



**West Midlands
Combined Authority**

WMCA Board

Date	28 June 2019
Report title	Vision for Bus Next Steps - Part B: Enhanced Partnership for Sprint
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Report has been considered by	TfWM Leadership Team - 29 April 2019 STOG - 13 May and 3 June 2019 Leadership Team - 15 May 2019 Programme Board - 14 June 2019

The WMCA Board is recommended to:

- (1) Note the proposed benefits of using an Enhanced Partnership for the delivery of Sprint in readiness for the Commonwealth Games as an exception to Part A of this report and why this is the most suitable option for delivery of Sprint.
- (2) Approve that TfWM can give notice of the intention to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Schemes (described in paragraph 3.1 to 3.14) as set out in section 138F of the Bus Services Act 2017.

- (3) Delegate authority to the WMCA Transport Delivery Committee (TDC) to oversee the development and subsequent 'making' of the Enhanced Partnership Plan and Schemes (as set out in 3.9-3.11).

1. Purpose

- 1.1 This report seeks approval to commence the preparation of an Enhanced Partnership Plan and Schemes in the West Midlands Combined Authority to enable the delivery of two Sprint routes in time for the 2022 Commonwealth Games.
- 1.2 This report does not seek the approval of any Sprint schemes themselves or set out the detail of what will be included within an Enhanced Partnership Plan or Scheme. Subject to the approval of the recommendations within this report those approvals will form part of subsequent reports to the WMCA, WMCA TDC and Local Authorities at the relevant times to progress through existing governance processes, as set out in the Appendix to this report.

2. Background

- 2.1 Vision for Bus clearly sets out the objective to achieve modal shift by providing exceptional service and reliability along with comfort and accessibility. The introduction of Sprint phase one corridors by the end of 2021 provides a major opportunity for investment by the public and private sector to achieve a step change in public transport that will set the foundations for benefits and improvements across the integrated transport system throughout the region.
- 2.2 Two Sprint routes (A34 and A45) have been identified as a priority for helping to facilitate the transport element of the 2022 Commonwealth Games. Delivering these routes in time for the Commonwealth Games is a commitment that has been made to the Commonwealth Games Federation.

3. Enhanced Partnership Plan and Schemes for Sprint

- 2.3 A review was undertaken to assess the best mechanism to ensure the timely delivery of the first two Sprint schemes ahead of the 2022 Commonwealth Games, whilst protecting the significant investment levels being made by the authorities and potential operator(s).
- 2.4 An assessment was made of legislation currently in use for other bus partnership schemes across the West Midlands, as well as new legislation from the Bus Services Act 2017 including the two new legislative options of Enhanced Partnership and Franchising. The assessment concluded that current partnership legislation does not provide the level of protection for local authorities and bus operators when considering the value and scale of investment which ruled out Advanced Quality Partnership Schemes (AQPS). Additionally franchising was not recommended based on the ability to deliver it within the required timescale but it should also be noted that franchising would also likely not have been recommended or suitable for such a small geographical area, even if it had been seen as achievable within the timescales.
- 2.5 Following this careful assessment, it is recommended that the most suitable mechanism for delivering and managing Sprint ahead of the 2022 Commonwealth Games is through an Enhanced Partnership (EP).

- 2.6 There are several compelling reasons why an EP is the preferable mechanism to deliver Sprint including:
- The ability to implement an EP before the 2022 Commonwealth Games;
 - The ability to manage access to infrastructure by Sprint and other services;
 - The powers to set maximum frequencies or restrict access to only Sprint vehicles on individual route sections (which cannot be achieved with an Advanced Quality Partnership Scheme);
 - The flexibility to trigger a review of the EP at certain points of the EP lifetime (whereas an AQPS has a minimum 5 year lifespan);
 - The ability to develop additional EP Schemes at a later date in the region if they are deemed an appropriate mechanism without having to create a new EP Plan;
 - Supports the timescales for the operating model where commercial operators are required to procure the vehicles for use on the service; and
 - Provides clear accountability for all partners including bus operators.
- 2.7 An EP is a formal agreement between a local transport authority, local highway authorities and local bus operators to work together to improve local bus services, and is one of the new powers available in the Bus Services Act. It requires a clear vision for the improvements that the EP is aiming for, known as the EP Plan. The plan for the EP for this region will be based on TfWM's Vision for Bus which is already approved and known to each local authority and local bus operators.
- 2.8 TfWM propose an EP Plan which spans the Area of the West Midlands Combined Authority¹ excluding the three existing AQPS areas due to the way the legislation is written and applied, as they cannot both apply within the same geography (Appendix A). The Bus Services Act guidance states if an Authority is unsure of the geographical area to include at this stage, it recommends including the entirety of the authority's area – as this links to the powers to request information from operators set out in the Bus Services Act 2017.
- 2.9 The actions, requirements and commitments to achieve improvements within the Plan are set out in one or more accompanying EP Schemes. For the first two Sprint routes it is proposed that there is a separate EP scheme for each corridor. The fact that an EP Plan is made for the region will then allow for the exact geography of the EP Scheme and the corridor to be agreed and determined through the preparation of the EP. This will be particularly helpful when looking at boundaries around connecting bus services and adjacent routes, as well as the Plan itself.
- 2.10 Within each EP Scheme the details of the infrastructure commitments, service specification and standards, customer standards, performance requirements and maintenance will be agreed between partners. Further explanation of the proposed Enhanced Partnership Plan and Schemes can be found in Appendix B, along with the process and timetable that TfWM and partners would undertake for the commencement, development, approvals and implementation.

¹ As defined in the West Midlands Combined Authority Constitution

Approvals and Next Steps

- 2.11 The WMCA Board are recommended to approve that TfWM give notice of its intention to prepare an EP Plan for the area of the West Midlands Combined Authority and 2 EP Schemes for the first two Sprint routes (A45 and A34), on behalf of its constituent authorities.
- 2.12 The Board are asked to approve the delegation of authority to the WMCA Transport Delivery Committee (TDC) to oversee the development and subsequent 'making' of the EP Plan and EP Schemes. This is in line with the WMCA Constitution and Scheme Delegation to TDC and follows the other formal partnership approval process followed in the West Midlands Combined Authority.
- 2.13 Granting this authority does not in itself give authority to proceed with Sprint but to prepare and ultimately deliver the legislative framework under which the scheme will be delivered and subsequently managed. The WMCA Board will be required to approve the Sprint Full Business Case (FBC) and design approvals from the Local Highway Authorities for Sprint, at a later date, to enable the delivery of the scheme(s).
- 2.14 The constituent authorities will be asked to approve the development and content of the EP Plan and associated EP Schemes (where relevant) at a later date through a complementary paper to their own Cabinet. The constituent authorities will be asked to authorise delegated approval from their own Cabinet to a Senior Officer in their authority for the 'making' of the Plan and Schemes, at the final stage in the EP development, subject to the resolution of any objections to the EP Plan and associated Schemes.
- 2.15 Failure to secure approval would have an impact on the deliverability of the Sprint schemes either in achieving the timescales set out or in achieving the standards and levels of protection for the investment.
- 2.16 Whilst the OBC is being formulated to determine the most appropriate mechanism for achieving all 9 Vision for Bus objectives in the long term, the Enhanced Partnership may present the opportunity to deliver additional elements of the 9 Vision for Bus objectives in the interim period. If this is identified, proposals will be developed at a later date. Approval by the WMCA for commencing the EP process does not impact or influence the OBC undertaking for bus service options in Part A of this report.

3 Summary

- 4.1 Delivering the A34 and A45 Sprint routes is a priority for the 2022 Commonwealth Games. There is an identified risk to the delivery of Sprint in time for the Commonwealth Games without adequate mechanisms to protect investment and create an operational model. TfWM recommend the creation of an Enhanced Partnership Plan for the area of the West Midlands Combined Authority, with two corridor-based Enhanced Partnership Schemes to help deliver Sprint in a timely manner, with scope for further schemes in the future if there is an identified benefit.

5. Financial Implications

- 5.1 The development and implementation of an Enhanced Partnership is estimated to cost up to £250k. This is expected to be funded from the Sprint Programme, Outline Business Case approved funds.

6. Legal Implications

- 6.1 Part 7. 22(3) of The West Midlands Combined Authority Functions and Amendment Order 2017 confers on the Mayor powers under Section 113A (1)(a) of the Local Democracy, Economic Development and Construction Act 2009 providing the Mayor with a general power to support the carrying-out of any of the CA's functions. The Enhanced Partnership Plans and Schemes will be implemented in accordance with the Bus Services Act 2017.
- 6.2 WMCA legal are currently advising the A34 and A45 Sprint Delivery managers upon the required Highways agreements that need to be entered into between the CA and the constituent authorities to facilitate Sprint. These agreements include Section 8 and Section 278 highways agreements where appropriate. WMCA legal are also currently liaising and have met with legal representatives from the 4 constituent authorities where the CWG Sprint routes are being developed. As reported in paragraph 3.11 of this report, the actual Sprint infrastructure works on the highways could not commence until those parties have agreed and signed the Section 8 and 278 agreements.

7. Equalities Implications

- 4.1 The Vision for Bus highlights the important role that bus plays in addressing key strategic equality and inclusion challenges. Young people, BAME groups, disabled people and other protected groups, as well as lower socio-economic groups, are more likely to rely on the bus network to access education, employment and other opportunities. Affordable, accessible and well connected services are vital in ensuring these groups are not excluded and marginalised.
- 4.2 There are no equality implications specifically in relation to the proposals in this report.

8. Inclusive Growth Implications

- 8.1 In considering the inclusive growth implications, two of the four Inclusive Growth Tests are relevant: Future Generations, and Universal Design.
- 8.2 **Future Generations:** This report has positive implications for future generations. The EP Plan and Schemes for Sprint represent an enhancement of the mass transit system, which sees space allocated away from individual cars and towards Sprint – a key part of ensuring that people choose mass transit. This helps children and young people in a number of ways – improving the bus services that they are likely to use in all areas of their lives, improving the air quality by removing cars from the road, and contributing to tackling climate change by lowering the emissions of the overall transport system.

- 8.3 **Universal Design:** reduced patronage notwithstanding, buses are the mode of public transport of choice for most citizens, particularly women. Making them work for the population is the fastest route to improving city travel for everyone. It is relatively easy to create new or additional bus routes, and there is untapped potential for greater accessibility – including more stop announcements, and more flexibility in the configuration of the deck at ground level, to accommodate people with mobility aids, or people with pushchairs and bikes.
- 8.4 Space allocation on roads is a key element of unlocking the added value of buses, and it is unlikely that the positive implications of this work can be realised unless they receive adequate space and priority.

9. **Geographical Area of Report's Implications**

- 9.1 The vision covers the area of the West Midland Combined Authority but due to the importance of cross boundary services - into and out of the constituent area – partnership working with Non-Constituent and Shire Authorities will be crucial for the further development and delivery of the Vision for Bus and EP development.

10. **Appendices**

- 1.1 Appendix A: Proposed Enhanced Partnership Corridors
- 1.2 Appendix B: Enhanced Partnership Plan and Scheme