

**Democratic Services**

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Date: 7 November 2016  
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**To: All Members of the Communities, Transport and Environment Policy  
Development and Scrutiny Panel**

Councillors: John Bull (Chair), Brian Simmons (Vice-Chair), Peter Turner, Alan Hale,  
Neil Butters, Michael Norton, Bob Goodman, Ian Gilchrist and Les Kew

Councillor Anthony Clarke (Cabinet Member for Transport) and Councillor Martin Veal  
(Cabinet Member for Community Services)  
Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Communities, Transport and Environment Policy Development and Scrutiny Panel:  
Monday, 14th November, 2016**

You are invited to attend a meeting of the **Communities, Transport and Environment Policy  
Development and Scrutiny Panel**, to be held on **Monday, 14th November, 2016 at 5.00 pm**  
in the **Alkmaar Room, Guildhall**.

The agenda is set out overleaf.

Yours sincerely

Michaela Gay  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative  
accessible format please contact Democratic Services or the relevant report author  
whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Michaela Gay who is available by telephoning Bath 01225 394411 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Michaela Gay as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Michaela Gay as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

## **4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

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- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

**6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**

**7. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Communities, Transport and Environment Policy Development and Scrutiny Panel -  
Monday, 14th November, 2016**

**at 5.00 pm in the Alkmaar Room, Guildhall**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Adam Reynolds, Cycle Bath Chair will make a statement on "The practice of councils applying road diets as part of Highways resurfacing programmes".

7. MINUTES (Pages 7 - 14)

8. BUS SERVICES BILL (Pages 15 - 26)

There is an update report attached on the Bus Services Bill.

9. URBAN GULL STRATEGY - AN UPDATE (Pages 27 - 44)

There is an update report attached on Urban Gull Strategy. There will be a presentation at the meeting, presentation slides are attached.

10. UPDATE ON CYCLING STRATEGY (Pages 45 - 46)

There is a report attached on Cycling Strategy. There will also be a presentation at the meeting.

11. CABINET MEMBER UPDATE

The Cabinet Member will update the Panel on any relevant issues. Panel members may ask questions on the update provided.

12. PANEL WORKPLAN (Pages 47 - 50)

This report presents the latest workplan for the Panel. Any suggestions for further items or amendments to the current programme will be logged and scheduled in consultation with the Panel's Chair and supporting senior officers.

The Committee Administrator for this meeting is Michaela Gay who can be contacted on 01225 394411.

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**BATH AND NORTH EAST SOMERSET**

**MINUTES OF COMMUNITIES, TRANSPORT AND ENVIRONMENT POLICY  
DEVELOPMENT AND SCRUTINY PANEL MEETING**

Monday, 19th September, 2016

Present:- **Councillors** John Bull, Brian Simmons, Peter Turner, Alan Hale, Neil Butters and Ian Gilchrist

Apologies for absence: Councillors: Bob Goodman

**94 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

**95 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

**96 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Jonathan Carr sent his apologies and was substituted by Councillor Lin Patterson.

Councillor Michael Norton sent his apologies and was substituted by Councillor Les Kew.

Councillor Bob Goodman sent his apologies.

**97 DECLARATIONS OF INTEREST**

There were none.

**98 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

**99 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS,  
STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF  
THIS MEETING**

David Redgewell – South West Transport Network made a statement regarding public transport cuts, budgets and devolution. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Councillor Patterson asked if Mr Redgewell if he could ask First Bus a question, what would it be. Mr Redgewell said that he would ask if there are enough resources coming from Bath and North East Somerset Council to fund the bus service network.

Miss Amanda Wise made a statement about the recently withdrawn 379 service to Bristol. She stated that the reason given for withdrawing the service was underuse yet in her experience the bus was well used. She appealed for special consideration for the 379 service from Paulton. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Mr Cyril Mitchard made a statement about his concerns regarding the changes to the service and timetable in Paulton. He referred to the many closures of services in villages over the past few years (such as Post Offices) which makes the bus service all the more important. He stated that people are encouraged to use public transport but they cannot use what isn't there. He asked for the early morning, evening and Sunday bus to Bristol be restored.

Ms Terrie Stocker made a statement about the loss of the 379 service from Paulton to Bristol. She said she would like to see the facts and figures behind the decision to withdraw the service. She mentioned that the loss of service will have an effect on jobs for some people. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Mr Mike Roberts made a statement about the rerouting of the U1 service in Upper Oldfield Park. He added that he had asked to meet a First Bus representative on the site but had not heard back from them. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Ms Tracey Harding – FAVBUG (Frome and Villages Bus User Group) made a statement about the local 267 Frome to Bath bus service. She explained the effect of the loss of the evening service. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Mr Adam Boyden made a statement about the local 267 Frome to Bath bus service. He asked that the service be retained and that the possibility of match funding be explored. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Linda Oliver - made a statement about the local 267 Frome to Bath bus service. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book.*

Councillor Liz Hardman – made a statement regarding the changes to service in Paulton. She presented a petition to James Freeman – First Bus or 800 signatures

Susan Charles – Warm Water Inclusive Swimming and Exercise (WWISE) made a statement updating the Panel on the warm water pool at the Leisure Centre. She informed Panel members that GLL are looking at WWISE suggestions and a formal report will follow. Following a question from Councillor Patterson, Susan Charles reported that she did not have a date for this report and asked that the issue be moved on by the Cabinet member. *A copy of the statement is appended to the agenda for this meeting and can be found on the Panel's Minute Book*



Susan Charles – Access Bath Group – made a statement regarding the disabled parking bays at Keynsham Leisure Centre which she explained are not appropriate as they are either on a slope or on a busy road. She asked that the Panel look at the plans and make safer parking facility.

Councillor Hale explained that there has been public consultation on this and that the local members had been shown images. Councillor Simmons further explained that the application is going to Committee and most things mentioned here have been included. He mentioned that there is a consultation event in the Community Space in a few weeks.

## **Supplementary Information**

### **100 MINUTES**

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

### **101 DOMESTIC ABUSE UPDATE**

Samantha Jones, Inclusive Communities Manager introduced the report and gave an update on what has been happening since May and what is planned.

The officer explained that the Police and Crime Commissioner funds Community Safety but that she has now been asked to model a 10% reduction and 20% reduction in the grant. The Youth Offending Team have been asked to do the same. The officer explained that she will write to them and ask them not to make the reduction or the service may not be viable any longer.

Regarding Domestic Homicide Reviews (DHRs) – there have been 4 referrals in 15 months and two are going to full DHRs and each costs £10,000 minimum. The officer asked that serious consideration be given to this as there is no budget for DHRs and there will be a knock on effect if funding is reduced on other services around Hate Crime, Night time Economy and Rape Crisis.

The officer updated the Panel on a new group Domestic Abuse Partnership which has had an injection of Council resource. She explained that on 2<sup>nd</sup> November there is a Safeguarding Review Day where they will map out how to stop the cycle of Domestic Abuse of all types.

Panel members made the following points and asked the following questions:

Councillor Bull commented that this all seems a lot more co-ordinated than previously. Regarding domestic abuse funding, the officer confirmed that yes domestic abuse services would lose out if grants are reduced.

Councillor Butters asked about abusers being able to question victims in court. The officer explained that she could not give a professional opinion on legal aid but that

the statistic is that domestic abuse happens approximately 37 times before the case goes to court. She explained that 'buddies' are provided to victims when they attend court. She further explained that at Bath Courts, evidence cannot be given remotely.

Councillor Hale talked about anti-social behaviour and explained that the anti-social behaviour officer in Curo covers a very large area.

Councillor Simmons asked if housing officers have had training regarding DHRs. The officer explained that yes they have had training and they sit on the Panel – the objective of the Panel is to ask if a death could have been predicted or prevented.

The Chair thanked the officer for the update and asked for a report back in 6 months. It was mentioned that colleagues from Southside could be invited to help give a picture of the court system.

It was **RESOLVED** that a report be brought back to the Panel in 6 months.

## **102 'GETTING FROM A TO B' - STRATEGIC REVIEW OF TRANSPORT**

The Chair introduced James Freeman and Andrew Sherrington – Managing Director and General Manager (Bath) of First Bus. James Freeman explained that he is glad to be at the meeting and while he does not enjoy listening to all of the issues in the public statements, it is important to hear them. He gave a presentation to the Panel which covered the following:

- Introduction to First West of England
- The environment in which we trade
- Cranmore Estate
- Route 178 Chandag
- Route 379
- Route 38 Keynsham
- Route U1 Upper Oldfield Park
- Routes 6/7 Fairfield Park and Larkhall

He also made the following points:

- He stated that the strength of feeling and petition regarding the 379 service is noted and he has been looking at possible options with colleagues in B&NES. He stated that he hopes it might be possible to put on a couple of peak hour facilities.
- Regarding the 38 Keynsham – there was a meeting a few weeks ago and the result of the strength of feeling at the meeting is that an experiment is taking place for the Park Estate and use of this evening service has been encouraging. Mr Freeman explained that this shows that public feeling can be responded to.
- Regarding the U1 Upper Oldfield Park, Mr Freeman explained that he is happy to meet representatives on the site but for now the bus has to operate as per the registration.

- Regarding the 267, Mr Freeman explained that First have been consulted as operators and that it would be his intention to run an evening service on a commercial basis on Friday and Saturdays if revenue support were to be withdrawn.

In conclusion Mr Freeman explained that in his position, he has to adjust services to the circumstances which prevail. He added that he is happy to meet with people regarding bus services.

Andy Strong – Team Manager Public Transport gave a verbal update on the recent bus service changes. He explained that the Council has agreed a limited peak hour replacement for bus service 379 funded initially by developer contributions. For this to be sustainable in the longer term, the fares revenue would need to cover the operating costs. His team had received a substantial amount of correspondence about the recent changes to First's commercial bus services and an issue raised in virtually all of them was the lack of consultation by First with their customers and residents about their proposals. The officer reported that he is keen to work with First and other bus operators to improve the process of reviewing and changing the bus route network. On a positive note, there had been an increase in the total number of bus passenger journeys across all operators in B&NES in 2015-16 for the third successive year. The annual total was 13.4 million, up 3% from the previous year. Of that total, 28% of journeys were made by holders of concessionary passes – a slight decline probably attributable to the national increase in the eligible age.

He explained that the Bus Services Bill is going through parliament and people should consider taking general issues to local MPs to raise in Parliament.

Regarding the 267 he explained that B&NES consulted Somerset County Council as the neighbouring transport authority and it was up to them to engage with parishes within their area.

Panel members made the following points and asked the following questions:

Councillor Hale asked when timetables will be published. The officer replied that roadside information can be updated and operators are relied on to produce timetables for their commercial services. James Freeman added that First timetables will be published in September. He added that the 177 is registered now and the timetable can be published as soon as possible.

Councillor Gilchrist asked why First consulted Oldfield Park Councillors but not Widcombe Councillors. Mr Freeman apologised for the error.

Councillor Patterson spoke about the 6/7 service. She stated that she believes the survey was not conducted properly and asked that this be reviewed.

There was some discussion on the 177 (379 replacement). Councillor Bull suggested the time of 5.30pm. Mr Freeman explained that the current times are registered but that it is not impossible to change this over time. Councillor Bull agreed that they would meet to discuss this after an 8 week trial.

Councillor Moss referred to the decline in use of concessionary bus passes, he asked how this could be promoted. Mr Freeman explained that bus use in the area is on the increase.

Councillor Liz Hardman thanked First Bus for listening and for putting on the 177 in Paulton and added that new homes are being built in Paulton and the service may need to be expanded at some point. Mr Freeman acknowledged this point. He further explained that there is a big difference between peak and off peak services and that a new bus has to be bought for an extra peak time service.

Councillor Patterson stated that residents have also been signing a petition regarding the 6/7 service.

Councillor Butters stated that First Bus are in a difficult position. He thanked all of the speakers. He mentioned that there is a local bus forum. Regarding the U1 he stated that he is puzzled as to why the students do not use the Lower Bristol Road Bus Stop. He asked how the numbers of concessionary travellers could be raised. James Freeman explained that there are underlying reasons for the decline in numbers – principally, the move in the date for state pension age is moving. He added that when petrol prices go down, numbers of people using buses dropped. Regarding the U1 he explained that there is no easy answer as students will not travel at all if the service is not provided. There is also a competing operator, He stated that he is happy to meet with local people.

Regarding the suggestion of charging higher fares to fund the 267, Mr Freeman commented that this has been tried before and it generally drives people away. He added that First Bus do operate a passenger forum.

Councillor Hardman asked if there has been consideration of the school children regarding the U1. Mr Freeman responded that vehicles will have to proceed with the conditions that prevail as in all areas.

Councillor Hale thanked Mr Freeman for the resolution in Keynsham. He proposed and **it was RESOLVED that:**

The Cabinet be asked to review the ending of the subsidy on the 267 and that serious consideration be given to looking at funding from other authorities/Town and Parish Councils.

Following the above debate, Martin Shields Divisional Director - Environmental Services gave a presentation on 'Getting from A to B – Strategic Transport Review' which covered the following:

- Outline of briefing
- Overview
- Review – Community Transport
- Edge Solutions Review
- Review – Home to School travel
- Review of current position

- Review – Internal fleet
- Next Steps

The officer explained that this had been to Cabinet today and is a work in progress.

Panel members made the following points and asked the following questions:

Councillor Simmons asked if he could have some input when vehicles are changed as he has many years' experience.

Councillor Hale spoke about the lack of traffic in school holidays and asked if we could look at an American style bus system. The officer explained that the Council transports a lot of children in taxis and that maybe there is an opportunity to merge journeys and that this is all part of the review.

The officer explained that the Council meets entitlements to transport services and personal travel plans for adults and children. He explained that sometimes, people do not use the bus pass provided to them.

The Chair thanked the officer and asked for an update in 6 months.

### **103 CABINET MEMBER UPDATE**

There were no Cabinet Members present.

### **104 PANEL WORKPLAN**

The Panel noted the workplan with the following additions:

- Update on Domestic Abuse – March 2017
- Update on Strategic Transport Review – March 2017

The meeting ended at 7.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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| Bath & North East Somerset Council  |  |  |
|---|--|--|
| MEETING:  | Communities, Environment & Transport Policy Development & Scrutiny Panel |  |
| MEETING DATE:   | 14 November 2016   |  |
|   |  |  |
| TITLE:  | Update on Bus Services Bill  |  |
| WARD:   | All  |  |
| AN OPEN PUBLIC ITEM   |  |  |
| <b>List of attachments to this report:</b>  |  |  |
| Appendix 1: Submission of evidence from B&NES Council to the House of Commons Transport Committee.  |  |  |
| Appendix 2: Update from Bus Services Bill Policy Team at the Department for Transport, October 2016 |  |  |

## **1 THE ISSUE**

- 1.1 The Panel has asked for an update on the Bus Services Bill which is currently going through Parliament.

## **2 RECOMMENDATION**

- 2.1 The Panel is asked to note this Report.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this Report.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 There are no proposals arising from this Report.

## **5 THE REPORT**

### Purpose and background

- 5.1 The Bus Services Bill seeks to amend the regulatory framework for the delivery of bus services in England (outside London) and provide for improvements in ticketing, open data and bus registration. The main impetus for the Bill came from the devolution deal between the Government and the Greater Manchester Combined Authority, which including the offer of powers to franchise bus services.

- 5.2 Bus services outside London were deregulated by the Transport Act 1985. Subsequently, the Transport Act 2000 introduced quality contract schemes and quality partnership schemes, and these were amended by the Local Transport Act 2008.

### Parliamentary process

- 5.3 The Bill was introduced in the House of Lords on 19 May 2016 and, at the time of writing, is at the Report stage in the Lords. The House of Commons Transport Committee launched an enquiry into the Bill on 19 July 2016 and has taken both written and oral evidence. B&NES Council submitted written evidence and this is attached at Appendix 1.
- 5.4 Some amendments have been made to the Bill as originally drafted, including:
- (i) Bus operators to be required to make information available in both audible and visual formats on board their vehicles to identify the route and next bus stop.
  - (ii) Local transport authorities (LTAs) other than mayoral combined authorities to have powers to franchise bus services in their area without the requirement to seek approval from the Secretary of State for Transport.
  - (iii) Local authorities to have the power to set up new “arms-length” companies to operate bus services.
- 5.5 These amendments, and many other issues, will be reviewed by the House of Commons in due course. The Government’s aim is that the Bill should receive the Royal Assent during 2017.

### Franchising

- 5.6 The Bill proposed that mayoral combined authorities would have automatic powers to franchise bus services in all or part of their areas. Other authorities (or groups of them) would be able to apply to the Secretary of State for such powers. The House of Lords has approved an amendment removing this requirement, thereby granting the automatic right to all local transport authorities.
- 5.7 Under a franchise, the authority would determine and specify the bus services to be provided in the area and bus operators would bid to operate them. Provision for cross-boundary services would be made by a permit scheme.
- 5.8 Prior to setting up a franchise, incumbent operators would be required to provide the authority with passenger numbers and revenue for their services.
- 5.9 The franchising authority would have to develop a business case and explain how franchising would support wider policies, whether it would be affordable and achievable, whether it offers value for money, how services would be procured and managed, and how plans would affect neighbouring authorities.
- 5.10 Consultation must be undertaken and an independent audit carried out on the business case.
- 5.11 The existing legislation on quality contract schemes would be repealed and replaced by franchising powers.



## Partnerships

- 5.12 Quality partnership schemes will be modified to remove the requirement for LTAs to provide specific infrastructure and allow measures such as parking and traffic management policies to be included.
- 5.13 The Bill proposes the creation of “enhanced partnership schemes” (EPSs) as a halfway-house between quality partnership schemes and franchising. This new model expands the range of standards that partnership schemes can cover. An LTA (or group of them) would prepare an Enhanced Partnership Plan, analysing the performance of the local bus market and setting objectives for improvement such as the route network, service frequencies, vehicle specification, branding and ticketing. The authority would have powers to require operators to provide passenger and revenue information to assist in developing the Plan.
- 5.14 An EPS would require the agreement of a majority of bus operators in the area concerned, and the authority must be satisfied that it will bring benefits to passengers by improving services or giving environmental benefits.

## Open data

- 5.15 The Bill proposes that bus operators be required to release data on routes, timetables, punctuality and fares to assist the development of information systems for passengers.
- 5.16 Also, the Bill proposes that bus operators be required to supply passenger numbers and revenue, in respect of services that they intend to cancel, to the relevant LTA.

## Local perspective

- 5.17 In contrast to most of England outside London, bus passenger journeys in B&NES (and the West of England sub-region) have been increasing. Over 13m single passenger journeys were made in 2015/16. That represents an increase of over 3% from 2014/15 and 29% since 2005/06.
- 5.18 Journeys by concessionary pass holders comprised 28% of the total but the number of such journeys has been in slight decline over the past few years as the eligible age has risen.
- 5.19 Punctuality of bus services in B&NES in 2015/16 was at 77%, a slight drop from the previous year. The Traffic Commissioner’s expectation is that bus operators should achieve a level of 95% punctuality.
- 5.20 There is a track record of successful partnership working with bus operators in B&NES and the West of England, through such projects as the Greater Bristol Bus Network (GBBN), Local Sustainable Transport Fund and Better Bus Area.
- 5.21 Three quality partnership schemes were “made” by B&NES Council as part of the GBBN project. These were the first such schemes in the country to make use of the provisions to set maximum fare levels.

## Key issues for B&NES

- 5.22 One operator has a market share of over 80% in B&NES and this places it in a very dominant position. The proposals in the Bill will not alter this. Small operators are concerned about their future under any new arrangements.
- 5.23 The level of housing and employment growth forecast for the future (and already under way) brings demands for new and improved bus services to development sites. Bus operators are unwilling to commit to providing services to developments beyond the end of any developer funding.
- 5.24 Bus operators are under no obligation to consult their customers before changing routes or timetables. Neither are they required to consult residents before changing their routes to use roads that have hitherto not been bus routes.
- 5.25 The conventional model of franchising, which pertains in London, involves the franchising authority setting fares and taking on the revenue risk (i.e. that fares revenue will cover operating costs). This financial risk could be large and it may be difficult for the franchising authority to take it on in the current climate.
- 5.26 It would be possible to devise an alternative franchise model, under which operators retain the revenue risk, but they would need to retain the freedom to set their own fares. Multi-operator ticketing would be possible too but for it to function successfully a high degree of co-operation would be required from operators.
- 5.27 An improvement in punctuality will require the introduction of more bus priority measures and the deployment of more resources to manage traffic and road works.
- 5.28 The Bus Services Bill does not provide any additional funding for bus services.

## **6 RATIONALE**

- 6.1 The recommendation is that the Panel note the Report.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

- 8.1 The Section 151 officer has been given the opportunity to review and provide input to this Report.
- 8.2 This Report is an update, so no other consultation has been carried out.

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

|                       |  |
|-----------------------|--|
| <b>Contact person</b> | Andy Strong, Public Transport Manager – 01225 394201 |
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| <b>Background papers</b>   | None |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |      |

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**Submission to the House of Commons Transport Committee on the Bus Services Bill from Bath & North East Somerset Council**

- **Introduction**

1 Bath & North East Somerset Council (B&NES) is a unitary authority in the south-west of England and is part of the West of England economic area (with Bristol City, North Somerset and South Gloucestershire Councils).

2 It works closely with those authorities and the Local Enterprise Partnership on strategic transport issues, through a Joint Transport Board.

3 More than a quarter of bus routes in B&NES cross the boundary into neighbouring LTA areas, so strategic issues can only be dealt with effectively through joint arrangements.

4 Bus patronage in B&NES has grown in each of the past three years (by 10%, 7% and 3% respectively). One bus operator has a very dominant position - with 83% market share in terms of patronage – but there are eighteen other bus operators of various sizes running bus services in the area.

- **The need for the Bill**

5 The bulk of existing legislation dates back to 2000 and 2008, but the major shift to the deregulated market outside London was from the 1985 Act. It is timely to assess the way the legislation works now that the market has matured and developed. It is clear that there are drawbacks and limitations to the deregulated model, despite the innovation and investment it has brought.

6 28% of bus journeys in B&NES are made by concessionary pass holders – a much higher figure than when the current legislation was introduced. It is timely to consider whether the current framework meets their needs.

- **Whether the Bill address the correct issues**

7 The Bill addresses some of the failings of the deregulated model but not all. Some of the problems that occur are:

- (i) Operators are under no obligation to consult bus users prior to withdrawing or changing their commercial services;
- (ii) Such changes can be made at 8 weeks' notice to the Traffic Commissioner and local transport authority (LTA) but there is no similar notice period for operators to notify their customers;

- (iii) Operators are under no obligation to cross-subsidise less-profitable parts of bus services (such as late evening buses) from the daytime operation nor to justify their decisions on what is and what isn't viable – which can make some decisions seem arbitrary to users and LTAs;
- (iv) LTAs are placed in extremely difficult situations when faced with withdrawals of commercial facilities because they all have to make reductions in their expenditure at the present time. In many cases they are unable to restore withdrawn commercial facilities;
- (v) Operators' service planning horizons are far shorter than those of LTAs, who have to take a strategic view – particularly in respect of new developments for housing and employment;
- (vi) Operators focus on their own routes and do not consider their role as part of the overall network.

- **How Advanced Quality Partnerships and Enhanced Partnerships are likely to contribute to the Government's aim of improving services for passengers and enabling a successful commercial sector**

8 The drawback of AQPs is that, like existing QPSs, the LTA cannot require any operator to use any of the upgraded facilities. There are examples of upgraded infrastructure that has become redundant following changes to the commercial route network. LTAs are vulnerable to accusations of having wasted money constructing such facilities. In some cases, provision of improved infrastructure has taken place after a difficult process of engagement with local residents.

9 EPSs have an inherent disadvantage in that they can only be made with support of the majority of operators affected. In an area with one very dominant operator, that company will have an effective veto over any EPS proposal so it will be able to dictate the terms of it.

- **The appropriateness of limiting the automatic right to introduce franchising to combined authorities with elected mayors**

10 There has been speculation recently that the Government will no longer require combined authorities to have an elected mayor as a condition of a devolution deal. Provided that there is some democratic accountability in place in a combined authority, joint arrangement of LTAs or an individual LTA, there seems to be no logical reason why franchising powers should not be available to all. Possession of such powers would strengthen the hand of LTAs in negotiations with bus operators on partnerships.

- **The likely effect of franchising on small and medium operators**

11 It will be in the interests of franchising authorities to ensure a mix of different contract sizes to allow small and medium operators to compete for contracts. Otherwise, they may not get good value for money.

12 There is great uncertainty amongst small and medium operators on how franchising may affect them. This is having a negative effect on the value of their businesses and their outlook. One suggestion to counter this would be to require franchised networks to maintain, as a minimum, the current combined market share of small and medium operators.

- **The effectiveness of the measures relating to open data and how these could improve the accessibility of bus transport**

13 There is no justification for not making data on timetables, fares and punctuality open so that bus users have more information and so that entrepreneurs are able to develop new ways of using it. It may be necessary, however, for bus users to give some direction on what they want.

14 It may be necessary to require LTAs and operators to continue to make data available to Traveline by means of clear directions on the responsibilities of all parties. In the climate of reductions in expenditure, LTAs may question whether their role is a statutory requirement or not.

15 Full implementation of electronic bus service registration would streamline much of the activity involved in registering bus services and producing information, as well as providing a framework for open data.

- **The basis for a prohibition on new municipal bus companies delivering bus services, particularly in non-franchised areas**

16 There is a case for allowing LTAs to set up new arms-length bus companies to act as “operators of last resort” in the event of failure of a contractor or abuse by a dominant operator of their market strength but there would need to be clear conditions attached to such powers to avoid the creation of re-establishment of municipal operations in their former style.

- **Measures in the Bill relating to ticketing schemes and new technologies**

17 Operators have disregarded the erstwhile Competition Commission’s recommended formula for calculating prices of multi-operator tickets in a fair and transparent manner. The prevailing view seems to be that multi-operator tickets should always be priced higher than single-operator tickets. There is a strong case for making use of the CC’s formula compulsory.

18 Operators do not promote multi-operator tickets alongside their own single-operator tickets, and in some cases do not promote them at all, so many of their customers are unaware of the wider choice of tickets available.

19 Development of smart ticketing has been slow and difficult because the priority of the national bus groups has been to develop their own delivery platforms (through various different systems) to retail their own products.

Andy Strong  
Public Transport Manager  
Bath & North East Somerset Council  
26 August 2016



## **Bus Services Bill Update**

This update is to give you the latest information on the Bus Services Bill.

### **Timetable**

The Bill is continuing its progress through Parliament. The latest version of the Bill, as amended in House of Lords Committee, was published on 20 July 2016 and can be found at:

[http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0058/lbill\\_2016-20170058\\_en\\_1.htm](http://www.publications.parliament.uk/pa/bills/lbill/2016-2017/0058/lbill_2016-20170058_en_1.htm)

Report stage, giving all members of the Lords a further opportunity to examine and make amendments to the Bill, will be on Wednesday 12 October 2016.

### **Bill Amendments**

The Government has brought forward a number of amendments to the Bill at Report stage. The most significant amendment will enable the Secretary of State to make regulations requiring operators of local services in Great Britain to provide “accessible information” on-board their services, which can include information identifying the route and upcoming stops, using both audible and visible media. The requirements will be imposed by way of secondary legislation, with an obligation on the Secretary of State to issue statutory guidance. A Scoping Note setting out the proposed content of the regulations can be found at:

<https://www.gov.uk/government/publications/bus-services-bill-accessible-information-regulations-scoping-note>

The Government has also introduced amendments to the list of statutory consultees to include:

- Transport Focus (Passengers’ Council)
- National Park Authorities and the Broads Authority
- The Competition and Markets Authority (franchising only) – the CMA is already included as a statutory consultee in partnership schemes.
- Employees’ representatives (franchising only) – as the bus market remains deregulated under partnership schemes, it would not be appropriate in this case for the local authority to consult directly with employees’ representatives.

Amendments to provisions enabling authorities to require information from operators in connection with their functions in relation to a franchising or a partnership plan and scheme have been brought forward, so that operators will be required to provide information within reasonable timescales and that provisions about use of information are set out on the face of the Bill.

An amendment to make it explicit that emission standards can be included in the terms specified in local service contracts in the context of franchising and as standards in partnership schemes, has also been introduced.

## **Response to the CMA**

Andrew Jones has responded to the Competition and Markets Authority's (CMA) recommendations in relation to competition issues in the Bus Services Bill. The response letter can be found at:

<https://www.gov.uk/government/publications/bus-services-bill-cma-response>

## **Guidance and policy statement**

During discussion of the Bus Services Bill in House of Lords Committee, Peers raised a number of issues which they proposed should be incorporated in the Bill or addressed in guidance.

In response to this we have produced draft guidance, covering those areas which were felt to be of most concern and interest to Peers, and a policy statement on access to franchising powers. This should help to inform discussion during the passage of the Bill. The document is intended to outline some of the potential content of guidance and to give an indication of the general approach to some policy issues. However, at this stage it should be regarded as draft guidance only. It can be found at:

<https://www.gov.uk/government/publications/bus-services-bill-draft-guidance-and-policy-statement>

## **Secondary legislation**

We are continuing discussions with key stakeholders and it is our intention to consult formally on draft regulations and guidance later in the year. In the meantime, any comments should be sent to: [busworkshops2015@dft.gsi.gov.uk](mailto:busworkshops2015@dft.gsi.gov.uk)

**Bus Services Bill Policy Team  
October 2016**

| Bath & North East Somerset Council                          |  |                                   |
|---|--|-----------------------------------|
| MEETING:  | Communities, Transport and Environment Policy Development & Scrutiny Panel |                                   |
| MEETING DATE:   | 14 November 2016   | EXECUTIVE FORWARD PLAN REFERENCE: |
| TITLE:  | Urban gull strategy- an update   |                                   |
| WARD:   | All  |                                   |
| AN OPEN PUBLIC ITEM   |  |                                   |
| List of attachments to this report:                         |  |                                   |
| A presentation will be provided to the Panel at the meeting |  |                                   |

## 1 THE ISSUE

- 1.1 This report invites the Panel to hear about the work which has been completed during 2016 in support of the Council's urban gull strategy.

## 2 RECOMMENDATION

- 2.1 The Panel receives a presentation outlining the progress which has been made to date.

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 In 2016/17 Cabinet allocated £85k to fund recommended actions which included the provision of free egg and nest removal and falconry treatments, dedicated waste enforcement resource in Bath city centre, communications and project support.
- 3.2 To date, no additional resources have been allocated beyond 2016/17 and Cabinet are considering funding options to continue the work.
- 3.3 Another agreed action has been a collaborative partnership with the University of the West of England and Middlesex University. This partnership requires an officer time contribution which is factored into service planning and budgets.

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council has no statutory duty to act on urban gulls however it remains a high profile issue with local residents, businesses and visitors. The strategy will inform the Council's actions and spending on this issue until 2019.

## 5 THE REPORT

5.1 The urban gull strategy has a 3 pronged approach which in 2016 involved the delivery of:

- A gull treatment programme to remove nests and eggs from roofs in areas of B&NES by a procured contractor. The areas chosen were the wards of Abbey, Kingsmead, Newbridge, Twerton, Widcombe and Westmoreland and a former factory site in Midsomer Norton. These areas were chosen on the basis of large or increasing populations of gulls. Where appropriate, falconry treatments were also provided
- A dedicated enforcement officer resource to work with businesses in Bath city centre, ensuring that trade waste is properly managed and reducing the potential food sources for the gulls
- A collaborative partnership arrangement with University of the West of England and Middlesex University to better understand and map gull behaviour in Bath and North East Somerset.

5.2 The presentation will provide details on the outcomes which have been achieved this year including:

- The free treatments for egg and nest removal and details on how many were delivered in individual wards
- The dedicated waste enforcement in Bath city centre
- The collaborative partnership with the University of the West of England and Middlesex Universities
- The media coverage which has supported the delivery of the strategy
- The feedback which has been received from Councillors and customers

## 6 OTHER OPTIONS CONSIDERED

6.1 None.

## 7 CONSULTATION

7.1 The Divisional Director for Environmental Services has had the opportunity to input to this report and has cleared it for publication. S151 has been given opportunity to review and input into this report.

## 8 RISK MANAGEMENT

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

|                       |  |
|-----------------------|--|
| <b>Contact person</b> | <i>Cathryn Brown, Team Manager for Licensing and Environmental Protection 01225 477645</i> |
|-----------------------|--|

|  |              |
|--|--------------|
| <b>Background papers</b>   | <i>None.</i> |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |              |

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# Review of Gull Strategy in 2016



# 2016 Gull Strategy

3 pronged approach using £85k of funding;

- » Free egg and nest removal treatments plus falconry in Abbey, Kingsmead, Newbridge, Twerton, Westmoreland, Widcombe and former factory site in Midsomer Norton
- » Dedicated waste enforcement resource in Bath city centre
- » Partnership with University of the West of England and Middlesex University to research how our interventions can influence gull behaviour (no financial funding)
- » Dedicated communications resource, publicity materials and project management



# 2016 Gull Strategy

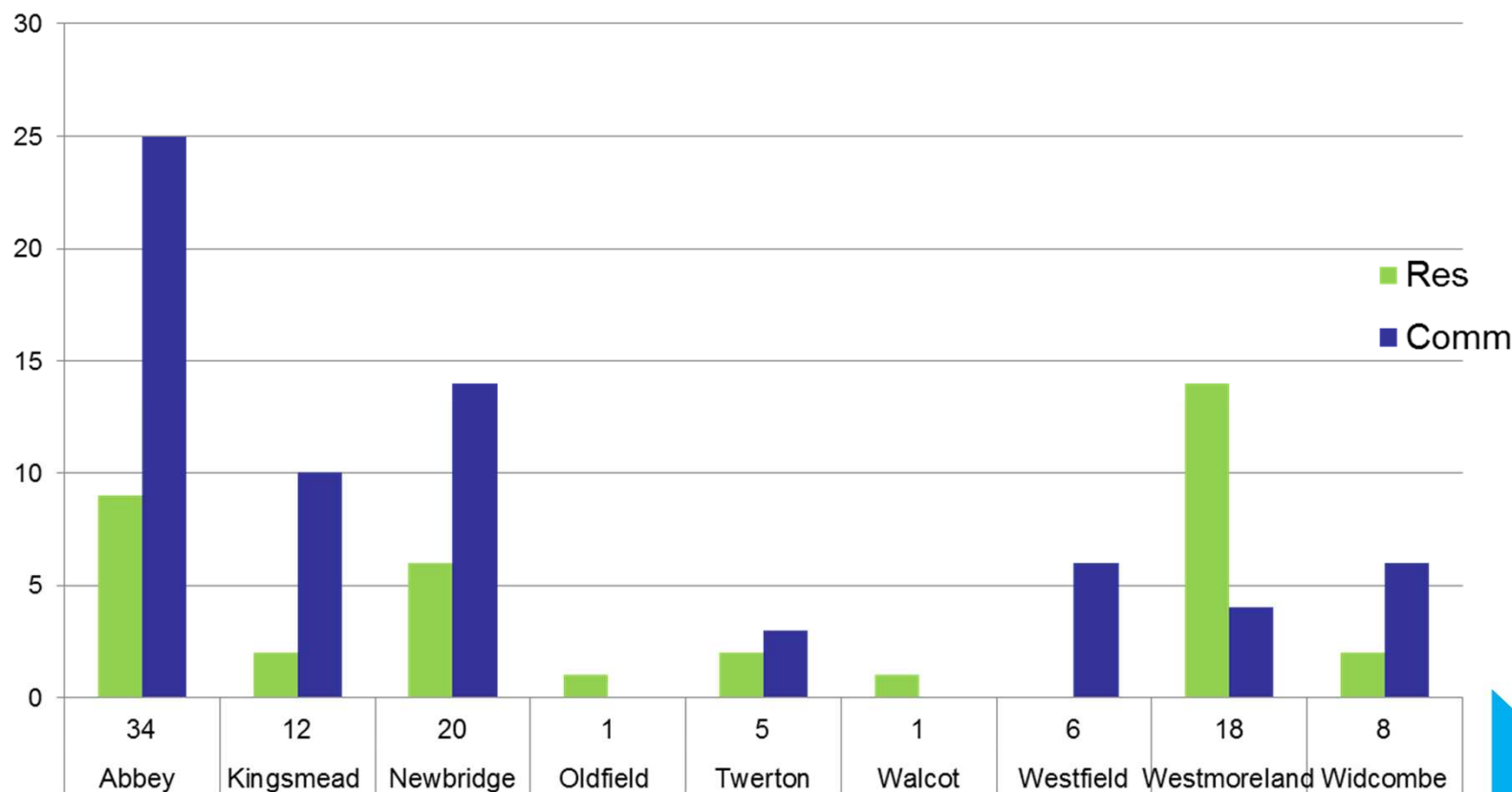


Bath and North East Somerset – *The place to live, work and visit*

# Free egg and nest removal- by ward

-105 premises received at least 3 visits throughout the season

-1150 eggs and 469 nests were removed



## Waste enforcement

- » Dedicated resource deployed to ensure compliance from businesses in the city centre
- » As well as informal advice, **112** warning letters, **36** Section 47 notices and **8** Fixed Penalty Notices issued
- » Following this work some businesses continue to be non-compliant, which may result in prosecution proceedings

## UWE/Middlesex University research

- » Project will last until 2018
- » Students are observing gull behaviour and completing night-time and early morning observations
- » Providing valuable feedback on our waste and cleansing operations and residents behaviour in presenting waste
- » Are acting as advocates of the strategy, providing resource for monitoring and helping to engage with our customers

# Communications

- » Campaign was crafted to promote the up-take of free treatments and raise awareness of how communities could help to mitigate the impacts of gulls
- » Used traditional media relations, social media activity and stakeholder/internal communications involving Council members, businesses, landlords, Council staff and project partners including NBC Bird and Pest Solutions, UWE, and University of Middlesex. Also community stakeholders - Bath BID, Chambers of Commerce, Residents Associations

# Communications

Estimated that at least **50** pieces of media coverage was achieved including reports on BBC national radio (Radio 2 and Radio 4) and in The Times, The Telegraph and The Sun

Partnership with universities was key to securing this media coverage



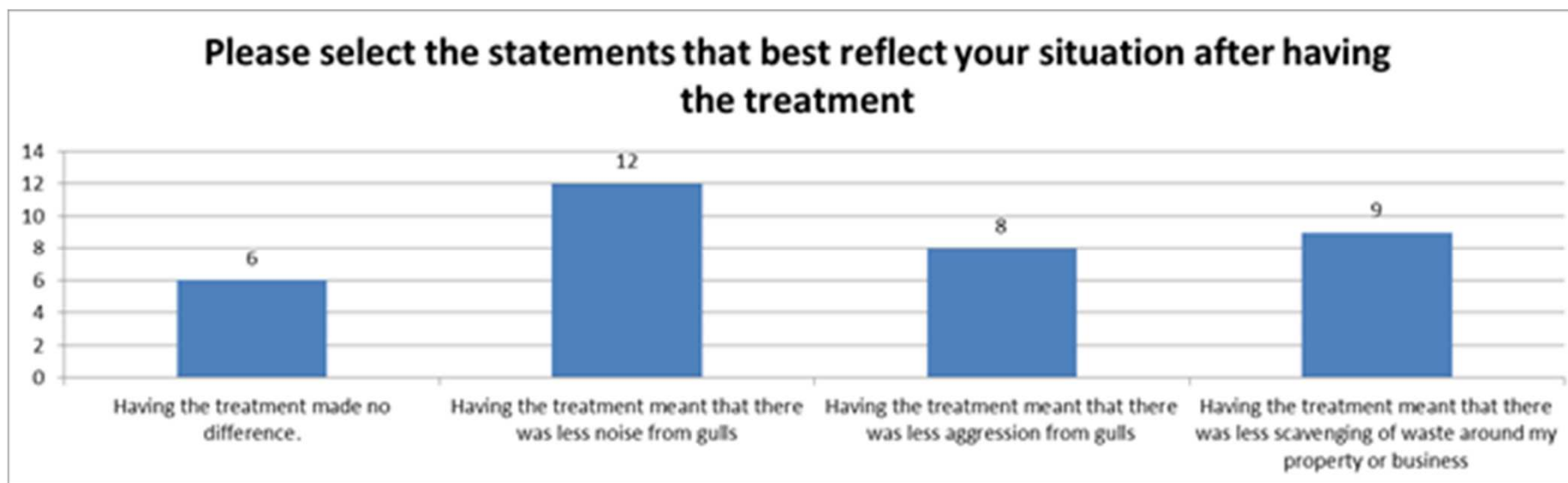
## Councillor feedback

- » Positive feedback from Cllrs whose wards were involved and suggestions received on how programme could be improved e.g. earlier communications with communities
- » Requests from Midsomer Norton and Oldfield wards about being included in future egg/nest removal programmes



# Customer feedback

» A telephone survey was completed of **32** customers; opinions have been generally positive





## Comments from customers

- » *“Brilliant-really good, very helpful with advice”.*
- » *“I am pleased to say that the seagull nest clearance programme with NBC appears to be going ahead successfully, and that the liaison between the contractors who clear the nests and with the end user is good. I have spoken with the technician who clears the nests in our area, and the project manager who provides a survey to link a quotation for remedial works to roofs such as netting and spiking- and both have been quick to respond”.*

# What did we learn from the work this year?

- » More detailed information for our customers
- » Need to think about roof accessibility
- » Engagement with communities needs to be early on
- » Collective working by residents works well
- » Less complaints were received by service teams
- » Partnership with Universities is mutually beneficial

## **2017 and beyond:**

- » Opportunity to build upon successes of this year
- » Project is not funded within existing budgets and will require allocation of funding to continue in 2017- this is being considered by Cabinet
- » Partnership with University of the West of England/Middlesex University will continue

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## **Cycling in Bath and North East Somerset**

The Council doesn't treat cycling separately when developing strategy. Cycling is viewed as an important mode of transport and is an integral component of the Bath, Keynsham and Sommer Valley Transport strategies. It is important that each strategy produces a Delivery Plan which set outs the key projects required to achieve the objectives of the strategy. Moving forward it is important to build stronger links to other Policies and strategies, especially in the areas of Health and active lifestyles where cycling brings benefits .

### **The role of Sustrans and other interest groups.**

Sustrans in particular, work in partnership with the Council and have carried out an audit of our cycling infrastructure and are currently developing an action plan for Bath. This work helps identify key projects to include in the delivery of Transport Strategies.

**The Cycle Forum** is another potentially valuable source of information and advice on cycling needs and infrastructure provision. The group has struggled to fulfil its potential and therefore the Council working with the forum is planning to broaden its remit to include pedestrian and accessibility issues.

**The Capital Programme** is the mechanism used to fund many of the cycling projects, both large and small.

Over many years the Council has invested annually in small schemes such as the provision of cycle stands as part of the Transport Improvement Programme. This grant, although it has fallen in recent years also funds many traffic management schemes which included cycling benefits.

Where possible, the Capital Programme for Maintenance has also benefitted cyclists with new cycle lanes etc. being installed as part of the scheme.

Sub-Regional working across the West of England has proved particularly successful with funding from the Local Growth fund, Local Sustainable Transport Fund and Cycling Ambition fund. This has enabled the Council to fund schemes such as Seven Dials the Kennet and Avon towpath improvements. The Council has invested its own capital in schemes such as the £1m bridge and link path at Batheaston.

**The results include:** Issuing over 400 vouchers to access our "borrow a bike" scheme to trial electric, standard and fold up bikes stimulating local bike use and purchase at bike shops.

Cycle Hire delivered under the new operator, Nextbike, has seen total hires of 19048 since July 2014, average per month of 794 and average per day of 21. Schools engagement was targeted under LSTF, in 2015/16 alone there were in excess of 6,000 pupils participating in events across 8 schools. Included were cycle skills and enrichment, maintenance, road safety and route planning sessions.

Employer grants provided around £30k over the last 3 years for cycle storage facilities, with additional match funding of £30k provided by business recipients of the grants.



## COMMUNITIES, TRANSPORT AND ENVIRONMENT PDS FORWARD PANEL

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

*Should you wish to make representations, please contact the report author or Micheala Gay, Democratic Services (01225 394411). A formal agenda will be issued 5 clear working days before the meeting.*

*Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Civic Centre (Keynsham) and at Bath Central, Keynsham and Midsomer Norton public libraries.*

| Ref Date                  | Decision Maker/s | Title  | Report Author Contact               | Strategic Director Lead        |
|---------------------------|------------------|--|-------------------------------------|--------------------------------|
| <b>14TH NOVEMBER 2016</b> |                  |  |                                     |                                |
| 14 Nov 2016               | CTE PDS          | Urban Gull Strategy - an update                      | Cathryn Brown<br>Tel: 01225 477645  | Strategic Director - Place     |
| 14 Nov 2016               | CTE PDS          | Buses Services Bill                                  | Andy Strong<br>Tel: 01225 394201    | Strategic Director - Place     |
| 14 Nov 2016               | CTE PDS          | Cycling Strategy Update                              | Alison Sherwin<br>Tel: 01225 394406 | Strategic Director - Place     |
| <b>16TH JANUARY 2017</b>  |                  |  |                                     |                                |
| 10 Jan 2017               | PHED PDS         | Budget Report (title may change)                     | Tim Richens<br>Tel: 01225 477468    | Strategic Director - Place     |
| 16 Jan 2017               | CTE PDS          |  |                                     |                                |
| 17 Jan 2017               | CYP PDS          |  |                                     | Strategic Director - People    |
| 23 Jan 2017               | Resources PDS    |  |                                     |                                |
| 25 Jan 2017               | HWSC             |  |                                     | Strategic Director - Resources |
| 16 Jan 2017               | CTE PDS          | Bath Low Emission Zone & Air Quality Management Plan | Cathryn Brown<br>Tel: 01225 477645  | Strategic Director - Place     |



| Ref Date  | Decision Maker/s | Title                             | Report Author Contact  | Strategic Director Lead        |
|---|------------------|-----------------------------------|--|--------------------------------|
| <b>13TH MARCH 2017</b>  |                  |                                   |  |                                |
| 13 Mar 2017   | CTE PDS          | Domestic Abuse Update             | Samantha Jones<br>Tel: 01225 396364                                | Strategic Director - Resources |
| 13 Mar 2017   | CTE PDS          | Strategic Transport Review Update | Simon Martin<br>Tel: 01225 477407                                  | Strategic Director - Place     |
| <b>22ND MAY 2017</b>  |                  |                                   |  |                                |
| <b>17TH JULY 2017</b>   |                  |                                   |  |                                |
| 17 Jul 2017<br>Page 49  | CTE PDS          | GLL Progress Review               | Sue Green, Marc Higgins<br>Tel: 01225 477562,<br>Tel: 01225 396423 | Strategic Director - Place     |
| <b>ITEMS TO BE SCHEDULED</b>  |                  |                                   |  |                                |
|   | CTE PDS          | 20mph Zones Review                | Kelvin Packer<br>Tel: 01225 394339                                 | Strategic Director - Place     |
|   | CTE PDS          | Parish Charter                    | Andy Thomas<br>Tel: 01225 394322                                   | Strategic Director - Place     |
| The Forward Plan is administered by <b>DEMOCRATIC SERVICES</b> : Micheala Gay 01225 394411 Democratic_Services@bathnes.gov.uk |                  |                                   |  |                                |

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