

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Growth and Development

LEAD OFFICERS: Strategic Director of Place

DATE: Friday, 10 June 2022

PORTFOLIO(S) AFFECTED: Growth and Development

WARD/S AFFECTED: (All Wards);

KEY DECISION: Y

SUBJECT:

Blackburn with Darwen Enhanced Bus Partnership

1. EXECUTIVE SUMMARY

The Government published 'Bus Back Better', a National Bus Strategy (NBS) which sets out a bold ambition for what they want to achieve for public transport. Aspirations of the NBS include:

- More frequent buses
- Faster and reliable
- Cheaper
- More comprehensive
- Easier to understand and use
- Greener
- Accessible and inclusive by design
- Innovative and safe mode of transport
- Links to other policies and plans
- Support for LTA's to increase resource to skill up for the future

Two requirements of the strategy are for the Council and its operators and to enter into a statutory 'Enhanced Partnership' or Franchising Agreement to continue to receive funding; and deliver the improvements included within the published Bus Service Improvement Plan (BSIP). The appropriate arrangement for Blackburn with Darwen Borough Council is to enter into an 'Enhanced Partnership', we submitted our expression of interest to do so to the Department for Transport (DfT) in April and Executive Board approved of our intention to enter into an Enhanced Partnership at the July meeting.

Our Bus Service Improvement Plan was approved by Executive Member for Growth and Regeneration on 22nd October 2021 and is published on our website. In April 2022 DfT confirmed that we have been successful in our BSIP bid and allocated £3.8M (£1.2M revenue to support services and £2.6M for infrastructure improvements to prioritise buses) over 3 years.

In March 2022 DfT recommended that Transport Authorities publish a 'draft' EP which we did and publish the decision once BSIP funding was announced. It is our intention that the EP Plan and Scheme is published and entered into from 1st June 2022.

2. RECOMMENDATIONS

That the Executive Board:

- (i) Approve the Council's intention to enter into an 'Enhanced Partnership' working in collaboration with all the Borough's bus operators, in accordance with s138G Transport Act 2000 without modifications. The Local Transport Authority having complied with s138F regarding preparation, notice and consultation.
- (ii) That the Enhanced Partnership Plan and Scheme will be responsible for directing available funding from central government and elsewhere to deliver improvements to bus services and infrastructure in Blackburn with Darwen to help achieve our ambition, objectives and targets in our Bus Service Improvement Plan.
- (iii) That mechanisms by which the plan and scheme can be modified, following any constructive comments, will be managed by through the Enhanced Partnership governance structure and Blackburn with Darwen procedures.

3. BACKGROUND

'Bus Back Better', a National Bus Strategy (NBS) sets out clear objectives and requirements for Local Transport Authorities (LTA's) and links requirements to deliver upon these to ensure that funding is received post April 2022.

The timescales to adhere to this strategy have been and remain very challenging:

- 18th March 2021 - Strategy published
- 16 April 2021 – LTA's required to submit an expression of interest to receive the capacity building funding of £100K
- 30th June 2021 - Commit to entering into an Enhanced Partnership (EP), or have commenced statutory steps towards franchising. Failure to commit to EP or franchising will mean loss of CBSSG and other future funding streams
- 31 October 2021 - Publish initial Bus Service Improvement Plan (BSIP) with review periods
- 1 April 2022 - Enhanced Partnership in place for each LTA area

The 'Enhanced Partnerships' will be:

- Legally binding agreements between local transport authorities and bus operators and include what improvements will be made to bus services. The operators will still run the services
- Developed through negotiation
- Flexible – can cover anything except structure of commercial bus network and single-operator fare levels
- Monitor and report upon performance

Funding:

- Capacity funding of £100K already received following our initial expression of interest
- BSIP 2022 – 2025 of £3.8M

LTA's were required to prepare and publish a Bus Service Improvement Plan (BSIP) by the end of October 2021. Blackburn with Darwen Borough Council prepared a joint BSIP with Lancashire County Council which can be found here: <http://bwdconnect.org.uk/wp-content/uploads/2021/10/Lancashire-with-Blackburn-with-Darwen-BSIP-October-2021.pdf>

The BSIP provides the overarching framework for the Enhanced Partnership Plan (EP Plan) and Enhanced Partnership Scheme (EP Scheme). The EP Plan summarises the main themes of the BSIP in setting out an analysis of local bus services in Blackburn with Darwen, the objectives for

the quality and effectiveness of bus services and how the EP Scheme or Schemes are intended to achieve these objectives. The EP Scheme describes the facilities, measures and obligations to be implemented to meet those objectives and how the partnership is constituted and operates.

Both the EP Plan and the EP Scheme have been prepared in consultation with the following bus operators and Lancashire County Council, under Section 138 of the Transport Act 2000:

- Transdev
- Travel Assist
- Moving People
- Blackburn Private Hire
- Stagecoach

The EP Plan and Scheme will apply during the period of 1st April 2022 to 31st March 2032 and will be reviewed in April 2027 and set out how we will deliver a multi-million pound investment in the Borough's public transport system.

For decision-making purposes, the Enhanced Partnership will be governed by a Management Board with the mandate to take decisions using an Enhanced Partnership Scheme Variation mechanism (as set out in Section 3.6.2) on issues put to them by the Forum, and other issues identified as being relevant to partnership delivery. The EP Forum will provide opportunities for discussion issues of all kinds affecting the Blackburn with Darwen Borough Council's bus network, consulting with the building consensus across the various stakeholders. The Forum will monitor the achievements of the Partnership against its objectives and monitor delivery against the targets set out in the EP Plan. Detailed Terms of Reference are provided in Annex D.2.

The Management Board will also be the decision-making body of the Enhanced Partnership. The scope of the Management Boards decision-making will be on those matters set out in the Bus Service Improvement Plan and the Enhanced Partnership Plan. Where a decision by Blackburn with Darwen Borough Council is required, for instance on the implementation of bus priority, the Management Board will have the power to make recommendations and request that such recommendations are formally considered by Blackburn with Darwen Borough Council. Certain decisions of the Management Board may constitute Enhanced Partnership Scheme Variations pursuant to section 3.6.2 hereof if the requirements therein are met. The Management Board will be constituted of Operators operating Qualifying Bus Services (excluding services where the tendering authority takes the revenue risk) and representatives of Blackburn with Darwen Borough Council.

The Management Board is to be chaired by Blackburn with Darwen Borough Council's Executive Member for Growth & Regeneration or his or her selected deputy, or failing this an independent nominee as proposed, seconded and elected by the voting members of the Management Board under the arrangements outlined above. In the event of a 50:50 vote the chair will have the deciding vote.

4. KEY ISSUES & RISKS

If the Council does not engage with the requirements of this strategy then we will not receive funding from October 2022, when the new funding commences.

5. POLICY IMPLICATIONS

The 'Enhanced Partnership' and Bus Service Improvement Plan aligns with the joint Authority (BwD, LCC and Blackpool) Local Transport Plan and any successor documents.

6. FINANCIAL IMPLICATIONS

Current funding will cease post October 2022.

The Council currently receives circa £60k per annum Bus Services Operators grant (BSOG). Government expect all enhanced partnerships to be operational on April 2022, and that from this date only services operated under these statutory agreements will be eligible for the Reformed Bus Service Operators Grant.

To ensure that the Enhanced Partnerships can be achieved the DfT has committed to providing capacity funding. To date we have received £100K with DfT confirmed our BSIP allocation of £3.8M over the next 3 years.

As indicated in the Enhanced Partnership Scheme at Appendix A, any obligations on the Council in the Enhanced Partnership Scheme, such as the provision of facilities agreed by the Forum, will be subject to availability of funding and signed off by the Management Board. Equally, where there are proposals outlined for implementation in the Bus Service Improvement Plan, the Enhanced Partnership will seek to develop and deliver these, subject to scheme feasibility and the Partnership being able to identify and secure appropriate levels of funding from the National Bus Strategy and from other sources.

7. LEGAL IMPLICATIONS

The 'Enhanced Partnership' will require a legal agreement between the Council and all service providers. This agreement and our notice of the intention to prepare an Enhanced Partnership Plan will be undertaken in compliance with section 138F of the Transport Act 2000. Large portions of the appended enhanced partnership plan and scheme is set out in near final contract law language. For the purposes of approving this report, the plan and scheme has not been scrutinised to the same extent that the final legal agreement will be scrutinised.

8. RESOURCE IMPLICATIONS

The capacity funding received to date and further funding yet to be received from engaging in this process will fund our existing staffs and consultants required to manage and review the BSIP in collaboration with our service providers and LCC

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

The Enhanced Partnership Plan and Scheme have been through two statutory consultation phases, a 28 day bus operator only consultation and a wider 14 consultation including statutory consultees, as defined by DfT. No objections were raised during either consultation period.

The BSIP also includes a Passenger Charter which is tied in to ambitions and targets, creating a passenger-centric view and public and stakeholder consultation will be required in the further development of this.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

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DATE:	15 th February 2022
BACKGROUND PAPER:	