside applying to the Secretary of State for access to franchising powers. An LTA may move from an Enhanced Partnership to franchising later, subject to the conditions above.

We will also strengthen our statutory guidance on Enhanced Partnerships and franchising – making it easier for operators and LTAs to focus on what they want to achieve.

### LibertyBus Franchise in Jersey

**The Government of Jersey** introduced a new bus franchising model in 2013 which was awarded to LibertyBus, a subsidiary of the HCT Group. LibertyBus is responsible for all routes, which call at approximately 800 stops around the island.

The franchise has created a long-term partnership which both parties can invest in, bringing together local authority and industry knowledge and skills with the aim of improving customer service to achieve better passenger satisfaction, which as of February 2020 scored 8.3 out of 10. Between 2012 and 2017 ridership has increased by 38% and the contract price has decreased by 11%<sup>16</sup>.



Picture: HCT LibertyBus

## The offer for bus operators and LTAs

Operators will gain things they have long sought: first, the certainty of continued support through what are likely to be several years of recovery; and second a commitment by councils and Government to tackle some of the biggest threats to the future of their operations, above all traffic congestion.

LTAs will have access to significant new Government funding streams and powers to make a difference in their areas, and significant assistance to build up their capabilities to exercise those powers. LTAs' performance in exercising these new responsibilities will be taken into account when allocating this and other DfT funding.

The Government intends to bring forward the English Devolution and Local Recovery White Paper in due course, detailing how the UK government will partner with places across the UK to build a sustainable economic recovery.

We are clear that successful partnerships should work for both parties, with incentives and benefits for both, and that where new franchising proposals are developed, they should harness the commercial skills and expertise of bus operators, such as seen in Jersey.

We will use part of the £25m fund for supporting LTAs to establish England's first Bus Centre of Excellence (BCoE), enabling the delivery of a long-term programme of activities and support. The centre will be co-sponsored by the Department, and training will be managed and delivered by experts from across the bus sector. This will focus on: public transport service planning and network design, performance oversight, contract procurement and competitive tendering, design and development of bus priority measures, and wider traffic management measures to improve local bus performance.

We will tailor our approach to ensure that the needs of differing LTAs, their officers and elected members of local authorities, are sufficiently met, recognising that a single approach will not work everywhere. Our approach will be based on evidence: we will work with stakeholders in local government, the bus industry and professional institutions to ensure we understand the gaps in capacity and capabilities across the sector. We want to ensure that all parties are well placed to develop and deliver Enhanced Partnerships, franchising and Bus Service Improvement Plans and drive forward the productive partnerships needed to make a step change in bus services.

We will also support a peer network of senior leaders working to deliver bus transformation, to support the sharing of experience and solutions across the private and public sector.

Partnership guidance will also clarify how unexpected circumstances, such as the COVID-19 pandemic, should be handled – to minimise the additional work that LTAs need to take to reach a franchising decision.



## Devolution

In line with previous devolution of bus funding to Transport for London and Transport for Greater Manchester, we will work to devolve Bus Service Operators Grant (BSOG), including once it has been reformed, to MCAs and other LTAs who request it. This will form part of wider work to reform BSOG (see page 48) and will not be in place for financial year 2021–22.

In return, we expect all LTAs to:

- agree Enhanced Partnerships or to be following the statutory process to decide whether to implement franchising;
- commit to significant improvements in traffic management, including bus priority measures, active travel measures and control of roadworks.
- drive forward other relevant Government policies such as air quality improvement and, where relevant, the implementation of Clean Air Zones; and
- in addition, MCAs should develop (along with their constituent member authorities) a Key Route Network, subject to consultation and legislation, to include development of bus priority measures and improved bus performance.

## Delivering better bus services

This investment and changes to how the bus sector works will drive improvements for passengers. These are set out on the following pages.

### Intensive services and investment on key corridors

In densely populated areas, Enhanced Partnerships and franchising agreements should ensure that key radial roads have buses so often – every few minutes – that passengers never need a timetable. Evening services on these roads should be at least every 15 minutes. On these routes, wherever physically possible, there should be significant investment in bus priority – bus lanes, at a minimum. See below for more about bus lanes and priority measures.

Bus Service Improvement Plans should also carefully consider network design – for example, whether local needs are best met through infrequent “branch” services of main routes which provide through journeys at the expense of frequency, or through high-frequency feeder routes connecting to the main line service instead, with through ticketing at no extra charge.

On a few corridors, the legacy of the 1980s “bus wars” is overprovision, with dozens of buses per hour, including with duplicate competing services which do not accept each other’s tickets. This is wasteful, polluting and can paradoxically make services slower and less attractive. Planning should make sure that services are appropriately spread between corridors, avoiding significant over and under provision.

## There must be significant increases in bus priority

The key to making buses more attractive is making them faster and more reliable.

In Bus Service Improvement Plans, we expect to see plans for bus lane on any roads where there is a frequent bus service, congestion, and physical space to install one. Bus lanes should be full-time and as continuous as possible. They should be part of a whole-corridor approach, including other physical measures such as:

- Traffic signal priority;
- Bus gates, which allow buses to enter a road that prohibits access to other traffic; and;
- Clear and consistent signage.

We will not support opening bus lanes to electric cars or vans, which would quickly erode their benefits to bus users. Intensive and granular focus on the precise conditions of each road can pay dividends, as some places have shown. Issues such as bus stop locations and spacing, residential parking policy, and removal of buildouts and pinchpoints should all be considered. Non-residential parking will not generally be an efficient use of roadspace on such routes.

Loading's impact on bus lanes must be minimised, and to achieve this hours should be restricted, or loading bays inset or re-provided close by, away from the main carriageway. LTAs should consider physical changes to roads' footprints to allow the provision of continuous bus lanes. Where there is insufficient space for a bus lane, LTAs should consider point closures of some main roads to private cars, allowing through traffic on other main roads nearby.

Robust enforcement of traffic restrictions can bring benefits for buses through less congestion. As we have already announced in *Gear Change: A Bold Vision for Cycling and Walking*, we will this year commence authorities' enforcement powers under the remaining elements of Part 6 of the Traffic Management Act 2004. These powers will allow local authorities, rather than the police, to enforce against a range of moving traffic offences which can help ease congestion and help buses make progress more quickly. We will issue guidance to local authorities about the powers, including on the importance of ensuring citizens are properly informed about them, and the need for traffic signing to be properly designed and placed, so that it is clear to drivers what restrictions are in force. As we stated in *Gear Change*, we will consider issuing warnings for a limited period after introduction or for a first offence.

The Government will refresh its statutory guidance to local authorities on traffic management, to provide up to date and relevant advice. Statutory traffic management guidance will be updated to expect enhanced bus reliability as an integral part of highway authorities' Network Management Duty. We will also consider how to facilitate sharing of good practice and experience in delivering bus priority schemes.

As set out in "A Better Deal for Bus Users" in September 2019, all new road investments in England which receive central UK government funding are now required to either support bus priority measures or explain why doing so would not be necessary or appropriate in that instance. All funding bids now need to explicitly address this issue.

We will also support bus rapid transit and other such schemes which lie between conventional bus and light rail, aiming to bring the benefits and user experience of light rail to bus corridors at significantly lower cost. See page 66.

## Key Route Networks

Most Mayoral Combined Authorities (MCAs) now have a Key Route Network (KRN) of the most important local roads for which they share powers to operate and manage with Local Highways Authorities. The Government plans to consult on strengthening the KRN approach. Whilst some KRN designations exist at present, Mayors are limited in their powers, particularly over the allocation of road space.

Our intention is to increase their powers over their KRN, similar to the powers that apply already in London and enable integrated highways and transport authority status at Combined Authority level for these roads, and we will consult on this. As with other local authorities, MCAs and their constituent members will be expected to implement ambitious bus priority programmes and other roadspace reallocation measures, using all relevant powers available to them. As explained earlier in the section about Bus Service Improvement Plans, future Government funding will recognise the level of ambition demonstrated by local authorities.

## Superbus networks for “intermediate” areas – neither fully urbanised nor deeply rural

A Superbus network provides higher frequency, lower fare services; it can deliver the type of change we want to see. Places such as South Northumberland, County Durham, Lancashire, and the East Midlands, with their patchworks of small industrial towns and large villages, have not had the advantages of metropolitan transport authorities but are ideal bus territories that could really benefit from the Superbus concept. We particularly encourage ambitious Bus Service Improvement Plans in these types of places and remain committed to supporting the first, low fare Superbus network in Cornwall.

## More comprehensive ‘socially necessary’ services

Currently, LTAs can step in to ensure that ‘socially necessary’ services are provided where there are gaps in the commercial network. But outside specific categories, there is no obligation on LTAs to fund these crucial services. Across England, there are significant differences in provision, from reasonably generous to almost nothing, but the trend is sharply downward. Many communities have lost their daily bus services altogether. Others have services for only a few hours a day, suitable perhaps for a short shopping trip but not for work or longer-distance journeys. Others might have relatively good services in the daytime but no service at all in the evenings. This has a serious impact on people’s ability to find and travel for work.

Partnerships and franchising arrangements must deliver more comprehensive services, including those which are socially or economically necessary. This includes services to smaller and more isolated places, and more services in the evenings and at weekends. Without services at the times people want, people will not use the bus. Lack of a whole-day service reduces the number of passengers in the daytime too, preventing people from using the bus if they are unable to get back in the evening.

We will issue new guidance on the meaning and role of ‘socially necessary’ services, expanding the category to include ‘economically necessary’ services for the first time. This recognises the vital role that buses have in getting people to work at all times of the day and night. This guidance will set clear expectations of what we want to see. To drive forward the levelling-up agenda, this will include provision for economically disadvantaged areas. Making sure that people are connected to centres of employment, broadening their choice of work and education, is both socially and economically important.



Through Bus Service Improvement Plans we expect LTAs to work with operators to set the daytime, evening and Sunday service levels that different communities need. In some cases, these services could be provided by demand responsive transport, integrated with the conventional buses, where they exist. Places that are economically disadvantaged, including smaller industrial towns and isolated housing estates, should also be included in that thinking to connect them better to centres of employment, broadening opportunities and the choice of work, education and leisure for those who live there. We will also expect to see better services being provided to places of employment off existing main bus routes, such as out-of-town industrial estates and factories. Again, this could be done with integrated demand responsive transport geared to shift times. There is a role to play for employers in helping with this.

If this cannot be achieved by agreement, we will consider statutorily requiring the provision of socially necessary bus services, including those which improve people's access to employment.

## **We will modernise the Bus Service Operators Grant (BSOG)**

Almost £260 million per year is paid in BSOG to operators of eligible bus services and community transport organisations. This includes a core element to recover some of their fuel costs, and incentive-related payments. It benefits passengers by helping operators keep fares down, and enabling operators to run services that might otherwise be unprofitable, particularly in rural areas. It is cost effective, delivering high value for money<sup>17</sup> with each £1 spent generating between £2.70 and £3.70 in benefits, including wider economic and social impacts.

However, the outcomes incentivised by a fuel-based subsidy are not right for the twenty-first century and the environmental challenges we face; and the BSOG incentive payments are outdated, focusing on delivering outcomes that should have become standard many years ago. We will reform BSOG to better meet Government priorities, which will support environmental objectives, levelling up the country, and provide better passenger journeys.

We will consult in 2021 on the details of a modernised BSOG. We will set out our detailed plans in that consultation, but we are considering:

- moving the main element of BSOG from fuel consumption to a distance rate which would address the current problem where base BSOG is not paid to electric vehicles (except for a small incentive payment);
- updating the low carbon incentive to better meet environmental objectives. The existing incentive started in 2009 so is based on comparisons to a Euro III bus;
- an additional amount for rural bus services;
- new incentives for demand responsive transport, which could encourage the delivery of services, and bus use, in rural areas;
- efficiencies from administrative changes such as payments in arrears; and
- ending payments for 'dead' mileage between depots and the start or finish of passenger services; and
- making the reformed BSOG available only to LTAs and operators in an Enhanced Partnership, or where franchising is being actively pursued.

## We will make sure that future local transport is joined up

We are committed to reforming future local transport funding to better support local leaders deliver their priorities and achieve key objectives, such as levelling up and decarbonisation. We will better coordinate local transport funding by engaging local areas about their investment priorities in the round and their overall strategy for improving transport infrastructure. This will enable better strategic planning and more joined up infrastructure projects across local transport networks.

Local Transport Plans (LTPs) will become the focus of transport funding discussions between central and local government. LTPs should set out holistic place-based strategies for improving transport networks, proposed projects for investment and ultimately how key objectives will be achieved. In particular, LTPs should include clear plans for how interventions across local transport modes will drive decarbonisation in their area. To ensure investments achieve their intended aims, LTPs and business cases in future will need to demonstrate local commitment to deliver certain measures. For example, this strategy sets out what we require of Bus Service Improvement Plans and local commitment to bus franchises or Enhanced Partnerships. Bus Service Improvement Plans must be fully aligned with wider Local Transport Plans.

### Reading Buses

Reading Buses is owned by Reading Borough Council and has been transporting passengers for over one hundred years. It has one of the youngest and most environmentally friendly fleets in the UK, and in the Autumn 2019 Transport Focus Bus Passenger Survey, Reading Buses' passenger satisfaction score was 92%<sup>18</sup>.

Bus usage has grown through consistent partnership working between the Council and bus company, resulting in Reading having the second highest bus use in England, outside London, per head of population in 2019/20 – with an average of 137.5 annual bus trips per person<sup>19</sup>. Total bus use in Reading borough had grown to over 22m journeys in 2018/19 before the pandemic, an increase of almost 40% in the last 6 years<sup>20</sup>.



The Government is committed to transforming local transport, and its recent publication “Gear Change: A bold vision for cycling and walking” sets out its plans to transform the role cycling and walking play in our transport system. “Gear Change” and this strategy complement each other. Cycling, walking and using the bus are all part of the Government’s agenda to deliver a transport system that works for everyone, where walking cycling and taking the bus are a natural choice for shorter journeys.

As set out in Gear Change, we will carry bikes on more bus routes. Buses and cycles together can allow more journeys which are otherwise only possible by car, recognising that far more people live near a bus stop than a rail station. In many rural areas, where demand is lower, we will work with bus operators to allow a limited number of bikes on board, in addition to onboard wheelchair space, on appropriate routes, as a few rural bus routes already do. A handful of urban routes also allow bikes, using external racks. We will investigate extending this provision further. The Cycling and Walking Investment Strategy Investment Model also reveals that bus route enhancements also have an impact in generating additional walking trips.

## **We will review whether it remains right that local authorities cannot set up new bus companies**

The Bus Services Act 2017 prevents further municipal (that is, local authority-owned) bus companies being set up from scratch. While this is not an absolute barrier, as Local Authorities can already purchase an existing bus or coach company, we believe this part of the legislation is ripe for review. There are only a handful of municipal bus companies at present, but there are some strongly performing examples among them.

## **Future-proofing our regulatory framework for more flexible services**

The Future of Transport Regulatory Review aims to address the opportunities and challenges that technology is having on our traditional concepts of transport. The first Call for Evidence<sup>21</sup> of the Regulatory Review examined the legislative framework around on-demand, flexible bus services which currently pre-dates the advent of the smartphone. The key findings from this were published in December 2020, and many responses emphasised the need for regulation to be focused on the desired outcomes for the user rather than the service itself. Learnings from the bus sector must feed into the review.



The Law Commissions have been undertaking a review of Automated Vehicles (AVs),<sup>22</sup> looking at the regulatory framework for the safe deployment of automated vehicles in the UK. The second consultation of this review, the findings of which were published in May 2020, specifically considered how highly automated vehicles might be used for passenger transport. In their third consultation paper in December 2020, the Law Commissions proposed a system that unifies passenger and freight licensing to reflect the modular design of highly automated vehicles (with no human on-board). Passenger AVs would be subject to stricter requirements than freight AVs but both would be founded on the same requirements necessary for a vehicle with no responsible person on-board. We will review how legislation that separately covers buses, taxis, private hire vehicles and light rail may be brought together to reflect the blurring boundaries between these forms of travel, within the Future of Transport Regulatory Review. This will give service providers a clear, long-term, regulatory framework, which will allow new forms of service to be provided to passengers by removing obstacles to innovation and allowing greater flexibility.

We want to stimulate innovation and enable it to thrive. Regulation itself will change, as it always has. But our goals will not change. We want transport to be cleaner, safer, healthier, greener, cheaper, more convenient, and more inclusive. Our approach will be underpinned as far as possible by the following Future of Transport principles:

1. New modes of transport and new mobility services must be safe and secure by design.
2. The benefits of innovation in mobility must be available to all parts of the UK and all segments of society.
3. Walking, cycling and active travel must remain the best options for short urban journeys.
4. Mass transit must remain fundamental to an efficient transport system.
5. New mobility services must lead the transition to zero emissions.
6. Mobility innovation must help to reduce congestion through more efficient use of limited road space, for example through sharing rides, increasing occupancy or consolidating freight.
7. The marketplace for mobility must be open to stimulate innovation and give the best deal to consumers.
8. New mobility services must be designed to operate as part of an integrated transport system combining public, private and multiple modes for transport users.
9. Data from new mobility services must be shared where appropriate to improve choice and the operation of the transport system.

## Emergency Covid Measures in the Next Few Months

In many places, roads already operated at or close to capacity before the pandemic. There is a risk that when full economic life returns, the move away from public transport during the crisis will lead to unmanageable levels of car traffic, slowing some places to a crawl. Traffic congestion will damage the economic recovery and cause an increased pollution risk to human health.

As the crisis abates, therefore, we must urgently encourage people to return to public transport. We will do so, as social distancing on transport is withdrawn, by selectively expediting a number of the policies in this strategy.

**We will expect LTAs in areas of high traffic stress to install bus lanes swiftly**, subject to proper consultation with local residents and local firms, and to make more existing bus lanes full-time. Implementing these measures will improve bus services by making them quicker and more reliable and cheaper to run. (See page 46 for more on bus priority)

**We will work with operators and local authorities with the aim of introducing targeted fares cuts swiftly in some areas, starting with Cornwall.** (See page 59 onwards for more on what we would like to see Bus Service Improvement Plans cover on bus fares)







## Chapter 4

# Delivering for passengers



**Buses for Everyone:  
We will set a high bar for  
standards enabling buses  
to be used by all.**





In 2018, the Government consulted on proposals to use powers introduced by the Bus Services Act 2017 to mandate the provision of audible and visible route and next stop announcements on local bus services, in order to help disabled passengers to travel with greater confidence. Subject to final analysis, we will make these Accessible Information Regulations by summer 2022, ensuring passengers can board any bus with confidence and that they will know when to alight when their destination is reached. We will increase the funding for the smallest bus companies to ensure their passengers benefit from improved onboard information by at least £1.5m in 2021–22.

We will make sure that apps can provide passengers with accessibility data about bus stations and stops so they can make informed travel choices regarding accessibility of services. Recognising roadside information and hard copy formats are also important for many passengers.

We will expect LTAs to explicitly consider inclusivity and to review the impact of roadside infrastructure on passenger safety, security and accessibility as part of their Bus Service Improvement Plans.

We will also review the impact of roadside infrastructure on passenger convenience, comfort, safety, security and accessibility, seeking to understand the factors which permit or encourage greater bus usage, and those which turn potential passengers away. We will also consider how we can use this understanding to empower passengers to make informed journey choices, and to support LTAs to provide facilities which encourage greater bus use.

We will ensure that buses funded by Government provide an enhanced level of accessibility: including additional flexible space for a second wheelchair user or passengers with pushchairs, hearing loops, space for assistance dogs, and audible and visible information.

We will review eligibility for free bus travel for disabled people to ensure that we are improving equality of opportunity and helping disabled people participate fully in public life. We will also look to digitalise the concessionary bus pass for older and disabled people in England, giving passengers the option to store their permit on a smartphone.

We will digitally transform the bus service registration process, ensuring it is optimised for passenger information purposes and is suitable for the provision of new innovative services. In addition, we will consider setting minimum standards for registration in the future to ensure buses are providing what passengers want. We will deliver a comprehensive review of the Public Service Vehicle Registration Regulations under which operators register their services, to ensure they are fit for purpose for the 21st century.

We will review key regulations to improve accessibility. This includes the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) by the end of 2023, ensuring that future decisions on accessibility standards are based on an up-to-date understanding of passenger need. We will consult in 2021 on draft amendments to the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990, to ensure that the wheelchair space and priority seats are made available for passengers who need them. We will continue to work with the Driver and Vehicle Standards Agency (DVSA) to ensure that non-compliance is identified, and effective action is taken in response.

Accountability for local services also means accountability for promoting access for all. We expect each Local Transport Plan to include measures that improve accessibility for older and disabled people, including: designing appropriate networks which minimise walking distances to key destinations and streamline inter-connectivity, promoting high-quality customer service through appropriate and consistent training, modernising vehicles and upgrading supporting infrastructure to facilitate independent accessible journeys.

The design of bus infrastructure improvements should be informed by the experience of disabled people and consulted on with a range of passengers; particular care should be taken when implementing bus priority measures to ensure that they do not impede access for disabled people reliant on private motor vehicles, taxis and private hire vehicles.

We will continue to fund free off-peak bus travel for disabled people, free off-peak travel for pensioners and free travel to and from school for children who live beyond walking distance. We will not fund travel for people who are not necessarily disadvantaged, such as blanket free travel for unaccompanied children or older people below the state pension age.

## Fares must be lower and simpler

Average bus fares have risen by 403% since 1987\*, compared to 325% for rail fares and 163% for motoring costs<sup>23</sup>. Lower and simpler fares attract passengers. They should be seen as an investment not just in transport but in town centres, in social inclusion and in a greener future. We will expect to see fares policy as an integral part of Bus Service Improvement Plans.

Within cities and towns, we want low flat fares (or maximum fares and daily price caps) to be the norm, as in London. Flat fares speed boarding and are easier for passengers and potential passengers to understand. We want to see lower single fares and more low daily price capping. We will also expect Bus Service Improvement Plans to consider youth fares; initiatives such as the youth fares implemented in Merseyside had a positive impact on patronage and we want to see this replicated across the country.

## There must be seamless, integrated local ticketing between operators and we want to see this across all types of transport

We know that passengers value the integrated and simplified service found in London, with no fuss multi-modal and multi-operator tickets and the same high-quality information for passengers – and we want LTAs to work towards replicating this seamless experience everywhere. There are many places where we can see that integrated multimodal ticketing drives up use of public transport. In the West Midlands, the SWIFT scheme which connects bus, tram and train has enabled passengers to travel on public transport in a seamless manner. The West Midlands is one of the few areas nationally, that pre-pandemic, had reported significant increases in ridership.

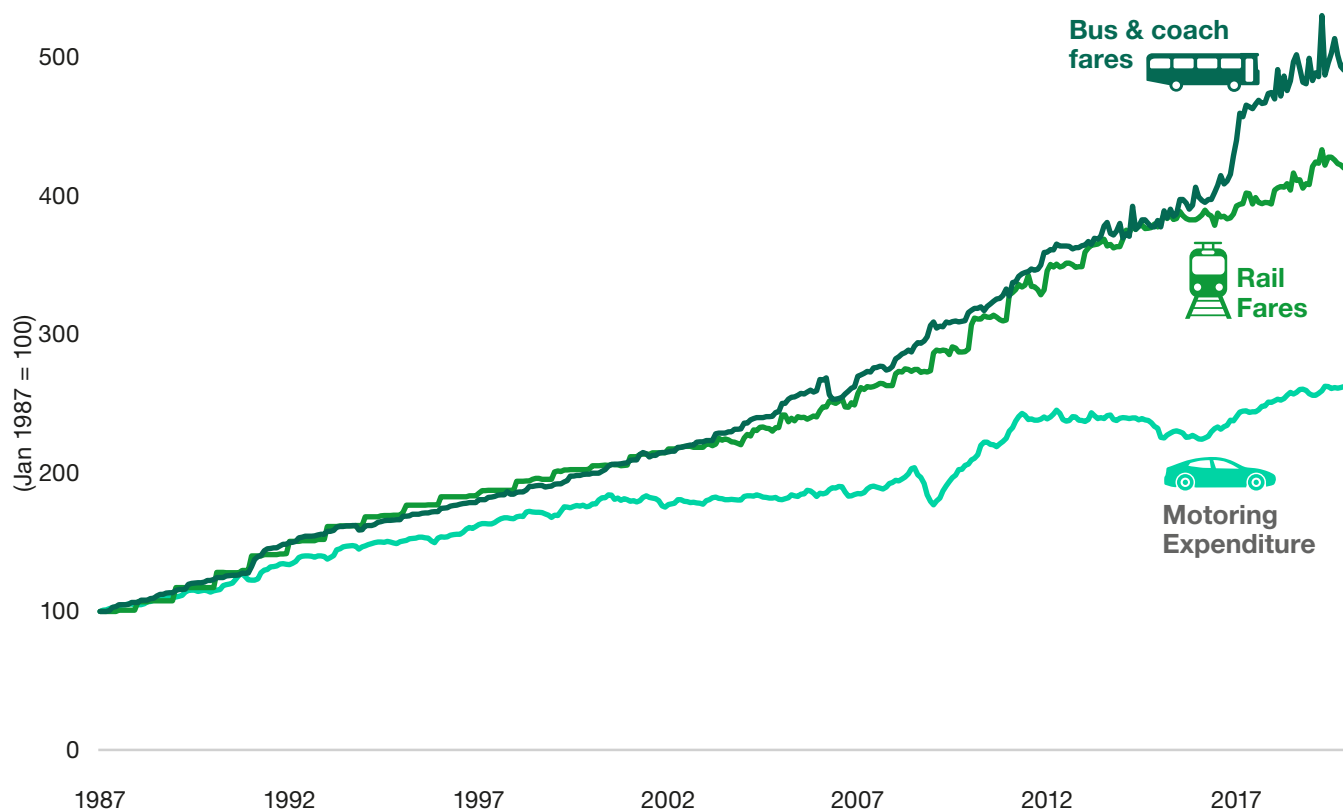
### Merseyside – ‘MyTicket’

Across the Liverpool City Region, the introduction in 2014 of ‘MyTicket’ priced at £2.20, which allows under 19s unlimited day travel on any bus, has been one of the key drivers of fare paying passenger growth. By 2019, the number of bus journeys made by young people had increased by 168%<sup>24</sup>. Initiatives like this give young people a great value and easy to understand ticketing offer, which can encourage bus use from an early age and increase the likelihood of these people remaining bus users throughout their adulthood.

\* DfT buses fares data weighted together with coach fares data collected by the Office for National Statistics.



## Retail Prices Index (RPI): Bus and coach fares, rail fares and motoring expenditure, 1987–2019<sup>25</sup>



We want to see multi-operator ticketing everywhere, covering all bus services at a price little if at all higher than single-operator tickets, then to extend this to tickets that cover all travel modes (bus, light rail/metro, rail). Approximately 75% of places do now have multi-operator tickets allowing travel on all bus services in the area but they are not always well advertised and can be significantly more expensive than single-operator tickets.

Nowhere outside London has multi-modal daily and weekly price capping using contactless debit or credit cards, and only a few places have multi-operator daily price capping using contactless. We want partnerships and franchising agreements to change this. We expect to see all Bus Service Improvement Plans setting out how they will deliver no-fuss, multi-operator tickets and price caps on contactless credit and debit cards, at little or no premium to single operator fares. We will expect all operators to work with LTAs to deliver this.

We will work with transport technology providers, app developers, bus operators and LTAs to ensure that any technology to support this is developed strategically, and money is not wasted on different technology solutions for different places. As rail ticketing and fares systems are updated, we will also consider opportunities for facilitating integrated electronic ticketing with buses.

84% of buses in England already accept contactless payment<sup>26</sup>. To drive even greater adoption of contactless across the industry, we will use CBSSG to incentivise operators to adopt the technology. In the longer term, to ensure the industry reaches, and then maintains the standard of 100% contactless, we will consider making it a condition of bus service registration and BSO eligibility.

Given the growing importance of contactless on buses, we do not believe that there is any need to integrate or unify the many existing bus smartcard products. Their usage will decline as contactless uptake rises. But we also believe that operators should continue to accept cash for now: there is a risk that otherwise we will deter or exclude passengers who, for any reason, may not have usable debit or credit cards. Price-capping will obviously not be available to those who pay cash, but paper day tickets should be.

Through ticketing should also be easier. A degree of through ticketing between bus and rail is already available under the PlusBus scheme, although its coverage and availability are limited. We will promote PlusBus better, and work towards extending the range of destinations available under it and making PlusBus tickets available as e-tickets and mobile tickets, so users can start their journey with a bus trip without needing to have paper tickets posted out or collected in advance from a railway station.

We want to see through fares for any journey across England involving bus, rail and light rail easily available, not only on journey planning websites, but also on smartphones as standard, and will work with industry to secure this.

## **Service patterns must be integrated with other modes**

More bus routes and demand responsive services should serve railway stations and for easy connections between modes, bus services should be timed to connect with trains. For example, in Cornwall, the railway line running through the county will act as the spine of the transport network and the new Superbus services will align with it. We will work towards the inclusion of bus services in rail journey planners as standard.

Buses must also work better with each other. There are many instances of poor connections and uncoordinated timetables. Bus Service Improvement Plans should detail plans for ensuring that in places (often rural) where services are regular, but not frequent, connectivity is maximised. Hub models can connect services, with buses all arriving and departing at the hub town within the same ten or fifteen-minute window each hour, ideally all servicing the same centrally located bus or railway station.

## **We will support people into work**

Currently, only some bus operators accept the Jobcentre Plus Travel Discount Card. This card is provided by Jobcentre Plus advisers to those unemployed claiming Jobseekers Allowance or Universal Credit, and it gives 50 per cent off selected rail tickets and some operators' bus fares. We want to make the card accepted by all operators and will work with them to deliver this. We will also explore relaxing the eligibility criteria so the card is available to more claimants.

## **Services must be simpler and easier to understand**

A key deterrent to using buses is that they are, or are perceived as, confusing. We have already described some negative features of the market, such as rival networks which do not acknowledge each other's existence, and which use the same route numbers for wholly different services. Bus Service Improvement Plans must eradicate this. We want to see common numbering systems, and routes that are as far as possible the same in the evenings and weekends as they are in the daytime. All operators which run the same route should accept the same tickets, use the same route number and be shown on the same timetable. Timetable changes should wherever possible be co-ordinated, and at set, relatively infrequent points in the year.

Bus Service Improvement Plans should consider whether to simplify routes; for example, considering whether networks should have more high-frequency major route services rather than lots of low-frequency services combining. Route variations and letter suffix routes should be reduced.

Networks often try to provide infrequent through services to everywhere or divert buses away from the main route to serve smaller places, reducing speed and convenience for people travelling between a route's major points. As described, on high-frequency services more use could instead be made of good hub-and-spoke connections, with frequent feeder buses connecting into frequent major routes and through ticketing. This becomes possible if frequency and reliability improve.

Bus Service Improvement Plans should consider questions of network design like this – and as with all elements of the plan, show how stakeholders and communities will be engaged in the thinking.

## Bus information

It is too difficult for non-users to find where buses go. Information online is often incomplete, misleading or hard to locate. But bus operators now have a legal obligation to publish timetable and running data, and we will be providing funding for predictions information which will inform the passenger how many minutes away their bus is from the bus stop and on average how long the journey will take.

### Nottingham's Hucknall Connect

The Hucknall Connect service operated by Trent Barton offers local Hucknall residents in Nottingham an easy route into the city centre by connecting them to their local tram station and the main bus routes.

Their connect ticket option includes a full day's travel on Connect in Hucknall and the tram.



### Bus Journey Information

Transport for the West Midlands (TfWM) is part of the West Midlands Combined Authority, chaired by the Mayor of the West Midlands. It is the UK's third largest public transportation authority, responsible for a region encompassing the major cities of Birmingham and Coventry, with a population of 2.9 million people and in 2019/20 accounted for 246.6 million passenger journeys.<sup>27</sup>

To improve customer experience and increase use of public transport, TfWM has invested significantly in the provision of accurate passenger information, supporting operators and the developer community to include timetable and location data for bus tram and rail delivered to journey planning applications, websites and third-party developers as well as to 1,800 real time information displays at bus stops and stations.

However, this is a challenging task, with more than thirty bus operators, six train operators as well as a tram operator running services they use many different systems each providing data in different forms and formats, at different frequencies and with varying levels of accuracy.

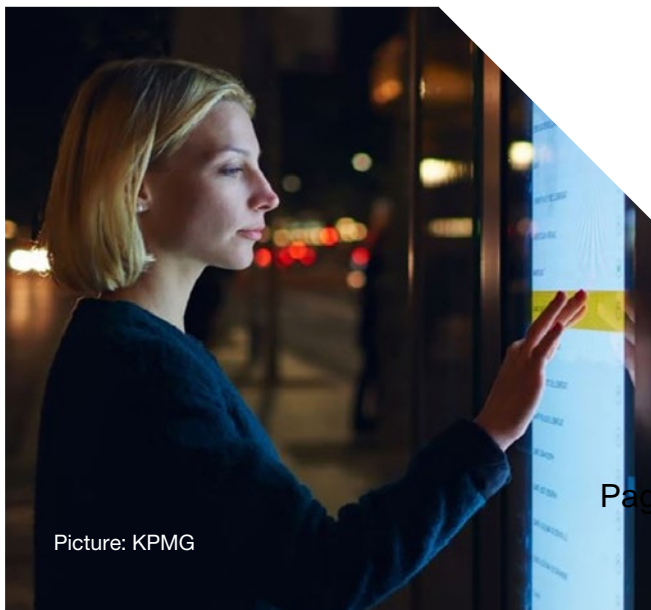


The Bus Open Data Service was launched in November 2020 and the statutory obligation to publish data was introduced on 1 January 2021, with national datasets currently being built for timetables, fares and location. None of the most commonly-used public transport journey planning apps and websites yet provide comprehensive, accurate, England-wide local bus information and there are many other apps that only include some operators.

This may mislead potential passengers into thinking that there are no services to the place they want to go. A number of apps and websites give inaccurate information when tested. Web searches for particular routes often also bring up old timetable PDFs which have since changed. Every town, city and rural area should have published, up to date maps.

We will continue to work with app providers and search engines to support the creation of transport apps using this data. We will aim for the apps to show every service, including fares and running information, and support inclusive and accessible journey planning, and will provide guidance through our upcoming Mobility as a Service Code of Practice. We want passengers to be able to plan, buy and show tickets on their smartphone for any journey, including through trips on buses and other transport modes, though this will not be achievable immediately.

Information at bus stops is often poor. They should be viewed as free advertising sites for the bus, including the opportunity to promote services' frequency and price, and should include full timetable information.



Picture: KPMG

## Networks must feel like a whole system which works together

One of the distinguishing features of London's bus network is that it feels like a network, a coherent, consistent, strongly-branded operation which gives people confidence in using it. Passengers know that a bus will be along in a few minutes, what the fare will be and what the experience will be like. They know that at an interchange there will be a poster guiding them to the next bus or a train. Typefaces, liveries, logos create an impression of unity. Most successful consumer businesses, such as retailers and airlines, aim to create similar levels of consistency and brand identity. LTAs, in their Bus Service Improvement Plans, should consider strong network identities. There are already successful examples of individual, eye-catching route branding in different parts of the country. Route branding can still work well as part of a wider network identity.

## We will promote buses, aiming to demystify them and improve their image

Research shows that many people have negative perceptions about buses but are often pleasantly surprised when they try them. We, as Government, have a role to play in promoting the use of buses, to attract both previous and new users onto buses, working closely with the LTA, bus operators and trade bodies to reverse the decades of decline in customer numbers. To do this, we will support an industry led Back to Bus campaign this year to promote the reformed network and address misconceptions, encouraging people to use the bus. This may include signposting people to apps and websites, targeted local promotions encouraging non-users to give buses a try, such as free day vouchers, try-before-you-buy, refund guarantees if a passenger is dissatisfied and a period of free travel for people who have started new jobs or bought new homes. We will also showcase services focussing on the quality of experience for commuters, including charging points, comfortable seats and other perks.

In popular tourist areas such as the West Country and the national parks, often blighted and congested by too many cars, we want Bus Service Improvement Plans to show how far more will be done to promote buses to visitors, with improved services, easily accessible information, park-and-ride sites and special tickets. Scenic railways, such as the Settle-Carlisle and West Highland lines, are now significant tourist attractions and wealth generators in their own right. We see no reason why several of Britain's equally splendid bus routes should not be marketed in the same way.

## We will give bus passengers more of a voice and a say

Bus Service Improvement Plans must include a passengers' charter giving bus users rights to certain standards of service, including punctuality, vehicle cleanliness, proportion of services operated, information and redress.

We want to see mechanisms for redress at a local level and means to ensure these standards are met, which could include forums such as Bus Advisory Boards being set up. At a national level, we will consult on the appropriate standards and mechanisms by which these can be enforced, and a review of the consumer landscape to determine the appropriate body to supervise them.

We will continue to work with the bus industry to increase awareness of bus passenger rights including those specific to disabled passengers, and how complaints can be made. We will also continue to promote the adoption of best practice in disability awareness training: we will publish the high-level training framework to drive up standards of customer service of drivers and on-board staff who seek to understand passengers' access needs, and who tailor the support they provide accordingly.



Picture: Tees Flex Service

### Tees Valley – Tees Flex Service

The new Tees Flex service, which has been funded by the Tees Valley Mayor and Combined Authority, was introduced in February 2020. It is operated by fully accessible minibus vehicles and caters for on-demand and pre-bookable journeys for residents in more isolated communities across Darlington & Stockton, Hartlepool, and Redcar & Cleveland.

The service has created new links which can now be accessed for the cost of a bus fare and passenger numbers have remained strong even during the COVID-19 outbreak. The service can be easily pre-booked via a smartphone app, website or over the telephone. Passengers can request pick-up and drop-off points within the serviced area, and to destinations including train and bus stations, along with hospitals outside of the area.



## More demand responsive services

In lower-density areas and at less popular times, conventional fixed-route buses can never compete with the attractiveness or flexibility of the car. But now, aided by technology, demand responsive services can – offering a more personal, on-demand service, taking people from their doors or closer to their doors than a regular bus.

Demand responsive services are not a perfect solution to every challenge. Several of the large operators have tried and failed to operate them commercially. They must strike a balance: on the one hand, providing a service which is responsive and frequent enough to be useful and on the other, not running too much mileage, with little environmental advantage over the car or subsidy advantage over conventional buses.

They will never replace frequent urban and inter-urban routes, as too many vehicles would be needed.

But they could be particularly useful to improve provision in the countryside and in the evenings and on Sundays, including serving large workplaces with anti-social hours, such as hospitals, tackling the bugbear of hospital car parking. Because they are more door-to-door, they can overcome the concerns of some users, particularly women, about taking public transport at night.

We have already established a Rural Mobility Fund to trial more demand responsive services and have awarded funding to 17 pilot projects. We will consider expanding this work, including piloting non-rural services. We expect all demand responsive services to be fully integrated with the mainstream network, accepting the same tickets and passes, using the same or similar branding and shown on timetables and journey planning apps and websites. We also expect them to be provided using accessible vehicles, including provision for a wheelchair user.

### On demand bus services in Sevenoaks

In Sevenoaks, Kent, an area with very high car ownership but also high levels of rail commuting, some local bus services have been replaced by demand responsive vehicles during the COVID-19 outbreak, while demand for services has been lower and social distancing in force.

These services have improved passengers' access to buses, which are easily bookable via a smartphone app, so residents can continue to make essential journeys to shops, work and medical facilities at no extra cost beyond a regular bus fare.



Picture: Go Coach



We want to ensure that the needs of rural transport users are given equal consideration to those in urban areas. We have piloted projects targeting rural areas specifically. We are committed to improving the connectivity of isolated rural communities and those with infrequent and unreliable services. We have been seeking views and evidence on what could be incorporated into a Future of Transport: rural strategy. This strategy will set out how innovations and technological developments in transport can be harnessed in rural communities. We want improved rural transport to support economic growth and development in rural communities.

## Rural Mobility Fund

We have awarded funding to 17 pilot projects of this £20m funding scheme: the successful schemes will trial innovative, demand responsive solutions to transport challenges that rural, and suburban, areas often face.

## “Total Transport”<sup>28</sup>

In 2016 we allocated £7.6 million to 37 separate schemes run by 36 local authorities to pilot Total Transport solutions; these were focussed on rural areas. “Total Transport” is about finding ways of commissioning public sector funded transport so that passengers get a better service with less duplication of resources. This can include services like non-emergency patient transport, adult social care transport and home to school transport. Considering all these streams together can allow networks to be designed so they complement each other, reduce administrative overheads by centralising commissioning, and achieve overall cost efficiencies.

## We will support more Bus Rapid Transport networks

Bus Service Improvement Plans should include consideration of Bus Rapid Transit (BRT) networks on key corridors. BRT is a hybrid between bus and light rail, using high-capacity buses on segregated, bus-only roadways with stops more like light rail stations. Unlike light rail, however, buses can leave the segregated busways and use conventional roads. BRT could be a game-changer for bus networks. It can deliver a large proportion of the benefits of rail-based schemes at much lower cost, as demonstrated in schemes such as Cambridgeshire Guided Busway, Belfast Glider and Leigh-Salford-Manchester Busway.

BRT systems feature comfortable vehicles, fast journey times, real time passenger information and high-quality waiting environments. Costs are typically much lower than for rail-based schemes, owing to fewer engineering, planning and land acquisition constraints.

Passenger journey times can be lower than those on rail-based systems due to increased frequencies. In a number of large South American cities, they can carry tens of thousands of passengers per direction, per hour, equivalent to conventional rail lines. Journey times are optimised when travelling on segregated infrastructure. However, buses are able to run on conventional roads and are therefore not constrained by the infrastructure: they can steer around roadworks and are not dependent on the provision of a fully-segregated alignment. The Cambridgeshire system is a good example of mixed operation.

We think Glider-style BRT has great potential, and our ambition is to see the development of proposals for up to five Glider-style systems in England’s towns and cities. We will work with local authorities and operators as local Bus Service Improvement Plans are produced to identify potential locations for system trials. These services could be protected from other competition through bus franchising powers (which are flexible and can cover routes at a local level not just wider geographies) – so they could be tendered like rail or light rail services.



Picture: Translink Glider

## Bus Rapid Transport – Belfast's Glider

Translink's cross-city Glider services are operated by tram-style vehicles, which have three sets of doors on each vehicle for speedy alighting and boarding. The Glider provides an inclusive environment, including separate areas for wheelchair users and passengers with pushchairs, step free boarding and audible and visible stop announcements.

### Key Features:

- Tram style stops with a shelter, benches and perches.
- Dedicated bus lanes throughout the route.
- Real time passenger information at all stops.
- 30% fewer stops than conventional bus, on average 400m apart to improve predictability and reliability of the service.
- Services spaced apart for maximum frequency and reliability, arriving every 7–8 minutes in either direction, so that passengers know they will never have long to wait.
- Additional facilities at the terminus, including a waiting room with seating and toilets.
- Sheltered bike storage to encourage cycling and free parking for cars to encourage park & ride into the city centre.
- Priority road maintenance – ensuring a high quality of surface for the bus lanes and improving drainage all along the route.

**Construction costs for Bus Rapid Transit systems, such as Glider, are typically at least 50% lower than traditional light rail/tram schemes.**

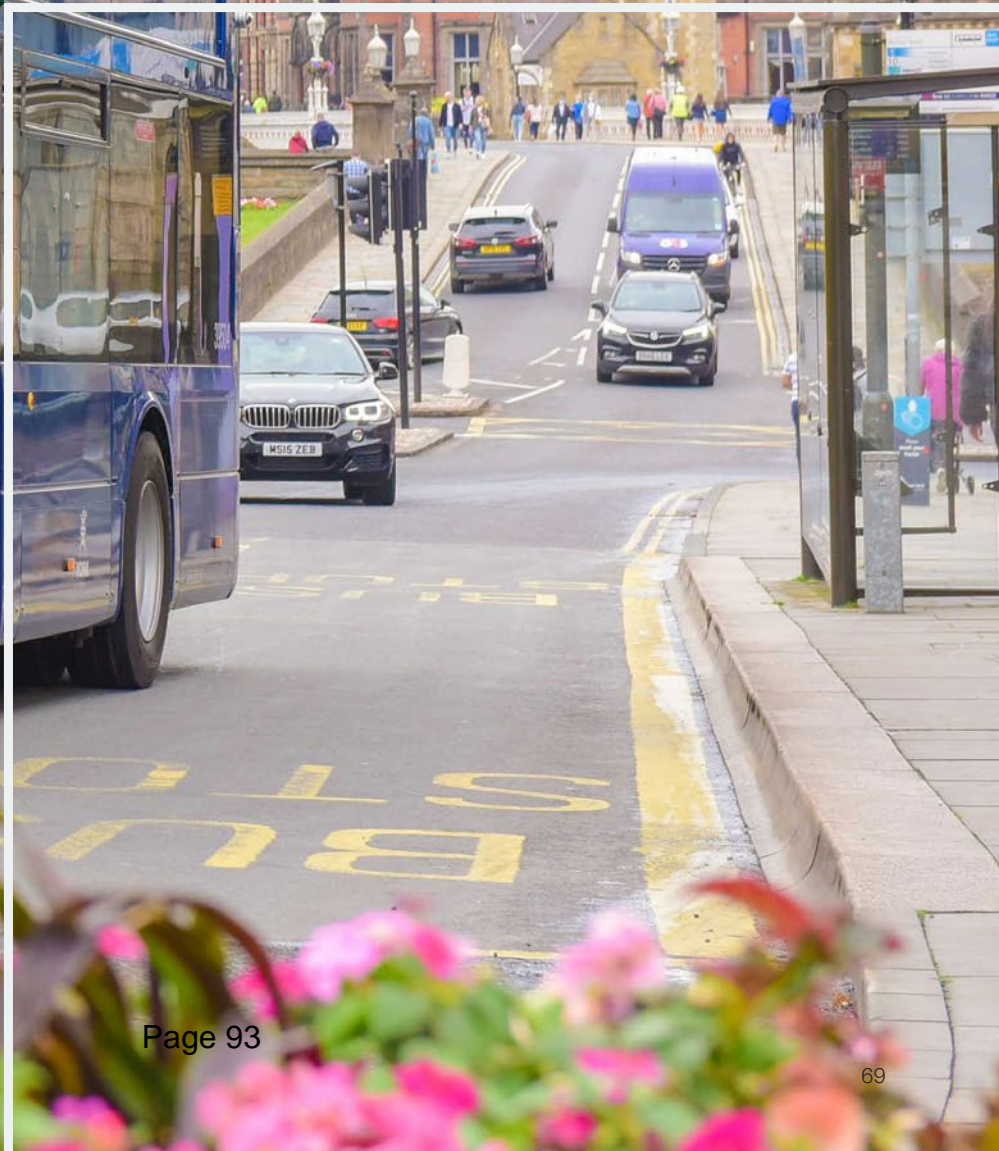


# 5

## Chapter 5

# A green bus revolution







**The UK has one of the most ambitious approaches in the world to achieving net zero by 2050. Our Transport Decarbonisation Plan (to be published shortly) will set out measures to help achieve this, with significant local air quality improvements preventing thousands of early deaths each year.**







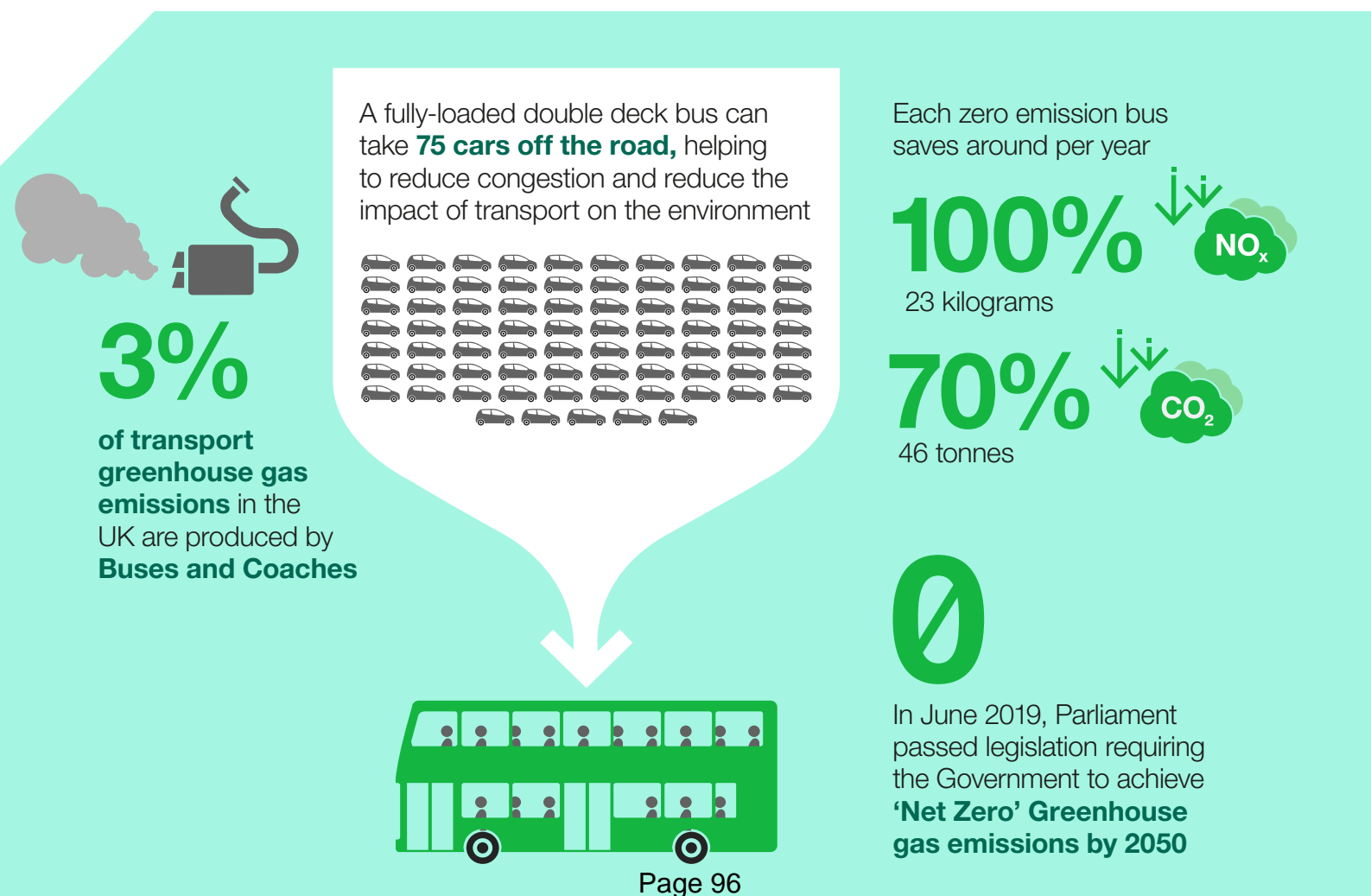
Zero emission bus services, that meet the needs of passengers and communities, and attract passengers from other forms of transport, are at the heart of our plans.

New vehicles offer more than environmental benefits – with more comfortable journeys and a reduction in vehicle noise and vibration they provide an opportunity to attract new users. The added incentive is that we expect that zero emission buses will achieve operating cost savings in the longer term, which can be reinvested in more frequent services, lower fares and other improvements for passengers.

## Where we are

UK bus operators have invested over £1.3bn in cleaner and greener buses over the last five years, supported by £89m funding through the Government's Low and Ultra-Low Emission bus schemes\*. However, there is much more to do. The majority of these vehicles are hybrid or gas-powered and only around 2% of England's bus fleet is fully zero emission today<sup>29</sup>. This represents 4% of London's fleet and 1% of the fleet in England outside of London<sup>30</sup>

Bus operators share our ambitions to achieve a zero emission bus fleet. Many have committed to purchase only ultra-low or zero emission buses from 2025, and to start this process by 2023 in some urban areas, if there is continued Government support towards the extra purchase and fuel infrastructure costs<sup>31</sup>.



## The Roadmap to Net Zero Bus Services

Five principles underpin our roadmap to a zero emission fleet. They are:

- We will consider all technologies fairly, assessing their cost, contribution to decarbonisation and utility.
- We will provide the financial support and incentives needed for the market to scale up quickly.
- We will take a place-based approach to investment wherever appropriate.
- Both operators and LTAs must play their part.
- We will ensure our plans for buses lead to overall carbon reductions.

### We will consider all technologies fairly

Zero-emission buses can run on electric batteries or hydrogen fuel-cells. Battery-electric has dominated zero emission bus purchases to date, but both technologies have strengths in different circumstances. On current technology, battery-electric is a more efficient user of energy, but hydrogen can lend itself better to longer journeys in rural areas. We will consider all technologies fairly and our ambition is that:

- Fuel must be green: in the future we want to see carbon-free fuel being used;
- Zero emission first: low or ultra-low emission vehicles should only be purchased where a zero emission vehicle is not a viable operational alternative.

We also understand that local decarbonisation roadmaps may include transitional technologies such as biofuels and hybrids, which can help support decarbonisation of fleets while zero emission technology develops its capability.

This work will be aligned to the consultation on the date for the phase out on the sale of diesel buses. See page 75.

### We will provide the financial support to scale up quickly

The high upfront capital costs of vehicles and energy infrastructure can act as a barrier to the rapid adoption of new zero emission buses. In the short term we will play our part by providing funding to address this challenge.

We will support the market to scale up by:

- giving the certainty to create a sustained pipeline of vehicle orders, allowing British bus manufacturers to invest, production volumes to increase and the costs of vehicles to fall.
- ensuring that we support new funding and financing models needed to deliver our ambition, including new types of vehicle leasing and maintenance arrangements, as part of a vibrant financing strategy.

As a first step we will invest an unprecedented £120m in zero emission buses in 2021/22. This is in addition to £50m from 2020/21 to deliver the first All-Electric Bus Town or City.

It will also launch the Zero Emission Bus Regional Area (ZEBRA) scheme, bringing together LTAs, bus operators, energy companies and other stakeholders to develop financial and commercial models of delivering zero emission buses at scale, with government and non-government funding.

Based on experience in these pathfinder areas, we will then scale up to deliver the Prime Minister's commitment to 4,000 new zero emission buses. This unprecedented investment, the single biggest of its kind for zero emission buses, will also help safeguard thousands of jobs in Britain's bus manufacturing industry.

We are clear that our support must focus on green vehicles and as such Government funding will not incentivise the continued use of diesel buses. As a principle, our reform of grant funding for bus services\* will ensure it is no longer paid on the basis of fuel used and instead will incentivise the take up of zero emission vehicles.

## **We will take a place-based approach to investment wherever appropriate**

De-carbonising the bus fleet requires investment in both fuelling infrastructure and vehicles. Taking an area-based approach to infrastructure investment allows more innovative solutions to be considered – such as:

- allowing for more effective land use and spatial planning;
- adopting plans to address local issues such as air quality; and
- utilising the technology solutions that work for the economies and topography of the area.

This approach allows a more strategic approach to energy networks which can provide longer term savings.

The All-Electric Bus Town or City competition demonstrated significant interest across England in rolling out zero emission buses quickly and at scale. The Department expect to announce funding for the first All Electric Bus Town or City by the end of 2020/21.

We will build on existing interest to identify locations that are ready this year deliver hundreds more zero emission buses. This will utilise the £120m announced at the Spending Review for the roll-out of zero emission buses. To drive forward our ambitions, we will learn from this early investment to inform models that will support scaling up of investment, exploring private financing and leasing options. This aligns with the work on the UK Government's new national infrastructure bank.

As we committed in “Gear Change” we will create at least one zero emission city. We are looking for at least one small or medium-sized city which wants to create a zero emission transport system, with extensive bike lanes, a zero emission bus fleet, and a ban on nearly all petrol and diesel vehicles in the city centre, with deliveries made to consolidation hubs and the last mile being done by cargo bike or electric van.

We will shortly announce details of the ZEBRA scheme and how this can be part of local areas' decarbonisation plans.

### **Both operators and LTAs must play their part**

We expect decisions on the local transition to zero emission fleets to be taken collaboratively through local bus partnerships.

Local authorities:

- will have expectations for the outcomes they want to see and when;
- will work with energy providers to integrate the needs of buses into wider fuel infrastructure plans and identify best energy provision solutions; and
- may play a central part in funding and financing arrangements.

Bus operators:

- should always take the lead in specifying the technical requirements for vehicles – ensuring that they meet passengers' needs;
- should develop an understanding of the energy requirements of decarbonising their fleet so that the best energy provision solutions can be identified; and
- will often provide or secure the majority of the investment required.



## **We will ensure our plans for buses lead to overall carbon reductions**

We are committed to achieving an all zero emission bus fleet in the future and will set a legal end date for the sale of new diesel buses, and set an expectation for when the entire bus fleet will be zero emission. We will consult on potential dates this year. A key factor will be ensuring these ambitions do not make bus services more expensive to operate overall, otherwise fares will rise or services will be cut – potentially leading to greater overall carbon emissions as more journeys are made by car.

At a local level we will expect every LTA that wishes to receive funding from the Department for local transport projects to develop ambitious strategies, targets and measures for cutting carbon from transport in their area. We will expect all LTAs to work with bus operators and energy providers to include ambitions to decarbonise the local bus fleet in their Bus Service Improvement Plans. We want to see local standards for zero emissions set in partnership and franchising schemes ensuring that commitments to invest are delivered.

## **Bus2Grid – An example of a smart charging approach**

In January 2018, the Office for Low Emission Vehicles and the Department for Business, Energy and Industrial Strategy awarded almost £30 million, through an Innovate UK vehicle-to-grid programme, where electric vehicles can supply electricity to the grid at times of high energy demand.

Bus2Grid is part of this programme and is exploring the commercial value and social benefits to the energy and passenger transportation systems. The project will develop services to support National Grid, local Distribution Network Operators (DNOs), bus operators and transport authorities and at the same time will consider bus fleet consumer engagement approaches necessary for its commercial implementation. Bus2Grid claims to be developing the “world’s largest bus to grid site” and is bolstered by a diverse project consortium, including: SSE Enterprise, automotive manufacturer Build Your Dreams (BYD), the Distribution Network Operator UK Power Networks (UKPN) and the University of Leeds.

The project is a first of a kind large scale, multi-megawatt, demonstration of vehicle-to-grid technology in electric bus depots located in London. This process is managed by an aggregation platform that enables the 28 e-bus batteries to interact with the energy system by charging or exporting energy to support the grid in times of high energy demand.

Appendix

# COVID recovery 2021–22

I wear this to  
protect you.

Please wear yours  
to protect me.

Verings help keep  
public transport.

STAY ALERT  
CONTROL  
THE VIRUS  
SAVE LIVES





In March 2020, the COVID-19 pandemic had the potential to severely impact and reduce the bus network. Both the request to travel less and the new social distancing requirements posed significant questions of viability on the bus network across the country. During the first lockdown, passenger numbers fell to approximately 10% of those before the pandemic<sup>32</sup> However, through the joint efforts of Local Transport Authorities (LTAs), bus operators and central government, vital bus services were supported, enabling frontline workers to get to their jobs, children to return to education and the public to make the essential journeys needed.

To support this effort, the Government has provided an unprecedented amount of support for the bus sector. Through the discretionary COVID-19 Bus Services Support Grant (CBSSG) Restart, and by continuing to pay out Bus Service Operators Grant (BSOG) at pre-COVID-19 levels, the Government had announced over £1 billion of support by the end of 2020. This has been essential to keep bus services running when, with reduced capacity due to social distancing, the vast majority of buses would otherwise have operated at a loss or would have stopped running entirely.

The efforts of LTAs and bus operators were also substantial over the year. Together, they have worked flexibly to adapt service levels to work for their local areas, adapted to the challenge of children returning to school in September, and worked to manage sickness absence and conduct winter planning. This, combined with the continued concessionary fare funding support from local government, has been central to the transport response to the pandemic. We will build on these successful partnerships to drive not only recovery of the sector but also to improve services for passengers and bring more people onto buses.

## CBSSG Restart

We will continue to provide CBSSG until the funding is no longer needed. To ensure services remain responsive to local demand whilst ensuring social distancing requirements are met, all operators receiving CBSSG are expected to continue to work closely with LTAs to agree service levels.

Local collaboration is a key tenet of this emergency funding. As a condition of receiving CBSSG, DfT can ask operators to demonstrate on request that consultations on service levels have taken place, and that reasonable requests from LTAs for service changes have been considered in good faith. DfT can deny or recover CBSSG payments from operators who have not engaged adequately with LTAs. From 1 July 2021, CBSSG and future funding streams will be available only to LTAs, outside of London, who have committed to entering Enhanced Partnerships or who have started the statutory process of franchising services, as set out in the Bus Services Act 2017; and to operators who are cooperating with those processes.

We also expect operators to run cost-effective services which are delivering value to the local area. As CBSSG has provided financial support for operators that have lost passenger revenue as a result of reduced demand, operators cannot achieve pre-tax profits on their bus services in receipt of CBSSG.

Over the coming months, we will be reviewing the terms and conditions of CBSSG to begin to rapidly deliver the policies set out in this strategy. Initially, we will be using this funding to drive the roll-out of contactless ticketing machines. However, we will also look at how we can encourage engagement on the rest of the strategy, including strengthening the role of LTAs in decisions on the services needed.

We will continue to provide CBSSG as long as necessary. Passenger numbers are likely to remain depressed for some time as confidence in public transport returns and new travel patterns bed-in. Further funding (outside of London) will only be available to LTAs who have committed to entering Enhanced Partnerships, and operators who cooperate with the process. It will also be available to LTAs that have started the statutory process towards franchising, or which have applied to the DfT for powers to do so.

This provides LTAs and operators with a significant opportunity. As service patterns and networks are reset, there is no better time to simplify fares and ticketing or address the traffic bottlenecks which can reduce operating costs on key routes.

What is needed during 2021–22 will be agreed locally, but we expect LTAs and operators to continue to work together to:

- maximise the number of services provided, supporting them and re-growing the customer base;
- prevent a scaling back of services to just the most profitable routes: focusing on the entire network and planning for the longer term;
- work towards agreeing the Bus Services Improvement Plans needed for October 2021 (see Chapter 3);
- ensure bus services meet the changing needs of local communities and do not change suddenly or unexpectedly;
- explore innovative approaches such as demand responsive transport; and
- deliver noticeable improvements for passengers, particularly around bus priority measures, information provision, fares and ticketing.

Funding will be used to achieve the objectives in this strategy, including bus priority measures in areas of high traffic stress, tendered services, support for existing services or set payments to operators similar to CBSSG Restart funding. We expect the majority of the funding will be used to support services, though the funding is not designed to replicate CBSSG and we understand operators and LTAs may need to make difficult decisions about the network they continue to run. Further information will be published once we have greater certainty about any follow-on funding and have confirmed how this will be delivered. Once Bus Service Improvement Plans are in place then the LTA must ensure it is clear how any funding drives delivery of these plans.

We want to see the commitment to these partnerships realised. From April 2022, only LTAs with an Enhanced Partnership in place, or following the statutory process to decide whether to implement a franchising scheme, will be able to access new streams of Government bus funding; and only services operated, or measures taken, under Enhanced Partnerships or where a franchising scheme has been made will be eligible for these discretionary funding schemes. The Secretary of State may disapply these rules or the deadline of April 2022 in individual cases, on an exceptional basis; we will also ensure that no operator is disadvantaged through any failure to establish an Enhanced Partnership due to actions beyond their control.



## Concessionary fares funding

Throughout the COVID-19 pandemic the continued contribution from local authorities to support the bus network in the form of English National Concessionary Travel Scheme payments has ensured that, along with our CBSSG funding, buses have continued to operate full networks and support essential journeys. The vast majority of local authorities have continued to use their pre-existing budgets to pay concessionary fares at pre-COVID levels, despite the significant fall in concessionary travel which has supported operators to maintain routes and service levels. As the pandemic response continues, we are asking local authorities to continue to make these payments in line with the guidance we have issued and we will be laying a statutory instrument to support them to do so, to explicitly strengthen the legal basis for these payments.

Further to this, however, we also expect that once social distancing rules are relaxed, local authority funding to operators will need to remain above the actual level of concessionary patronage for a period of time, in order to protect services and maintain sufficient service levels. While the bus market is recovering, we will still look to Local Authorities to contribute to the operation of their bus markets, though to a decreasing extent. We are working with Local Authority organisations, through the Urban Transport Group, the Association of Transport Coordination Officers, the Association of Directors of Environment, Economy, Planning & Transport and the Local Government Association, and with bus operators, through the Confederation of Passenger Transport and the Association of Local Bus Company Managers, to develop how best we can re-establish the link between concessionary journeys and concessionary fares payments as quickly as possible.

In doing so, we want to ensure that we do so in such a way that concessionary fare payments work effectively for local authorities and bus operators. To this end, we will be reviewing how these payments will work in this recovery period. We will also review the current appeals process, reimbursement guidance and, by extension, the reimbursement calculator, following the impact of COVID-19 on travel patterns.

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# The Bus Services Act 2017

## Enhanced Partnerships

### Guidance

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# Enhanced Partnerships Guidance

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# 1. Introduction

- 1.1 This document provides guidance on the key elements of the new Enhanced Partnership (EP) schemes which can be made by local transport authorities in England. It is intended for (a) authorities and operators wishing to establish a new partnership arrangement; and (b) for partnership agreements made under the legislation set out in the Bus Services Act 2017 (the 2017 Act) that subsequently need changing or revoking, in whole or in part.
- 1.2 An EP is an agreement between a local transport authority (LTA) and local bus operators to work together to improve local bus services. It includes a clear vision of the improvements that the EP is aiming for (known as an EP plan) and accompanying actions to achieve them (set out in one of more EP schemes). The local transport authority has formal responsibility for making the scheme, but at set points in the process they can only proceed with their proposals if they have the support of a defined proportion of local bus operators.
- 1.3 The 2017 Act allows individual partnerships to tailor their schemes to meet local needs. Therefore, we do not wish this document to fetter that flexibility by providing content on areas where it should be for local partnerships to determine their own policies and how these are to be pursued. Getting the balance right is crucial and we will monitor the use of this guidance and how individual partnerships are developed and implemented 'on the ground' to ensure that it provides the right level of guidance, is pitched in the right way and remains fit for purpose.
- 1.4 Please also bear in mind that the new EP legislation was inserted into the Transport Act 2000 (the 2000 Act) by the 2017 Act. So, for example, section 9 of the 2017 Act inserted sections 138A-138S into the 2000 Act. For ease of understanding, we provide both references to both Acts in this guidance.
- 1.5 This document includes two different types of guidance:
  - Informal guidance which seeks to explain how the new provisions introduced through the 2017 Act work in practice and offer some practical suggestions as to their application. This Informal guidance is shown in normal type font in this document. It has no formal legal status and there is no statutory requirement for a local authority to have regard to it. It may however reference requirements which are themselves set out in legislation (such as requirements to follow a particular process or to consult); and
  - Statutory guidance to which a local authority must have regard in exercising relevant functions. Statutory guidance is shown in underlined font in this document. It is issued under section 138R(1) of the 2000 Act (as inserted by the 2017 Act).



## 2. Informal discussion on the viability of an Enhanced Partnership

- 2.1 This section provides operators and authorities with advice on how to start discussions about a potential EP arrangement.
- 2.2 Before any formal processes are embarked upon, the authority (or authorities) and operators that run services in the geographical area that it is being considered for an EP should hold informal discussions on whether an EP is viable in this area.
- 2.3 Whilst the formal legislative processes are led by the authority, there is nothing to prevent an operator or group of operators from approaching the authority seeking informal discussions about whether an EP is worth pursuing. At this stage, none of the parties involved are committing themselves to partnership. It is just an informal discussion.
- 2.4 In these initial discussions the authority (or authorities) and operators should consider whether a formal partnership is the most appropriate way to improve local services, or whether what the authority and the bus operators wish to jointly achieve can be done through a voluntary agreement. A voluntary agreement may be able to deliver change more quickly.
- 2.5 Each authority, or authorities acting jointly (if there is more than one), considering an EP should explore with relevant operators how an EP can improve bus services in that area. We would also expect the authority and operators to seek informal views from a wider set of stakeholders at this informal stage – such as passenger groups, community transport operators and representatives of local businesses.
- 2.6 The key aim is to facilitate a shared understanding between the authority and operators of:
- the contribution that buses can play in meeting the needs of the local area;
  - the factors that can affect how, and to what extent, local people use bus services; and
  - what a formal bus partnership might achieve.
- 2.7 The discussion areas are entirely up to the parties involved to decide but they should at least include a realistic assessment of how bus services can be improved. The discussion might also include consideration of issues such as:
- how all parties wish to see people using the bus network in the future;
  - identifying planned housing or business development that could affect how people travel around the area;
  - existing and future pressures on the road network;
  - air quality or other environmental challenges;
  - what bus priority measures could be beneficial;

- how bus services could be promoted and marketed;
- how ticketing changes might help; and
- the high level financial and commercial implications of potential options (such as the impact of congestion on the costs of maintaining services, and the resources that improving bus journey speeds could release for operators).

- 2.8 It is also helpful to use available and accurate data to help formulate plans. For example, vehicle location, or journey time data can be very useful in identifying congestion hotspots where, for example, bus priority measures might be helpful.
- 2.9 These early informal discussions are vital, as they will allow authorities and operators to form a view on what is likely to be collectively deliverable under an EP within an informal environment and before any commitment is made to an EP. The discussions should not be used to agree the full details of an EP before the formal processes are commenced. If it is clear from these informal discussions that there is very little agreement between the authority and operators, or there is very little trust or appetite for partnership working between the parties, then an EP is probably not appropriate for that area.
- 2.10 When considering any type of partnership, voluntary or one that is underpinned by legislation, LTAs must consider competition issues. This is not simply to ensure compliance with Competition Law, it is also to preserve as far as possible the passenger benefits of lower fares, quality services and innovation that competition between operators will help foster.

### 3. Formal discussion of an Enhanced Partnership

- 3.1 It is important to bear in mind that even when formal processes begin, the development of an EP is still very much a negotiation between the authority and operators. This is because, under the formal EP processes, neither side has overall control. Although, under the legislation, the authority ‘makes’ the EP, they cannot do so in isolation without the agreement of a defined number of relevant operators<sup>1</sup>. So an EP is in practice a joint proposal. – both the authority *and* a defined proportion of operators must agree to it (i.e. not object) for the EP to go ahead. This may mean that policies important to one side but not to the other may need to be modified or abandoned in order to maintain progress. Flexibility and compromise will be key to achieving agreement between the parties.
- 3.2 It is worth stressing at this point that any commitments made by the authority or by bus operators once a formal EP is ‘made’ are legally binding. An authority that does not fulfil its obligations can face legal action by the bus operators in the courts. Likewise an operator not meeting service standards could be in breach of its local bus service registration and can face registrations being cancelled and/or wider action by a traffic commissioner.
- 3.3 Authorities are under a legal obligation to consider whether it would be appropriate to make an EP jointly with one or more other local transport authority or authorities<sup>2</sup>. These authorities also have a duty under the Act to co-operate with each other<sup>3</sup>.
- 3.4 As with the existing partnership regime, EP arrangements are subject to the competition test in Schedule 10 of the 2000 Act. The LTA will need to satisfy itself that the harm to consumers resulting from a reduction in open competition as a result of an EP is balanced by the benefits it will bring to passengers. See section 9 for further information about competition issues.

#### Notice of Intention and Invitation to Participate

Once informal discussions have taken place and there is general agreement that an EP proposal is worth pursuing, the formal legal processes can begin. It is an important legal requirement that an authority embarking on drafting an EP plan and scheme gives formal notice of its intention to prepare an EP and invites all the local bus operators to participate in that process<sup>4</sup> *before* they start to prepare the plan and scheme. The authority's notice of intention to prepare an EP plan and scheme should set out the geographical area which it is envisaged that the EP plan could cover

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<sup>1</sup> Guidance about the operator objection process is set out in section 5.

<sup>2</sup> Section 138A(14) of the 2000 Act/section 9 of the 2017 Act

<sup>3</sup> Section 138A(13) of the 2000 Act/section 9 of the 2017 Act

<sup>4</sup> Section 138F of the 2000 Act/section 9 of the 2017 Act



(although this can be modified later) and include a contact point at the authority for further information. If an authority is unsure of what geographical area to include at this stage we recommend including the entirety of the authority's area - as this links to the powers to request information set out elsewhere in this guidance.

Geographical areas can also be very specific - e.g. only covering a new housing development to ensure that bus services serving it operate at even frequencies and meet certain standards. Stagecoach have produced a guide 'Bus Services and New Residential Developments'<sup>5</sup> on how bus services can better be integrated with new housing.

- 3.5 It is up to the authority to decide how they give notice of their intention to prepare a plan and scheme. They may choose to do so via their website or local newspapers, for example. The notice should, however, be drawn to the attention of all local operators running services within or into the proposed geographical area of the EP and an invitation to participate in the development of the EP should be sent to the address that is listed on the PSV operator's licence of each operator concerned.
- 3.6 Operators of services that enter the plan and scheme area whilst the proposals are being considered will also have to be invited to participate. The involvement of local bus operators early on in the process is vital in determining what is likely to be deliverable and supported at a later stage.
- 3.7 There is no obligation on operators to participate in the development of an EP, but the authority must ensure that all operators who may be affected are kept informed of the progress of those discussions in terms of outcomes and given an opportunity to take part in the discussions at any point. The invitation should make clear that any requirements imposed by the EP will apply to all affected operators of local bus services whether they have participated in the development of an EP or not.
- 3.8 Once notice has been given and invitations to participate have been issued, formal discussions between authorities and local bus service operators can commence on the content of an EP. These discussions will build and expand upon the informal discussions and enable the parties to form a view of what improvements could or should be delivered through an EP. This is likely to involve making buses a more attractive proposition for the travelling public, devising steps to relieve congestion and action to achieve growth in the market for bus services. The discussions should acknowledge that many of the service standards imposed by an EP will be paid for by operators who will be seeking to ensure that any EP proposal will deliver tangible benefits to those businesses that would justify their future investment.
- 3.9 Other stakeholders such as passenger groups should also be involved at this stage to ensure that the EP package that goes forward to the next stage is likely to deliver the outcomes that are expected. The scale of stakeholder participation should reflect the size and ambition of the proposals. A small-scale EP in, say, a small market town involving a few proposals is unlikely to require large-scale stakeholder engagement and governance. However, an EP covering the whole or large parts of a city is a different matter. This is likely to involve many different stakeholders and needs governance structures that can support it.
- 3.10 In these circumstances we would advocate creating a board to oversee work on the EP made up of the authority, bus operators, representatives of passenger groups, local businesses, the Local Enterprise Partnership and local authorities whose areas would neighbour any proposed scheme. Only the operators and authority will be able to determine whether the EP goes forward – but this does not prevent or exclude

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<sup>5</sup> <http://www.stagecoach.com/~media/Files/S/Stagecoach-Group/Attachments/pdf/bus-services-and-new-residential-developments.pdf>

others on the board from contributing to the development of the proposals. It may also be desirable for the board to have an independent chair, or arrangements for the chair to rotate between key stakeholders or between the operators and the authority. What is important is that those discussions should be open, honest and productive.

- 3.11 These discussions can be informed by information provided by operators, either on a statutory or voluntary basis. Further details on the statutory powers to obtain information are at paragraphs 4.9-4.17 below.

## 4. The EP plan and scheme(s)

- 4.1 This section of the guidance is designed to assist operators and local transport authorities in developing the content of EP plans and scheme(s).

### What are the plan and scheme(s)?

- 4.2 Once authorities and relevant bus operators have held formal discussions on the proposed content of an EP, the next step is to draft the formal documentation. This comprises:
- an EP plan - which is a high level vision and objectives for bus services in the local area (see paragraphs 4.3-4.5); and
  - one or more EP scheme(s) - which set out the detail of how the vision and objectives will be achieved, including any commitments made by the local authority or standards to be met by bus operators (see paragraphs 4.5-4.7)

### EP plans

- 4.3 The EP plan is the high-level strategic document that sets the bus network in the EP area into context<sup>6</sup>. There are a number of specific things that the plan must cover. These are:
- the geographical area covered by the EP plan;
  - the period to which the plan relates;
  - whether the plan is to be reviewed and, if so, how and when that is to happen;
  - an analysis of local bus services;
  - the objectives of the plan – in terms of how it will improve the quality and effectiveness of local bus services in the EP area;
  - what policies regarding local bus services will be pursued in the EP area;
  - how the related EP scheme(s) are intended to assist in implementing the policies and achieving the objectives set out in the plan;
  - the intended effect of the EP scheme(s) on neighbouring areas that are outside the plan area; and
  - the authority's plans for consulting passenger groups on how well the plan and scheme(s) are working.
- 4.4 These are all high-level requirements and the plan can interpret them as widely as the partnership considers necessary. It can include for example:

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<sup>6</sup> Section 138A of the 2000 Act/ section 9 of the 2017 Act



- targets for bus usage, journey times, or connectivity – the key here is that any targets should be assessed using existing available data or data that the partnership agrees it can compile;
- the strategic issues that, in the opinion of the EP stakeholders, are relevant to the future provision of local bus services. (such as the retail, business and housing developments that are likely to change the flow of people and their transport demands over the life of the plan, local economic growth objectives or air quality challenges);
- the local and central Government investment that is likely, or has the potential to be, available. This can include funding which is specifically available to improve or support bus services, as well as wider funding such as that for new housing (including developer contributions) or transport infrastructure; and
- the aspirations of local transport providers – how they would wish to see the local bus market develop over time and how an EP can contribute to that.

#### 4.5 In meeting the statutory requirements an EP plan should include at least include:

- a map of the geographical area it covers;
- all the relevant factors that the parties consider will affect, or have the potential to affect, the local bus market over the life of the plan;
- a summary of any available information on passengers' experiences of using bus services in the area and the priorities of users and non-users for improving them;
- a summary of any available data on trends in bus journey speeds and the impact of congestion on local bus services;
- what outcomes need to be delivered to improve local bus services in the plan area; and
- what overall interventions the partnership believes need to be taken to deliver those outcomes.

### **EP schemes**

4.6 The EP plan cannot exist on its own. There must always also be one or more related EP scheme(s) as well. An EP scheme<sup>7</sup> sets out requirements in relation to local bus services and actions to be taken by the local authority to deliver some or all of the policies and objectives in the EP plan. Again, it is important to emphasise that these elements must be formally agreed by both the authority (who decide whether to 'make' the scheme) and the majority of bus operators through the operator objection mechanism. Neither side can impose them unilaterally.

4.7 Under section 138A and 138H of the 2000 Act, a scheme must state<sup>8</sup>:

- the area to which it relates;
- the requirements imposed on local bus services under it;
- whether the operation of the scheme is to be reviewed and, if so, how and by which dates;
- the date on which it is to come into operation; and

<sup>7</sup> For scheme, also read schemes – as an individual plan can have more than one scheme.

<sup>8</sup> Section 138A and 138H were inserted by section 9 of the 2017 Act.

- the period for which it is to remain in operation.

#### 4.8 The Act provides that the scheme must :

- specify the 'facilities' (if any) that are to be provided by the authority (and the date from which they are to be provided if it is not the date when the scheme comes into operation);
- specify the 'measures' (if any) that are to be taken by the authority (and the date from which they are to be provided if it is not the date when the scheme comes into operation); and
- include provision (if any) about its variation or revocation (including any dates on which they come into force or cease to apply);

## Provision of information

4.9 It is essential that when developing a plan and scheme(s) that the partnership has access to comprehensive information about the existing bus network. The 2017 Act and Regulations made under it<sup>9</sup> therefore enable the authority to obtain information about local bus services that operate either within or into the area. Area means the geographical area of the proposed EP as described in the initial notice of the intention to prepare a plan and scheme. The area could cover anything from a single route right up to the geographical area of the LTA or LTAs involved. Remember that the initial geographical area of an EP is not set in stone at this stage. It might be that the proposed area of the EP will grow or shrink in response to the information provided. If it grows, the LTA can submit a further request for information in the expanded area. However, to avoid repeated requests for information, we would advise LTAs to put in the notice and seek information on the largest geographical area that could realistically be covered by an EP. That should help capture all the relevant information likely to be required in one go and will cause less extra work if the area needs to be reduced or amended later on.

4.10 Authorities should not use these powers lightly and should only request information which is directly relevant to the work being undertaken on the EP and which they believe that they do not already hold. They should engage proactively with local bus operators before and throughout the information request process to understand the ways in which operators hold the relevant information and how long it may take to collate and provide. Any concerns expressed by local bus operators about the scope of the information requested should be considered carefully.

4.11 The words in bold letters in each bullet point below set out the type of information that may be requested under the Schedule to the information Regulations<sup>10</sup>. The guidance on what this may include is in normal text.

- **How and when a local service operated by an operator is used by passengers.** This can include, if available, patronage data broken down by for example, age or gender. It can also include such data broken down by time of day, time of year, or on a daily basis; how and when the local service is likely to be used by passengers once the EP plan or scheme has been made or, as the case may be, varied. This can include, for example, any analysis or forecasts that

<sup>9</sup> Section 143B of the 2000 Act as inserted by section 10 of the 2017 Act and the Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017.

<sup>10</sup> The Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017.

an individual operator may have undertaken on the effects of an EP plan or scheme once implemented or varied after implementation.

- **The structure of fares for journeys on the local service.** This enables the authority to request comprehensive information on the structure of fares on local bus services within or entering into the authority's geographical area.
- **The types of tickets used by passengers, and by particular types of passenger, on the local service.** This enables the authority to get a complete picture of the current ticket usage on all or selected local bus services in their geographical area.
- **The time taken for journeys, and parts of journeys, on the local service including information about adherence to timetables at all times or at certain times of the day.** Reliability and journey time are two important factors that influence whether and how often people use bus services. Therefore, it is important that the authority can obtain a complete picture of how local bus services are performing 'on the ground'.
- **The total distance, in miles or kilometres, covered by all vehicles used by the operator in operating qualifying local services in the area.** This enables the authority to request both registered and operated mileage so, for example, the authority can calculate registered mileage and therefore market share for use in the operator objection mechanism (see section 5 of this document), but it can also be used for other purposes as well, such as to get a picture of total service provision.
- **The vehicles used on local bus services, including information about the age of those vehicles, emissions and types of fuel or power.** This will enable the authority to obtain a complete picture of all the vehicles operated on local services in their geographical area.
- **The result of any activities undertaken with a view to promoting increased passenger use of the local service.** This would include information on, say, any promotional activities undertaken by the operator at any time prior to the request being made, and information on any outcomes, such as the effect on patronage; and
- **The particulars of a local service's registration under section 6 of the Transport Act 1985.** This information could, for example, be useful if the authority intends (or is required) to take over the registration function from the traffic commissioner.

4.12 It should be noted that the authority has *no* power to request revenue information from operators in relation to EP plans and schemes. These powers also only relate to information which operators already hold. They cannot be used to force individual operators to produce any new analysis - it is only a power to request any analysis that may have been undertaken before the request was made.

4.13 Information may be requested in any form in which it is reasonable to expect it to be provided, taking into account the manner in which it is kept. The authority can also specify when the information should be provided, but again, this must be within a reasonable time period. The authority must inform a traffic commissioner of any operator failing to take reasonable steps to comply with information requests. The



traffic commissioners have powers to take action against operators who have failed to comply with a request for information<sup>11</sup>.

4.14 The authority may only use the information provided for the purposes for which it was obtained. Where it is necessary for reasons relating to the EP, the authority may share the obtained information with :

- a local transport authority;
- the Secretary of State for Transport;
- a Metropolitan District Council; and/or
- anyone providing services to any of the above, such as a consultant (including anyone providing services to the authority who obtained the information).

4.15 It is possible that some of the information obtained will be commercially sensitive. The authority should therefore seek to aggregate information it obtains where possible and appropriate - given the nature of the work being undertaken on the EP scheme - and put in place measures to avoid inadvertently disclosing any commercially sensitive information provided by a bus operator. If an operator can demonstrate that certain information they provide is commercially sensitive, authorities should also look favourably upon any request from the operator concerned for a confidentiality or non-disclosure agreement. Authorities should also consider carefully what confidentiality agreements may be needed if information is shared with another body as described at paragraph 4.14 above.

4.16 Information obtained using these powers must not be disclosed if it is information that the authority would refuse to disclose in response to a request under the Freedom of Information Act 2000 in reliance on provisions in the Freedom of Information Act 2000<sup>12</sup> that exempt disclosure of:

- personal information;
- information provided in confidence;
- information subject to legal professional privilege;
- Information of commercial interest.

4.17 However, these restrictions do not prevent it being shared as set out at paragraph 4.16 above, or disclosed:

- If it is personal information and the person concerned has consented to its disclosure;
- in connection with crime investigation, criminal proceedings or civil action under the 2017 Act or the Transport Act 1985;
- to comply with a court or tribunal order; and/or
- to comply with a legal requirement.

## Requirements of an authority under a scheme

4.18 An EP scheme does not have to contain commitments by a local authority. But it is highly unlikely that it will receive support from a sufficient proportion of local bus

<sup>11</sup> Section 155(1ZD) of the 2000 Act inserted by paragraph 6(5) of Schedule 4 to the 2017 Act

<sup>12</sup> See sections 40,41,42 and 43 of the Freedom of Information Act 2000

operators (under the operator objection mechanism described in section 5 of this document) unless it does so.

4.19 The scheme may require an authority to:

- provide particular facilities; and/or
- take particular measures.

## Facilities

4.20 These are physical assets that are provided at specific locations along particular routes (or parts of routes) within the scheme area – such as new or improved bus stops or other passenger waiting facilities or new or improved bus stops with built up kerbs – which the authority agrees to provide<sup>13</sup>. They can also include new or improved bus priority measures – such as bus lanes, equipment to give buses priority at junctions, enforced clearways or new ‘buses only’ sections of road. The Act provides complete flexibility over what this package should look like - but, unlike the former statutory quality partnership powers, does not require the authority to provide ‘facilities’ as part of the EP proposals. It is entirely optional.

4.21 The only restriction on facilities and the ‘measures’ outlined below is that they must not include facilities that the authority would provide as part of its duty to obtain and provide passenger information<sup>14</sup>. This prevents an authority from including in the scheme facilities that it has a legal obligation to provide anyway. There is also no separate operator objection mechanism for existing facilities. The EP operator objection mechanism outlined at section 5 of this document covers the whole EP package, including proposed existing facilities.

## Measures<sup>15</sup>

4.22 The authority can also do other things that are within its power – either statutory or otherwise – to make bus services more attractive. There is deliberately no definition of what a ‘measure’ is, in order to maximise the flexibility for authorities and operators to agree actions which are best suited to their local circumstances. The only requirement is that ‘measures’ must be for the purpose of:

- increasing the use of local services serving the routes to which the measures relate or ending or reducing a decline in their use; or
- improving the quality of local services.

Measures should be defensible as essential and proportionate, and must be applied in a non-discriminatory way. They must not create artificial barriers to competition or disadvantage operators unfairly, or prevent the provision of services that may benefit passengers.

4.23 Examples could include, but are by no means limited to:

- marketing schemes to promote the use of bus services;

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<sup>13</sup> Section 138D of the 2000 Act/ section 9 of the 2017 Act.

<sup>14</sup> Under section 139 or 140 of the 2000 Act.

<sup>15</sup> Section 138D of the 2000 Act/ section 9 of the 2017 Act.

- changes to parking provision. An authority could decide, as part of the overall scheme package, to reduce the number of car parking spaces in a particular area, or increase car parking charges. Although neither measure affects buses directly, they do make buses more attractive by making using a car less attractive;
- limitations on the use of key routes by other types of traffic; and
- commitments to enforce traffic offences that could affect bus services – such as illegal parking;
- commitments to restrict the number of times in a year that roadworks occur on key bus corridors;
- A commitment to ensure that bus journey times do not increase over the life of the scheme.

## Obligations on authorities to deliver scheme requirements

4.24 If an authority includes any facilities or measures in a scheme, they have a legal obligation<sup>16</sup> to:

- provide the facilities and take the measures not later than the date(s) specified in the scheme; and
- continue to provide those facilities and take those measures throughout the life of the scheme or until a scheme is varied to remove the obligation to do so.

4.25 The only exception to this rule is if:

- the scheme is formally postponed (see section 8 below); or
- if the authority is temporarily unable to provide a facility or take a measure due to circumstances beyond their control.

### The role of highway authorities

4.26 As part of the negotiations between an authority and local bus operators, the authority may decide to offer as part of its part of the bargain, ‘facilities’ or ‘measures’ that would involve the making or varying of a traffic regulation order (TRO)<sup>17</sup>. These orders can be made either to affect permanent changes – such as preventing certain types of traffic from using particular roads on a permanent basis – or on a temporary basis – i.e. to restrict certain types of traffic because roadworks are taking place.

4.27 So, for example, in relation to a scheme, the authority might agree to include a ‘measure’ in the scheme that creates a ‘buses only’ section of road – by using a TRO to prohibit use of that section of road by all other types of traffic. However, an order can only be made by the relevant highway authority with the powers to do so on the stretch of road in question. For a measure or facility which is in the gift of a highway authority to be included in an EP scheme, that highway authority must be a formal party to the scheme. In many cases that will already be the highway authority making the scheme. In others it could be a metropolitan district council or even the Secretary of State for Transport.

4.28 It is important that the authority ensures that any relevant highway authority (if it not also the authority) is fully on-board before offering any facilities or measures that

<sup>16</sup> Section 138J of the 2000 Act/ section 9 of the 2017 Act.

<sup>17</sup> Parts I,II and IV of the Road Traffic Regulation Act 1984



require action by them. Although it is entirely for those authorities to determine if they wish to be a party to the scheme, if they decide to do so, the same obligations to provide those facilities or to take those measures as outlined above also apply.

## Requirements of a bus operator under a scheme

4.29 An EP scheme must include requirements that local bus services operating within the scheme area must meet or abide by<sup>18</sup>. These requirements are divided into ones that are specific to the frequency or timing of local services ('route requirements') and other types of requirement ('operation requirements')<sup>19</sup>.

## Operation requirements

4.30 There are 5 main categories of operation requirement which can be included in an EP scheme<sup>20</sup>. These are requirements about:

- the vehicles used to operate bus services, including their appearance (livery);
- providing information about bus services to the public and the publicising of local services;
- the dates on which timetables may be changed; and
- tickets - including:
  - how tickets can be purchased and fares paid;
  - how entitlement to travel can be evidenced by passengers;
  - the publicising of fares or ticketing arrangements;
  - the appearance of tickets;
  - the price of multi-operator tickets;
  - standardised ticketing zones, ticket lengths, or concession eligibility; and
- arrangements that facilitate the operation of the scheme.

## Requirements about the vehicles used

4.31 These requirements can be applied to all vehicles within the area covered by a scheme or just vehicles providing services of a particular description (which could, for example, be defined by areas or locations they serve or to exclude certain types of services - such as long distance coach services which, for some of their route, are also registered local bus services). They can include requirements about:

- the age of vehicles;
- emission standards (which could be met by either using newer buses or retrofitting existing ones to improve their environmental performance);
- accessibility requirements (such as the provision of audio visual information prior to a national requirement to do so being introduced);

<sup>18</sup> Section 138C of the 2000 Act/ section 9 of the 2017 Act.

<sup>19</sup> Section 6D of the Transport Act 1985/ section 11 of the 2017 Act.

<sup>20</sup> Section 138C(4)-(7) and (9) of the 2000 Act/ section 9 of the 2017 Act.

- provision of Wi-Fi, USB charging or other technological requirements;
- other requirements about the passenger environment - such as seat style or quality (which could be met by either using newer buses or refurbishing existing ones); and/or
- the appearance of vehicles – such as their livery – or require equipment such as information displays to be installed.

### Requirements about providing information to the public

- 4.32 This covers any information that passengers would require or expect to have access to in order to use bus services. These can include simple requirements such as the provision of timetable or fares information, to the provision of real-time passenger information. This can require information to be provided on the vehicle, at bus stops and stations, or via the web or on a smartphone or simply by printed material. Again these requirements can apply to all local bus services or particular descriptions of local services.

### Requirements about how local bus services are publicised or marketed

- 4.33 This could for example, introduce an umbrella brand for the bus network in a particular area. This can specify particular logos, colour schemes, or other types of branding on publicity material – whether provided as physical media (leaflets, posters etc.) or electronically. These requirements then must be used on the publicity material produced by individual operators or by the authority itself. If considering introducing such a requirement, authorities should consider any potential impacts on competition and passengers if it becomes more difficult to differentiate between the services which compete and are provided by different operators.

### Requirements about how often the timing of bus services can change

- 4.34 Currently, operators of commercial local bus service must give 56 days' <sup>21</sup> notice if they wish to change, for example, the routing or timetable of a service. However, a scheme can specify an alternative period. So, for example, it could specify that all bus services operating in a particular area or on a particular corridor must give, say, 100 days' notice or restrict changes to a set number of timetable change dates in a year. This might be, for example, because the authority and operators decide that some extra stability to the bus network is required, say, in a town centre, or to services provided to a new housing development, where particular emphasis is put on encouraging bus use. Or it might be that timings can only change in specific circumstances that are defined in the scheme. The requirement can also include exceptions to that rule - for example, where the change is as a result of a service cancellation by another operator. They can also include or take into account any established Code of Conduct on Bus Service Stability.

### Ticketing structure and prices

- 4.35 There is considerable flexibility under an EP to ensure that a comprehensive suite of tickets are available to passengers and valid on all services. These requirements can

<sup>21</sup> Or at shorter notice in specific circumstances.

cover the types of tickets that are available. Obviously, it is important that any ticketing arrangements are commercially viable for bus operators and individual operators can raise any issues with the CMA if they feel that they are being unfairly treated or that the results of ticketing arrangements are anti-competitive. See Section 9 for more information about competition issues.

4.36 The scheme has full flexibility to specify what range of tickets must be available in the scheme area. These can include:

- tickets available on particular services – such as a ticket that would allow passengers to travel on particular services - e.g. either to make a through journey using specified connecting services or as a travel card on a network of services marketed as, say, ‘Red Rover routes’ where purchase of a ‘Red Rover’ branded ticket allows travel on all those services;
- for travel on particular journeys or types of journey. For example, this might be a single ticket that allows travel on any bus service that operates between a specific housing estate and a large shopping centre or town centre;
- for travel at particular times – this might include a specific defined off-peak ticket that can be used on all services in a particular area;
- for travel in particular areas – this might specify a ticket that is available for use on all services in, or entering into, a defined zone, or series of zones; and
- tickets for use by particular groups of passengers. For example, this could set eligibility criteria for a young person, student or jobseekers ticket (if operators voluntarily provide these concessions – they cannot be required to do so by the EP scheme for their single operator products).

4.37 These requirements can also be used in combination. For example, a zonal ticketing system with day, week, monthly and an annual travelcard available. This could offer single or multi-operator variants and tickets that can also be used on connecting rail or tram services.

4.38 The table below illustrates what such a package could involve:

TICKETING REGIME FOR BUS SERVICES IN ‘ANYTOWN’									
Areas tickets are valid	Type of ticket	Period of validity							
		One day		1 Week		4 Week		12 month	
<b>Zone 1</b>	Bus only	Single operat or Ticket	All operat or ticket	Single operat or ticket	All operat or Ticket	Single operat or ticket	All operat or ticket	Single operat or ticket	All operat or ticket
<b>Zone 2</b>	Bus and tram								
<b>Zone 3</b>	Bus and tram								
<b>Zone 1 &amp; 2</b>	Bus Train and tram								
<b>Zone 1, 2 &amp; 3</b>	Bus Train and tram								

4.39 The package can also offer peak and off-peak variants; a concessionary ticket available to young people (say divided into under 16 years and 16-18), students (21-



25 years) and jobseekers. It can also specify what evidence needs to be provided to gain access to these types of concessionary fares. Nothing in this restricts individual operators' freedom to offer their own tickets or restricts pricing of anything other than multi-operator travelcards. **NOTE:** Because (a) these provisions will be legal requirements imposed through the local bus service registrations; and (b) the LTA will need to comply with the competition provisions under Schedule 10 of the 2000 Act, these ticketing schemes are *not bound* by the rules and restrictions of the ticketing block exclusions. Nor will operators be subject to action by the competition authority for complying with such schemes. However, so as to not restrict the incentives on operators to compete on price or innovate on ticket types, LTAs are encouraged to have regard to the principles set out in ticketing block exemption relating to pricing and revenue allocation which represent a desirable approach in minimising incentives to increase prices for these and other tickets.

- 4.40 A scheme can specify the price of a multi-operator ticket. This means that the EP scheme could set the price of all of the multi-operator products in the table above (including multi-modal tickets in so far as they apply to bus operators in the scheme area). This can include arrangements for the price to be automatically increased or decreased over time, for example in line with an agreed index of operating costs, improvements in bus journey times or the introduction of new scheme requirements. It can also allow for different multi-operator products to be targeted at different types of user - for example, adult, child, apprentice etc and to be priced differently.
- 4.41 The price of a multi-operator ticket is not restricted to a simple pricing structure for period passes. It can also be more innovative including, for example, multi-operator: carnet products (that could offer discounted travel or on a 'buy ten journeys, get two free' basis); pay-as-you-go schemes; or capped prices.
- 4.42 It is important to stress that whilst the scheme can require operators to offer certain types of single-operator product (for particular categories of people, covering certain zones and/or for set periods of time) the price for individual tickets always remains to be set by individual operators themselves (although the price of the multi-operator ticket could impose a de facto price cap). This intentionally preserves the freedom for operators in the scheme area to continue to compete on price for their single operator tickets and even to use this pricing structure to compete with any scheme-mandated multi-operator ticket.
- 4.43 Nor can an EP set the prices of any type of ticket mandated under the scheme other than the multi-operator ticket mandated under an EP.

### How tickets are paid for

- 4.44 The scheme can also specify how passengers obtain tickets and pay for them. This might require that tickets are available on the bus, at bus stations, via bus operators' web portals and apps or their other retail outlets or other types of retail outlets such as (voluntary) participating newsagents. It can also specify that tickets should also be available through a specific portal or app. These requirements can apply to both single and multi-operator tickets.

### Form of ticket and evidence of entitlement to travel

- 4.45 In these terms a 'ticket' can mean either a paper ticket, smart product such as a period smartcard or e-purse, a token via a smart app or contactless payment or feasibly any other defined means to pay for travel or demonstrate that you have a

right to do so. There are comprehensive powers to determine what ticketing technology is to be used. For example, it may require that operators can issue ticket media that meets a defined specification or standard – e.g. white-label contactless EMV or ITSO specification - or accept having "tapped in" with an ITSO or contactless EMV card as evidence of entitlement to travel. It can also require that bus ticket machines should be able to accept that ticket specification or mandate that local bus services must be able to accept a specific token, such as a smartphone or contactless EMV.

### Marketing of ticketing products

- 4.46 The scheme can also specify what branding the tickets should use and what the tickets themselves can look like (e.g colour, logo etc). This, along with the other requirements that can be imposed under a scheme, highlighted above, can be used to provide a complete ticketing 'offer' to passengers that covers ticket types, marketing, fares information, ticketing technology and media. The scheme can also require that these ticketing products are marketed alongside – i.e. with equal exposure or emphasis – to individual operators' own ticketing products. This can be applied in relation to tickets that sit outside of an EP scheme, such as the multi-operator or multi-modal products already available in many major conurbations.

### Ticketing aspects of EP schemes and competition law

- 4.47 Because these provisions will be legal requirements imposed through the EP scheme; and the LTA will need to comply with the competition provisions under Schedule 10 of the 2000 Act before they can be introduced, the ticketing arrangements in an EP *are not bound* by the rules and restrictions of the ticketing block exemption. Nor can operators be subject to action by the competition authority (such as financial penalties) for complying with such schemes. However, operators and authorities will need to take full account of competition law when developing this aspect of the scheme (see section 9 of this document for more information).

### Route requirements

- 4.48 A scheme can also set requirements about the frequency or timing of particular local services, or types of services. These can relate to a single bus service or to multiple services.<sup>22</sup> There should be regular review and flexibility to ensure that services are appropriate to what passengers want, which can change over time, and provisions should allow the most efficient and effective operators to provide the services rather than having inherited rights.

### Frequency of services

- 4.49 The scheme may specify the frequency of services, on individual routes or corridors. For example, it could specify that no more than six buses an hour can travel, each way, through that corridor. Or it may specify different frequencies at different times. For example, a maximum of six buses an hour during defined peak periods and 12

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<sup>22</sup> Section 138C(1) of the 2000 Act/ section 9 of the 2017 Act.

buses an hour at other times, with, possibly, no restrictions for evenings and weekends. Schemes cannot specify which operators these requirements apply to. They apply to all services that currently operate or seek to operate along that corridor in the future.

- 4.50 These powers might be used if there are particular congestion of air quality issues on a certain route which diverting some buses to another corridor for some of their journey could help to address. However, limiting the frequency of bus services should not be seen as an easy option to addressing congestion or air quality issues. Buses can play an integral part of the solution to these issues and full consideration should be given to including facilities and/or measures in the schemes which would make bus services a more attractive proposition to potential passengers and so contribute to addressing congestion and environmental challenges, including by modal shift from car.

### Timing of services

- 4.51 A scheme can also specify the times at which individual services arrive at bus stops. These requirements can apply to particular services or all services operating along the specified corridor. For example, an individual bus service could be required to arrive at a particular bus stop at a particular time to co-ordinate with the arrival or departure of a rail service, or there could be a more general obligation on all services using that stop to co-ordinate with rail timetables. **NOTE:** Because operators would be complying with the legal requirements of an EP scheme in adjusting their bus timetables (and so not be at risk of fines from the CMA), and the local authority will have considered competition issues in making the scheme, this will reduce significantly the risks to operators of integrating bus and rail services which are, or could be, provided by the same owning group (i.e. the same company operating both, say, a heavy rail service serving a particular rail station and the bus service that serves the bus stops outside it).
- 4.52 Another use of the power would be to require the services operating on a particular corridor to have even headways (time gaps between individual bus services). This could, for example, be used to prevent 'bunching' at bus stops where a number of buses arrive in close time proximity, leaving long time gaps between services. However, partnerships should consider the underlying problem first – is this a result of a wider traffic congestion issue that also needs to be addressed?

### Obligations on operators to comply with scheme requirements

- 4.53 All local bus services must have their particulars (e.g. route and timetable) registered with the registration authority - currently the traffic commissioner, but in future could be the LTA. Once an EP is made by the LTA, the standards of service that operators must comply with become conditions of registration. An operator of a local service must, when registering or varying a local bus service with the registration authority, give an undertaking that they will comply with the requirements of the EP that apply to that particular service. So, for example, if the service will operate within the geographical boundary of, say, a multi-operator ticketing scheme, the operator must give an undertaking, when registering or varying the service, that they will comply with its requirements - e.g. accept the multi-operator ticket(s) on the service. If the operator does not give the undertaking, *the registration authority can refuse the registration*. Also, if the operator does give an undertaking but then does not comply



with it in practice - e.g. by the bus operator refusing to accept the multi-operator ticket - the registration authority can take enforcement action against them which can include cancelling the registration. As explained elsewhere, the 2017 Act also contains powers enabling the LTA to become the registration authority for services that operate wholly within the EP area. This will allow them to process registrations of new services in that area, agree to variations of existing registrations and also to cancel registrations where the operator is demonstrably not complying with the requirements of the EP scheme that apply to that registration. The registration authority (including the LTA if it has taken on the powers) can also monitor the performance of those local services (e.g. by analysing real-time data or posting staff on routes with clipboards) to ensure that services are operating in accordance with the registration.

- 4.54 Any route requirements which impose frequency limitations on a particular corridor could raise particular compliance challenges. The legislation makes specific provisions for Regulations to be laid to deal with this situation. These are still in development, but our intention is that if it is apparent that too many services will be operating to comply with a route requirements of this nature, the operators should have an opportunity to resolve the situation through a competition-law compliant qualifying agreement. If they are unable to do so within a set timescale then the authority would need to run a competitive tender process to allocate the limited slots available. Once the tender process is complete, all the existing registrations are cancelled and replaced by the tendered service.
- 4.55 Authorities should not consider this element of partnership as ‘franchising-lite’ and should approach any discussions in relation to a qualifying agreement in good faith. Nor should operators seek to try to preserve a purely deregulated route network. Partnership involves both sides working together to improve services to passengers. Each side must be prepared to give ground and not seek to exclusively pursue their preferred options in order to preserve their own position.

## Other potential elements of EP plans and schemes

### Arrangements for reviewing a plan or scheme

- 4.56 There is no obligation to review a plan or scheme under the legislation, however see paragraph 4.58<sup>23</sup>. This might be, for example, because a scheme is so small scale that reviewing it is not necessary – although some review at some point in the future (even if this is a number of years in the future) is advisable. However, it is likely that large scale plans and schemes will need reviewing – not least to determine whether the content of those plans and schemes are having the desired effect ‘on the ground’ in terms of, say, encouraging bus use. Schemes should definitely be reviewed if the authority believes a change in circumstances has resulted in the scheme(s) no longer meeting the competition test (see section 9 of this document).
- 4.57 It may also be appropriate for a scheme which sets the price of multi-operator tickets to review the price of those tickets at regular intervals and/or where specific changes in circumstances occur and it would be reasonable to do so. The triggers for that review can be included within the scheme itself.
- 4.58 Each plan and scheme must say whether it is subject to review and - if so - specify:
- how it is to be reviewed; and

<sup>23</sup> Section 138A(4) and (7) of the 2000 Act/ section 9 of the 2017 Act

- the dates on which the reviews are to be completed.

4.59 A review of a plan should, as a minimum, consider:

- the issues listed at paragraph 4.5 above;
- the arrangements for consulting passenger representatives on the effectiveness of the EP; and
- the objectives set for improving the quality and effectiveness of bus services.

4.60 A review of a scheme should, as a minimum, consider the effectiveness of the measures taken, facilities provided, and requirements imposed on operators - particularly in relation to their impact on the objectives for improving services set in the EP plan and, if relevant, on bus journey times, passenger satisfaction and growth of the market.

4.61 The plan or scheme can specify a specific calendar date by which a review will be completed or simply say, for example, every five years from the date on which the scheme was formally made. A scheme can also contain different review dates for different elements of a scheme (e.g. one date to review measures and facilities and another to review operation requirements and/or route requirements, or even individual dates for individual elements of a scheme).

### **Bespoke arrangements for variation or revocation of a scheme<sup>24</sup>**

4.62 One of the core principles of the EP arrangements is that, as well as being invited to participate in the scheme development, local bus operators who are likely to be affected by an EP should have a formal say on the draft plan and scheme(s) at key stages. The plan and/or scheme(s) can only proceed at those points if there is sufficient support from operators for them - but note that this does not require support from *all* operators. The default mechanism by which that is judged is set out in regulations<sup>25</sup> and is discussed in detail in section 5 of this document.

4.63 We are conscious that local bus markets can vary significantly across the country. The default mechanism therefore only applies to EP plans and to EP schemes when they are initially made. An EP scheme can contain an alternative, bespoke arrangement (which requires a higher or lower level of support from operators or uses different metrics to that in the default approach) which is to be used when the scheme is varied or revoked. This mechanism can apply to all variations or revocations or just to variations or made only in relation to certain aspects of the scheme. So, for example, a scheme could state that:

- a new mechanism is used to revoke the scheme (but not to vary it); or
- a new mechanism is used to vary it (but not revoke it); and/or
- a variation which changes, removes or introduces particular type of operation requirement (such as changes to ticketing provisions or the price of a multi-operator ticket) requires a different level of support from operators; and/or
- a variation which changes, removes or introduces route requirements requires a different level of support from operators; and/or

<sup>24</sup> Section 138E of the 2000 Act/ section 9 of the 2017 Act.

<sup>25</sup> The Enhanced Partnership Plans and Schemes (Objections) Regulations 2017.

- a variation which changes the commitments to take measures or provide facilities made by a local authority requires a different level of support from operators; and/or
- if a local authority does not deliver particular measures or provide particular facilities in line with the scheme commitments then the scheme can be varied in relation to the route requirements or operation requires with a different level of support from operators; and/or
- some minor variations could be made with little or no support from operators.

## Impacts on small and medium sized operators

- 4.64 The bus market in England is largely made up of a small number of very large operators and a large number of very small operators, with a small number in-between. It is important that the needs of small and medium sized operators (SMOs) are considered as part of the development of an EP plan and scheme.
- 4.65 Defining an SMO is not a straightforward process. It is not simply an operator with a small share of a particular bus market. Whilst this may be the case for a subsidiary of a large national operator, they still have access to the benefits of their 'parent' company – such as corporate administrative and legal support, access to funding and the lower costs resulting in the buying power such operators enjoy. Nor is it necessarily a 'small and medium sized enterprise' (usually defined as a business with fewer than 250 employees). However, in general we would suggest that the 250 employee limit is a good place to start when identifying the SMOs in the EP area. Of course, if this were to encompass most or a significant proportion of the operators, then the limit should be revised downwards. However, a bus company that, itself, falls into this category but is a subsidiary of a larger bus company would not generally be considered a SMO.
- 4.66 Authorities should conduct a thorough assessment of which operators in the EP area(s) they consider to be SMOs and a summary of this assessment should be included in the EP plan and each scheme. Authorities should, amongst other things, take account of the overall nature of their market, the operator's fleet size and consider the turnover of the operator – where necessary including its parent structures – as a whole. SMOs may be disadvantaged in their ability to engage in aspects of developing the scheme, but excluding such operators reduces a significant competitive restraint on larger operators that stimulates innovation, quality and value for money. There should be a level playing field between all operators.
- 4.67 Authorities should bear in mind that SMOs may not be well placed to implement the requirements of an EP quickly. Requirements that would attract a considerable administrative burden or large financial outlay such as new vehicles or ticketing equipment are likely to be more difficult if an operator has limited access to capital and/or a relatively limited geographical scope to their operations. Authorities should therefore discuss these issues with SMO operators at an early stage of developing such proposals and where necessary make adjustments.



## Flexibility available to plans and schemes

- 4.68 It is for individual partnerships to decide on the content and geographical area of plans and schemes. They can be as simple or complicated as the partnership considers appropriate. A plan can cover the whole of an authority area or a combination of different authority areas, or it can cover only a part of a single area – e.g. the centre of a market town.
- 4.69 A plan can be supported by a number of different schemes of varying size and ambition that are introduced at different times and have different durations. A scheme can cover all of the area to which the plan relates, or just part of it. And a plan could have different schemes, covering different parts of the plan area. For example, a specified plan area could have:
- one scheme that imposes only ticketing requirements across the whole area;
  - another scheme dealing only with route requirements on a particularly congested corridor; and
  - a third scheme that imposes branding and marketing requirements on all local services operating within a city centre - but not in the rest of the plan area.
- 4.70 These schemes could be introduced at different times and have different durations. It is also possible for a single scheme to set different implementation dates for separate elements within it. Also bear in mind that where the duration is fixed, operators may advocate a longer scheme duration if this stability gives them greater confidence to invest.
- 4.71 The core legal requirement is that when a plan is made, it must have at least one scheme associated with it that is made at the same time. A plan cannot be made or stay in force without there being at least one scheme associated with it, and vice versa. There is nothing to prevent further schemes being introduced at any time later on, provided that:
- any new schemes are subject to the full notice, objection and consultation process; and
  - that where the plan has a fixed lifetime (and it isn't required to) a scheme is made and in force during that lifetime.
- 4.72 How large an area the plan and scheme(s) covers will largely depend on the scale of ambition. For example, an intention to improve bus services in a small market town may only result in the plan and a single scheme covering a relatively small area that comprises the boundaries of the town. However, an EP intended to improve the bus services across a city will necessarily require the plan to cover a much wider area. But this does not necessarily mean that the resultant scheme(s) should cover a wide area also.

## Notice that a plan and scheme have been prepared<sup>26</sup>

- 4.73 Once the draft plan and scheme have been prepared, the next stage is to make all relevant local operators aware of the full details of what is being proposed in the draft plan and scheme so that they can offer views before it is finalised. This is because some operators may not have wished to participate in the preparation of a plan and

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<sup>26</sup> Section 138F of the 2000 Act/ Section 9 of the 2017 Act

scheme but should now, in any case, be given the opportunity to object to a proposal before it is subject to wider consultation.

- 4.74 A notice that a plan and scheme have been prepared should be sent, in writing, to all operators of qualifying local services. What constitutes a qualifying local service is set out in regulations<sup>27</sup> and is explained in section 5 of this document. The decision as to whether or not a service is a qualifying local service is made on the basis of the service's status on the day before the notice is issued.
- 4.75 The notice should be sent to the address that is listed on the Public Service Vehicle operator's licence of each operator concerned. The authority may also choose also to give notice via their website or other sources, such as local newspapers.
- 4.76 The notice must:
- contain full details of the plan and scheme;
  - explain that operators of qualifying local services have a right to object to the plan (including what constitutes a qualifying local service);
  - set out what level of objections is required for the plan and scheme not to proceed to consultation. When plans and schemes are initially proposed this will always be the threshold set out in regulations<sup>28</sup>;
  - give a period of 28 days or more within which objections may be made; and
  - contain details of how an operator should make an objection, including a mail and email address to which objections should be sent.
- 4.77 We recommend that authorities invite operators to provide reasons for any objection which they make, in order to assist in the development of revised proposals if necessary. But there is no obligation on an operator to provide a justification for their objection.
- 4.78 Alongside issuing this notice, authorities may wish to use their powers to obtain information<sup>29</sup> from all operators of the registered distance of all their qualifying local services, in order to assist the authority in determining the total distance and so determine whether or not the relevant threshold for objections has been reached.
- 4.79 Further details on determining whether a scheme can proceed to the next stage following objections from operators is provided in section 5 of this guidance.

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<sup>27</sup> The Enhanced Partnership Plans and Schemes (Objections) Regulations 2017

<sup>28</sup> The Enhanced Partnership Plans and Schemes (Objections) Regulations 2017

<sup>29</sup> Section 10 of the 2017 Act, section 143B of the 2000 Act and the Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017.

# 5. Objection method

## Introduction

- 5.1 This section covers the operators' objection mechanism.
- 5.2 Following the notice that a plan and scheme have been prepared, it is for operators of qualifying services within the EP area to determine whether the next stage of the process can go ahead – in this case to a formal consultation exercise.
- 5.3 The legislation requires that any objection should be made within the deadline set by the authority – but this deadline cannot be less than 28 days after the date on which the notification was sent. Operators wishing to object to a plan or scheme are not required to give a justification for doing so. However, we would encourage - where possible - operators to raise any concerns that might lead to an objection with the authority before the objection process commences, so that early resolution can be sought.
- 5.4 Whilst this section is written with specific reference to objections being made prior to consultation on a plan and scheme the same principles apply at other points at which operators have the right to object to a plan and/or scheme. However, in some circumstances (as set out in paragraphs 4.62 and 4.63) different, locally determined criteria contained in a scheme may be used to determine whether sufficient objections have been received.

## Objection process

### Who can object?

- 5.5 Any operator of qualifying local bus services that operates within or into the geographical area of a plan or scheme on the day before the notice is issued by the authority is entitled to object to the consultation exercise on the plan or scheme. However, if the geographical area of the EP has more than one subsidiary<sup>30</sup> of a parent company - e.g. the Blackmore Group that has two bus companies, Blackmore Buses and Blackmore Red Rover Buses - those two (or more) subsidiaries are to be treated as a single operator under the objection mechanism. This is to prevent bus companies splitting into smaller subsidiaries in order to have more influence over the objection process.

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<sup>30</sup> The Enhanced Partnership Plans and Schemes (Objections) Regulations 2017 defines a 'subsidiary' as having the meaning given by section 1159 of the Companies Act 2006.



### What is a qualifying local service?

- 5.6 A service is a "qualifying local service" if it is a registered local bus services which has one or more stopping place within the geographical area of the EP plan or scheme concerned and it is not an excluded service.<sup>31</sup> An excluded service:-
- Is a service run under sections 89 to 91 of the Transport Act 1985 where the authority retains all the revenue from that service;
  - is a registered local service but is an excursion or tour<sup>32</sup>;
  - Is a service operated under Section 22 of the Transport Act 1985 (a community bus service). An EP does not apply to this type of registered service - although there is nothing to prevent the operator from voluntarily complying with some or all of the EP requirements that would otherwise apply to that service; or
  - The service has 10% or less of its overall distance (not just the distance within the EP plan or scheme) registered as a local bus service. (This might include interurban or other long distance scheduled services that are not generally used for local journeys within the EP area, but may use bus stops within it).
- 5.7 Whether or not a particular service is a qualifying local service is determined on its status on the day before the notice is issued. In practice this means that all local services that are operating on that date, or that will begin operating after that date, will need to comply with the requirements of the scheme.

### How do operators make an objection?

- 5.8 The notice of consultation must contain an address to which objections can be made. This should be a postal address or an email address. The notice must contain the date by which objections from operators must be received. This date cannot be less than 28 days from the date on which the notice is sent.

### What happens once objections are made?

- 5.9 The authority must assess objections using two criteria – if either is satisfied it is a legal requirement that the consultation exercise on the plan and scheme cannot go ahead (it is not a requirement that both criteria must be satisfied). These criteria are that:
- the combined registered distance of all the qualifying local services operated by objectors in the relevant EP area is at least 25% of the total registered distance of all local bus services operated by all the bus operators in that area and:
    - where there are four or more operators in the relevant EP plan or scheme area, at least three are objectors; or
    - where there are less than four operators in the relevant EP plan or scheme area, all are objectors
  - at least 50% of the total number of operators of qualifying local services within the relevant plan or scheme area have objected **and** the combined registered distance of qualifying local services operated by the objectors in the relevant area is at least 4% of the registered distance of all local bus services operated by all

<sup>31</sup> As set out in regulation 3 of the Enhanced Partnership Plans and Schemes (Objections) Regulations 2017.

<sup>32</sup> As defined in section 137(1) of the Transport Act 1985.

the bus operators in that area.

- 5.10 If a plan and scheme have different geographical areas then separate determinations of whether sufficient objections are made for each. Operators in scheme or plan areas where they do not operate local services cannot exercise objection rights in those areas.

The initial plan must be accompanied by one or more schemes, so neither the plan nor accompanying scheme(s) can proceed to consultation if:

- the plan does not receive sufficient objections but the accompanying scheme does; or
- The plan does not receive sufficient objection and if more than one accompanying scheme is proposed, they all receive sufficient objection. If some of the accompanying schemes do not receive sufficient objection, they can proceed to consultation with the plan;
- the accompanying scheme(s) do not receive sufficient objections, but the plan does.

### How is registered distance calculated?

- 5.11 As stated above, the regulations specify that it is 'registered distance' that should be used - this is the total distance that the vehicles need to cover in order to meet the description of the service as set out in the registration held by the traffic commissioner - not the distance actually operated 'on the road' (which will be less due to vehicle breakdowns etc.). Regulations contain powers enabling LTAs to require operators to provide this information for all their registered services that operate within or into the geographical area of the scheme. Alternatively, the LTA can calculate registered distance itself by using the registered particulars - LTAs also have powers to require operators to provide details (or copies of) the particulars for all the registered services operating within or into the EP area. Calculating registered distance on an individual bus route usually involves a simple calculation of route length x frequency (remembering to calculate both the outward and return journeys and any evening or weekend services). This calculation would of course need to be repeated for each service registered with the traffic commissioner operating within the geographical area of the EP scheme. Regulations also specify that where services are registered as 'frequent' (a bus every ten minutes or less) and do not therefore include a timetable, then a 10 minutes frequency should be assumed for the purposes of calculating registered distance.

### Requirement to publish objections

- 5.12 The authority itself must publish the names of operators making any objections within 14 days of the last day of the period during which objections can be made. The name for each operator must be the name as it appears on the local bus service registration.

### What happens if the plan and scheme can't proceed to consultation?

5.13 Hopefully, the authority will have gained a sufficient steer during the development of the plan and scheme to determine in advance whether individual operators are likely to object to the proposals – and negotiate changes that resolve their issues.

However, if sufficient objections are received that prevents the consultation process from going ahead, the authority will need to discuss the package of measures in the plan and scheme further with their operators to resolve the contentious issues – e.g. by amending them or removing them altogether – then open the revised package to objections once again. Whilst the authority should seek to resolve as many objections as possible, the legal requirement is that if there are not sufficient unresolved objection to meet either of the objection criteria then the consultation can go ahead.

## 6. Consultation process

### Carrying out the consultation

- 6.1 Assuming that the objection stage does not raise sufficient objections to meet either of the two criteria outlined above, the next stage is a formal consultation exercise. Consultation is an important element in the delivery process.
- 6.2 Transport Focus has produced guidance on carrying out consultation exercises – ‘Bus service reviews: consulting on changes to local services’ – that identifies key considerations when designing and delivering a consultation exercise and highlights recent best practice.
- 6.3 It is for the LTA to carry out the formal consultation exercise and when doing so they must, as a minimum, include a number of statutory consultees. These are:
- 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;<sup>33</sup>
  - the Traffic Commissioners;
  - the chief officer of police for each area to which the plan relates;
  - Transport Focus;
  - the Competition and Markets Authority (CMA); and
  - such other persons as the authority thinks fit.
- 6.4 Although these are the bodies that must always be consulted, these minimum requirements should be seen as only part of a wider need for effective communication, publicity and consensus building. Where a scheme involves modification to infrastructure, the Authority should consider the appropriateness of also consulting:
- residents and occupiers of commercial premises in the immediate vicinity of proposed works;
  - existing bus passengers on affected services; and
  - existing road users on affected highways.
- 6.5 Where the scheme involves modification to services, consultation should also be conducted with:
- existing bus passengers on affected services; and

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<sup>33</sup> See section 138F(7), relevant local authorities for these purposes include, Local transport Authorities, district councils in England, National Park authorities, the Broads Authority, London transport authorities and councils in Scotland.



- relevant organisations which are not already involved in the EP process (for example, major local employers).
- 6.6 Responses to the consultation should be analysed thoroughly and changes made to the proposals where necessary. This should not be undertaken as part of the work of the partnership, not by the local authority in isolation. There is little point in conducting an extensive and comprehensive consultation exercise if, for example, passengers' views have not been properly taken into account or enough time and analysis of the responses has been undertaken. They are the group that bus services need to cater for, so their views ought to be paramount. The appropriate time needs to be devoted to analysing feedback from consultation and where necessary amending the proposals.

## Consulting on multiple schemes

- 6.7 The consultation process should take place for all schemes that relate to a plan. There is nothing to prevent a single consultation exercise covering a plan and several schemes at the same time – even if some of those schemes will not enter into force together. However, if a scheme is developed after the initial scheme(s) have been consulted on, a separate consultation exercise must be carried out on that subsequent scheme.

## 7. Making a plan and scheme<sup>34</sup>

### Modifications to EP proposals following consultation

- 7.1 Once the consultation exercise has completed and the responses have been properly analysed and any changes made, the local authority must decide whether to 'make' the plan and scheme ('make' being the legal term for finalising the content of both and then implementing the requirements of the scheme 'on the ground'). The local authority should discuss this with the operators so that agreement can be reached on what the final form of the plan and scheme should look like. Particularly bearing in mind that any changes to the plan and scheme as a result of the consultation exercise will trigger the operator objection mechanism as set out in paragraph 7.4 below.
- 7.2 This can be on the basis of the plan and scheme put to consultation, or a modified version of either that takes into account the responses to consultation. As stated previously, it is important that the partnership is open to changing the content of the plan and/or the scheme to reflect consultation responses, especially feedback from passengers or passenger groups.

### Notice of intention to 'make' a plan and scheme

- 7.3 Once that process has completed, the next stage is to inform all operators of qualifying local services of the intention to proceed. Again, this is because it is not a legal requirement that any particular operators should be obliged to participate in the preparation of a plan and scheme up to this point. Although all operators should have an opportunity to do so, there may be some that do not wish to engage with the process. However, despite this, all operators at this stage should be made aware of the full details of what the 'making' of a plan and scheme will mean for them, so that they can properly take part, if they wish, in the subsequent procedures set out below. These details can be contained in a letter or email (preferably both) to the affected operators, or by providing them with information about how full information can be accessed – e.g. via a dedicated website. This notice, as a minimum<sup>35</sup>, must:
- Contain full details of the plan and scheme (or where to find it);
  - Whether it is the intention to modify the EP as a result of the consultation exercise and, if so, that this will trigger a further operator objection process;
  - State the period within which objections may be made (which must be at least 28 days from the date of the notice).

<sup>34</sup> Section 138G of the 2000 Act/ section 9 of the 2017 Act.

<sup>35</sup> Section 138G(3) of the 2000 Act/ section 9 of the 2017 Act.

If it is the LTAs intention to modify the EP following consultation, the notice should also provide sufficient detail of how and why the EP is being modified so that operators can take an informed decision about whether they wish formally to object.

## Operator objections

- 7.4 An essential legal requirement after a consultation exercise on a plan and scheme and before either can be finalised or implemented is that operators of local bus services are legally entitled to object to a modified plan and scheme being 'made' (if the proposals remain unmodified after consultation then there is no need for a further operator objection process). Unless this process allows the plan and scheme to be made they cannot do so. An authority cannot unilaterally decide to implement a modified plan or scheme. It can only do so if any formal objections from operators do not satisfy either of the criteria listed in section 5 above.

### What happens after the objection period has elapsed?

- 7.5 Again, hopefully the authority will have gained a sufficient steer during the post-consultation negotiations on the package to determine in advance whether individual operators are likely to object – and, where necessary, negotiate changes to resolve them. However, if sufficient objections are received that prevents the consultation process from going ahead, the authority will need further to discuss the package of measures in the plan and scheme with their operators to resolve the contentious issues – then open the revised package to objections once again. However, as with objections made prior to consultation, whilst the authority should seek to resolve as many objections as possible, it does not require all objections to be resolved. The legal requirement again is that if there are not sufficient unresolved objections to meet either of the objection criteria, then the plan and scheme can be made.

## Making the plan and scheme – notice

- 7.6 Once the objection process has been completed and if there are not sufficient objections to prevent the plan and scheme being made, the authority can then make the plan and scheme. The date that the plan and scheme are made are for the authority to determine. However, the requirements in a scheme can only enter into force after the scheme is made – so that date must properly take into account the dates from which the requirements in the scheme will enter into force and the statutory 56 day notice period for changing registrations. If the authority intends to take over the local bus service registration system from the traffic commissioner (see section 6E(7) of the transport Act 1985 as inserted by section 12(3) of the 2017 Act), a transitional period will also need to be built into the date that the scheme is made or that individual provisions under it enter into force. **Further regulations and guidance will be provided in due course to enable LTAs to take over the registration function from the traffic commissioners.**

### Notice that a plan and scheme has been made

- 7.7 No later than 14 days after the date on which the plan and scheme was made, the authority must give notice that the plan and scheme have been made. This notice is to:

- Relevant stakeholders in the plan and scheme area.

It is important that the passengers who use services in the plan and scheme area are made aware that changes to their bus services are on the way, but it is for the LTA to determine what form this notice takes. It could include leaflet drops, posters, newspaper advertisements, web content, and information leaflets (e.g. handed out on the street, bus station or in local shopping centres etc.).

- To all operators that would be affected by the scheme.

It is very important that all operators whose local services would be affected by the scheme are made aware that they may be required to make changes to their local bus services. Although we would expect in most cases that all operators are already aware of what will happen, this cannot be guaranteed. Nor should such notice rely on general publicity as outlined above. The authority should write to each affected operator setting out in detail which requirements of the scheme will affect their services – using the address listed for operator licensing purposes. This notice should detail both area-wide requirements (such as compliance with a multi-operator ticketing scheme) and any requirements applying to individual services – e.g. route level requirements such as a frequency or timing restriction.

- The traffic commissioners

As the scheme will be enforced through the system of local bus service registrations, it is important that the traffic commissioner is given early notice of the making of a scheme – especially if the authority is obliged or has elected to take over the registration system. Of course, this is only a formal notification and we would expect authorities to have discussed these issues with the traffic commissioners much earlier on in the development of the proposals.

### Making more than one scheme

- 7.8 A plan and a number of schemes can be made at the same time and all can be included in a single notice – even if elements of the scheme or the scheme itself have later dates for the individual elements of them to be introduced – and provided that information is included in the notice. However, for any scheme that is made afterwards, these notice requirements apply separately to that scheme as well.

### Public information on the content of the plan and scheme(s)

- 7.9 Once a plan and scheme is made, it is important that bus operators, especially those considering entering the market or existing operators that are varying services, have easy access to comprehensive information about the requirements of an EP. This is especially the case for the EP schemes, which, of course, contain the specific requirements of the EP itself. This information should be readily available –



preferably on a website – and presented in a way that enables operators easily to understand what is required of them.

## 8. Postponing, varying and cancelling an Enhanced Partnership

### Postponement of an EP

- 8.1 Even after a plan and scheme are made it is possible for an authority to postpone any of the implementation dates specified in the scheme for any elements of the scheme<sup>36</sup>. The dates that can be postponed are:
- The date on which the scheme is to come into operation.
  - The date on which a particular requirement is to be imposed under the scheme.
  - The date on which any particular facilities are to be provided – such as new bus stops or other waiting facilities.
  - The date on which any particular measures are to be taken – such as reduction in the number of parking spaces or parking fees that are under the control of the authority are to be changed.
  - The date on which operators are required to comply with particular registration conditions – such as an area-wide or route requirement.
  - The date upon which any change as a result of a scheme variation or revocation comes into effect.
- 8.2 Before deciding to postpone any element of a scheme listed above, the authority must consult all operators of local bus services that would be affected by the postponement of the scheme in question.
- 8.3 If an authority, after consulting operators, decides to postpone the above elements of a scheme, the authority must give notice, including the reasons for postponement, not later than 14 days after the decision is made to those listed in section 7 of this document.

### Variation of an EP

- 8.4 Once a plan and scheme have been made there is nothing to prevent the partnership from varying it<sup>37</sup>. A variation can result from a number of reasons:

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<sup>36</sup> Section 138I of the 2000 Act/ section 9 of the 2017 Act

<sup>37</sup> Section 138K of the 2000 Act/ section 9 of the 2017 Act

- Another authority wishes to become part of the plan and scheme – this can be because, for example, the EP has been so successful in the original geographical area that another authority wishes to take part.
- A proposal to extend a ticketing scheme into a surrounding urban or rural area that is within another authority area. Indeed, when considering to vary an EP plan, an authority has a legal obligation to consider whether it is desirable to include another authority(s) within the revised plan. If a scheme is varied to include another authority, the new authority becomes an authority for the purpose of the scheme and also becomes legally obliged to deliver any of the facilities or measures in their area that are included in the revised scheme.
- Conversely, one of the requirements of a particular scheme may not be working as well as had been hoped and needs to be varied or even withdrawn entirely.
- Schemes must also be reviewed if the LTA believes a change in circumstances has potentially resulted in the scheme(s) no longer meeting the competition test under Schedule 10 of the 2000 Act.

8.5 The authority that wishes to vary a scheme cannot do so unless they are satisfied that the scheme, as varied, will contribute to the implementation of:

- The policies set out in the related EP plan or the revised EP plan if it is being varied at the same time as the EP scheme; and
- The authorities' local transport policies.

8.6 The authority must also be satisfied that the variations to the scheme will:

- Benefit passengers by improving the quality or attractiveness of bus services in the scheme area; or
- Reduce or limit traffic congestion, noise or air pollution.

### **Notice of intention to prepare a variation to a plan or scheme**

8.7 As with other stages of preparing and making a plan and scheme, the authority should give local bus operators and other stakeholders that have been involved in the preparation of a plan (if the plan is being varied) and the preparation and roll-out of a scheme (if a particular scheme is being varied) notice of their intention to vary it. It is important that those stakeholders are involved in the preparation of any variation and fully understand why the authority is proposing the variation. This may be, as stated above, because the authority wishes to include a neighbouring authority in a plan and scheme. Or it may be because the authority and local operators feel that changes need to be made to a scheme in the light of experience of how the original scheme proposals are working 'on the ground'. There is also nothing to prevent an operator or group of operators approaching an authority with a proposal for variation. There are no conditions on what can be varied. It is up to individual partnerships to decide. In the case of varying a scheme, there is no need to involve operators that will not be affected by the variation – but would need to include operators that are both directly affected (because it would change or impose new requirements) and those indirectly affected (because the variation has knock-on effects).

- 8.8 Once the early discussions have taken place and a draft variation to a plan and/or scheme have been prepared, the next stage is to make all operators of local bus services that would be affected by a variation to a plan and especially a scheme are aware of its existence. Again this is important because not all operators may have been able or wished to be involved in developing the proposals. But once those proposals have been developed at this stage all operators running services within or into the area subject to the variation should be made aware of the full details of what is being proposed so that they can properly take part, if they wish, in the subsequent procedures. These details can either be contained in a letter or email (preferably both) to the affected operators, or by providing them with information about how full information can be accessed – e.g. via a dedicated website.
- 8.9 This also applies to other stakeholders. If, for example, a passenger group has decided not to be involved in the development of a variation they should be made aware that a draft proposal has been tabled.

### Consultation

- 8.10 The next stage is that operators must be allowed to object to the draft variation to a plan and scheme proceeding to the next stage - a formal consultation exercise. The notice to operators that a variation to a plan and/or scheme has been prepared must also contain details of how individual operators can object to the proposals moving on to the consultation stage. Any objection should be made in writing and the authority should provide a mail and email address to where such objections should be sent – and acknowledge that an objection has been received. The legislation requires that any objection should be made within the deadline set by the authority – but this deadline cannot be less than 28 days after the date after which the notification was sent. Operators wishing to object to a variation are not required to give a justification for doing so. However, it is hoped that individual operators would raise any concerns that might lead to an objection with the authority before the objection process commences, so that a resolution can be sought.

### Operator objections

- 8.11 Any variation of a plan is subject to the statutory objection process. However, as explained in section 4 above, a scheme when it is originally made, may contain an alternative objection mechanism that is used when a scheme is varied or revoked. If this is the case, then that mechanism must be used for the purposes of operator objections. However, if no alternative mechanism has been included in the scheme, the statutory requirements will apply. Only the statutory objection mechanism can apply to the variation (or revocation) of a plan. Also note that where an EP scheme is being varied, only those operators that are currently required to comply with that scheme, or would be required to comply with the revised scheme as varied, have the right to object. Operators not currently affected by the scheme and who would also not be affected by the scheme as varied have no right to object.
- 8.12 If the statutory objection mechanism is to apply, the same procedures will apply as when voting takes place prior to the consultation stage and making of a plan and scheme. Any operator of qualifying local bus services that operates within or into the geographical area of a plan or scheme on the day before the notice under paragraph 8.7 above is entitled to object.



- 8.13 The same requirements that apply to notice, consultation and making of a scheme also apply at this stage when the variation to an existing scheme is being considered<sup>38</sup>. If following the operator objection process, the variation of the plan or scheme is to proceed, the authority must carry out a consultation exercise on the variation proposal. It is for the authority itself to determine how to undertake this exercise. However, all operators of local bus services in the area concerned must be formally notified as well as any other stakeholders, such as passenger groups that have been involved in the making of the original scheme. At this stage the Competition and Markets Authority must also be formally consulted.
- 8.14 Again, as with the procedures outlined previously, following consultation, if the authority decides to 'make' the variation, they must give notice to all operators of local bus services and allow operators to make objections. The objection mechanism used can either be a bespoke one that has been defined in a scheme (if only a scheme is being varied) or, in its absence, the statutory one. The variation of a plan must use the statutory voting mechanism.

### Decision to vary a plan or scheme

- 8.15 Again, as with other stages of the process, if an authority, after consulting operators, decides to make the variation, the authority must give notice, not later than 14 days after the decision is made to:
- Relevant stakeholders in the plan and scheme area.
  - To all operators that would be affected by the scheme.
  - The traffic commissioners.
- 8.16 The date(s) for variation of a plan – and particularly a scheme – will need to take into account the 56-day rule for registration variations – although the traffic commissioner or the LTA (if it is the registration authority) can decide to grant short notice variations if requested to do so by operators.

### Revocation of a plan or scheme

- 8.17 A plan cannot be revoked without also revoking all the schemes that are connected with it. And all the schemes cannot be revoked unless the connected plan is also revoked. However, a single scheme (if there is more than one) can be revoked without also revoking the other schemes or the plan.
- 8.18 The authority should give notice of their proposal to revoke a plan and scheme to all stakeholders that were involved in the previous stages of preparing or varying a plan or scheme. But as a minimum this must comprise:
- Operators of local services that provide local bus services in the plan or scheme area that would be subject to revocation;
  - The Competition and Markets Authority; and
  - Other persons the authority or authorities think fit.

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<sup>38</sup> Sections 138L and 138M of the 2000 Act/ section 9 of the 2017 Act

- 8.19 If after consultation, the authority still wishes to proceed with revocation, they must formally notify all the operators of local services of their intention to revoke a plan or scheme. This notice must, as a minimum, contain:
- The date on which the plan or scheme is to be revoked.
  - The authority's reasons for revocation.
  - Information on how the objection mechanism will be conducted - i.e. will it operate under the statutory powers or a bespoke mechanism (see section 8.22 below).
  - Specify which operators can object to the revocation and what the objection period is – although this must not be less than 28 days from the date on which the notice was sent. Eligible operators will be those that would otherwise be able to object to a variation.
- 8.20 Expanding on the third bullet above, the operator objection mechanism also applies to revocation. See paragraph 8.27 below.
- 8.21 It should be noted that revocation of a scheme should not be seen as an 'easy get out' for either LTAs or bus operators. It is very important that both the authority and the bus operators enter into an EP with their 'eyes open'. But it is also important that the authority and operators are not locked in to a scheme that is clearly failing. With this in mind, it would be sensible to agree, as part of developing the proposals before a scheme is made, how the scheme(s) is to be monitored, managed and what the triggers are for variation and revocation. This is an important point that should be fully considered and developed between the authority and the bus operators.
- 8.22 Under s.138E at section 9 of the 2017 Act - once a scheme is introduced, it may have different bespoke operator objection mechanism(s) or agreed triggers for certain things to happen - e.g. it is automatically revoked if, say, patronage targets aren't hit. This section of the Act gives full flexibility to tailor these bespoke arrangements. These would replace the statutory voting mechanism in Regulations.
- 8.23 Or an EP could include a series of metrics that could be used to assess the success (or otherwise) of individual elements of the scheme(s). These can be as flexible as they need to be. For example, it could have individual metrics for a ticketing scheme (say, take up of smart), for any frequency or timetabling requirements (say, based on the traffic commissioner's current targets), or the effectiveness of individual schemes as a whole (say, based on passenger growth). These can be as simple or complex as are needed – provided they are subject to an operator objection mechanism – and can, again, include things such as variation or revocation happening automatically.
- 8.24 Or simply, the EP could be time-limited and start again from scratch as the existing one becomes life-expired. The essential thing is that these issues are discussed and included, in advance, between the authority(s) and the bus operators and, if the authority wishes to proceed, are subject to the applicable operator objection mechanism – the statutory one when the scheme is made and any relevant bespoke one(s) when it is varied or revoked. As stated previously, any changes or revocation of the plan must use the statutory objection mechanism.
- 8.25 It is important to realise that an authority or individual operators cannot unilaterally back out of an EP – say, because there was a change in authority political leadership, or that an operator is not seeing the revenue growth that they envisaged, or because either side unilaterally decide that they no longer wish to continue to participate. The EP can only change or end in accordance with the requirements set

out in the 2017 Act and any rules laid down within it. That gives clarity to both the authority and the operators, both of which may be committing considerable resources to deliver their respective commitments.

- 8.26 The key overall point is that the scheme needs to set out mechanisms and triggers that would not require either side to compel the continuation of an EP that is failing. What those mechanisms and triggers are will vary from scheme to scheme and needs to be agreed by both sides – which is why the 2017 Act provides so much flexibility.

### **Operator objections**

- 8.27 As with a decision to vary a plan or scheme, local bus operators running local services on the day before a notice to revoke is issued may object to the revocation. For revocation of a scheme, the objection process can either be a bespoke one that is included within the scheme, or, in its absence, the statutory objection process (see sections 4 and 5 of this document). The revocation of a plan must always use the statutory process.

### **Notice period**

- 8.28 If, with agreement from the bus operators through the objection process, the authority decides to revoke a plan or scheme, they must, no later than 14 days after the revocation date, give notice of the revocation to:
- Relevant stakeholders in the plan and scheme area;
  - To all operators that would be affected by the scheme;
  - The traffic commissioners.

## 9. Enhanced partnership guidance – Competition issues

### Background

- 9.1 The development of a plan and scheme(s) are subject to the requirements of competition law. However, it is worth stating that given that bus partnerships in various forms have been in existence since the mid-1990s, there have not been any cases where partnerships have given rise to action being taken on competition grounds. However, this does not mean that authorities should be complacent. It is very important that the development of plans and especially schemes are not conducted in a way that that is unfair to particular operators. But a distinction needs to be drawn between what is 'unfair' in the development of a plan or scheme and what may simply be unpopular with individual operators.
- 9.2 An example of unfairness would be an authority dealing with a particular operator or group of operators differently to others that gives those particular operators an advantage. Although, as stated above, it is for each operator to decide their level of engagement, the authority should not make that decision for them. For example, if a small or medium sized operator (SMO) wishes to have the same engagement with the authority as a much larger one, they have a right to do so. Authorities should not engage differently with large operators because, for example, they feel that they can 'get things done' more quickly than SMOs.
- 9.3 However, this does not mean that the authority should shy away from content of plans and schemes that may not be popular or have the backing of all operators. A key difference between an EP and the practicalities of an Advanced Quality Partnership Scheme (formerly a Quality Partnership Scheme) is that the content of schemes and plans require only the majority of operators to agree – via the objection process. This does not mean that any 'blocking minority' should be ignored. If an individual operator or group of operators believes that the requirements of a plan or especially a scheme would have serious consequences for their business, they should take that up with the authority at an early stage. It should also be remembered that the authority will need to certify the scheme as compliant with competition law under the existing requirements at Part 1, Schedule 10 of the Transport Act 2000.

### Competition law generally

- 9.4 Competition law is designed not to protect individual businesses, but to promote and maintain competition between businesses. It is this rivalry that incentivises businesses to deliver what consumers want in terms of lower prices, better service standards and innovation.



- 9.5 Competition law as it applies to bus services stem from the Competition Act 1998 and are more specifically applied to buses under Schedule 10 of the Transport Act 2000. The CMA has also published an open letter to local transport authorities about local bus partnership arrangements made under the 2017 Act in relation to competition law [<https://www.gov.uk/government/publications/letter-from-the-cma-to-local-transport-authorities-on-bus-partnership-arrangements>].
- 9.6 Provision for the application of the competition tests where local authorities exercise their functions, including in relation to the making and varying of enhanced partnership schemes, are specifically provided for in Part 1, Schedule 10 of the Transport Act 2000. This guidance is focussed on the implications of those provisions.

## Role of the authority

- 9.7 All EP schemes exist within a deregulated bus market. It is not a franchised arrangement where the authority control all aspects of bus services, from routing of individual services through to ticketing – as stated previously, this is not ‘franchising-lite’. The effect of all EPs – especially EP schemes – is to impose a suite of restrictions, set out in the scheme, on the deregulated bus market in that scheme’s geographical area.
- 9.8 The role of the authority is to ensure, for plans and all schemes, that an appropriate balance is struck between:
- a. The EP plan and schemes delivering tangible improvements to passengers;
  - b. Imposing any necessary restrictions on the deregulated bus market.
- 9.9 This balance is important and it is a legal requirement in Part 1, Schedule 10 of the 2000 Act that before making or varying a plan or scheme that the authority undertake a formal assessment about whether, in their opinion, this balance has been achieved. This can be simply a document, produced by the LTA, that explains what restrictions are being placed on the deregulated market and why, in the opinion of the LTA, that those restrictions achieve the balance set out in paragraph 9.8 above.
- 9.10 The authority therefore has the major role in monitoring and shaping the local bus market on behalf of consumers in its area. It needs to understand the role of competition rules in this process, and act as the facilitator in delivering necessary co-operation without unnecessarily restricting the underlying potential for competition. For example, operators are well placed to flexibly adapt services to meet changes in passenger requirements. Actual or potential competition motivates operators to provide a high-quality service offering value for money. If this process is impeded, then there is a risk of detriment to passengers. So it is very important that the effect of a scheme on a SMO, or a prospective operator, is fully taken into account.
- 9.11 Some element of a scheme – particularly route requirements – may require two or more operators to co-operate with each other. For example, it may require them to co-ordinate timetables. Such co-operation requires a ‘qualifying agreement’ between the operators concerned. These agreements require the formal approval of the authority that any such agreement meets two tests:
- c. It must be in the interests of passengers using local services in the EP scheme or wider plan area; and

- d. It must not impose restrictions that are not indispensable to achieving the plan or scheme objectives.

9.12 Clearly, if the operators are co-ordinating timetables in order to meet a legal requirement imposed by an EP scheme, both of these tests should be met. As an EP scheme cannot prevent new operators from entering the market (provided they meet the required standards), there should not be any issues relating to LTAs or a group of operators (or both) seeking to 'stitch up' the market. Even where a scheme imposes a frequency restriction on a particular route, a new operator must be given access to that route, or all the existing registrations on that route must be cancelled and the entire route put out to competitive tender by the LTA (separate guidance and regulations will be forthcoming to explain this). However, if any LTA or operator is in doubt about compliance with competition issues in this area, they are free to discuss this informally with DfT first before contacting the CMA.

9.13 So it is clear that the overall role of the authority is to ensure that any restrictions introduced into what remains a deregulation market are appropriate. All plans and schemes should include a section in their documentation that deals with relevant competition issues and sets out:

- e. What elements of the scheme may give rise to competition issues and what those issues are;
- f. How the authority has addressed or proposes to address those issues to ensure that restrictions are appropriate;
- g. Detail any competition issues from individual operators that remain unresolved – e.g. because they were not sufficient to meet either of the operator objection criteria that would prevent a plan or scheme being made or varied.

9.14 In assessing what elements of the plan and scheme may give rise to competition issues, the authority may wish to consult the CMA's Competition Impact Assessment guidelines in order to identify how a policy may affect the suppliers and consumers in any given market.

9.15 In the context of an EP, concerns which may arise include any aspects which:

- permit the unnecessary exchange of sensitive information;
- reduce incentives on operators to independently set their own fares;
- which result in operators sticking to given routes and areas; and
- which reduce the chance of any entry or expansion.

9.16 Other issues may also be relevant to the competition assessment. This is to maintain the benefits of competition - i.e. that operators are incentivised to maintain an efficient and effective service at reasonable fares so as not to lose custom to existing competitors now or potential competitors in the future.

9.17 Authorities should ensure that the EP scheme is reviewed if they believe that a change of circumstance means that their assessment of the competition impacts would be materially different. For example, if there was reason to believe competition would work better given the potential entry of a new and well-resourced competitor, or operators changing tactics to become more customer-responsive and innovative. Or, potentially, the benefits of the EP may not be as strong as originally anticipated.

## Reducing operators' risk of action on competition grounds

- 9.18 As commercial undertakings, bus operators are subject to normal competition law provisions to prevent practices that harm passengers' interests, such as colluding to raise prices or geographic market sharing. If evidence is found of such behaviour, the CMA has powers to, among other things, impose fines on operators of up to 10% of group turnover. However, legislative mechanisms are in place to ensure that competition law does not prevent consumers benefitting from improvements that can only be secured through closer partnership working between the authority and bus operators. The requirements of EP schemes are imposed by the authority as conditions to be met by local bus service for the service to be registered. This means that bus operators that are, for example, co-ordinating timetables, or accepting tickets, in order to comply with a EP scheme requirement are not breaching competition law and are therefore not at risk of CMA action or penalties. Any action taken by the CMA would be against the content of the scheme (or parent plan) itself – e.g. by requiring the authority to vary or cancel elements of a plan or scheme that it felt did not strike the appropriate balance outlined above.
- 9.19 However, this protection applies only to action by operators specifically to comply with the registration requirements set out in a scheme. Any other action by the operator that falls outside this compliance with a registration requirement is subject to all the requirements of competition law that would apply to bus services in a fully deregulated environment that is not subject to an EP plan or scheme.
- 9.20 From the above, it is clear that both authorities and operators need to remain aware that the requirements of competition law apply throughout the development and implementation of a plan and scheme. Both sides should therefore act fairly to all other parties and the authority has the responsibility to ensure that this happens in practice and should generally seek to resolve competition issues. The CMA can help where issues arise.

## Making a complaint to the CMA

- 9.21 The role of the CMA is to determine whether anti-competitive practices – which most partnership arrangements involve – are justified. And to take action if not. So, if, after the process outlined above, an individual operator(s) remains concerned with the effect of EP proposals on the viability of their business, *they should take this up with the CMA*. Operators should not shy away from complaining to the CMA for fear of upsetting the local authority – it is an important safeguard and will not, for example, 'tar' your reputation with the traffic commissioners. Nor does raising concerns with the CMA involve a complex administrative or legal process. A simple letter setting out the operator's detailed concerns, the resulting harm that you believe will occur to competition and/or consumers and how they relate to specific plan or scheme proposals is sufficient as a first step. However, any operator intending to make a complaint to the CMA should consider informing the authority beforehand (and seeking to resolve it with them) so that any subsequent inquiries by the CMA do not come 'out of the blue'. However, a complaint to the CMA does not necessarily mean that any action will be taken. It is for the CMA itself to decide what action (if any) is appropriate in response to any complaint.

- 9.22 Details of how contact the CMA can be found at: <https://www.gov.uk/guidance/tell-the-cma-about-a-competition-or-market-problem>

## Setting the price of a multi-operator travel card (MTC) under an enhanced partnership scheme

- 9.23 An EP can include a requirement that bus services operating within a geographical area specified in the scheme must accept a multi-operator ticket. The scheme can also specify the price the bus operators charge for a multi-operator travelcard.
- 9.24 This is not a mandate for the LTA to set the price. Any pricing included in a scheme must be subject to the operator objection mechanism. Nor can a scheme set the price of multi-operator individual tickets (i.e multi-operator tickets that the participating operators have agreed to themselves but which do not include all operators in the EP area) nor single operator tickets: operators must retain the ability to make decisions about pricing their own services.

### Governance

- 9.25 It is especially important where an EP scheme proposes to mandate a multi-operator travelcard and set its price that appropriate governance arrangements are put in place. Some of these arrangements are already mandated in the processes and arrangements for developing and maintaining EPs under the 2017 Act – and further explained elsewhere in this guidance. However, particular regard should be given to developing specific arrangements for the multi-operator travelcard scheme. Some key considerations are outlined below:

### Have clear objectives

- 9.26 Clear objectives for the scheme is essential. These should be focused on providing good value and convenient multi-operator products to passengers.
- 9.27 Remember, such schemes may grow demand for bus services. This is also likely to act as one of the key factors that determine price.

### Commercial viability

- 9.28 It is the operators that bear the commercial risk for a multi-operator travelcard scheme and so it must be set at a price that is commercially viable for them. The pricing of the scheme should not put individual operators out of business.

### Information sharing

- 9.29 In agreeing the pricing and structure of multi-operator travelcards, the increased collection and sharing of data must not lead to anti-competitive information sharing



between individual operators. For example, existing public information can be shared, for example current fare levels, but not future fare intentions<sup>39</sup>.

## Pricing

- 9.30 It is important that the pricing strategy of the multi-operator travelcard is able to respond appropriately to changes in the bus market. As explained elsewhere, a scheme may include particular arrangements for varying or revoking the scheme or a part of the scheme. In this context it could be used to provide particular arrangements for changing the price of a multi-operator travelcard after the scheme has been introduced. This might require, for example, the price of a multi-operator travelcard to be changed by using a bespoke objection mechanism that does not require a consultation exercise. This would allow the price to vary as needed, whilst still allowing operators to object. This would also allow new operators that had entered the market after the price was set to participate in any setting of a revised price.
- 9.31 The size and structure of the ticket zones can also affect the price of the ticket. Tickets with very wide geographic coverage may lead to operator calls to increase the cost of that multi-operator travelcard over single-operator tickets covering a smaller geographic area. Individual schemes should therefore consider how the size and structure of zones will affect pricing. The mechanism to be used when determining the price of a multi-operator travelcard is for individual partnerships to determine and prices should be set in the least restrictive way possible. The multi-operator travelcard price should not be mechanistically linked to the fares of any of the participating operators. It is, however, acceptable to sense-check the proposed price against single-operator products in the market and take a view on whether the price suggested is competitive and reflective of the local conditions.
- 9.32 One potential mechanism was set out by the Competition Commission in their 2011 investigation into the local bus market<sup>40</sup>. Appendix 15 of that document sets out how the price of a multi-operator travelcard scheme would be built up according to the following framework:

$$\begin{aligned} \text{Multi-operator ticket fare} = & \\ & \text{average or median single fare} \\ & \times \text{estimated ticket usage} \\ & \times \text{discount for a multi-journey ticket.} \end{aligned}$$

- 9.33 The CMA believe using such a framework for pricing increases the transparency of how prices of multi-operator travelcards are set and of the relevant information used to determine these prices. This framework is not intended to be applied as a mechanistic formula, but to be used as a way of facilitating decisions about an appropriate level of pricing. Such decisions should be taken at a local level in accordance with the EP governance arrangements outlined elsewhere in this guidance.

<sup>39</sup> See para 4.9 of the block exemption guidance

<sup>40</sup> [http://webarchive.nationalarchives.gov.uk/+/http://www.competition-commission.org.uk/inquiries/ref2010/localbus/pdf/00\\_sections\\_1\\_15.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.competition-commission.org.uk/inquiries/ref2010/localbus/pdf/00_sections_1_15.pdf)

- 9.34 Annex B of the 2013 DfT guidance on multi-operator ticketing ('Building Better Bus Services: Multi-Operator Ticketing')<sup>41</sup> also provides detailed advice on how to apply this framework in practice.

## Summary of Schedule 10 procedures

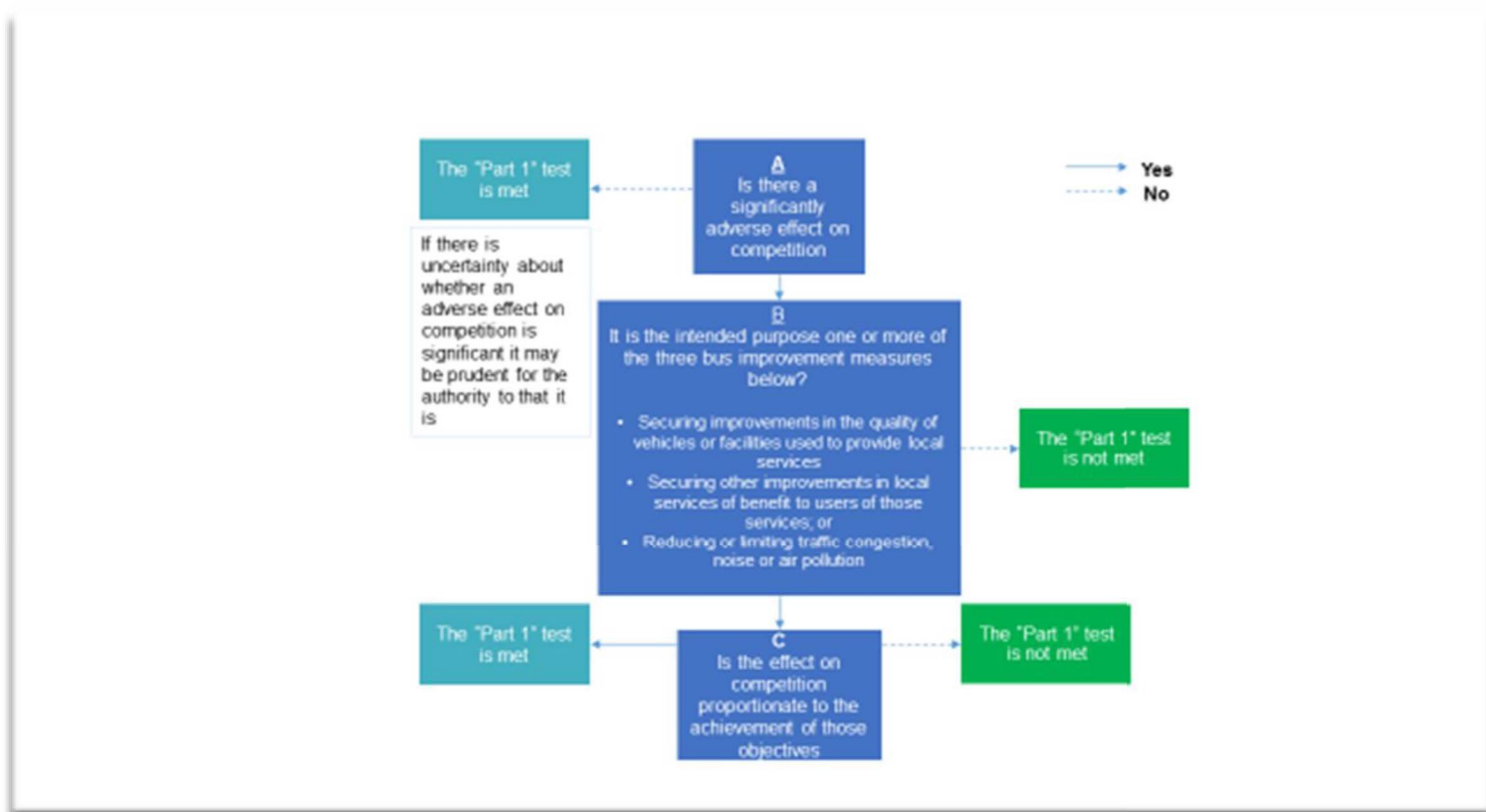
### Part 1 test

- 9.35 Enhanced Partnerships and any multi-operator ticketing scheme that is a part of them, must be subject to the test in Part 1 of Schedule 10 to the Transport Act 2000. This test has three elements:
- a) is there a significantly adverse effect on competition? If yes:
  - b) is the LTA's involvement with a view to securing one or more of the three purposes specified (known as 'bus improvement objectives'), either:
    - to secure improvements in the quality of vehicles or facilities used to provide local services,
    - to secure other improvements in local services of benefit to users of local services, or
    - to reduce or limit traffic congestion, noise or air pollution; and
  - c) is the effect on competition proportionate or likely to be proportionate to the achievement of that purpose?
- 9.36 It is for the LTA(s) making the plans and scheme(s) to consider these issues and set out - in a document - why they believe the content of the EP schemes - meet those tests.

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<sup>41</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/141874/multi-operator-ticketing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141874/multi-operator-ticketing-guidance.pdf)

9.37 A flow chart setting out this process is below.



## Part 2 test

9.38 The Part 2 test is required where agreements or co-operation between operators 'has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities'<sup>42</sup>.

9.39 In this context, if an EP imposes a route restriction that requires a degree of co-operation between operators, this arrangement should be covered by a 'qualifying agreement' made under Part 2 of Schedule 10 of the 2000 Act. This might be needed because, say, two or three operators on a route need to co-ordinate timetables, so that a headway or frequency restriction imposed by the EP on that route is complied with. Or it may be required if a new operator wishes to run services on the route that has a frequency restriction and the existing ones need to co-ordinate with the new operator to ensure all their services, taken together, comply with the route restriction.

9.40 Although such arrangements do 'prevent, restrict or distort competition' they are allowed if they are covered by a Qualifying Agreement between operators which are certified by the LTA. In order to certify a qualifying agreement, the LTA must apply two tests:

- the agreement must be in the interests of passengers using local services in the area of the local authority/ies concerned; and
- it must not impose on the undertakings concerned restrictions that are not indispensable to the attainment of the bus improvement objectives (in this case compliance with the relevant route requirement).

<sup>42</sup> Paragraph 18(3)(a), Part II of Schedule 10 to the Transport Act 2000.

9.41 If the proposed agreement between the operators, in the opinion of the local authority. Meet these tests then they can be covered by a qualifying agreement.



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## **Appendix 3**

### **MODEL EPS NOTICE**

#### **'Notice of Intent to Prepare an Enhanced Partnership Plan and Scheme**

**[Date]**

At its meeting on [date], [Name of LTA] gave approval to proceed with the development of an Enhanced Partnership. The commencement of this is confirmed through this notice of the intention to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Scheme, as required and set out in section 138F of the Transport Act 2000.'

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## Appendix 4

### **Bus Service Improvement Plans: Summary and Commentary on the Guidance to Local Authorities and Bus Operators**

1. The Guidance notes that the National Bus Strategy sets out an ambitious vision to dramatically improve bus services in England outside London through greater local leadership, to reverse the recent shift in journeys away from public transport and encourage passengers back to bus. Local Transport Authorities (LTAs) and local bus operators must work at pace with local communities to plan and deliver a fully integrated service with simple, multi-modal tickets, more bus priority measures, the same high-quality information for all passengers in more places, and better turn-up-and-go frequencies that keep running into the evenings and at weekends.
2. The Guidance states that there can be no return to a situation where services are planned on a purely commercial basis with little or no engagement with, or support from, LTAs. Bus Service Improvement Plans (BSIPs) are how LTAs, working closely with their local bus operators and local communities, address this – by setting out a vision for delivering the step-change in bus services that is required by the Strategy. However, a subsequent presentation by DfT entitled ‘Delivering the National Bus Strategy’ noted that Enhanced Partnerships (EPs) can cover anything **except structure of commercial bus network and single-operator fare levels**. This appears to be a reminder to LTAs that the EP does not enable them to force operators to change their commercial bus network or the basic fare structure, both of which can only be achieved through mutual agreed negotiation.
3. A BSIP is confirmed as the essential first step in the process, as it will represent the extent of the ambition, delivered through an Enhanced Partnership or franchising, that will be critical when Government decides how new funding is allocated.
4. The Guidance confirms that, by the end of June 2021, to be eligible for continued access to COVID-19 Bus Services Support Grant (CBSSG) every LTA must have published a statutory notice that they intend to prepare an EP Plan and Scheme.
5. Although the original Guidance to EPs dated 2017 is referenced by the DfT, it is noted that where there are any potential conflicts, the BSIP Guidance and the National Bus Strategy represent the Government’s current views and supersede the non-statutory aspects of the 2017 EP Guidance. A revised EP Guidance is anticipated to be published in June 2021.
6. The Guidance notes that the decision on whether to pursue a franchising route or an EP (as both are statutory routes) needs to be an informed one, taken in the best interests of local people. Before a notice(s) of intent is issued, each LTA must discuss both options with their local bus operators. This will provide an important opportunity to influence the way forward and table proposed partnership measures that, taking into account the ambitions and agenda driven by the Strategy, they believe will quickly deliver the dramatic improvements to bus services that are required. Initial discussions have taken place with the major operators in East Sussex, and all have expressed their preference for an EP rather than for franchising.
7. Where an LTA decides to pursue an EP, the BSIP content will set out a high level vision and key interventions to deliver it, with the EP plan containing the detail of how they will be delivered, so that the documents make up a blueprint for bus service improvement. The BSIP will need to be developed in collaboration with bus operators; and other stakeholders such as bus user, service provider and local business groups should also be consulted. LTAs may wish to make an outline estimate of funding needed, accepting that it will be broad and not definitive at the time when the BSIP is shared with the DfT by the end of October 2021. Further information regarding funding streams, which will be for both revenue and capital expenditure, will be provided this summer.



8. The Government anticipates that two tranches of funding will be available, one allocated by formula to all local authorities based on the overall quality of their BSIP, together with other relevant information; and a separate tranche of funding for specific larger schemes.
9. In assessing the overall quality of BSIPs, the Government will give particular weight to measures which support local bus markets as they emerge from the pandemic, for example bus priority and targeted fares reductions. BSIPs will enable the Government to understand the appetite for transformational investments which support the bus sector in the funding period and over the long term (i.e. beyond 2025). In relation to specific schemes, the BSIP will be assessed as a Strategic Outline Business Case (SOBC). Further assessment will be required after the SOBC stage and additional guidance on the assessment process will be issued as part of the funding guidance mentioned above.
10. To support LTAs in forming partnerships and developing BSIPs, the Government is going to make £25 million available in the 2021-22 financial year to improve LTA capacity and capability to deliver BSIPs, EPs and franchising assessments.
11. As part of the wider reform of the Bus Service Operators Grant (BSOG), the Government will consult on linking payment of that reformed grant to BSIP commitments. Government will also take into account an LTA's performance with respect to the policies set out in the Strategy when considering funding allocations for wider, non-bus local transport schemes.
12. In determining their BSIPs, LTAs may also join together to produce a single BSIP – particularly where local economies and travel patterns overlap significantly. It is anticipated that LTAs will collaborate to resolve any cross-boundary issues. In view of the size of East Sussex, it is not thought by the operators consulted that the LTA needs to join with any adjoining authority and that a single BSIP for East Sussex will be perfectly acceptable, although close liaison with Kent, Surrey, West Sussex and Brighton & Hove Councils will need to take place.
13. It is not expected that BSIPs will be long, complex documents, nor will they be taken as definitive or immutable commitments or statements of intent on the part of the Authority. Their main purpose is to get everyone thinking about what questions need to be addressed in the area, to explore possible answers, and to provide an early basis for funding decisions in the autumn and winter in preparation for the financial year 2022/3 when transformational funding begins.
14. In formulating their BSIPs, it is mandatory that LTAs seek and report the views of passengers and third parties on the merits and demerits of bus services locally and the performance of the LTA and the local operators. These should include local transport users' groups, MPs, local services and business organisations and so on.
15. The Government notes that there must be significant increases in bus priority to make bus services faster and more reliable. Plans for bus lanes on any roads where there is a frequent bus service, congestion, and physical space to install them. Bus lanes should be full-time and as continuous as possible. They should be part of a whole-corridor approach, including other physical measures such as traffic signal priority, bus gates (which allow buses to enter a road that prohibits access to other traffic) and clear and consistent signage for traffic and for bus users.
16. The Government notes that LTAs should consider physical changes to road layouts to allow the provision of continuous bus lanes and where there is insufficient space for a bus lane, LTAs should consider point closures of some main roads to private cars, allowing through traffic on other main roads nearby. The extent to which individual LTAs commit to new bus priorities in their BSIP will be an important indicator of ambition as well as providing confidence to bus operators in the EP commitments of both sides.

17. DfT will consider proposals for capital investment as Strategic Outline Business Cases. LTAs should therefore describe corridors and potential packages of measures at a high level but will not need to have identified a preferred option.
18. The National Strategy envisages a general reduction in fare levels, however lowering fares will either have to be a commercial decision for each operator or may require subsidy from the LTA – which each operator would negotiate separately with the LTA. Entering into any type of fares subsidy needs to be thought through carefully as it represents an ongoing revenue commitment by the LTA.
19. BSIPs are expected to set out at a high level what is required to deliver no-fuss, multi-operator tickets and price caps on contactless credit and debit cards, at little or no premium to single operator fares, and where appropriate how this could be expanded to tickets that cover all travel modes (bus, light rail/metro, rail). All buses should accept contactless payment and all operators running on the same route should accept the same tickets. In the case of East Sussex, much progress has already been made in delivering these aspirations, thus it is considered that this should be relatively straightforward to achieve.
20. The Guidance requires all LTAs to work with bus operators and energy providers to include ambitions to decarbonise the local bus fleet in their BSIPs. DfT expects to see the relative ambition of areas reflected in these plans, with an expectation of all an area's fleet moving to zero emission in the long run.
21. BSIPs must include a passengers' charter giving bus users rights to certain standards of service, including punctuality, vehicle cleanliness, proportion of services operated, information and redress. There must be mechanisms for redress at a local level and means to ensure these standards are met, which could include forums such as establishing Bus Advisory Boards. This will be backed with action at national level as set out in the Strategy.
22. BSIPs will be 'living' documents and can be altered (and republished) if the LTA, working closely with its bus operators, believes this is necessary. BSIPs should be revised at least every twelve months to ensure they remain relevant and that the plans within it are working as intended.
23. The Government believes that if a BSIP is to be effective, a forum should exist for the free and frank exchange of views, data and ideas from its members on how to improve bus services in the BSIP's geographical area. Its members will of course include all local bus operators and those running cross-boundary services. However, there will be other groups that can contribute, such as bus user groups and representatives of disabled people, and local business groups.
24. Operators are expected to work together on proposals for measures in the BSIP and the EP and need to agree who will pull together and present the collective bus industry view when commenting on or providing written content for BSIP drafts. This can be for the whole BSIP development process or for individual sections/meetings. It is recognised that operators can hold their own separate meetings to discuss and formulate their proposals and draft content for discussion with the LTA. It is necessary and perfectly acceptable for local bus operators to have private discussions on the drafting suggestions that they intend, as a group, to share with the LTA in the forum.
25. In terms of timescales, the BSIP must be produced by the end of October 2021 and once this has been agreed and the Government has set out the funding that it will provide, specific measures can be included in an EP. This will include both commitments by the LTA and reciprocal ones from bus operators.

26. The BSIP should be accompanied by letters of support from operators representing at least 80% of registered mileage in the geographical area covered by the BSIP. In the absence of this, the LTA must explain why this level of support is not achievable.

**Initial Indicated views of the Major Bus Operators in East Sussex for Enhanced Partnerships**

Separate initial meetings have been held with Stagecoach South East, Compass Travel and Metrobus/Brighton & Hove, being the three main bus operators in East Sussex. These companies all expressed enthusiasm to work closely with the County Council in developing both the BSIP and the EP. They agreed to make data available for in-depth analysis.

The following table shows the operators' views and aspirations.

TOPIC	OPERATOR VIEWS
Shape of the EP	<ul style="list-style-type: none"> <li>• General desire for simplicity and minimum paperwork</li> <li>• Agreement that rural areas may need to be treated differently to urban areas</li> <li>• No expectation that the BSIP or EP would be joint with neighbouring authorities</li> </ul>
Priorities for inclusion in the EP	<ul style="list-style-type: none"> <li>• Bus priority measures such as bus lanes, bus gates and traffic light priorities universally the highest priority – considered critical for improved reliability and to provide the basis for improving bus services</li> <li>• Parking enforcement noted as a significant problem – illegal parking slows services and blocks bus stops</li> <li>• One operator noted that some of the better used supported services might benefit from increased frequencies</li> <li>• A general feeling that new residential and commercial developments would benefit from earlier engagement of bus operators</li> <li>• Roadworks noted as a problem in terms of notice and proper planning for diversions</li> <li>• Further improvements to Intelligent Transport Systems possible, such as real time information and apps.</li> </ul>
Fares and Ticketing	<ul style="list-style-type: none"> <li>• Accepted the need to simplify ticketing</li> <li>• Accepted the need to extend multi-operator ticketing</li> <li>• Made the point that if bus operators are expected to take commercial risks regarding fares revenue decisions on fare levels should remain with them</li> <li>• Saw some potential to target lower fares at specific groups of passengers such as young people</li> <li>• General feeling that improving fares and ticketing had progressed in East Sussex but room for further improvement</li> </ul>
Low emission buses	<ul style="list-style-type: none"> <li>• Generally accepted there would be a move to battery electric and hydrogen fuel-cell buses</li> <li>• Two operators actively involved in funding opportunities for hydrogen fuel-cell buses in East Sussex</li> <li>• General concern that the pandemic has made it difficult to justify capital expenditure</li> </ul>
Bus Passenger Charters and Bus Advisory Panel	<ul style="list-style-type: none"> <li>• No current examples in East Sussex</li> <li>• Keen to ensure any advisory body could be kept to a strategic level</li> <li>• Some operators had examples of customer liaison elsewhere which could be used as a basis</li> </ul>
Rural services	<ul style="list-style-type: none"> <li>• Some interest in Demand Responsive Transport (DRT) but felt it necessary for the technology and vehicles to improve to be more financially sustainable</li> <li>• Some felt that a more frequent service to connect with existing commercial services would improve the transport opportunities for very rural areas</li> </ul>
Concept of County Council taking over the task of managing bus registrations from the Traffic Commissioner's Office	<ul style="list-style-type: none"> <li>• Two operators had no firm views either way whilst one thought it would be beneficial</li> <li>• Clearly resource and financial implications for the Authority</li> </ul>



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