

COMMITTEE	Communities, Housing and Infrastructure
DATE	29 th August 2017
REPORT TITLE	Regional Quality Partnership for Public Transport
REPORT NUMBER	CHI/17/161
INTERIM DIRECTOR	Bernadette Marjoram
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1. PURPOSE OF REPORT:-

The purpose of this report is to advise members on the proposals of the Local Authority and Bus Operator Forum (LABOF) toward the options for refreshing the current structure of the Quality Partnership for Public Transport. Approval is also sought on the principles of a revised voluntary Quality Partnership with statutory functions for public transport for the North East of Scotland Region (including Aberdeen City).

2. RECOMMENDATION(S)

It is recommended that the Committee:

- a) Approve the proposed two tier approach for a region-wide voluntary partnership agreement and subsequent corridor specific agreements such as statutory or enhanced partnership agreements;
- b) Approve the involvement of Aberdeen City Council in the establishment of a Quality Partnership Board and development of the Terms of Reference of a future Quality Partnership Board; and
- c) Request the Interim Head of Planning and Sustainable Development to report to the Communities, Housing and Infrastructure Committee in January 2018 confirming the terms of the Quality Partnership Board and region-wide Voluntary Quality Partnership Agreement and associated technical, procedural and/or financial matters arising.

3. BACKGROUND/MAIN ISSUES

3.1 Background

- 3.1.1 The Local Authority and Bus Operator Forum (LABOF) is a partnership of Nestrans, Aberdeen City Council, Aberdeenshire Council, First Aberdeen and Stagecoach North Scotland. All five partners signed up to a voluntary Quality

Partnership agreement for Public Transport in 2010 and the forum is made up of a Steering Group and an Executive Group with representatives from each of the partner organisations.

3.1.2 The LABOF partnership also delivers the Bus Action Plan for the Nestrans region. The Quality Partnership agreement is a key mechanism for the delivery of the Bus Action Plan which was published in 2009 and is currently being updated.

- The current voluntary quality partnership agreement can be found at: http://www.aberdeencity.gov.uk/transport_streets/public_transport/put_quality_partnership_agreement.asp and;
- The Bus Action Plan Executive Summary can be found at: http://www.nestrans.org.uk/wp-content/uploads/2017/02/Non-Technical_Summary.pdf

3.2 Public Transport Partnership Models

3.2.1 Voluntary Quality Partnership

Under a voluntary Quality Partnership agreement, which has no status under Scottish legislation, each party can commit to work together on a voluntary basis to deliver a programme of incremental improvement over time. There is no mechanism to prevent non-participating operators using improved facilities in competition with those operators that have entered into the agreement and there is little recourse from any party should either side not deliver any aspect of the agreement.

3.2.2 Statutory Quality Partnership

A statutory Quality Partnership (sQP) is a flexible policy tool which can be used to address a range of issues, including patronage growth, modal shift, air quality, service quality, vehicle improvement and improved customer service. In doing so, sQP's can create a more certain and stable environment within which operators and local transport authorities can invest scarce resources and continuously improve local bus services.

3.2.3 A sQP is a scheme declared by one or more transport authorities which defines a geographic area in which the authorities invest in improved facilities and infrastructure. Operators who then wish to use these facilities undertake to provide services of a particular standard agreed with the transport authorities.

3.2.4 Unlike a voluntary Quality Partnership agreement, under a sQP operators are prohibited from using the facilities specified in the sQP unless the service standards required by the scheme are met and an excluded operator who fails to comply with the scheme conditions can face enforcement action by the Traffic Commissioner.

3.2.5 Enhanced Partnerships

The concept of Enhanced Partnerships is contained within the Bus Services Act in England and received Royal Assent in April 2017. The Scottish Transport Minister is said to be keen on this approach however it is unclear at this stage what they would involve and whether Scottish legislation will follow suit through the new Transport Bill which is due to be consulted upon in summer 2017.

- 3.2.6 It is anticipated that the Enhanced Partnership provisions would encourage partnership working to go further than current voluntary arrangements by allowing the Local Transport Authorities (LTAs) to expand the areas that statutory partnership measures can cover, specifically providing for more joined-up network planning and allowing local implementation and enforcement. Enhanced Partnerships would provide the opportunity to include aspects within a formal agreement that are not covered by sQP legislation e.g. issues relating to ticketing.
- 3.2.7 Under the new English legislation Enhanced Partnership will allow LTAs, with the approval of the operators, to deliver some of the outcomes that are only otherwise possible under a franchising model. Under an Enhanced Partnership, the LTA, with the participation of bus operators will produce a written “Enhanced Partnership Plan” analysing the local bus market and covering the improvements the LTA and the operators want to make to the bus network and also produce a written “Enhanced Partnership Scheme” that will set standards that all operators within a geographical area would need to meet. These can include vehicle standards, ticketing arrangements and frequency and timing of services.
- 3.2.8 Before the LTA can adopt the plan and/or the scheme, it must consult on the proposals, including bus passenger representatives and the Competition and Markets Authority. LTAs will have the option or obligation (depending on the powers the LTA gets through the Enhanced Partnership Scheme) to take over registration functions from the Traffic Commissioners.
- 3.2.9 The LABOF partners agreed that Enhanced Partnerships may provide a good solution for this region and this should be reviewed as the legislation progresses in Scotland.

3.4 Proposed Partnership Agreement

- 3.4.1 It is proposed by the LABOF partners that a more ambitious voluntary region-wide agreement is established which sets the objectives, standards & targets for the region, governance arrangements and a programme and timeframe for delivery of interventions on specific transport corridors, which could then be the subject of statutory or enhanced partnership agreements depending on the requirements of the transport corridor.

- 3.4.2 It is proposed that this region-wide voluntary agreement would replace and update the current voluntary Quality Partnership agreement and strengthen it to commit all partners to the development of corridor specific agreements within a set timeframe. It would also specify at a region-wide level the commitments from all parties to improving bus travel and set standards and targets to be met region-wide. Corridor specific agreements would then provide more detail and binding commitment from all parties on improvements to be made both to infrastructure and service provision within a defined area and in the case of a statutory agreement potentially exclude operators who do not agree to meet the standards set within the agreement from accessing the sQP facilities.
- 3.4.3 This approach aligns with a number of studies on transport corridors that are already ongoing and which will identify corridor specific actions to be included in any corridor level agreements.
- 3.4.4 A robust governance structure for, and reporting mechanisms on, both the voluntary and statutory elements of any future partnership agreements will be critical to successful delivery of the agreed outcomes, with statutory agreements in particular being legally binding. It is proposed that this be achieved through the establishment of a Quality Partnership Board through which partnership actions will be agreed, progress reported and any disputes that may arise can be resolved.
- 3.4.5 The Scottish Government's Best Practice guidance on the development of sQPs recommends that a sQP Board be established and suggests that the Chair of this Board could be given to an independent figure to assist in the resolution of any disputes. The example of the West Midlands Bus Alliance has also been reviewed and provides a best practice example of how bus partnerships are governed elsewhere.
- 3.4.6 The precise structure and composition for a revised Quality Partnership Board in the North East, strengthening the existing LABOF arrangements, still needs to be designed. However, it is considered that it would be beneficial for the Board to be chaired by a person that is independent of the current LABOF partnership representatives, that Transport Scotland as trunk roads authority are invited to sit on the Board and that customer interests are represented through an appropriate passenger representative body such as Bus Users Scotland or Passenger Focus.
- 3.4.7 It is envisaged that members of the Quality Partnership Board would oversee, monitor, provide resources and commit to the aims of the Partnership and to the objectives and targets of the Quality Partnership Agreement.

4. FINANCIAL IMPLICATIONS

- 4.1 On the basis of the recommendations there is a requirement to further report to Communities, Housing and Infrastructure with greater detail and at that

time the financial implications of the revised Quality Partnership for Public Transport will be provided and in addition each corridor intervention will require to be considered by the appropriate committee and the financial implications would be brought forward at that time.

- 4.2 There are no anticipated implications in terms of the progressing of the revised arrangements other than staff time, which can be met from existing resources.

5. LEGAL IMPLICATIONS

- 5.1 The Council must adhere to the legislative requirements for bus services as determined by the Transport Act 1985 and Transport (Scotland) Act 2001 and any future legislation that may apply. A sQP places legal obligations on both the local transport authority and the bus operators, with the local transport authority providing the relevant facilities and the latter to operate their services to the prescribed standards. If the Council do not deliver on what has been agreed under a sQP then there will be legal recourse to this.

- 5.2 Under the Local Transport Strategy the Council has committed to increase public transport patronage by making bus travel an attractive option to all users and competitive with the car in terms of speed and cost. One option for enshrining commitments to improve bus services recommended in the Local Transport Strategy is to enter into a statutory Quality Partnership (sQP).

6. MANAGEMENT OF RISK

- 6.1 There are a number of risks which could stem from the proposed partnership arrangements, but are not pertinent to the recommendations, these risks would require further consideration as the Council considers its position.

6.2 Financial

There are no financial risks as a result of the recommendations of this report and further consideration to such risks will be addressed through the future reports to committee.

6.3 Employee

There is a risk that there is insufficient staff time and resource to fully engage in and deliver the proposed partnership agreement. There is a low likelihood of this occurring and the workloads of Officers will be managed by the Interim Head of Planning and Sustainable to ensure milestones/deadlines are met.

6.4 Customer / Citizen

There are no customer/citizen risks as a result of the recommendations of this report

6.5 Environmental

There are no environmental risks as a result of the recommendations of this report and further consideration to such risks will be addressed through the future reports to committee as each corridor intervention is considered and detailed targets are agreed including those with a focus on air quality and vehicle emission standards.

6.6 Technological

There are no technological risks as a result of the recommendations of this report

6.7 Legal

There are no legal risks as a result of the recommendations of this report and further consideration to such risks will be addressed through the future reports to committee.

6.8 Reputational

There are no reputational risks as a result of the recommendations of this report

7. **IMPACT SECTION**

7.1 Economy

The recommendations in this report are focussed on improving public transport in the City. A high quality public transport system is important for any thriving economy in transporting people to work and education and directly support the business and education sectors and ensures the workforce can travel effectively and that all have access to appropriate education opportunities and access to all facilities in a cost effective way.

A consistent approach to delivery of public transport in the City will ensure that local environmental factors, changing priorities and customer needs are considered as well as available budgets are taken into account on a reviewed basis.

7.2 People

The improvement to public transport links to the Community Plan vision of creating a *'sustainable City with an integrated transport system that is accessible to all.'* The actions in the Action and Delivery Plan assist in the delivery of actions identified in the Single Outcome Agreement (SOA) 2013, in particular the Thematic Priority – Older People (*'Older people in Aberdeen have increased independence'*) and the Multi-lateral Priority – Integrated Transport (*'Aberdeen is easy to access and move around in'*) and the Underlying Principle – (A presumption for community based access to services – *'Services are accessible to all citizens in the ways which meet their needs'*).

This report will be of interest to the public as the citizens of Aberdeen have a vested interest in the public transport network.

An Equality and Human Rights Impact Assessment (EHRIA) has not been completed, as all aspects were considered as part of the Local Transport Strategy.

7.3 Place

The Local Outcome Improvement Plan (LOIP) sets out that we will improve multi-modal access to Aberdeen. The LOIP identifies that transport is a major contributor to carbon emissions and in Aberdeen there is an exceptionally high level of car ownership and usage. It is a vicious circle – poor air quality and poor road safety discourages people from walking or cycling, yet reducing reliance on private transport is the best way to improve air quality and a high quality public transport network is critical to this and this is identified in the LOIP which sets out the requirement for a competitive and accessible public transport system.

Improvements to public transport will assist in the delivery of the Strategic Business Plan to provide and promote a sustainable transport system which reduces our carbon emissions.

The Equality Outcomes sets out that Aberdeen will be an accessible city. The provision of a fully integrated and accessible public transport network is crucial to this as it is for ensuring physical and social barriers are removed for those with a disability to access services and public space

7.4 Technology

There are no technological impacts as a result of recommendations to this report at the present time.

8. **BACKGROUND PAPERS - N/A**

9. **APPENDICES – N/A**

10. **REPORT AUTHOR DETAILS**

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