

# Birmingham City Council

## Report to Cabinet

17<sup>th</sup> December 2019



**Subject:** Enhanced Partnership for Sprint  
**Report of:** Interim Director - Inclusive Growth  
**Relevant Cabinet Member:** Councillor Waseem Zaffar – Transport and Environment  
**Relevant O & S Chair(s):** Councillor Liz Clements – Sustainability and Transport  
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006880/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### 1 Executive Summary

- 1.1 This report seeks approval to develop and make an Enhanced Partnership (EP) Plan and Scheme in the West Midlands Combined Authority (WMCA) area to enable improved bus travel, primarily through the introduction of two Sprint routes, on the A34 and A45 corridors in readiness for the 2022 Commonwealth Games. In line with the City Council's commitment to tackle the climate emergency, the EP scheme will require Sprint vehicles to be zero-emission at the tailpipe, with the aspiration to achieve zero-emission standards on other buses on the A34 and A45 corridors in the longer term.
- 1.2 The report outlines the anticipated benefits of an EP for improving bus travel and the delivery of Sprint standards, and seeks authority to delegate the making of the EP to the Assistant Director Transport and Connectivity, in consultation with

the Leader of Birmingham City Council and the Cabinet Member for Transport and Environment.

- 1.3 This report does not seek approval for any Sprint routes themselves, which are subject to separate Full Business Case (FBC) reports to Cabinet.

## **2 Recommendations**

- 2.1 Notes the proposed benefits of using an Enhanced Partnership for improving bus travel on the A34 and A45 corridors, primarily through the introduction of two Sprint routes, in readiness for the 2022 Commonwealth Games and why this is the most suitable option for delivery of the Sprint standards.
- 2.2 Approves the development of the Enhanced Partnership Plan and Scheme, in conjunction with Transport for West Midlands, other local authorities and bus operators.
- 2.3 Delegates to the Assistant Director Transport and Connectivity, in consultation with the Leader of Birmingham City Council and the Cabinet Member for Transport and Environment, authority to negotiate and finalise the specific content of the agreements to formally 'make' the Enhanced Partnership Plan and Scheme, subject to complying with the statutory preparation, notice and consultation on the Enhanced Partnership.
- 2.4 Authorises the Acting City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

## **3 Background**

- 3.1 Two Sprint routes (A34 Walsall to Birmingham and A45 Birmingham to Airport and Solihull) have been identified to help facilitate the transport element of the 2022 Commonwealth Games (CWG). A previous Cabinet report dated 24<sup>th</sup> January 2018 approved the Network Development and Implementation Strategy for Sprint encompassing these two priority routes, as well as the Sutton Birmingham Langley route to support delivery of the Langley Sustainable Urban Extension.
- 3.2 The introduction of Sprint 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.
- 3.3 A review was undertaken by Transport for West Midlands (TfWM) to assess the best mechanism to ensure the timely delivery of the first two Sprint schemes ahead of the CWG, whilst protecting the significant investment levels being made by the authorities and potential operator(s).
- 3.4 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. It was identified that the most suitable mechanism for delivering and managing improved bus travel on the A34 and A45 corridors (including Sprint) in readiness for the CWG is through an EP. The reasons for this are outlined in section 4.

- 3.5 An EP is a formal agreement between a local transport authority, local highway authorities and local bus operators to work together to improve local bus services. It requires a clear vision for the improvements that the EP is delivering, known as the EP Plan and at least one EP Scheme, which sets out the actions, requirements and commitments to achieve the improvements within the Plan.
- 3.6 The fact that an EP Plan is made for the region will then allow for the exact geography of the EP Scheme to be agreed and determined through the preparation of the EP. This is particularly helpful when looking at boundaries around connecting bus services and adjacent routes, as well as the Plan itself.
- 3.7 The EP Plan is based on TfWM's Strategic Vision for Bus, approved by the WMCA Board on 9<sup>th</sup> November 2018. The Strategic Vision for Bus clearly sets out the objective to achieve modal shift by providing exceptional service and reliability along with improved comfort and accessibility.
- 3.8 The WMCA Board gave approval for TfWM to give notice of its intention to prepare an EP Plan and accompanying EP Scheme, as set out in section 138F of the Bus Services Act 2017, on the 28th June 2019.
- 3.9 TfWM issued the notice of intent to prepare an EP Plan for the area of the WMCA and 2 EP Schemes on 17th July 2019. The EP Plan will exclude the three existing Advanced Quality Partnership Scheme (AQPS) areas as they cannot both apply within the same geography. The three AQPS areas are as follows:
- Birmingham City Centre, with the area bounded by the A38, Park Street and Moat Lane;
  - Solihull Town Centre; and
  - Wolverhampton City Centre.

A map of the proposed EP Plan area is shown in Appendix A.

- 3.10 Although the notice was issued for 2 EP Schemes, through the preparation of the EP it has been decided to develop a single EP Scheme covering the two corridors of the A34 and A45 as shown in Appendix A, with the details of the facilities and measures including infrastructure commitments; service specification and standards; passenger standards; performance requirements and maintenance to be agreed between the partners.
- 3.11 Once the EP is 'made' the City Council will be legally bound to provide the facilities and measures it has committed to. TfWM has overall delivery and funding responsibility for Sprint, however the likely requirements of facilities and measures on the City Council in partnership with TfWM include:

- The City Council would be responsible for approval of highway infrastructure measures to provide priority for buses, reducing journey times and improving journey time reliability. Specifically, including bus lanes, bus gates, junction improvements, parking restrictions and other similar measures. TfWM would (through Section 278 agreements with the City Council) be responsible for procurement and delivery of these measures, and the City Council would be responsible for maintaining them after they are delivered;
- Changes to the Traffic Regulation Orders (TROs) within the City Council's authority would be the responsibility of the City Council, e.g. bus lanes, parking restrictions;
- Enforcement of bus stop and bus lane TROs would be within the remit of the City Council, with enforcement of TROs to be covered under the City Council's existing powers;
- TfWM would be responsible for securing a network operator and suitable vehicles, and procuring bus shelters, ticketing and passenger information systems, and maintaining other Sprint infrastructure.

Approval for the above facilities and measures (including the Section 278 agreements) would be covered by separate FBC reports to Cabinet.

- 3.12 Approving the recommendations included in this report does not in itself give the City Council authority to proceed with the EP. It gives approval for the City Council to be a formal party to the EP Plan and Scheme and 'make' the EP, subject to the successful operator objection mechanism and formal consultation outcomes and complying with the statutory requirements. The EP will then deliver the legislative framework under which improved bus travel on the A34 and A45 corridors (including Sprint) will be delivered and subsequently managed. Any future schemes for other routes, would be subject to further scheme agreements and FBCs through reports to Cabinet.
- 3.13 Subject to the preparation of the EP and operator objection mechanism, a formal consultation on the prepared EP Plan and Scheme will be undertaken and led by TfWM, on behalf of the WMCA's constituent authorities.

#### **4 Options considered and Recommended Proposal**

- 4.1 Option 1 - Do nothing. 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.
- 4.2 Option 2 – Franchising: Subject to the outcome of the Outline Business Case (OBC) being undertaken by TfWM on powers within the Bus Services Act 2017, it is the proposed approach to pursue options that will deliver the best service for residents of the City. In the longer term this includes the potential for bus franchising. Approval for the EP does not impact or influence the OBC undertaking for bus service delivery options in the West Midlands. As the OBC

does not report until April 2021, then it is proposed to support the use of EPs for the introduction of Sprint on the A34 and A45 corridors; as franchising could not be delivered in readiness for the CWG;

4.3 Option 3 – AQPS: Not recommended; 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 which ruled out an AQPS, although it is proposed that the existing City Centre AQPS continues, with the EP covering all areas of the City outside the AQPS boundary. TfWM propose to include in the EP Scheme, a commitment to review the existing City Centre AQPS in 2020 as this will expire in 2022.

4.4 Option 4 - Recommended Proposal – Enhanced Partnership. TfWM's reasons why an EP is the preferable mechanism to deliver Sprint are as follows:

- The ability to manage access to infrastructure by Sprint and other 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;
- The ability to implement an EP before the 2022 CWG;
- 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.

## **5 Consultation**

5.1 On 4<sup>th</sup> November 2019, the WMCA Transport Delivery Committee approved the Consultation Strategy for the EP Plan and associated EP Scheme, and approved TfWM proceeding to formal (public) consultation, subject to the preparation of the EP Plan and EP Scheme and the successful outcome of the operator objection mechanism. TfWM will lead on consultation, with timescales as follows, but subject to change depending on the preparation of the EP:

- Local Bus Operator Objection Period (minimum 28 days): December 2019-January 2020;
- City Council to seek approval for the EP and delegate 'making' the EP to the Assistant Director as set out in paragraphs 2.3 and 2.4, subject to the statutory preparation, notice and consultation on the EP (the purpose of this report): 17<sup>th</sup> December 2019;

- TfWM to undertake formal public consultation between January 2020 and March 2020;
- TfWM to report consultation outcomes and seek the approval of the WMCA Transport Delivery Committee to 'make' the EP Plan and the EP Scheme: March 2020, with the authority to negotiate and finalise the specific content of the agreements to formally 'make' the EP Plan and Scheme, delegated to the WMCA Head of Governance – this would be undertaken in parallel with the recommendations set out in paragraphs 2.3 and 2.4;
- The EP Plan and EP Scheme would then be 'made' by each of the formal parties to the EP (WMCA, Local Authorities and bus operators) in June 2020;
- Formal discussions between the City Council, other Local Authorities, TfWM and bus operators will continue throughout this process.

## **6 Risk Management**

6.1 A summary of Risk Management is included in Appendix B. Key risks are:

- Obligations are placed by the Plan and/or Scheme upon the City Council which are not fundable/acceptable/deliverable;
- The EP Plan and / or Scheme are not supported by Bus Operators through the formal objection period;
- The EP Plan and / or Scheme are not supported by those responding to the public consultation.

These risks are being mitigated through continued engagement between the City Council and the other parties to the EP, with TfWM to deliver the operator objection period and public consultation, and the content of the EP agreements to be negotiated and finalised as per the recommendations in paragraphs 2.3 and 2.4.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The EP is consistent with the City's Council Plan and Budget 2018 to 2022, as updated in 2019. It will support delivery of the primary goals of an Entrepreneurial City, an Aspirational City, a Fulfilling City to age well in and a Great City to live in and support Birmingham residents in gaining the maximum benefit from hosting the CWG.
- 7.1.2 In particular, it will support Outcome 1, Priority 4: We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport; and Outcome 4, Priority 4: We will improve the environment and tackle air pollution.

## **7.2 Legal Implications**

- 7.2.1 The EP agreement will be entered into pursuant to section 9 of the Bus Services Act 2017, which amended the Transport Act 2000 by inserting relevant sections relating to EPs. As a statutory document there will be legal implications arising from the EP and advice will be sought from the Acting City Solicitor before the 'making' of the EP Plan and accompanying Scheme. The specific requirements to be placed on the City Council are summarised in paragraph 3.11, with more detail on these to be set out in the EP agreement.
- 7.2.2 The obligations that the City Council will take on under the EP agreement all relate to existing functions in respect of which the City Council already has statutory powers.

## **7.3 Financial Implications**

- 7.3.1 The costs for preparing, undertaking consultation and making the EP will be met by WMCA.
- 7.3.2 Delivery and funding of the A34 and A45 Sprint routes – the 'Scheme' in the case of this report - is the responsibility of WMCA, details of this funding (including both capital and revenue funding implications) will be shown in separate Cabinet reports regarding FBCs for the A34 and A45 Sprint routes. Any future schemes would be subject to separate Cabinet reports including EP agreements, and FBCs which would set out the detailed financial implications and associated funding requirements.

## **7.4 Procurement Implications (if required)**

- 7.4.1 This report has no procurement implications as TfWM is responsible for preparing, consulting and making of the EP. Any procurement implications for the City Council regarding individual schemes would be subject to separate Cabinet reports regarding FBCs and EP scheme agreements.

## **7.5 Human Resources Implications (if required)**

- 7.5.1 This report has no Human Resources implications.

## **7.6 Public Sector Equality Duty**

- 7.6.1 An Equality Analysis (EA) has been undertaken for this report and is attached in Appendix C. TfWM is responsible for equalities issues for the EP. Relevant organisations with an interest in equalities issues will be included in the consultation.
- 7.6.2 Individual Scheme proposals will be further screened for equalities analysis as part of standard Council governance and approval processes, and EAs will be completed at Options Appraisal and FBC stage for individual projects and programmes.

## **8 Appendices**

- 8.1 Appendix A – Map of Extent of Proposed Enhanced Partnership Scheme and Plan areas
- 8.2 Appendix B - Risk Register
- 8.3 Appendix C - Equality Analysis

## **9 Background Documents**

- 9.1 Sprint Bus Rapid Transit Network Development and Implementation Strategy, Report to Cabinet 24<sup>th</sup> January 2018
- 9.2 Vision for Bus, Transport for West Midlands 2018
- 9.3 WMCA Board Decisions, 28<sup>th</sup> June 2019
- 9.4 WMCA Transport Delivery Committee Decisions, 4<sup>th</sup> November 2019