

Bath & North East Somerset Council

DECISION MAKER:	Cllr Anthony Clarke, Cabinet Member for Transport	
DECISION DATE:	On or after 12 January 2017	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2925
TITLE:	Bath – Frome supported evening bus service	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1: Passenger Survey Results Appendix 2: Consultation responses		

1 THE ISSUE

- 1.1 To consider whether to cease the contract for supported evening bus services between Bath and Frome as this does not represent good value for the money for the Council.

2 RECOMMENDATION

The Cabinet Member is asked to:

- 2.1 Agree that the Council should give notice to terminate the contract with First Somerset & Avon Ltd for evening bus service 267 operating between Bath and Frome.
- 2.2 Agree a contribution of £2,250 as a de minimis payment to First Somerset & Avon Ltd for the provision of the evening bus service 267 on Mondays to Thursdays provided that the balance of the cost is met by other local authorities along the route.

3 RESOURCE IMPLICATIONS

- 3.1 The cancellation of the contract for service 267 will result in annual saving of £19,528 from the 2017/18 supported services budget. The savings will take effect from the end of April 2017, so the saving in the financial year will be £17,983. This saving is part of the Strategic Review of Transport and will support the achievement of the 2017/18 target.

- 3.2 This saving will be offset by the commitment of £2,250 (annual cost) provided that other Authorities contribute to the cost of retaining the Monday-Thursday evening service.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Transport Act 1985 places a duty on the Council to secure bus services within its area where there is a requirement for such a service and it wouldn't otherwise be provided commercially. This duty, however, only applies where the Council considers it appropriate to secure such a service. The Act also gives the Council a power to enter into agreements to provide bus service subsidies in certain situations but the provision of financial support for bus services is not a statutory obligation for the Council.
- 4.2 The West of England Mayoral Combined Authority (WEMCA) is likely to come into being in early 2017. Certain powers which currently rest with the Council will then be exercised jointly with WEMCA. However, that does not prevent the Council from currently identifying and making savings which WEMCA and the Council could then reverse at a later date if so advised. This issue is addressed further in the options section below
- 4.3 Customers on the service were interviewed as part of surveys undertaken of usage on the services. The surveys identified the usage of the service by gender, and by use of concessions, including disabled concessions. This detail is considered in the report below, and in terms of the duty under the Equality Act 2010 the Council has taken due regard of the impact or potential impact of these changes on people with protected characteristics.

5 THE REPORT

- 5.1 The Council supports evening journeys on service 267 from Frome at 2000 and at 2200 and from Bath at 2110 and 2310 (Monday – Saturday). These journeys are operated by First under the terms of a net subsidy contract that expires in August 2019. Daytime services are operated commercially by First (267 Monday – Sunday) and Faresaver (X67 Monday - Friday).
- 5.2 The route map and current timetable are at: [First service 267.pdf](#).
- 5.3 The service provides evening journeys uniquely to Midford and Hinton Charterhouse within Bath & North East Somerset, but residents of these parishes make up only a small percentage of the users of the service. Somerset County Council does not contribute to the costs of the service
- 5.4 The contract has the cost and patronage levels area as follows:

Contract Net Subsidy 2016/17	£19,076
Passenger revenue (retained by operator)	£14,832
Patronage	10,084
Subsidy cost per passenger journey	£1.89

- 5.5 Passenger journeys on the services were surveyed in July 2013 and again in February 2016. Results are summarised below; a small number of trips take place entirely within Bath where alternative services are available.

Survey	Total patronage	To/from B&NES parishes	To/from Somerset	B&NES %
Mon- Fri (Feb 2016)	20	3	16	15%
Saturday (Feb 2016)	46	6	39	13%
Mon-Fri (July 2013)	42	1	41	2.3%

- 5.6 The most recent surveys identified that 40% of passengers were female (37% on Saturdays). The surveys showed only 5% of passengers used English National Concessionary Travel Scheme (ENCTS) passes (10% on Saturdays). This is believed to under-represent the normal level of use by ENCTS card holders; revenue returns from the contract operator show that, on average, 21% of trips are made using ENCTS passes. Of the ENCTS trips observed, 2 of the 5 trips were made by disabled passengers (for leisure and shopping purposes).
- 5.7 There is no information as to users with other protected characteristics as set out in the Equality Act 2010.
- 5.8 The surveys clearly show the comparatively low level of use by B&NES residents. Assuming that 15% of trips are made by B&NES residents then the subsidy cost per trip for residents of B&NES is in excess of £12 per passenger journey.
- 5.9 With the current financial and budgetary constraints the Council is subject to, it is considered unsustainable for the Council to support such a low level of journeys by B&NES residents at such a high level of cost per passenger.
- 5.10 The consultation response (see 8 below) identified that First were prepared to operate the service commercially on Friday and Saturday evenings only, but would require financial support of £14,832 on a de minimis basis to continue operation of the Monday-Thursday evening journeys.

6 RATIONALE

- 6.1 The current level of usage by B&NES residents does not justify the level of subsidy required to maintain the service. The Council has a duty to protect the public purse and ensure that public monies are being spent properly and it is therefore considered appropriate to cancel the existing contract for the evening service.
- 6.2 On the evidence available it is not considered that the removal of the service will disproportionately affect groups or individuals with protected characteristics as set out in the Equality Act (2010).
- 6.3 The response from Somerset County Council indicated that they could not restore their contribution to the service that ceased in 2011.

- 6.4 The offer by First to provide commercial operation of the services on the busiest evenings of the week mitigates some of the adverse impacts of the cancellation of the contract.
- 6.5 The Council recognises, however, that a financial contribution in line with the level of use of the services by B&NES residents may be justifiable, and it is therefore proposed that a contribution of £2,250 should be made towards the cost of a Monday –Thursday evening service; but only on the basis that other Authorities contribute the remaining cost of the service.
- 6.6 The Council is obliged to give at least 3 months’ contractual notice to the operator of the existing service, and the next service change date for this to take effect would be 30th April 2017; with a registration deadline for this change to be actioned by 3rd March 2017. This allows a reasonable time for other Authorities to consider whether they can make the requisite commitments to retain the Monday-Thursday evening service.

7 OTHER OPTIONS CONSIDERED

- 7.1 Under the devolution agreement, responsibility for non-commercial bus services will be a joint function of WEMCA and the three constituent authorities. The Council has the option of taking no action at the present time and leaving the issue to be considered under the new structure at the time of expiry of the current contract in August 2019, or earlier if desired. However, this would mean that one of the potential savings for 2017-18 identified in the Strategic Review of Transport and assumed to have been made in the budget being transferred to WEMCA would not be achieved after all. Whenever this contract is reviewed, the issues will remain exactly the same.
- 7.2 The Council could amend the existing contract to reflect the commercial operation on Friday and Saturday only, so it would be for a Monday to Thursday evening operation only. This would transfer the liability for Bus Service Operators’ Grant (BSOG) for the service to the Council and any saving would therefore be minimal, with the same issues to be faced as in 7.1 above.

8 CONSULTATION

- 8.1 A consultation on whether B&NES should continue to support the service was undertaken in August and September 2016. Members, parishes, operators, and stakeholders within B&NES were written to, and the consultation was published on the Council website. In accordance with the Transport Act 1985 the consultation was also circulated to Somerset County Council as the affected Local Transport Authority. In addition the consultation was circulated directly to members of Mendip District Council, and to parishes and user groups in Somerset who had previously expressed an interest in the service.
- 8.2 Responses were received from Hinton Charterhouse Parish Council in B&NES, plus Somerset County Council, Mendip District Council, and the Parishes of Frome, Beckington and Rode in Somerset. A further 73 responses were received from members of the public and other stakeholders. From address details or reference in the correspondence 56 of the individual responses could be attributed to residents of:

Frome	Somerset	12
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Beckington	Somerset	18
Rode	Somerset	13
Norton St Phillip	Somerset	11
Hinton Charterhouse	B&NES	1
Midford	B&NES	1

A further 12 respondents were not specific as to residence. There were significantly more responses received than the surveys identified as users of the service.

8.3 The responses were almost universally in favour of retaining the 267 evening services. Responses referenced:

- The isolation of village communities
- The benefit to the Bath evening economy of social and leisure visitors
- Access to shift work opportunities in Bath
- Access to higher education facilities in Bath
- The impact on local businesses in the villages
- The impact on Beckington village choir
 - The choirmaster uses the evening services to return to Bath
- The limited value of train connections that serve Frome but not the intermediate villages
- Appreciation for B&NES supporting the service in the absence of any contribution from Somerset council

8.4 Some responses referenced concern that B&NES was carrying the full cost of the service and suggested other Authorities should contribute. This is incorporated in the report and recommendations.

8.5 Many responses referred to the benefits of access to social and leisure activities; the continued operation of the service on a commercial basis on Fridays and Saturdays would mitigate against the adverse impact of the contract cancellation.

8.6 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

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.

Contact person	Richard Smith 01225 477604
Background papers	None
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