



Transport Delivery Committee

Date	9 November 2020
Report Title	Enhanced Partnership Plan and Scheme
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Report Considered by	Putting Passengers First Lead Members

Recommendation(s) for action or decision:

- To note the outcomes from the formal (public) consultation.
- To approve that TfWM issue a notice of intention to make the Enhanced Partnership Plan and modified Enhanced Partnership Scheme.
- To approve the making of the Enhanced Partnership Plan and associated Enhanced Partnership Scheme with modifications, subject to passing the operator objections.
- To authorise the WMCA Head of Governance to 'make' the Enhanced Partnership Plan and associated Enhanced Partnership Scheme, subject to passing the operator objections, as set out in section 4 (Next Steps) of this report, and more particularly within section 4.4.

1.0 Purpose of Report

- 1.1 To provide an update on the development and seek approval for the Enhanced Partnership (EP) Plan for the West Midlands and associated EP Scheme covering the A34 (north) and A45 / B425 Lode Lane corridors.

2.0 Background

- 2.1 An Enhanced Partnership (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 2017. It requires a clear vision for the improvements that the EP is aiming for, known as the EP Plan. The actions, requirements and commitments to

achieve the objectives within the EP Plan are set out in one or more accompanying EP Schemes.

- 2.2 The West Midlands Combined Authority (WMCA) Board approved Transport for West Midlands (TfWM) to give formal notice of the intention to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Schemes as set out in section 138F of the Bus Services Act 2017, at its meeting on 28 June 2019.
- 2.3 The WMCA Board also delegated authority to the WMCA Transport Delivery Committee to oversee the development and subsequent making of the Enhanced Partnership Plan and Schemes.
- 2.4 TfWM issued the Notice of Intention to prepare an EP Plan for the area of the West Midlands Combined Authority¹ excluding the three existing Advanced Quality Partnership Scheme (AQPS) areas due to the way the legislation is written and applied, as they cannot both apply within the same geography; and associated EP Schemes for the A34 (north) and A45 / B425 Lode Lane corridors. This was published on 17th July 2019 on the TfWM website. All local bus operators were made aware of this notice and invited to participate in the formal discussions for the EP Plan and Scheme (defined below).
- 2.5 The formal discussions have been held, with the drafting of an EP Plan, based on the TfWM Strategic Vision for Bus², and a Scheme. The EP Plan is a high-level vision and objectives for bus services in the West Midlands. Through the formal discussions, it was agreed by the partners to prepare one Scheme covering both the corridors of the A34 (north) and A45 / B425 Lode Lane ('Scheme').
- 2.6 Within the Scheme the details of the infrastructure commitments, service specification and standards, customer standards, performance requirements and maintenance have been agreed between partners. It is intended that this Enhanced Partnership Scheme will complement the introduction of Sprint by providing bus priority as well as higher bus standards for all bus services in the area, in readiness for the 2022 Commonwealth Games.
- 2.7 A notice was published on 20th December 2019 by TfWM (<https://www.tfwm.org.uk/operations/enhanced-partnership/>), giving operators until 24th January 2020 (at least 28 days as required by legislation), within which to make an objection to either the EP Plan and/or Scheme. TfWM are required to assess any objections using two criteria – if either is satisfied, it is a legal requirement that the consultation exercise on the EP Plan and Scheme cannot go ahead. TfWM did not receive any operator objections to the EP Plan or the Scheme.
- 2.8 Subsequently, a further review of the Scheme was undertaken with partners. It was agreed to undertake another operator objection period on the Scheme. TfWM

¹ As defined by the West Midlands Combined Authority Constitution, excluding the three existing Advanced Quality Partnership Schemes

² <https://www.tfwm.org.uk/media/38969/final-strategic-vision-for-bus.pdf>

issued a further notice on 28th February 2020, giving the relevant local bus operators until 27th March 2020 to lodge a formal objection to the Scheme.

- 2.9 No operator objections were received, and the Scheme could proceed to formal (public) consultation as approved by TDC at its meeting on 16th March 2020.

3.0 Public Consultation

- 3.1 The Covid-19 pandemic necessitated a delay in the commencement of the consultation and necessitated a change to the consultation strategy to limit any physical interaction with members of the public whilst ensuring the widest coverage and accessibility. The consultation strategy was revised to make greater use of digital technologies including on-line response forms and greater promotion through social media. Awareness of the consultation was raised through printed media and radio.
- 3.2 A consultation for the proposed EP Plan and Scheme ran for 10 weeks from Monday 6th July to Sunday 13th September 2020.
- 3.3 A consultation booklet and online questionnaire were produced and available online throughout the consultation period. Stakeholders were also able to request hard paper copies of all consultation materials with a business reply envelope from TfWM, either by email or phone.
- 3.4 The consultation was publicised on buses, at bus stops and transport hubs, on digital bus screens, on local radio, and across TfWM's and WMCA's various social media channels. No consultation events were able to take place due to the national and local social distancing guidance imposed to limit the spread of Covid-19.
- 3.5 A total of 347 responses were received to the online questionnaire, with a further 14 responses received by email. Among the 347 responses received via the online questionnaire:
- 68% of respondents either agreed or strongly agreed with the vision laid out in the EP Plan, 11% of respondents either disagreed or strongly disagreed with the vision in the EP Plan, 17% neither agreed nor disagreed.
 - 47% of respondents either agreed or strongly agreed that the Scheme will raise standards along the three route corridors. 12% either disagreed or strongly disagreed that the Scheme would raise standards, 26% neither agreed nor disagreed. However, it was noted that 53% of respondents did not use the bus services in the Scheme area, so this could explain the higher percentage neither agreeing nor disagreeing.
- 3.6 The key themes to arise from the comments in the open questions were:
- Support or Opposition to the EP Plan and/or Scheme
 - Economics and cost
 - General travel experience
 - Onboard experience
 - Comments on the consultation

- 3.7 A consultation report (Appendix A) has been prepared by Jacobs UK Ltd on behalf of TfWM to support the statutory consultation exercise carried out for the EP Plan and Scheme. The consultation responses have been analysed for any modifications to be made to the EP Plan and / or Scheme.
- 3.8 Following the review of the responses, it is recommended that the EP Plan is unchanged following the consultation. The EP Scheme, however, is proposed to be modified to take account of the consultation responses. This has been discussed and agreed with the EP Reference Group (chaired by Bus Users UK) and comprising partners and directly impacted and interested stakeholders:

Partners

- Transport for West Midlands (part of the West Midlands Combined Authority)
- Birmingham City Council
- Sandwell Metropolitan Borough Council
- Solihull Metropolitan Borough Council
- Walsall Metropolitan Borough Council
- Bus operators providing qualifying local bus services

Stakeholders

- Birmingham Airport
- Bus Users UK (Independent Chair of the EP Reference Group)
- Confederation of Passenger Transport (CPT)
- Greater Birmingham & Solihull Local Enterprise Partnership
- Transport Focus
- Warwickshire County Council

- 3.9 The EP Reference Group with independent chair was established to oversee the work on the EP with the authorities, bus operators, representatives of passenger groups, Local Enterprise Partnership and business and local authorities whose areas neighbour any proposed EP as recommended by the Enhanced Partnership guidance³.

4.0 Next Steps

- 4.1 An essential legal requirement after the consultation exercise on the EP 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 or Scheme being made.
- 4.2 Therefore, the modified Scheme must be put to the local bus operators for a further objection period (to be held for a minimum of 28 days), before it can be legally made.

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918800/bus-services-act-2017-enhanced-partnerships-guidance.pdf

This requires TfWM to issue a notice of intent to make the EP Plan and modified Scheme.

- 4.3 TDC is asked to approve that TfWM issue a notice of intent to make the EP Plan (unchanged) and a modified Scheme. This will be sent to all operators of qualifying local bus services for the EP Plan and Scheme to inform them of the intention to proceed and will be published on the TfWM website. This will trigger the operator objection period on the modified Scheme.
- 4.4 If the modified Scheme passes the operator objection period, the WMCA and WMCA's constituent authorities (subject to their own approvals) can legally 'make' the EP 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').
- 4.5 It is recommended that TDC approve the making of the EP Plan (unchanged) and modified Scheme, subject to the modified Scheme passing the operator objection period.
- 4.6 TDC is asked to authorise the WMCA Head of Governance to 'make' the EP Plan (unchanged) and modified Scheme, subject to the modified Scheme passing the operator objection period. This is in line with the WMCA Constitution and follows the other formal partnership approval process followed in the West Midlands Combined Authority.
- 4.7 The relevant WMCA constituent authorities will be seeking to provide their own approval to 'make' the EP Plan and modified Scheme with WMCA. It is expected, subject to passing the operator objection period, that the EP Plan and Scheme can be made in January 2021.
- 4.8 Once an EP Plan is made, other potential Schemes may be put forward by TfWM, constituent or neighbouring authorities or local bus operators, if there is an identified benefit and scope to improve local bus services in an area of the EP.

5.0 Competition Test Part 1

- 5.1 A transport authority can only make an Enhanced Partnership (EP) if it satisfies the requirements of the Competition Test in Part 1 of Schedule 10 to the Transport Act 2000. The test is satisfied if:
 - the scheme does not have or is not likely to have a significantly adverse effect on competition, or
 - the effect it has on competition is proportionate to the achievement of one or more of the following purposes:
 - improving the quality of vehicles or facilities covered by the scheme;
 - securing other improvements to local services of benefit to their users;
 - reducing or limiting traffic congestion, noise or air pollution.
- 5.2 The EP is subject to the test in Part 1 of Schedule 10 to the Transport Act 2000. This test has three stages.

Part 1 Test – 3 Stages	West Midlands Combined Authority assessment
a) Is there or is there likely to be a significantly adverse effect on competition?	<p>We do not think that there is likely to be a significantly adverse impact on competition. We have reached this conclusion on the basis of our interpretation of Competition Law.</p> <p>In terms of fairness, we have fully completed the assessment to demonstrate why we think there is no significant adverse effect on competition.</p>
<p>b) If Yes, is the LTA's involvement with a view to securing one or more of the three purposes specified (known as 'bus improvement objectives'), either:</p> <ul style="list-style-type: none"> • to secure improvements in the quality of vehicles or facilities used to provide local services, • to secure other improvements in local services, or • to reduce or limit traffic congestion, noise or air pollution; 	<p>The implementation of an EP Plan for the West Midlands region (excluding the existing 3 AQPS) and a Scheme for the A34(N) and A45 / B425 Sprint corridors is aimed at delivering the Sprint bus priority and bus infrastructure, as well as the Sprint service standards in a deregulated bus market in readiness for the 2022 Commonwealth Games.</p> <p>This is expected to secure improvements in all local bus services; improve the quality of vehicles used to provide local bus services; and improve vehicle emission standards in the Scheme area.</p>
c) Is the effect on competition proportionate or likely to be proportionate to the achievement of that purpose?	We conclude that the effect on competition is proportionate to the achievement of the purposes set out in the Second Stage and, therefore, the 'Part 1' test is met.

- 5.3 All operators in the West Midlands will be part of the EP Plan, but only bus operators operating services in the Scheme area will be affected by the Scheme requirements. There are currently 5 operators in the Scheme area. The Scheme requirements have been set in consultation with the affected bus operators.
- 5.4 All these operators are likely to be affected by future vehicle standards that will apply in the Scheme, without improvements being made to their fleets.
- 5.5 It is deemed reasonable that the future standards that will be specified in the Scheme, to achieve the bus improvements objectives, are proportionate to achieving the aims and are acceptable.

6.0 Financial Implications

- 6.1 There are no direct financial implications as a result of this update report. Costs incurred or support provided by TfWM from undertaking activity referred to in this report will be from within agreed overall Sprint and Integrated Transport Services budgets and resources.

7.0 Legal Implications

- 7.1 It is noted that the request for advance approval to make the EP Plan and Scheme is subject to the statutory objection period by operators for the modified Scheme, being satisfied. This can be considered to be a ‘conditional’ advance approval from TDC, which legal considers this to be acceptable. This is however subject to the proviso that the appropriate TfWM officers, namely the Accountable Director and employee report back to TDC without delay, in the event the conditionality referred to above, is not satisfied.

8.0 Equality Implications

- 8.1 An Equality Impact Assessment has been undertaken on the Scheme, which noted some groups of people are more likely to be reliant on public transport and are more likely to face barriers to public transport. The Enhanced Partnership is likely to enhance the travel experience for everyone but will especially positively impact these groups. From a disability perspective measures such as audio-visual availability will help address some of the key information barriers.
- 8.2 The implementation of cashless ticketing options may exclude individuals who rely on cash as a means of purchase. This can have an adverse effect on individuals who do not have access to a bank account (only a small %) thus being unable to use debit/credit cards to make transactions. Similarly, some of the elderly population feel more comfortable using cash to purchase tickets. In addition, those from a low socio-economic background may not have enough cash within their bank accounts to reach the cap threshold via contactless/card and therefore will rely on cash purchasing being available. Cashless ticketing may restrict the accessibility for these groups. To ensure the measures do not have negative impact on a number of groups (disabled people, people from lower socio-economic backgrounds and different age groups) it is important to ensure a) ticketing options are broad and cash payments continue to be an option, and b) pricing remains at the same level for Enhanced Partnership area services as with other services. This assessment has been taken into account during the development of the Scheme.

9.0 Inclusive Growth Implications

- 9.1 Bus is a vital component to inclusive growth as it directly supports access to the labour market, and allows people to access education, employment and services. The flexibility of the bus network also makes bus the perfect means of providing public transport options in areas of growth, changing travel demand and new

housing; directly supporting our West Midlands Housing Deal and Local Industrial Strategy. This means that buses are central to supporting regeneration, inclusive growth and social integration. Where there may not be a case for investing in permanent rail and light rail infrastructure, new bus infrastructure can be planned to connect new communities and support housing and jobs growth.

10.0 Geographical Area of Report's Implications

- 10.1 This report covers the constituent area of the West Midlands Combined Authority. Whilst the Enhanced Partnership Plan covers all of this area, the Enhanced Partnership Scheme only covers the A34 (north), A45 and B425 Lode Lane corridors, through Birmingham, Sandwell, Solihull and Walsall.

[NOT PROTECTIVELY MARKED]

Appendix A – Enhanced Partnership Consultation Report

[NOT PROTECTIVELY MARKED]

Appendix B – Enhanced Partnership Plan (unchanged)

[NOT PROTECTIVELY MARKED]

Appendix C – Enhanced Partnership (modified) Scheme