

Subject:	Supported Bus Routes – Exempt Category 3		
Date of Meeting:	06 September 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Nick Mitchell	Tel: 29-2481
	Email:	Nick.Mitchell@brighton-hove.gov.uk	
Ward(s) affected:	All		

NOT FOR PUBLICATION

The public are likely to be excluded from the meeting during consideration of this report as it contains exempt information as defined in paragraph 3 of schedule 12A, Part 1, to the Local Government Act 1972.

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that there were some outstanding issues that needed addressing and the report could not be finalised in time for the normal despatch deadline.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 At Full Council on 19 July 2012 a number of proposed amendments to the Supported Bus Services Network Report were submitted. This report contains responses to various resolutions passed at Full Council.

2. RECOMMENDATIONS:

- 2.1 That the Committee note the action taken by officers following the resolutions passed at Full Council on 19 July and approves the responses as set out below.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 19 July Full Council considered a report on the council's supported bus routes and passed resolutions in response to amendments and a petition. Extracts of the proceedings are attached in Appendix 1.
- 3.2 Where necessary/appropriate, officers have taken action in pursuance of Council as set out below. The resolutions are in bold and responses in normal type. The numbering of each reflects the actual numbering used in the amendments as submitted at Full Council.

Resolutions of the Supported Bus Routes Report:

1.1 That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;

Response.

No further action required

1.2 That the moves from Brighton & Hove City Council and Brighton & Hove Bus Company to enable the majority of the bus services previously threatened with service reductions to continue running be welcomed;

Response

No further action required

1.3 That officers be requested to seek to identify the necessary funding and maintain discussions with the bus companies with a view to running a direct service connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee as to how this can be achieved;

Response

Only Brighton & Hove Buses tendered for the full length service 52 route at a quoted price of £231,454. The contract awarded to Big Lemon for the short service 52 has a price of £110,776. A sum of £120,678 would be needed to run a direct service connecting Woodingdean & Ovingdean to the city centre. Officers have not been able to identify additional funding to bridge the gap within existing allocations for transport.

In order to allow sufficient time for the Contract and route registration formalities to be dealt with and to enable contracts to be operational by September, a contract award notification letter has been sent to Big Lemon in relation to the shortened route 52. The Contract is likely to be in place by 6th September. There would therefore be a high risk of a successful legal challenge to a decision to withdraw the contract at this stage. A successful legal challenge could result in the Council having to pay damages to the Big Lemon for any expenses incurred in preparing for running this contract. In addition there would be reputational damage to the Council. Defending a legal challenge would incur further expense. The later a decision is taken, the greater potential damages as more work and purchasing of equipment will have been undertaken.

Discussions with Compass, Brighton & Hove Bus Company and Big Lemon have enabled re-working of timetables for service 52 and 47 to provide a through service via the Marina to the City Centre at no additional cost to the Council or passengers.

Council officers have brokered discussions between Big Lemon, Compass and Brighton & Hove Bus Company to agree acceptance of Saver tickets and through ticketing arrangements on supported buses and commercial services, as well as bigger buses on the 47 and an extended services at no additional cost.

Officers propose that the operation of the shortened service 52 be monitored and the numbers of passengers changing bus services at the Marina ascertained

1.4 That officers be requested to consider including in the new contract for the service 52 (if not already included and subject to legal advice) a requirement for low-floor, wheel-chair accessible buses to be used on this route;

Response

For service 52 from Ovingdean & Rottingdean to the Marina, the tender states that “vehicles used to provide the services in this tender are required to meet all of the minimum requirements in The Public Service Vehicles Accessibility Regulations (PSVAR) 2000. If a vehicle is incapable of meeting these minimum specifications, it will not be acceptable for the operator to use it on these services.”

The PSVAR state that a regulated public service vehicle shall be fitted with not less than one wheelchair space. All new buses introduced into service since 1st January 2001 have to be fully accessible.

Council officers will work with the operator to ensure that these conditions are met.

1.5 That officers be requested to consider including in the new contract for service 52 (if not already included and subject to legal advice) a requirement that the service 52 is incorporated within the ‘Real Time’ bus information system or any replacement similar system;

Response

The council is currently rolling out a new ‘Real Time’ information system that will provide a better service and wider coverage for the city and all operators will have access to this as it will be more accessible and have a lower cost of entry. The new system will be live in the New Year. This requirement is covered in the Operators’ Code of Practice and is also contained within the contract.

1.6 That officers be requested to facilitate discussions between the relevant bus operators to achieve ‘through ticketing’ agreements to be in place for the new contract for the service 52 so that Ovingdean residents are not further disadvantaged by having to pay two separate fares to access the city centre due to the new, reduced route terminating at Brighton Marina;

Response

Following meetings facilitated by council officers, all three operators of Council-funded bus services (Brighton & Hove, Compass and The Big Lemon) are keen to make things as straightforward as possible for the passenger. Cash fares will be in line with fares charged on the main bus routes. On council-funded services it is a condition that all types of Saver tickets can be issued and accepted – but there is a technical problem with accepting tickets bought on a Key (smart)card.

Brighton & Hove Buses confirm that they will accept Compass and The Big Lemon on-bus issued ‘Saver’ tickets on their commercial services. This extends

to the full range of 'Saver' tickets that B&H would themselves issue on-bus (i.e. it does also include Bus ID Savers).

Brighton & Hove Buses have offered to swap Key cards for conventional printed Saver tickets (at no extra charge) for those residents living on Council-funded routes – and they will continue to offer 3 Month and 1 Year versions of the 'paper' ticket to those residents in future. This will ensure that residents on supported routes can still take advantage of cheaper longer period tickets.

Brighton & Hove Buses will place notices on-bus on the Council's supported services immediately, advising residents in the areas affected that they can swap their Key cards for paper tickets at One Stop Travel shops (only).

All operators will brief their staff on the full range of tickets that will be valid on their services.

The scheduled connections between service 52 and service 47 at Brighton Marina will be promoted.

The Competition Commission recommends new statutory powers for local authorities to introduce mandatory multi-operator ticketing schemes. It calls for such tickets to be competitively priced with single-operator tickets

At this moment in time the government has indicated that it is not considering introducing powers that would allow local authorities to introduce mandatory schemes

The Commission's wish to see authorities pursue voluntary agreements ahead of legislation may prove difficult to realise, in Brighton as much as anywhere, as Brighton & Hove Bus and Coach Company has considerable market share with its Saver tickets.

Future technological changes with smartcards should make the introduction of a multi-operator ticket easier.

It may be possible to bid for funding from central government to explore this issue in greater depth and to set up a scheme if it is required.

There is currently no funding or resources allocated within the council to pursue a pilot scheme, voluntary or mandatory.

1.7 That Officers be requested to report to the Policy & Resources Committee on the progress regarding 1.4 to 1.6 above.

Response

This report outlines progress regarding paragraphs 1.4 to 1.6.

Resolutions of the Supported Bus Routes Report:

2.1 That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;

Response

The petition was noted.

2.2 That the Council welcomes moves from Brighton & Hove City Council and Brighton & Hove Bus Company that enable the 21B, 22, 24, 26, 27, 81A, 81, 74 and 96 bus services to continue running;

Response

No further action is required.

2.3 That officers be requested to report to the Policy & Resources Committee at its next meeting confirming the completion of contracts to run the 81, 81A, 21B, 96 and 74 services;

Response

Contracts for all of these services have now been issued.

2.4 That, in addition to 2.2 and 2.3, officers be recommended to seek to identify the necessary funding and continue discussions with the bus companies with a view to running a direct service, with through ticketing, connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee with an Urgency meeting taking place if necessary due to the short timescales;

Response

Only Brighton & Hove Buses tendered for the full-length service 52 route at a quoted price of £231,454. The contract awarded to Big Lemon for the short service 52 has a price of £110,776. A sum of £120,678 would be needed to run a direct service connecting Woodingdean & Ovingdean to the city centre. Officers have not been able to identify additional funding to bridge the gap within existing allocations for transport.

In order to allow sufficient time for the Contract and route registration formalities to be dealt with and to enable contracts to be operational by September, a contract award notification letter has been sent to Big Lemon in relation to the short route 52. The Contract is likely to be in place by 6th September. There would therefore be a high risk of a successful legal challenge to a decision to withdraw the contract at this stage. A successful legal challenge could result in the Council having to pay damages to the Big Lemon for any expenses incurred in preparing for running this contract. In addition there would be reputational damage to the Council. Defending a legal challenge would incur further expense. The later a decision is taken, the greater potential damages as more work and purchasing of equipment will have been undertaken.

Discussions with Compass, Brighton & Hove Bus Company and Big Lemon have enabled re-working of timetables for service 52 and 47 to provide a through service via the Marina to the City Centre at no additional cost to the Council or passengers.

Council officers have brokered discussions between Big Lemon, Compass and Brighton & Hove Bus Company to agree acceptance of Saver tickets and through

ticketing arrangements on supported buses and commercial services, as well as bigger buses on the 47 and extended services at no additional cost.

All three operators of Council-funded bus services (Brighton & Hove, Compass and The Big Lemon) are keen to make things as straightforward as possible for the passenger. Cash fares will be in line with fares charged on the main bus routes. On council-funded services it is a condition that all types of Saver tickets can be issued and accepted – but there is a technical problem with accepting tickets bought on a Key (smart)card.

Brighton & Hove Buses confirm that they will accept Compass and The Big Lemon on-bus issued 'Saver' tickets on their commercial services. This extends to the full range of 'Saver' tickets that B&H would themselves issue on-bus (i.e. it does also include Bus ID Savers).

Brighton & Hove Buses have offered to swap Key cards for conventional printed Saver tickets (at no extra charge) for those residents living on Council-funded routes – and they will continue to offer 3 Month and 1 Year versions of the 'paper' ticket to those residents in future. This will ensure that residents on supported routes can still take advantage of cheaper longer period tickets.

Brighton & Hove Buses will place notices on-bus on the council's supported services immediately, advising residents in the areas affected that they can swap their Key cards for paper tickets at One Stop Travel shops (only).

All operators will brief their staff on the full range of tickets that will be valid on their services.

The scheduled connections between service 52 and service 47 at Brighton Marina will be promoted.

Officers propose that the operation of the shortened service 52 be monitored and the numbers of passengers changing bus services at the Marina ascertained.

2.5 That officers be requested to seek to ensure that any new contract approved for the service 52 contains a requirement (if it doesn't already do so and subject to legal and procurement advice) for wheelchair accessible buses to be used on this route and that it is integrated into the 'Real Time' bus information system or a suitable alternative system and to report back to the Policy & Resources Committee on the outcome of the contract negotiations.

Response

For service 52 from Ovingdean & Rottingdean to the Marina, the tender states that "vehicles used to provide the services in this tender are required to meet all of the minimum requirements in The Public Service Vehicles Accessibility Regulations (PSVAR) 2000. If a vehicle is incapable of meeting these minimum specifications, it will not be acceptable for the operator to use it on these services." Council officers will work with the operator to ensure that these conditions are met.

The PSVAR state that a regulated public service vehicle shall be fitted with not less than one wheelchair space. All new buses introduced into service since 1st January 2001 have to be fully accessible.

The Council is currently rolling out a new 'Real Time' information system that will provide a better service and wider coverage for the city and all operators will have access to this as it will be more accessible and have a lower cost of entry. The new system will be live in the New Year. This requirement is covered in the Operators' Code of Practice and is also contained within the contract.

For a temporary period, some services will not show countdown times on the real time screens, but it is intended that they are able to be shown with timetable times, until the new system goes live. We are working with operators to ensure a smooth transition to the new system.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

This report is a response to amendments and does not require further community engagement.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the approval of the responses in this report to the amendments proposed at Council on 19 July.

Finance Officer Consulted: Heather Bentley *Date: 24/08/12*

Legal Implications:

- 5.2 The legal framework under which the Council is permitted to enter into contracts for supported bus routes has been spelt out in earlier reports. The legal risks associated with this report are set out in the body of the report. In particular members should note that there is a high risk of a successful challenge if contracts are terminated/not completed.

Lawyer Consulted: Abraham Ghebre-Ghiorghis *Date: 29/08/12*

Equalities Implications:

- 5.3 The provision of safe, accessible, affordable, and reliable public transport provides travel opportunities for all sectors of the community without access to private transport. The contracts specify that, where a whole route is funded, the vehicles used must be wheelchair accessible. Equalities Impact Assessments have been conducted on the supported bus routes to gain knowledge of the profile of bus passengers using the service.

Sustainability implications

- 5.4 The provision of Council supported bus services in areas where there is no commercial bus provision provides a sustainable alternative to car use, with

benefits to congestion and air quality. The contracts specify that, where a whole route is to be provided, the vehicles used must meet Euro 3 emissions levels.

The Council will continue to promote bus services to increase bus patronage which will result in improved carbon efficiency.

Crime & Disorder Implications:

- 5.5 It is not considered that there are any adverse implications for crime and disorder arising from the recommendations in this report.

Risk and Opportunity Management Implications

- 5.6 It is not considered that there are any risks to the city council associated with this report. The successful contractor(s) will be paid four-weekly in arrears for services already delivered.

Public Health Implications

- 5.7 It is not considered that there are any Public Health Implications arising from the recommendations in this report.

Corporate / Citywide Implications

- 5.8 The availability of safe, accessible, affordable, reliable and frequent public transport services is key to meeting each of the Brighton and Hove City Council's core objectives. Most of the bus routes covered in this report represent the only routes serving certain communities, and without these routes there would be significant social exclusion.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This report contains responses to amendments which are considered to be alternative options.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To report and consider on the Labour and Conservative amendments.

SUPPORTING DOCUMENTATION

Appendices: None

Documents in Members' Rooms: None

Background Documents: None