

BUS SERVICES ACT 2017

Report of the Chief Executive and Director of Environment

Author: Matt Lale, Passenger Transport Manager, Tel: 01992 588633

Executive Member: Derrick Ashley (Environment, Planning & Transport)

1 Purpose of report

1.1 The purpose of the report is to give an update and inform the Panel of the Bus Services Act 2017 with a presentation by Steve Blackmore (Head of Partnerships, Competition and Ticketing Policy) from the Department of Transport who is one of the authors of the Act.

2 Summary

2.1 Steve Blackmore will be presenting an overview of the Bus Service Act 2017 which was given Royal Assent on the 27th April 2017. Steve has been heavily involved in writing the Bus Service Act 2017 and is currently writing the secondary legislation which will be published at the end of autumn 2017. Steve has been touring the country talking to local authorities and bus operators about the new Act and what it could mean for the industry and passenger transport.

3 Recommendation

3.1 This report is for information.

4 Background

4.1 Bus services are recognised as supporting the social and economic development of an area and can be an integral part of the local public transport system.

4.2 Passenger transport, of which buses are a key component, is recognised as an enabler to help facilitate economic and demographic growth and feature prominently in the emerging Local Transport Plan 4 and the Growth Vision for Hertfordshire.

4.3 The three main elements of the Act are:

- **Franchising**
- **Partnership**
- **Open Data and Ticketing**

4.4 The Act aims to remove barriers to improving services and providing simpler fares in areas which do not wish to move to a franchise model or cannot do so because

they do not meet the specified requirements (for example because they do not have a directly elected Mayor).

5 Franchising/Devolution proposals

- 5.1 The new legislation makes it possible for certain Local Transport Authorities to franchise networks of bus services. Franchising would allow bus services to be provided in the same way as they are in London, and the same way that national rail services are provided. It would give Local Transport Authorities the powers to plan, develop and regulate bus services, for example, offering passengers simpler, integrated Oyster-style ticketing and guarantees on service quality.
- 5.2 The Government consulted on the regulations and guidance, although this will not be officially defined until the end of the autumn.

6 Partnership

The Act promotes two types of partnerships:

6.1 Advanced Quality Partnership Schemes

- 6.1.1 'Advanced Quality Partnerships' replace the current Quality Partnership Scheme and can be based on measures taken by local authorities such as parking or traffic management policies as well as providing bus lanes. This broadens the requirements that can be placed on operators to include the marketing of bus services and publication of ticket offers and fares to passengers.
- 6.1.2 Subject to the publication of Regulations and statutory guidance, it is anticipated that Advanced Quality Partnership's will be available where the Local Transport Authority is satisfied they will:
- Contribute to implementing local transport policies and
 - Improve service quality or
 - Reduce/limit congestion, noise or air pollution or
 - Increase or prevent decline in patronage.

6.2 Enhanced Partnership Plans and Schemes

The Act has created a new type of partnership called an 'Enhanced Partnership'. The core principles are that:

- The partnership proposals can cover the whole or part of Hertfordshire as well as working more closely with districts.
- The partnership proposals must receive majority support from bus operators who would be affected by the proposals. The authority will have the legal responsibility for anything that is agreed within the partnership. For example new ticket initiatives.
- The partnership proposals can set standards that some or all local bus services must meet. These can include the timing or frequency of services, vehicle standards and ticketing products to be accepted.

- Contribute to the implementation of its local transport policies and bring benefits to passengers by improving services and/or reducing or limiting traffic congestion, noise or air pollution.

6.3 There are powers in the Act for taking on some of the Traffic Commissioners responsibilities. Registration powers can or are, in particular cases, required to transfer to the Local Authority under the enhanced partnership provisions in the Act. These powers are to allow the registration, variation and cancellation (including for poor performance) of registered local bus services that operate wholly within the geographical area of the scheme. The use of these powers is also subject to appeal by the bus operators to the Traffic Commissioner.

7 Open Data and Ticketing

7.1 Regulations made under this section will require operators to make certain data available. The data covered by the regulations might include information about routes, timetables, fares and ticketing as well as live real time information on vehicle location and bus arrival times. The information would be open to the public and could be used by software developers.

8 Financial Implications

8.1 At this early stage there are no immediate financial implications for the council, however, if the council were to explore opportunities with franchising there would be some investment required to establish the governance arrangements and delivery mechanisms.

9 Equality Implications

9.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.

9.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

9.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

9.4 No Equalities Impact Assessment (EqIA) was undertaken in relation to this matter as this report is to introduce a presentation and no decisions are to be made.

Background Information

None