

# North Tyneside Council

## Report to Cabinet

### Date: 29 November 2021

#### Title: Bus Partnership

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<b>Portfolio:</b> Deputy Mayor	<b>Cabinet Member:</b> Councillor Carl Johnson
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<b>Report from Service Areas:</b>	<b>Regeneration and Economic Development</b>
<b>Responsible Officer:</b>	<b>John Sparkes, Director of Regeneration and Economic Development Tel: (0191) 643 6091</b>
<b>Wards affected:</b>	<b>All</b>

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#### **PART 1**

##### **1.1 Executive Summary:**

Cabinet in September 2021 agreed fully to support and endorse the establishment of an Enhanced Partnership (EP) for bus services in the North East. The region's Bus Service Improvement Plan (BSIP) has since been approved by the North East Joint Transport Committee (JTC) and submitted to the Department for Transport.

The required next steps are to develop an EP Plan and one or more EP Schemes, and to carry out associated engagement. Through its National Bus Strategy, the Government has stipulated that an EP must be in place by April 2022 in order for the region to receive any further Government funding for bus services.

While the JTC discharges functions on behalf of the local transport authorities, namely, the North East Combined Authority and the North of Tyne Combined Authority, aspects of the EP Plan and Scheme(s) will relate to powers held by the Authority, as the highway authority for the borough.

Recognising the positive value of having an EP in place and allowing for the timescales necessary to meet Government deadlines, Cabinet is invited to delegate authority to the Deputy Mayor, and the Director of Law and Governance in consultation with the Cabinet Member for Finance and Resources and officers as described in section 1.2 below.

## **1.2 Recommendation:**

It is recommended that Cabinet:

1. authorise the Deputy Mayor, in consultation with the Cabinet Member for Finance and Resources, the Director of Regeneration and Economic Development, the Director of Environment, Housing and Leisure, the Director of Law and Governance and the Director of Resources, to agree the draft Enhanced Bus Partnership's Plan and Scheme(s) insofar as they relate to the Authority's highway authority functions which are to be the subject of a statutory consultation in accordance with the requirements of the Transport Act 2000;
2. authorise the Deputy Mayor, in consultation with the Cabinet Member for Finance and Resources, the Director of Regeneration and Economic Development, the Director of Environment, Housing and Leisure, the Director of Law and Governance and the Director of Resources, to agree on behalf of the Authority to any amendments to the Enhanced Bus Partnership's Plan and Scheme(s) arising from the consultation; and
3. authorise the Director of Law and Governance, in consultation with the Deputy Mayor, the Cabinet Member for Finance and Resources, the Director of Regeneration and Economic Development, the Director of Environment, Housing and Leisure and the Director of Resources, to enter into an Enhanced Partnership and Scheme(s) on behalf of the Authority and to take all other steps necessary to implement these proposals.

## **1.3 Forward Plan:**

It has not been possible to give twenty-eight days' notice of this report however it is required to be considered at this meeting of Cabinet in order to reflect timescales set by the Government for bus partnership development. This item first appeared on the Forward Plan that was published on 17 November 2021.

## **1.4 Council Plan and Policy Framework**

The proposals in this report support a number of priorities in Our North Tyneside, the Council Plan 2021 to 2025, in particular:

- A secure North Tyneside
  - We will continue to invest £2m per year in fixing our roads and pavements
- A green North Tyneside
  - We will increase opportunities for safe walking and cycling, including providing a segregated cycleway at the coast
  - We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030

## **1.5 Information:**

### **1.5.1 Background**

There were approximately 5.9 million miles of bus journeys made within North Tyneside in 2018/19. Since the onset of the Covid-19 pandemic, buses have continued to provide a vital service, however passenger numbers remain lower than before.

The Local Plan and the North Tyneside Transport Strategy state that the Authority will work with partners to support bus provision as part of an integrated public transport network. As a low-carbon form of transport, bus services are also a vital part of realising the aims of the Authority's Climate Emergency Action Plan. The regional North East Transport Plan also aims to improve bus travel and attract more passengers.

### **1.5.2 The National Bus Strategy and the Enhanced Partnership process**

The Government announced in March 2021 that ongoing funding for bus services would be dependent on authorities' and bus operators' participation in new arrangements. The National Bus Strategy, 'Bus Back Better', set out a more formal framework for partnership working between authorities and bus operators and instructed each area to implement a statutory EP under the Transport Act 2000 (as amended by the Bus Services Act 2017). Entering into an EP is a requirement in order to receive ongoing Government funding for bus services.

As part of the process set out in the National Bus Strategy, each area was also required to develop a Bus Service Improvement Plan (BSIP).

### **1.5.3 Process and governance**

The Authority is represented on the JTC by the Elected Mayor as the designated member and the Deputy Mayor as the designated substitute member.

Reflecting the national guidance, in June 2021 the JTC agreed to notify the Government of its intention to proceed with an EP. In July 2021 the JTC approved a process of public engagement, which was carried out by Transport North East over the Summer and branded as the 'Big Bus Conversation'. Factors which respondents identified as barriers to using the bus more often included the level of fares; bus service punctuality and reliability; buses being seen as slow; buses not necessarily going where people needed them to; and vehicle cleanliness and maintenance in the context of the Covid-19 pandemic.

This informed the development of the North East BSIP, which was approved by the JTC and submitted to the Department for Transport by the deadline of 31 October 2021. The BSIP set out a far-reaching programme of potential measures to improve bus services in the North East, and made an ambitious request for Government funding of £804m to deliver the measures over three financial years from 2022/23 to 2024/25. A Government announcement is awaited on the level of funding which will be provided to the region.

An EP Plan and Scheme(s) are currently being developed in accordance with Government guidance. These must first be subject to a period of bus industry stakeholder engagement, known as the 'Operator Objection Mechanism'. Following this, a period of statutory consultation is required: this is currently intended to commence on 13 January 2022. Government funding timescales then require the EP to be in place by 1 April 2022.

At its meeting of 20 September 2021, Cabinet agreed fully to support and endorse the establishment of an Enhanced Partnership (EP) for bus services in the North East.

#### 1.5.4 Transport and highways functions

The JTC discharges certain local transport authority functions on behalf of the two combined authorities, and is responsible for the preparation of the statutory transport plan and has various responsibilities with respect to public transport. However, aspects of the EP Plan and Scheme(s) will relate to powers held by the Authority, as the highway authority for the borough, such as the delivery of measures on the highway which require a Traffic Regulation Order (TRO).

It is therefore important for the Authority, as the highway authority for the borough, to have a full understanding of the requirements of the EP Plan and Scheme(s) as they relate to highway authority powers. Once the EP takes effect, there will be an obligation on the Authority to implement facilities and measures in accordance with the identified EP Scheme(s).

#### 1.5.5 Structure of Enhanced Partnership Plan and Scheme(s)

An EP is a statutory partnership between a local transport authority and local bus operators, which sets out how they will work together to deliver the outcomes identified in the BSIP. It consists of two parts: an EP Plan and one or more EP Schemes.

Government guidance advises that an EP Plan should state a clear vision of the improvements to bus services which the EP aims to deliver, consistent with the BSIP: it should summarise the evidence base; what outcomes need to be delivered to improve local bus services in the area; and what overall interventions the partnership believes should be taken to deliver those outcomes.

An EP scheme should set out the precise detail of how the BSIP vision and objectives will be achieved, including any commitments made by authorities or standards to be met by bus operators, and detail the specific interventions that will be made. It sets out the legal obligations on the relevant authorities and bus operators and is the mechanism by which the commitments made in the BSIP and the EP Plan are delivered.

#### 1.5.6 Next steps

The main next steps in the process (including indicative dates) are as follows:

14 December 2021	JTC approval sought for consultation versions of EP Plan and Scheme(s)
16 December 2021	Operator Objection period to begin
13 January 2022	Statutory consultation to commence
15 March 2022	JTC approval sought for final EP Plan and Scheme(s)
1 April 2022	EP to commence

Recognising that the development of an Enhanced Partnership represents an opportunity to deliver aspects of the Authority's and the region's transport objectives and to secure ongoing Government funding for bus services, and allowing for the timescales necessary to meet Government deadlines, Cabinet is invited to authorise the Deputy Mayor, and the Director of Law and Governance in consultation with the Cabinet Member for Finance and Resources and officers as described in section 1.2 of the report, to give the

necessary approvals on behalf of the Authority and the entering into an Enhanced Bus Partnership and Scheme(s) once that is finalised.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

To approve the recommendations as set out in paragraph 1.2 above.

### Option 2

Not to approve the recommendations as set out in paragraph 1.2 above.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

Approving the recommendations in paragraph 1.2 will support the further development of an Enhanced Partnership, which represents an opportunity to deliver aspects of the Authority's and the region's transport objectives and to secure ongoing Government funding for bus services.

## **1.8 Appendices:**

No appendices.

## **1.9 Contact officers:**

John Barton, Lawyer, 0191 643 5354

Paul Dowling, Service Manager Regeneration and Transport, 0345 2000 101

Nicholas Bryan, Highway Network Manager, 0191 643 6622

Andrew Flynn, Integrated Transport Manager, 0191 643 6083

John Cram, Integrated Transport Officer, 0191 643 6122

Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

## **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [North Tyneside Transport Strategy](#) (approved by Cabinet on 18 October 2021)
- (2) [North East Transport Plan](#)
- (3) [North Tyneside Network Management Plan](#)
- (4) [North Tyneside Travel Safety Strategy](#)
- (5) [North East Bus Service Improvement Plan \(BSIP\)](#)
- (6) North East '[Your Vision for Buses](#)' (July 2021)
- (7) [Bus Back Better: the national bus strategy for England](#)
- (8) [Department for Transport Guidance – Bus Services Act 2017: Enhanced Partnership creation](#)
- (9) [Cabinet Report dated 20 September 2021 'Bus Partnership'](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The North East's BSIP set out an ambitious request for Government funding for the delivery of measures relevant to bus services as described in section 1.5.3: a Government announcement is awaited on the level of funding which will be provided to the region. Entering into an EP is a requirement in order to receive ongoing Government funding for bus services.

Any expenditure which cannot be contained within existing budgets will be reported to Council / Cabinet, as appropriate for a decision before any expenditure is incurred or committed.

### **2.2 Legal**

The Authority's integrated transport authority functions were transferred to the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (known as the "North of Tyne Combined Authority") established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. Those transport functions must be exercised through the North East Joint Transport Committee which is a joint committee of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority (known as the "North East Combined Authority") and the North of Tyne Combined Authority or the Joint Transport Committee's Tyne and Wear Sub-Committee. The Authority works with the combined authorities on transport matters and is represented on the Joint Transport Committee and its Sub-Committee.

Highway authority functions remain with the Authority and were unaffected by the establishment of the combined authorities.

Section 138B of the Transport Act 2000 states that if an Enhanced Bus Partnership Scheme(s) requires the making of Traffic Regulation Orders, the Scheme(s) must be made jointly by the local transport authorities and the metropolitan district councils as "makers" of the Scheme.

The proposed Enhanced Partnership plan and scheme(s) would oblige the Authority, as the highway authority for the borough, to take the measures set out in each Scheme by a specified date unless the Scheme is formally postponed, or the Authority is temporarily unable to meet its obligations for reasons outside its control.

The development of an Enhanced Partnership follows a statutory framework under the Transport Act 2000 (as amended by the Bus Services Act 2017), requiring legal notices, consultation, and formal agreements. The EP will become legally binding upon the local transport authority, the Authority as a local highway authority, and bus operators once made.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

Internal consultation has involved the Deputy Mayor, the Director of Regeneration and Economic Development, the Director of Environment, Housing and Leisure, the Director of Law and Governance and the Director of Resources.

### 2.3.2 External Engagement

External engagement was previously carried out by Transport North East in Summer 2021, and further external engagement and formal consultation are proposed to be carried out by Transport North East, as described in section 1.5.3.

## 2.4 **Human rights**

There are no human rights implications directly arising from this report.

## 2.5 **Equalities and diversity**

There are no equalities and diversity issues directly arising from this report. The Enhanced Partnership is to be developed in line with the Public Sector Equality Duty.

## 2.6 **Risk management**

There are no risk management implications arising directly from this report. Strategic and operational risks associated with transport matters are assessed via the established corporate process.

## 2.7 **Crime and disorder**

There are no crime and disorder implications arising directly from this report.

## 2.8 **Environment and sustainability**

There are no environment and sustainability issues directly arising from this report. There are potential positive implications from the introduction of an Enhanced Partnership as this is expected to support the greater provision of zero-emission buses and new ticketing products which may incentivise bus travel in preference to car travel.

## **PART 3 - SIGN OFF**

- Chief Executive  X
- Director of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Assistant Chief Executive  X