

Report to Cabinet

24 February 2021

Subject:	West Midlands Vision for Bus – Approval to enter into an Enhanced Partnership
Cabinet Member:	Councillor Jackie Taylor - Cabinet Member for Sustainable Transport
Director:	Tammy Stokes - Interim Director Regeneration and Growth
Key Decision:	Yes: Type (c) - an executive decision which is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.
Contact Officer:	Andy Miller Strategic Planning & Transportation Manager andy_miller@sandwell.gov.uk Robin Weare Service Manager Highways robin_weare@sandwell.gov.uk

1 Recommendations

- 1.1 That the expected benefits of using an Enhanced Partnership for improving bus travel and in particular the role it plays in the delivery of proposed A34 and A45 Sprint projects be noted.
- 1.2 That the Enhanced Partnership, in partnership with Transport for West Midlands, other local authorities and local bus operators, be approved.




- 1.3 Cabinet authorises the Director of Law and Governance and Monitoring Officer, in consultation with the Director of Regeneration and Growth, to formally 'make' the Enhanced Partnership Plan and Scheme contained at Appendices A and B respectively, subject to complying with the statutory preparation, notice and consultation requirements of the Bus Services Act 2017.

2 Reasons for Recommendations

- 2.1 This report seeks approval for Sandwell to enter into an Enhanced Partnership Plan covering the West Midlands metropolitan area in support of the West Midlands Vision for Bus.
- 2.2 Approval is also sought to enter into an Enhanced Partnership Scheme covering the A34 (Walsall town centre to Birmingham city centre) and A45 (Birmingham city centre to Solihull and Birmingham Airport) corridors to support the delivery of the Sprint Bus Rapid Transit proposals. The A34 corridor includes the Scott Arms area of Great Barr in Sandwell.
- 2.3 The report outlines the expected benefits of an Enhanced Partnership (EP) for improving bus travel generally, and the delivery of the Sprint proposals in particular.
- 2.4 This report does not seek the approval of the Sprint scheme itself, which is subject of a separate report.

3 How does this deliver objectives of the Corporate Plan?

	<p>A connected and accessible Sandwell: The provision of a high quality public transport network will enable Sandwell residents to access jobs, education and services both within and beyond the Borough's boundaries.</p>
	<p>The A34/A45 Sprint corridor directly connects Sandwell residents in the Great Barr area to Birmingham City Centre, the HS2 station at Curzon Street and the associated employment growth hub, and to Birmingham Airport.</p>



4 Context and Key Issues

Background & Context

- 4.1 At the request of West Midlands Combined Authority(WMCA) Leaders, a strategic Vision for Bus in the West Midlands was produced to develop a clear vision of what the region requires from its bus network. This was adopted by WMCA Board at its meeting on 9th November 2018. This Vision sets out bold objectives for improving bus travel in the region. TfWM committed to developing these further as part of a delivery plan to ensure the objectives can and will be achieved.
- 4.2 Vision for Bus clearly sets out the objective to achieve modal shift by providing exceptional service and reliability along with comfort and accessibility. The programme of bus rapid transit routes, known as Sprint, is central to this objective. The introduction of the 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.
- 4.3 Two Sprint routes (A34 and A45) were 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. Of these two routes, the A34 links Walsall with Birmingham city centre via Scott Arms in Sandwell.
- 4.4 TfWM undertook a review 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).
- 4.5 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 the most suitable mechanism for delivering and managing Sprint ahead of the 2022 Commonwealth Games is through an Enhanced Partnership (EP). The reasons for this are set out in the report to WMCA Board on 28th June 2019.



Enhanced Partnership Plan

- 4.6 An Enhanced Partnership 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.
- 4.7 TfWM propose an EP Plan which spans the metropolitan area of the West Midlands Combined Authority. In effect this covers the entire administrative area of the seven metropolitan boroughs excluding the three existing Advanced Quality Partnership (AQP) areas due to the way the legislation is written and applied, as they cannot both apply within the same geography. None of the AQPs lie within Sandwell.

Enhanced Partnership Scheme

- 4.8 The actions, requirements and commitments to achieve improvements within the Plan are then set out in one or more accompanying EP “Schemes”. For the first and each subsequent Sprint route 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.
- 4.9 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.
- 4.10 The EP Scheme that this report seeks approval to covers a corridor linking Walsall town centre, Birmingham city centre, Solihull town centre and Birmingham Airport (in effect the routes of the A34 and A45). Therefore, as well as TfWM and the relevant bus operators, Birmingham City Council, Sandwell, Solihull and Walsall MBCs as the four relevant LHAs will need to be partners in the EP Scheme.



Obligations placed on Sandwell

4.11 The provisions of the EP Scheme places obligations on TfWM, the LHAs and the bus operators. The following measures are required by the local highway authorities in the EP Scheme Area:

- Mechanisms and Procedures to ensure the Council keeps operators informed of roadworks etc, and for operators to report problems.
- Bus lane enforcement.
- Junction enforcement.
- Management of highway works in the EP Scheme Area.
- Management and co-ordination of specific highway works set out in the EP Scheme.

These are set out in detail in Section 3 of the EP Scheme at Appendix B.

Consultation

4.12 Under the Bus Services Act 2017, the making of both the EP Plan and Scheme are subject to two statutory consultation processes; a Local Bus Operator Objection Period (minimum 28 days) and a formal public consultation period.

4.13 The Local Bus Operator Objection Period took place during November/December 2020 and all notices in accordance paragraph 7 of the guidance were complied with. No objections were received. Public consultation for the proposed Enhanced Partnership Plan and Scheme ran for 10 weeks from Monday 6th July to Sunday 13th September 2020.

4.14 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. 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 lockdown rules imposed to limit the spread of Covid-19.



4.15 A total of 347 responses were received to the online questionnaire, with a further 14 responses received by email. Among the 347 online 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 EP Scheme will raise standards along the three route corridors. 12% either disagreed or strongly disagreed that the EP 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 EP Scheme area, so this could explain the higher percentage neither agreeing nor disagreeing.

Implementation

4.16 The EP Plan and Scheme will be 'made' as soon as possible following approval at all of the relevant Local Authorities. Along with Walsall, Sandwell will be the final authority to give approval to the making of the EP.

5 Alternative Options

5.1 ***Doing nothing*** is not recommended as 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 Sprint Standards.

5.2 ***Franchising*** is not recommend 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.

5.3 ***Advanced Quality Partnership*** is not as TfWM's 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.



5.4 The **Enhanced Partnership** is therefore recommended by TfWM as the preferable mechanism to deliver Sprint for the following reasons:

- The ability to implement an EP before the 2022 Commonwealth Games;
- The ability to manage access to infrastructure by Sprint and other bus services;
- The powers to set maximum frequencies or restrict access to only Sprint vehicles on individual route sections (which cannot be achieved with an AQPS);
- 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.



6 Implications

<p>Resources:</p>	<p>The costs of preparing, consulting on and ‘making’ the EP will be met by TfWM/WMCA.</p> <p>The costs relating to the implementation and ongoing maintenance of the infrastructure associated with the A34/A45 Sprint scheme are set out in a separate report and any other subsequent projects covered by future EP Schemes will be dealt with in a similar manner.</p>
<p>Legal and Governance:</p>	<p>Enhanced Partnerships are governed by legislation set out in the Bus Services Act 2017.</p> <p>Once the EP is ‘made’ the Council will be legally bound to provide the facilities and measures they have committed too. The likely requirements of facilities and measures on the Council in partnership with TfWM include:</p> <ul style="list-style-type: none"> • Delivery of highway infrastructure measures to provide priority for buses, by reducing journey times and improving journey time reliability; • Changes to the Traffic Regulation Orders (TROs) for all the bus stops within the council's authority and the physical works required on street would be the responsibility of the Council as Local Highway Authority (LHA). • Enforcement of bus stop TROs and bus lane enforcement also lie within the remit of the Council under the Council’s existing powers. <p>Where a TRO is required, it can only be made by the Council as LHA with the powers to do so on the stretch of road in question.</p>



Risk:	The principal risks for Sandwell relate to its statutory functions as Local Highway Authority; in particular those relating to traffic management, road safety and maintenance of infrastructure. The means of mitigating these risks are set out in the EP scheme and will be incorporated into legal agreements under sections 8 and 278 of the Highways act 1980 as appropriate.
Equality:	TfWM as the lead organisation is responsible for equalities issues for the EP. Relevant organisations with an interest in equalities issues were included in the consultation. The equality implications of the A34 Sprint proposals which the EP Scheme facilitates will be included in the report presented to Cabinet seeking approval to that project.
Health and Wellbeing:	There are no direct Health and Wellbeing implications resulting from the course of action recommended in this report.
Social Value	The Enhanced Partnership itself does not directly deliver either physical works or any jobs so it has no direct implications for Social Value. However, the EP will facilitate infrastructure projects and upgraded public transport service provision. The implications of these will be dealt with in the reports seeking approval for those projects.

7. Appendices

- Appendix A - Draft West Midlands Enhanced Partnership Plan
- Appendix B - Draft Enhanced Partnership Scheme for the A34/A45 Corridor

8. Background Papers

Report to West Midlands Combined Authority Board 28:06:19

