

Somerset Bus Advisory Board: Draft Outline Proposed Terms of Reference

27 September 2021. Somerset County Council.

Purpose of this document: Somerset County Council wishes to convene a Bus Advisory Board and Bus User & Stakeholder (BUS) Group to support the ongoing collaborative development and management of its Bus Service Improvement Plan and Enhanced Partnership. This document sets out Somerset County Councils' draft outline proposal for Terms of Reference for these groups. The draft proposal will need to be considered and amended as appropriate through discussion with bus and rail operators, bus user groups, passenger representatives and other stakeholders prior to being finalised, agreed, and implemented. Somerset County Council will convene initial meetings to facilitate this process.

1. Introduction

On 15 March 2021 Government launched Bus Back Better, a new national bus strategy for England outside London. It aims to rejuvenate local bus services, making them attractive for passengers, cheaper, easier to understand and use, faster and more reliable, and greener.

Much greater emphasis will now be placed on partnership working, where Local Transport Authorities and bus operators form statutory partnerships to define bus networks, service levels and fares strategies. The government expects all LTAs to develop Bus Service Improvement Plans (BSIPs) and set up Enhanced Partnerships (EPs), as defined in the Bus Services Act 2017.

The purpose of the BSIP is to set out how local authorities and bus operators will collaborate together and with other stakeholders to achieve the objectives of the National Bus Strategy, including growing bus use and bus mode share, and include a plan for delivery.

The government has announced £3 billion of transformation funding for bus services across the UK and BSIPs will be instrumental in influencing the distribution of this funding.

The initial BSIP is a relatively 'high-level' and ambitious document which is intended to be used by Government to allocate bus transformation funding to local areas based on the quality of plans. The BSIP will be reviewed and updated annually which will enable it to be developed in more detail through further iterations and amended to reflect actual funding levels once grants have been established; and must be reflected in the authority's own Local Transport Plan and other relevant plans.

An Enhanced Partnership (EP) is a legal partnership agreement between a local authority and the majority of their local bus operators to work together to improve

local bus services. It requires an agreed 'vision' of improvements that the EP is aiming to achieve and corresponding actions to achieve them and will be a key mechanism for delivering the outcomes of the BSIP.

Key milestones for Transport Authorities are:

- By the end of October 2021: Develop and agree an initial Bus Service Improvement Plan with bus operators and other stakeholders to be submitted to DfT.
- By April 2022: Introduce Enhanced Partnership(s); and
- Annually: Update and develop the Bus Service Improvement Plan.

In June 2021 Somerset County Council Cabinet formally committed to preparing an EP Plan and Scheme and published a Statutory Notice of Intent confirming this commitment.

2. Developing the Bus Service Improvement Plan

The Government's guidance on Bus Service Improvement Plans notes that the BSIP will need to be developed in collaboration with bus operators; and other stakeholders such as bus users, service providers and local business groups should also be consulted.

Between June and October 2021, the Council undertook a process of engagement with bus & rail operators, key stakeholders, and bus user groups to develop the initial BSIP using a series of engagement workshops. Stakeholders were also invited to make written submissions and a public survey enabled widespread public engagement to inform the initial plan. The Council also prepared and analysed a detailed technical evidence base to formulate the plan in conjunction with insights from the engagement process.

The Council formally has adopted an initial BSIP following consideration by the Council's Scrutiny for Policies and Place Committee on 12th October 2021, and Cabinet on 20th October 2021.

3. The need for a Bus Advisory Board and Bus User & Stakeholder Group

The BSIP guidance recommends that to facilitate continuous ongoing engagement between key stakeholders, each area creates a forum for discussion. The involvement of all local bus operators early on and throughout the process is vital in determining how to deliver BSIP outcomes quickly.

The Transport Authority must ensure that all operators who may be affected are kept informed of the progress of those discussions in terms of outcomes and be allowed to contribute to the discussions at any point.

Other stakeholders such as passenger groups should also be involved to ensure that the EP package properly delivers the BSIP for passengers.

The mechanisms in the forum and the principle of continuous engagement between the Transport Authority and their bus operators should identify and resolve any contentious issues so that the formal EP objection stage does not raise issues that come as a surprise to the parties. Joint working and developing consensus between the Transport Authority, bus operators and other stakeholders is vital throughout the BSIP delivery process.

It is mandatory that BSIPs seek and report the views of passengers and third parties on the merits and demerits of bus services locally and the performance of the LTA and the local operators.

BSIPs must include a passengers' charter giving bus users rights to certain standards of service, including punctuality, vehicle cleanliness, proportion of services operated, and information. There must be mechanisms for redress at a local level and means to ensure these standards are met.

4. Somerset County Councils proposed terms of reference for a Bus Advisory Board.

Somerset County Council proposes to constitute a Bus Advisory Board and supporting Bus User and Stakeholder (BUS) group following submission of the initial BSIP.

The Council considers that there will be a need for a Bus Advisory Board that enables the Transport Authority, Bus and Rail operators to negotiate, govern and manage the BSIP and Enhanced Partnership through formalised business processes and to consider and respond to passenger and stakeholder insights and concerns.

The Council proposes that a Bus User and Stakeholder (BUS) Group is convened to facilitate a free and frank exchange of views, data, ideas and passenger insights about bus services in Somerset to provide support, advice and recommendations to the Bus Advisory Board. It is envisaged that the BUS Group will elect representatives to sit on the Bus Advisory Board to ensure integration between the bodies.

4.1. Proposed remit of the Bus Advisory Board:

- Agree its terms of reference and review these as necessary.

- Review and advise the Transport Authority on the implementation of Somerset Bus Service Improvement Plan (BSIP)
- Oversee evolution of the BSIP following feedback from DfT and confirmation of available funds. Recommend annual updates of the BSIP to the County Council as Transport Authority for formal approval by the Council.
- Provide a formal structure for discussions and engagement between Somerset County Council and local bus service operators on the content of an Enhanced Partnership (EP), recommending how the EP will be used to deliver specific BSIP outcomes taking account of available funds. Agree any flexible bespoke mechanism for objection between the parties to include in the EP scheme.
- Ensure that all operators who may be affected by the BSIP and EP and are kept informed of the progress of those discussions in terms of outcomes and be allowed to contribute to the discussions at any point.
- Oversee the implementation, management and monitoring of the Enhanced Partnership and manage the introduction of new content, amendment of existing content or revoking content over the lifetime of the EP scheme, noting that there will need to be a legal partnership agreement for the EP which will set these mechanisms out in more detail.
- Enable dialogue between bus and rail operators and the Transport Authority (in its strategic capacity) on how to improve integration between bus and rail services for passengers living in or visiting Somerset.
- Develop, consult on and agree a passenger charter giving bus users rights to certain standards of service, including punctuality, vehicle cleanliness, proportion of services operated, information and redress.
- Seek, consider and report the views of passengers and other stakeholders regarding the merits and demerits of bus services in Somerset; providing a mechanism for passengers to provide feedback on how Somerset County Council as Transport Authority and bus operators are performing in meeting their commitments in the BSIP and how these might be redressed to ensure passenger charter standards are met.
- Review the passenger charter on a fixed basis and consult on any revised versions.

4.2. Proposed Members of the Bus Advisory Board:

- Somerset County Council Transport Authority and Highway Authority
- Planning Authority representation as necessary on specific planning-related matters
- Bus Operators who are subject to the Somerset EP requirements
- Rail Operators in Somerset
- Neighbouring Transport Authorities where there are cross boundary routes
- Chair of the Bus User and Stakeholder Group

- Bus Passenger Representative(s) covering geographies to be determined (possibly one per district area)

4.3. Chair and Vice Chair of the Bus Advisory Board:

Somerset County Council proposes that the Bus Advisory Board is chaired by the Council's Cabinet Member for Highways and Transport, and the vice chair is elected on an annual basis by the Board. In the absence of the Chair, the Vice-Chair will Chair the meeting.

4.4. Decision Making:

Somerset County Council proposes in line with the BSIP guidance that the Bus Advisory Board is an informal forum for collaborative discussion to formulate recommendations to its constituent organisations. The Board members should aim to come to a consensus view if possible and to acknowledge any areas of difference of opinion. Any formal decisions will be a matter for the individual authorities to take under their own established governance processes. On matters where a consensus view cannot be reached, and a firm decision is required then the Board will issue a report to the relevant decision-making body (whichever of the partners is accountable for the specific decision to be made) setting out the issue and highlighting areas of common ground and disagreement. Further advice on this matter may be needed in respect of the formulation and management of the Enhanced Partnership in due course.

4.5. Meeting Requirements of the Bus Advisory Board:

Somerset County Council proposes that meetings of the Board will be held in accordance with the Local Government Access to Information rules. Accordingly:

- Meetings will be held in public although the public may be excluded from meetings or parts of meetings where a report contains confidential information or where a members' debate may lead to disclosure of confidential information. Confidential information to be discussed or which is likely to be discussed must be identified in advance of the meeting by the owner of the information.
- At least five clear working days' notice will be given, in writing, to each member of every ordinary meeting of the Board, to include an agenda and accompanying reports relating to the business to be transacted at the meeting. Late items will only be considered in exceptional circumstances, with the agreement of the Chair.

- Meetings of the Board will be held at least quarterly with the meeting arrangements including dates and times agreed by the Chair in consultation with the Board members.
- Agendas, minutes and reports of the Board will be published online. The only exception to this relates to confidential or exempt information.
- The Board may invite third parties to participate in meetings of the board and/or be members of sub-groups or project teams established by the Board.
- Third parties may request to address the Board on a specific issue or proposal. The Chairman of the Board will determine whether to grant the request.

4.6. Bus User and Stakeholder (BUS) Group

Somerset County Council proposes that this will be a supporting body for the Bus Advisory Board comprising a wider group of representatives including but not limited to:

- Bus User Groups and Bus Passenger Representatives
- Community Transport Operators
- Disability access groups and representatives for people with protected characteristics under the equality act.
- District council officers and members (prior to the formulation of a Unitary Council for Somerset)
- Business Representatives including the Local Enterprise Partnership
- Representatives from key transport destinations e.g schools, colleges, health services.
- Other interest groups as appropriate

It is considered that this group should be as wide-ranging as it needs to be to be effective and that online meetings now present a good opportunity for widespread stakeholder discussion and engagement.

The broad remit of this group in line with the BSIP guidance should be to seek and report the views of passengers and third parties on the merits and demerits of bus services locally and the performance of the Transport Authority and the local operators and to facilitate the free and frank exchange of views, data and ideas from its members on how to improve bus services in the BSIP's geographical area.

A more detailed terms of reference for the group will need to be agreed with guidance from the Bus Advisory Board members, so that the relationship with the Board and relative responsibilities and expectations are clear. The Terms of Reference will need to include clear boundaries of responsibility in line with legislation and should have a strong role in developing the bus passenger charter.

Somerset County Council proposes that independent chair and vice-chair are appointed and that those holding the positions should not have any political affiliation and should demonstrate how they will obtain and represent the views of a wide range of bus passengers. It is proposed that the group meets at least twice a year and can also be convened at key decision points in relation to the BSIP and EP to provide input and advice on key plans and proposals. It is proposed that any person would have a maximum two year tenure in the role of chair or vice-chair and should not return to either of those roles for a minimum of four years.

SCC proposes that the chair of the BUS Group is invited to sit on the Bus Advisory Board along with bus passenger representatives from a 'manageable' number of locality areas to be agreed, potentially one per district area.

Somerset County Council proposes to seek more advice from Transport Focus on appropriate passenger representation and commissioning of passenger research and insights to assist the chair and vice-chair of the BUS Group, and set a clear brief for passenger representatives to enable them to undertake this role effectively.

Somerset County Council offers to convene initial bus user and stakeholder meetings to enable the group to establish itself.