

**GROWTH, INFRASTRUCTURE, PLANNING & THE
ECONOMY CABINET PANEL
THURSDAY, 5 JULY 2018 10:00 AM**

BUS SERVICES ACT 2017

Report of the Chief Executive

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1 Purpose of report

The purpose of the report is to give an update and inform the Panel of the Bus Services Act 2017 and current progress with implementation and Hertfordshire related issues.

2 Summary

2.1 The Government describes the main benefits of the Act as;

- Strengthening arrangements for partnership working between bus operators and local authorities by introducing new Advanced Quality and Enhanced Partnership Schemes
- Providing the option to franchise bus services to areas willing to strengthen their governance with a directly elected Mayor.
- Supporting a thriving local bus market with the passenger at its centre.
- Allowing cities to promote an integrated transport system, supporting the growth and development of their areas.

3 Recommendation

3.1 The Cabinet Panel is invited to note the report and that officers will be bringing an updated draft Intalink/Bus Strategy to Panel later in the year which incorporates suggestions and proposals for a Hertfordshire response to the Bus Act.

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. 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.

4.2 The three main elements of the Bus Act 2017 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

5.1 The Act 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 only considers franchising as an option that would be relevant in large cities or urban areas. Manchester as one of the cities to be given franchising powers has decided to take an 8 month review to decide if they will use those powers or look at the Enhanced Partnership powers instead.

5.3 Early indications after discussion at officer level with Hertfordshire bus operators show that franchising would not be a popular or practical option in the county even if it were possible to persuade the Government that a county area without a directly mayor would be allowed to pursue such an approach. Further consideration is needed (and will be reflected in later Panel reports) but at this stage franchising is not considered a realistic or beneficial approach for Hertfordshire.

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 The secondary legislation 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.

6.1.3 Officers feel that the Advanced Quality Partnership is very similar to what the County Council has already but currently on a voluntary basis. Advanced Quality Partnerships suggest that it allows delivery of good practice but does not provide the necessary support to deliver bus priority measures or enforcement against non-compliance with agreed standards. The County Council and Bus Operators should be aiming higher in delivering better standards.

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. These powers have still not been set out in the secondary legislation and the current DfT timetable for the secondary legislation is for later this year.

6.4 Officers would favour the Enhanced Partnership as it would guarantee the County Council's commitment to delivering a programme of specific bus priority, in addition to delivery of the wider, supporting measures. This would need the highways department to be fully committed to providing schemes within Hertfordshire.

Specific standards currently promoted by Intalink on a voluntary basis would become the minimum required standards of most services registered to operate in the county.

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. The secondary legislation for open data and ticketing isn't expected to be released till 2019/20.

8 Next Steps

- 8.1 The Hertfordshire Intalink Quality Partnership is a unique collaboration between all local authorities and bus and train operators in the county. By pooling resources and ideas, the Partnership is improving customer information on bus and rail services in Hertfordshire. The Intalink Quality Partnership is one of the only partnerships in the country already in operation that the DfT are looking at as an example of a partnership that could be developed as an Advanced or Enhanced Partnership.
- 8.2 The Intalink Quality Partnership has held a number of workshops with the bus operators and DfT about how the Partnership can be taken forward into either an Advanced or an Enhanced Partnership as well as how to include open data and ticketing. Officers are working on the key objectives that will be reflected as part of the proposed consultation to revise the Intalink/Bus Strategy. Those key objectives will also be the focus of whatever Partnership gets agreed with the bus operators.
- 8.3 The Intalink Quality Partnership is moving forward with open data and ticketing even though the secondary legislation hasn't been announced. The Partnership target for real time information across the county will be over 90% by the end of 2018. Discussions have taken place with a phone app manufacturer to relaunch the Intalink mobile ticketing app with real time and other operators selling tickets within the app. Once the legislation is announced officers will review it to incorporate bus operator fares and other ticketing products.

9 Financial Implications

- 9.1 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.

10 Equalities issues

- 10.1 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.
- 10.2 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.

- 10.3 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.
- 10.4 At this preliminary stage a full EqIA has not yet been undertaken. However, subject to Panel's recommendations a full EqIA will be prepared to assist with informing any future decisions by Members.

Background Information

[Bus Services Act 2017](#)