

GWYNEDD COUNCIL CABINET



Report to a meeting of Gwynedd Council Cabinet

Date of meeting:	16th February 2021
Cabinet Member:	Councillor Gareth Wyn Griffith
Contact officer:	Dafydd Wyn Williams – Head of Environment Department
Contact Number:	32371
Subject:	BUS EMERGENCY SCHEME (BES)

THE DECISION SOUGHT

That Gwynedd Council agrees to join the BES2 Scheme in accordance with the report.

That delegated powers be granted to the Head of Environment in consultation with the Head of Finance and Head of Legal to agree and complete the Voluntary Regional Partnership Agreement for the implementation of the scheme in North Wales.

REASONS FOR THE NEED FOR A DECISION

Bus travel has been severely affected by the Covid-19 pandemic. Passenger numbers have plummeted, whilst social distancing and additional cleansing requirements have placed added burdens and costs on operators. [2]

Welsh Government (WG) and local authorities (LAs) have stepped in to support the sector with substantial financial assistance. There has also been an excellent, ongoing dialogue between all parties to discuss and agree on support arrangements. [3]

Prior to the pandemic, WG had consulted on a range of proposed changes to the way bus services are delivered in Wales. A Bus Bill was due to have been brought forward during the current Senedd term. Pressures associated with not only Covid but also the large volume of legal work generated by Brexit and the transition period forced WG to postpone the planned legislation. [4]

Due to the large amount of public funding that goes into bus services from WG and LAs, WG would like to see the public sector having greater influence over areas such as the networks of services provided, ticketing and integration with rail services. It also sees a greater role for Transport for Wales, which is now responsible for rail services in Wales. [5]

This raises two issues: (i) short term survival of operators and (ii) longer term reform of the sector. WG believes that these two can be linked. In the short term, the funding being provided to keep operators afloat is therefore being provided with a number of conditions attached. These are to incentivise operators to engage in planned changes that are in line with their longer-term ambitions for reform. [6]

The Minister of Economy and Transport and North Wales, Ken Skates MS, has met with Leaders of all 22 LAs, along with his officials, to outline Welsh Government's direction of travel. Further details have been included in the Wales Transport Strategy (WTS), which has been the subject of consultation. More recently, the Deputy Minister, Lee Waters MS, met with all Leaders to discuss the WTS but also to encourage LAs to sign up to the Bus Emergency Scheme 2 (BES2). This is the latest phase of financial support to help operators through the period of the pandemic (more details on BES 2 below). [7]

Leaders have agreed to establish a WLGA Bus Member Group, with a focus on the longer-term proposals to reform the sector's operations. That group includes the WLGA Leader (who is also the WLGA's Transport Spokesperson), the deputy Transport Spokesperson, and the chairs of the four regional transport bodies and the co-chairs of the WLGA Rural Forum. That Member Group is due to meet with Lee Waters on 18th January 2021. [8]

INTRODUCTION AND RELEVANT CONSIDERATIONS

1. BACKGROUND

- 1.1 The problems facing operators were recognised at an early stage of the pandemic. Looking ahead, to secure their services for the future, local authorities agreed to continue making payments for contracted services even though many services were initially suspended.
- 1.2 Alongside this, WG stepped in to help operators deal with reduced income on commercially operated routes and the additional costs being incurred. Initially, WG made £29m available from a Hardship Fund, which operated from April 2020 for three months. This Fund was assembled from monies that would otherwise have been paid via Bus Services Support Grant, Mandatory Concessionary Fare reimbursement and the 'My Travel Pass' scheme.
- 1.3 The Bus Emergency Scheme was then introduced in July to provide ongoing support. This became known as 'BES 1' and it continued to maintain operators' income at historic levels, based on what was being paid to them under previous grant schemes. In return for this financial support, Welsh Government signalled that it expected operators to contribute to a reshaping of bus services in Wales – to include improved regional networks with greater integration with rail services, smart ticketing and timetabling.
- 1.4 'BES 1.5' was introduced in August, administered by the lead Authorities (Flintshire), through whom BSSG had been paid since 2013. It provided £10m of so-called 'ramp up funding' to support the reopening of schools and economic activity. This funding helped to cover the cost of reinstating services suspended when travel restrictions associated with the pandemic were introduced, and which were needed to meet increasing demand, given capacity constraints of social distancing. BES 1.5 was then extended to the end of March 2021 following the announcement of a further support package in September 2020¹. Operators were once again asked to sign up to a range of terms and conditions to access the BES funding. Without this funding, some services would probably have ceased to operate due to loss of fairbox revenue.

- 1.5 WG, working with Transport for Wales (TfW), are now proposing to enter into a longer-term BES 2 agreement with operators and local authorities to protect services. It will operate for an initial maximum term of up to 2 years from the date BES 1.5 commenced (i.e. up until 31 July 2022, unless market conditions recover sufficiently for an operator to no longer require BES support for any of its services whether they be contracted or commercial.

KEY FEATURES OF BES2

- 1.6 BES 2 will continue to address the loss of farebox revenue and the additional costs associated with responding to the pandemic. Under BES 2 the WG funding will sit alongside local authority funding provided through the Concessionary Travel Scheme and via Revenue Support Grant and the Bus Services Support Grant to make up the shortfall.
- 1.7 Welsh Government will be a co-signatory to the BES 2 agreement with bus operators, along with Transport for Wales². Local authorities retain legal responsibilities for bus services and therefore remain central to determining which local services receive this support. They need to sign up to the principle of the agreement and the relationship with their Lead Authority, in ensuring that the ongoing emergency funding meets their priorities and is delivered on their behalf. This will provide the legal basis for WG to make payments to the operators. **In this way, WG can use its powers to support operators, whereas the additional funding would breach local authorities' de minimis limits for direct award contracts** (further details in the briefing note in Appendix 1 and the full proposed Agreement is in Appendix 2). Local Authorities will remain responsible for those services, which they currently contract directly with bus operators. Local Authorities will need to consider planning for contingencies of the BES2 agreement is not signed or the level of funding for BES2 is reduced during the period of the agreement.
- 1.8 Key features of BES 2 will be as follows:
- Maximum term until 31st July 2022 or until operators enter into an embedded partnership agreement
 - Development and delivery of a Reference Network, intended to provide a range of benefits to communities; multi-operator ticketing; and operator sign-up to an Economic Contract at the heart of WG's Economic Action Plan (and its principles of fair work, health, decarbonisation, skills and learning etc). Currently in Gwynedd if a passenger has purchased a return ticket or prepaid ticket on a subsidised route the passenger is not able to use the ticket on commercial routes or vice versa.
 - Long term co-operation and co-ordination across TfW, LAs and operators by entering into partnerships with a clear set of obligations and shared standards
 - One agreement per operator in each of the regions that they work in, signed by Welsh Government, TfW, a lead authority and the operator
 - Operators will be allowed to make a (capped) profit on services that has not been possible under emergency funding to date.
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BEYOND BES 2

- 1.9 Discussions are starting to take place in relation to the planning of future networks³ and the respective roles of WG, TfW, LAs and operators. It is important to note that these are not the prime focus of BES2 agreement. It will be vitally important for further detailed discussions to take place with Members on these matters. However, this is not a reason to delay the signing of the BES 2 agreement. WG does believe that the BES2 offer will help to engage operators in the discussions about the future at a time when their income is more dependent than ever on public sector support. In signing up to BES 2, though, LAs are agreeing to financial support being provided to the sector. They are not committing themselves to any specific, future model of bus service management as that will be the subject of further debate.
- 1.10 Gwynedd Council is in regular discussions with Transport for Wales and the Welsh Government regarding the design of a new bus network for Gwynedd and neighbouring authorities. The ambition of the Wales Transport Strategy - A New Route - is to provide a service for 'every village, every hour'. It is hoped that the BES2 investment will offer more services to rural communities. Transport provision may differ using smaller vehicles e.g. a minibus or taxi to transport residents to nearby villages / towns, which will ensure better connections to travel further.

2. RECOMMENDATION

- 2.1 That Gwynedd Council agrees to join the BES2 Scheme in accordance with the report.
- 2.2 That delegated powers be granted to the Head of Environment in consultation with the Head of Finance and Head of Legal to agree and complete the Voluntary Regional Partnership Agreement for the implementation of the scheme in North Wales.

³ The lead authority acts as a conduit for BSSG funding from Welsh Government to operators. Current lead authorities are Monmouthshire (for South East Wales); Flintshire (for North Wales); Swansea (for South West Wales), Ceredigion and Powys. Within each LA, transport staff play an important role liaising with operators on a range of issues to meet local Members' requirements. The roles include administration of Concessionary Fares reimbursement and provision of support for contracted journeys on non-profitable routes.

² Overall, an additional £45m has been provided by WG to support the bus sector this financial year including the £10m ramp up funding an extra £35m from September to the end of the year.

³ Given that the agreement is under discussion between Welsh Government, operators and Transport for Wales as well as local authorities, and must be approved by all parties, it may be subject to some changes before it is finalised.

⁴ The reference network will need to be designed and agreed collectively by WG, TfW and LAs and discussed with operators. An All-Wales Bus Network officer group has been established to progress the thinking around this.

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VIEWS OF THE STATUTORY OFFICERS

The Monitoring Officer:

As noted in the report, this scheme is being led by the Government utilising their statutory powers under the Transport (Wales) Act 2006. This is based on a regional partnership between the North Wales Councils and the appropriate agreement will need to be established in order to protect and promote our voice and influence on the arrangements. A legal note prepared by the Government is appended to the report and appropriately summarises the context.

Head of Finance:

As noted in part 1.4 of the report, the BES1 grant is administrated regionally by Flintshire County Council, and the grant goes directly to the bus operators to compensate them for loss of income and additional costs. The BES2 scheme is an extension of the BES1 grant and Flint will continue to administrate it.

Other than that, Gwynedd continues to receive a support grant for bus services and have paid public bus operators for the networks in full, as all other authorities in Wales have, since the beginning of the Covid-19 crisis.

I appreciate that there are procedural advantages of regional contracts for this, therefore, I support the recommendation for Gwynedd to join the BES2 scheme, in order to support operators and protect the bus services for an initial period of no longer than 2 years.

I also note that part 1.7 of the report identifies the need for local authorities to consider contingency planning, in case the BES2 contract is not signed-off, or in case the BES2 funding level reduces.

Appendices

Appendix 1	Briefing Note
Appendix 2	Proposed Agreement