

**REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 24 AUGUST 2017****BUS QUALITY PARTNERSHIP****1 Recommendations**

The Committee is recommended to:

- 1.1 Approve a proposed two tier approach for a region-wide voluntary bus partnership agreement and subsequent corridor specific agreements such as statutory or enhanced partnership agreements; and**
- 1.2 Approve the involvement of the Council in the establishment of a Quality Partnership Board and development of the Terms of Reference of a future Quality Partnership Board.**

2 Background/Discussion

- 2.1 The purpose of this report is to advise this Committee of discussions being held through the Local Authority and Bus Operator Forum (LABOF) on the options for refreshing the current structure of the Quality Partnership for Public Transport and to seek agreement in principle on proposed revised arrangements. A similar report was considered and agreed by the Nestrans Board at its meeting on 26 June 2017 (<http://www.nestrans.org.uk/wp-content/uploads/2017/06/5a-Bus-Quality-Partnership.pdf>) and will be considered by Aberdeen City Council's Communities, Housing and Infrastructure Committee on 29 August 2017.
- 2.2 LABOF is a partnership of Nestrans, Aberdeen City Council, Aberdeenshire Council, First Aberdeen and Stagecoach Bluebird. All five partners signed up to a voluntary Quality Partnership agreement for Public Transport in 2010 which is overseen by LABOF.
- 2.3 The Quality Partnership for public transport agreement is a key mechanism for the delivery of the Nestrans Bus Action Plan and is also a key policy tool for delivering the Council's approved Passenger Transport Strategy. The current Voluntary Quality Partnership agreement can be viewed [here](#). The Nestrans Bus Action Plan can be viewed [here](#) and the Council's Passenger Transport Strategy can be viewed [here](#).

Voluntary and Statutory Quality Partnerships

- 2.4 Under a voluntary Quality Partnership agreement, which has no status under Scottish legislation, each party can commit to work together on a voluntary basis to deliver a programme of incremental improvement over time. There is therefore no mechanism to prevent non-participating operators using improved facilities in competition with those operators that have entered into

the agreement and there is little recourse from any party should either side not deliver any aspect of the agreement.

- 2.5 A statutory Quality Partnership (sQP) is a policy tool which can be used to address a range of issues, including patronage growth, modal shift, air quality, service quality, vehicle improvement and improved customer service. In doing so, sQPs can create a more certain and stable environment within which operators and transport authorities can invest resources and continuously improve local bus services.
- 2.6 A sQP is a scheme declared by one or more transport authorities which defines a geographic area in which the authorities invest in improved facilities and infrastructure. Operators who then wish to use these facilities undertake to provide services of a particular standard agreed with the transport authorities.
- 2.7 Unlike a voluntary Quality Partnership agreement, under a sQP operators are prohibited from using the facilities specified in the sQP unless the service standards required by the scheme are met. In particular, an excluded operator who fails to comply with the scheme conditions can face enforcement action by the Traffic Commissioner.

Enhanced Partnerships

- 2.8 The concept of Enhanced Partnerships is now something that is contained within the Bus Services Act in England which received Royal Assent in April 2017. The Scottish Government are currently considering their approach on bus services and regulation, however it is unclear at this stage whether any Scottish legislation will reflect the approach in England and Wales.
- 2.9 It is anticipated that the Enhanced Partnership provisions would encourage partnership working to go further than current voluntary arrangements by allowing the Local Transport Authorities (LTAs) to expand the areas that statutory partnership measures can cover, specifically providing for more joined-up network planning and allowing local implementation and enforcement. Enhanced Partnerships could also provide the opportunity to include aspects within a formal agreement that are not covered by sQP legislation e.g. issues relating to ticketing.
- 2.10 Under the new English legislation Enhanced Partnership will allow LTAs, with the approval of the operators, to deliver some of the outcomes that are only otherwise possible under a franchising model.
- 2.11 The LABOF partners agreed that Enhanced Partnerships may provide a good solution for this region and this option should be reviewed as the legislation progresses in Scotland.

Proposals for a region-wide voluntary quality partnership agreement and corridor specific Statutory or Enhanced Quality Partnership agreements

- 2.12 LABOF has proposed that a more ambitious voluntary region-wide agreement is established which sets the objectives, standards and targets for the region, governance arrangements and a programme and timeframe for delivery of

specific corridor interventions which could then be the subject of statutory or enhanced partnership agreements depending on the requirements of the corridor.

- 2.13 It is further proposed that this region-wide voluntary agreement would replace and update the current voluntary Quality Partnership agreement which was signed in 2010 and strengthen it to commit all partners to the development of corridor specific agreements within a set timeframe. It would also specify at a region-wide level the commitments from all parties to improving bus travel and set standards and targets to be met region-wide. Corridor specific agreements would then provide more detail and binding commitment from all parties on improvements to be made both to infrastructure and service provision within a defined area and in the case of a statutory agreement potentially exclude operators who do not agree to meet the standards set within the agreement from accessing the sQP facilities.
- 2.14 This approach aligns with a number of corridor studies that are already ongoing and which will identify corridor specific actions to be included as part of discussions on corridor level agreements.

Proposed governance arrangements of the Quality Partnership Agreements

- 2.15 A robust governance structure for, and reporting mechanisms on, both the voluntary and statutory elements of any future partnership agreements will be critical to successful delivery of the agreed outcomes, with statutory agreements in particular being legally binding. It is proposed that this be achieved through the establishment of a Quality Partnership Board through which partnership actions will be agreed, progress reported and any disputes that may arise can be resolved.
- 2.16 The Scottish Government's Best Practice guidance on the development of sQPs recommends that a sQP Board be established and suggests that the Chair of this Board could be given to an independent figure to assist in the resolution of any disputes.
- 2.17 The precise structure and composition for a revised Quality Partnership Board in the North East, strengthening the existing LABOF arrangements, still needs to be discussed in detail. However, it is considered that it would be beneficial for the Board to be chaired by a person that is independent of the current LABOF partnership representatives, that Transport Scotland as trunk roads authority are invited to sit on the Board and that customer interests are represented through an appropriate passenger representative body such as Bus Users Scotland or Passenger Focus.
- 2.18 It is envisaged that members of the Quality Partnership Board would oversee, monitor, provide resources and commit to the aims of the Partnership and to the objectives and targets of the Quality Partnership Agreement.
- 2.19 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to take a decision on this item in terms of Section F.1.1f of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to a transportation policy matter.
- 3.2 It would be the intention to progress the proposed revised Quality Partnership arrangements in accordance with the Council's Partnership Policy and guidance on Alternative Delivery Methods.

4 Equalities, Staffing and Financial Implications

- 4.1 An equality impact assessment is not required at this stage, however in progressing the proposed revised partnership arrangements an equality impact assessment will be required to be carried out.
- 4.2 There are no staffing and no direct financial implications associated with the report.
- 4.3 Any expenditure arising from the proposed region-wide voluntary partnership agreement or associated specific corridor agreements would be the subject of future reports to Committee.

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